COMBATING TERRORISM: VISAS STILL VULNERABLE

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS, AND INTERNATIONAL RELATIONS

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

SEPTEMBER 13, 2005

Serial No. 109–78

Printed for the use of the Committee on Government Reform

Available via the World Wide Web: http://www.gpoaccess.gov/congress/index.html
http://www.house.gov/reform

U.S. GOVERNMENT PRINTING OFFICE

23–853 PDF WASHINGTON : 2005

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON GOVERNMENT REFORM

TOM DAVIS, Virginia, *Chairman*

CHRISTOPHER SHAYS, Connecticut
DAN BURTON, Indiana
ILEANA ROS-LEHTINEN, Florida
JOHN M. MCHUGH, New York
JOHN L. MICA, Florida
GIL GUTKNECHT, Minnesota
MARK E. SOUDER, Indiana
STEVEN C. LATOURETTE, Ohio
TODD RUSSELL PLATTS, Pennsylvania
CHRIS CANNON, Utah
JOHN J. DUNCAN, JR., Tennessee
CANDICE S. MILLER, Michigan
MICHAEL R. TURNER, Ohio
DARRELL E. ISSA, California
GINNY BROWN-WAITE, Florida
JON C. PORTER, Nevada
KENNY MARCHANT, Texas
LYNN A. WESTMORELAND, Georgia
PATRICK T. MCHENRY, North Carolina
CHARLES W. DENT, Pennsylvania
VIRGINIA FOXX, North Carolina

HENRY A. WAXMAN, California
TOM LANTOS, California
MAJOR R. OWENS, New York
EDOLPHUS TOWNS, New York
PAUL E. KANJORSKI, Pennsylvania
CAROLYN B. MALONEY, New York
ELIJAH E. CUMMINGS, Maryland
DENNIS J. KUCINICH, Ohio
DANNY K. DAVIS, Illinois
WM. LACY CLAY, Missouri
DIANE E. WATSON, California
STEPHEN F. LYNCH, Massachusetts
CHRIS VAN HOLLEN, Maryland
LINDA T. SANCHEZ, California
C.A. DUTCH RUPPERSBERGER, Maryland
BRIAN HIGGINS, New York
ELEANOR HOLMES NORTON, District of Columbia

BERNARD SANDERS, Vermont (Independent)

MELISSA WOJCIAK, *Staff Director*
DAVID MARIN, *Deputy Staff Director/Communications Director*
ROB BORDEN, *Parliamentarian*
TERESA AUSTIN, *Chief Clerk*
PHIL BARNETT, *Minority Chief of Staff/Chief Counsel*

SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS, AND INTERNATIONAL RELATIONS

CHRISTOPHER SHAYS, Connecticut, *Chairman*

KENNY MARCHANT, Texas
DAN BURTON, Indiana
ILEANA ROS-LEHTINEN, Florida
JOHN M. MCHUGH, New York
STEVEN C. LATOURETTE, Ohio
TODD RUSSELL PLATTS, Pennsylvania
JOHN J. DUNCAN, JR., Tennessee
MICHAEL R. TURNER, Ohio
JON C. PORTER, Nevada
CHARLES W. DENT, Pennsylvania

DENNIS J. KUCINICH, Ohio
TOM LANTOS, California
BERNARD SANDERS, Vermont
CAROLYN B. MALONEY, New York
CHRIS VAN HOLLEN, Maryland
LINDA T. SANCHEZ, California
C.A. DUTCH RUPPERSBERGER, Maryland
STEPHEN F. LYNCH, Massachusetts
BRIAN HIGGINS, New York

EX OFFICIO

TOM DAVIS, Virginia

HENRY A. WAXMAN, California

LAWRENCE J. HALLORAN, *Staff Director and Counsel*
THOMAS COSTA, *Professional Staff Member*
ROBERT A. BRIGGS, *Clerk*
ANDREW SU, *Minority Professional Staff Member*

CONTENTS

	Page
Hearing held on September 13, 2005	1
Statement of:	
Ervin, Clark Kent, director, Homeland Security Initiative, Aspen Institute; Dr. James J. Carafano, senior fellow, the Heritage Foundation; Susan Ginsburg, former senior counsel, National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission); and John Daniel Morris, retired Consul General, U.S. Mission to Beijing, China	76
Carafano, Dr. James J.	83
Ervin, Clark Kent	76
Ginsburg, Susan	94
Morris, John Daniel	104
Ford, Jess T., Director, International Affairs and Trade Division; U.S. Government Accountability Office; Ambassador John E. Lange, Deputy Inspector General, U.S. Department of State; Tony Edson, Acting Deputy Assistant Secretary for Visa Services, Bureau of Consular Affairs, U.S. Department of State; and Elaine Dezenski, Acting Deputy Assistant Secretary for Policy, Border and Transportation Security, U.S. Department of Homeland Security	3
Dezenski, Elaine	44
Edson, Tony	36
Ford, Jess T.	3
Lange, Ambassador John E.	27
Letters, statements, etc., submitted for the record by:	
Carafano, Dr. James J., senior fellow, the Heritage Foundation, prepared statement of	85
Dezenski, Elaine, Acting Deputy Assistant Secretary for Policy, Border and Transportation Security, U.S. Department of Homeland Security, prepared statement of	47
Edson, Tony, Acting Deputy Assistant Secretary for Visa Services, Bureau of Consular Affairs, U.S. Department of State, prepared statement of	38
Ervin, Clark Kent, director, Homeland Security Initiative, Aspen Institute, prepared statement of	80
Ford, Jess T., Director, International Affairs and Trade Division, prepared statement of	6
Ginsburg, Susan, former senior counsel, National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission), prepared statement of	97
Kucinich, Hon. Dennis J., a Representative in Congress from the State of Ohio, prepared statement of	129
Lange, Ambassador John E., Deputy Inspector General, U.S. Department of State, prepared statement of	29
Morris, John Daniel, retired Consul General, U.S. Mission to Beijing, China, prepared statement of	106

COMBATING TERRORISM: VISAS STILL VULNERABLE

TUESDAY, SEPTEMBER 13, 2005

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS, AND INTERNATIONAL RELATIONS,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 2154, Rayburn House Office Building, Hon. Christopher Shays (chairman of the subcommittee) presiding.

Present: Representatives Shays and Van Hollen.

Staff present: Lawrence Halloran, staff director and counsel; Thomas Costa, professional staff member; Robert A. Briggs, clerk; Andrew Su, minority professional staff member; and Jean Gosa, minority assistant clerk.

Mr. SHAYS. A quorum being present, the Subcommittee on National Security, Emerging Threats, and International Relations hearing entitled, "Combating Terrorism: Visas Still Vulnerable," is called to order.

All 19 terrorists responsible for the September 11th attacks obtained legitimate visas to enter the United States. Many should have been flagged as suspicious somewhere along the way, but they were not. Would they be able to get visas today? Four years later the answer to that question is still an unsettling "probably not, but maybe."

Without question, the visa process has been strengthened as a security tool. Without question, the Department of State has improved training of consular officers and standardized many critical visa adjudication steps from embassy to embassy. Technology has been deployed to improve the speed and effectiveness of a very labor-intensive system. Fingerprints are collected. Identities are verified, and everyone who wants to visit the United States must be interviewed.

But weaknesses and gaps remain in the visa process that could be exploited by those determined to do us harm. Key policies still lack clarity. State's consular staffing patterns often do not reflect current threats and new workloads. Training should be more focused on terrorism travel patterns and fraud prevention. Information sharing, although significantly improved, could be better. And the visa security program of the Department of Homeland Security [DHS], lacks strategic direction.

In a report released by the Government Accountability Office, GAO recommends that State Department clarify visa procedures

and better focus consular resources on visa posts based on national security implications and workloads; junior officers should not be dropped into high-threat, high-volume posts without language skills and adequate senior supervision. But that is still happening.

GAO also recommends Congress increase the limited access consular officers get to the FBI criminal history records maintained by the National Crime Information Center [NCIC]. Consular officers today cannot tell whether an individual hit on the NCIC data base represents a major crime or an overdue speeding ticket. The necessary followup request to the FBI can take weeks to produce an answer that could be retrieved in just minutes.

Recognizing the national security implications of the visa process, Congress charged DHS to set overall visa policies. As part of that mandate, DHS was specifically tasked to place visa security officers [VSOs], in Saudi Arabia and elsewhere. But after 2 years, DHS has no qualitative or quantitative assessments of VSO activities in Saudi Arabia. There is no strategic plan to guide deployment of VSOs elsewhere.

Balancing the demands of national security against the very real threat to facilitate commerce, education and tourism will never be easy. If we are to remain a welcoming and secure Nation, the visa process must function as an efficient and effective portal, admitting those who would enrich our culture, while denying entry to those who would seek to destroy it.

Our witnesses bring a wealth of expertise and experience to this discussion of visa security. We appreciate their willingness to be here today and we look forward to their testimony.

We have two panels. Our first panel is Mr. Jess T. Ford, Director of the International Affairs and Trade Division of the U.S. Government Accountability Office; Ambassador John E. Lange, Deputy Inspector General, U.S. Department of State; and Mr. Tony Edson, Acting Assistant Secretary for Visa Services, Bureau of Consular Affairs, U.S. Department of State; and Ms. Elaine Dezenski, Acting Deputy Assistant Secretary for Policy, Border and Transportation Security, U.S. Department of Homeland Security.

Did I pronounce your name correctly?

Ms. DEZENSKI. Yes, sir.

Mr. SHAYS. OK. So let me provide the oath. If you would stand, we will administer the oath and then we will start with testimony.

[Witnesses sworn.]

Mr. SHAYS. Note for the record our witnesses have responded in the affirmative. And we will start with you Mr. Ford. And what my practice in this subcommittee is is to do 5 minutes, but we roll over for another 5 minutes. It's not my preference that you take 10, but it is my preference that you don't try to rush the 5 and if you go 7 or 8, whatever, we are more than happy.

We invited you because we did want to hear your testimony. So, Mr. Ford.

STATEMENTS OF JESS T. FORD, DIRECTOR, INTERNATIONAL AFFAIRS AND TRADE DIVISION; U.S. GOVERNMENT ACCOUNTABILITY OFFICE; AMBASSADOR JOHN E. LANGE, DEPUTY INSPECTOR GENERAL, U.S. DEPARTMENT OF STATE; TONY EDSON, ACTING DEPUTY ASSISTANT SECRETARY FOR VISA SERVICES, BUREAU OF CONSULAR AFFAIRS, U.S. DEPARTMENT OF STATE; AND ELAINE DEZENSKI, ACTING DEPUTY ASSISTANT SECRETARY FOR POLICY, BORDER AND TRANSPORTATION SECURITY, U.S. DEPARTMENT OF HOMELAND SECURITY

STATEMENT OF JESS T. FORD

Mr. FORD. Thank you, Mr. Chairman. I'd like my complete statement included in the record.

Mr. SHAYS. Absolutely.

Mr. FORD. I'm pleased to be here today to discuss two recent reports on actions that have been taken by the Department of State and the Department of Homeland Security to strengthen the nonimmigrant visa process as an antiterrorism tool.

All 19 of the September 11th terrorists hijackers were issued a visa, which is a U.S. travel document foreign citizens must generally obtain before entering the country temporarily for business, tourism, or other reasons. In deciding to approve or deny a visa application, the State Department consular officers are on the front line of defense in protecting the United States against potential terrorists and others whose entry would likely be harmful to U.S. national interests. But consular officers must balance this security responsibility against the need to facilitate legitimate travel.

In October 2002, we reported on a number of shortcomings in the visa process and made several recommendations aimed at strengthening the role of national security in the process. The recommendations called for improvements in procedures for addressing heightened border security concerns, enhanced staffing, and counterterrorism training for consular officers. Today, I will discuss the changes that have been made since our 2002 report to strengthen the visa process, as well as areas that deserve additional management attention.

First, I will focus on our report issued today on changes in the visa policy and guidance consular resources, including staffing and training and the extent to which U.S. agencies share information with visa adjudicators.

Second, I will discuss our July 2005 report on the placement of DHS visa security officers at U.S. embassies and consulates overseas.

The State Department and DHS have taken many steps to strengthen the visa process as an antiterrorism tool. Specifically, the State Department has provided clear instructions to consular officers on the importance of national security to the visa process. At every post we visited, including those with special interests to antiterrorism efforts, the consular staff viewed security as their top priority, while recognizing the importance of facilitating legitimate travel.

To further strengthen the visa process, the State Department has increased the hiring of consular officers, targeted recruitment of

foreign language-proficient officers, revamped consular training with the focus on counterterrorism, and increased resources to combat fraud. Further, intelligence and law enforcement agencies have shared more information for consular officers' use in conducting name checks on visa applicants.

Despite these improvements, we found that further actions are needed to enhance the process. Consular officers we interviewed said that guidance is needed on the interagency protocols regarding DHS staff roles and responsibilities overseas. Actions are also needed to ensure that the State Department has sufficient experienced staff with the necessary language skills at key consular posts.

While the State Department has hired more consular officers, it continues to experience shortages in supervisory staff. As of April 30th of this year, 26 percent of midlevel positions were either vacant or filled by junior officers. Moreover, State has not prioritized the staffing of its more experienced officers to key posts. As an example, we found that the visa sections in critical posts, in Saudi Arabia and Egypt, were staffed with first-year, entry-level officers and no permanent midlevel visa chiefs to provide direct supervision and oversight. Our report issued today calls for further improvements and training in fraud prevention as well as information sharing with the FBI.

The Homeland Security Act of 2002 authorized the assignment of DHS employees to U.S. embassies and consulates to provide expert advice and training to consular officers regarding visa security. In September 2003, DHS assigned visa security officers to consular posts in Saudi Arabia. DHS also plans to assign staff to other posts to strengthen the visa process at these locations.

The visa security officers assigned to Saudi Arabia review all visa applications prior to a final adjudication by consular officers and assist consular officers with interviews and fraud prevention. According to senior officials in Saudi Arabia, the visa security officers in Riyadh and Jedda have strengthened the process. However, no comprehensive data exists to measure the performance of the visa security officers or to demonstrate their impact. In addition, the requirement to review all visa applications in Saudi Arabia limits the officers' ability to provide additional training and other services to consular officials, such as assisting with interviews and training in visa fraud.

We found that DHS planned to expand the visa security program to five overseas posts in fiscal year 2005 and intends to further expand the program in future years. However, the expansion of the program has been delayed because embassy and State Department officials have raised concerns about the program's goals, staffing requirements, and coordination plans. According to DHS officials, the Department provided sufficient responses throughout 2004 and 2005 to address these concerns. However, we noted that DHS has not developed a strategic plan for its visa security operations in Saudi Arabia or at any of the expanded posts, but defines mission priorities, long-term goals and identifies outcomes expected at each post. We have made recommendations that DHS develop such a strategic plan to guide visa security process and to develop per-

formance data to show what impact their agents are having overseas.

Mr. Chairman, this concludes my statement. I'd be happy to answer any of your questions.

Mr. SHAYS. Thank you, Mr. Ford.

[NOTE.—The GAO report entitled, "Border Security, Strengthened Visa Process Would Benefit from Improvements in Staffing and Information Sharing," may be found in subcommittee files.]

[The prepared statement of Mr. Ford follows:]

United States Government Accountability Office

GAO

Testimony

Before the Subcommittee on National Security, Emerging Threats, and International Relations, Committee on Government Reform, House of Representatives

For Release on Delivery
Expected at 10 a.m. EDT
Tuesday, September 13, 2005

BORDER SECURITY

Strengthened Visa Process Would Benefit from Additional Management Actions by State and DHS

Statement of Jess T. Ford, Director
International Affairs and Trade

GAO-05-994T

September 13, 2005

GAO
Accountability • Integrity • Reliability

Highlights

Highlights of GAO-05-994T, a testimony before the Subcommittee on National Security, Emerging Threats, and International Relations, Committee on Government Reform, House of Representatives

BORDER SECURITY

Strengthened Visa Process Would Benefit from Additional Management Actions by State and DHS

Why GAO Did This Study

In adjudicating a visa application, Department of State (State) consular officers are on the front line of defense against those whose entry would likely be harmful to U.S. national interests. In October 2002, we identified shortcomings and made recommendations on the role of national security in the visa process. This testimony discusses our report issued today on actions taken since our 2002 report to strengthen the visa process, as well as areas that deserve additional management actions. It also discusses our July 2005 report on the status of the assignment of Department of Homeland Security (DHS) personnel to U.S. consular posts overseas.

What GAO Recommends

In our report issued today and our July report, we recommended further improvements to the visa process and the management of DHS's Visa Security Program. In addition, we recommended that Congress consider requiring State and the Federal Bureau of Investigation (FBI) to report on the options for and feasibility of providing visa adjudicators with more detailed information from the FBI's criminal history records, and to allow DHS personnel in Saudi Arabia the flexibility to determine the extent of their application reviews.

State and DHS agreed with most of our conclusions. Both agencies indicated that they were taking steps to implement the majority of our recommendations. State did not agree on the need for a comprehensive staffing plan.

www.gao.gov/cgi-bin/getrpt?GAO-05-994T.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Jess Ford at (202) 512-4128 or fordj@gao.gov.

What GAO Found

State and DHS have taken many steps to strengthen the visa process as an antiterrorism tool. Consular officers are receiving clear guidance on the importance of addressing national security concerns through the visa process, and State has established clear procedures on visa operations worldwide. State has also increased its hiring of consular officers and language proficient Foreign Service officers, and has enhanced training and fraud prevention efforts. Further, consular officers have access to more information from intelligence and law enforcement agencies. However, some areas require additional attention. For example, officers we spoke with said that guidance is needed on DHS staff's roles and responsibilities overseas. In addition, while State has hired more consular officers, it continues to experience shortages in supervisory staff. As of April 30, 2005, 26 percent of midlevel positions were either vacant or filled by entry-level staff. During our visits to three consular posts in Saudi Arabia and Egypt—all of which are of interest to U.S. antiterrorism efforts—the visa sections were staffed with first-tour officers and no permanent midlevel visa chiefs to provide direct oversight. Further improvements are also needed in training and fraud prevention, as well as information sharing with the FBI.

In September 2003, DHS assigned visa security personnel to consular posts in Saudi Arabia. According to DHS, State's consular officials, and the deputy chief of mission in Saudi Arabia, the DHS officers in Saudi Arabia strengthen visa security. However, DHS does not maintain comprehensive data on their activities and thus is unable to fully demonstrate the program's impact. Further, DHS has not developed a strategic plan for visa security operations in Saudi Arabia or for the planned future expansion of the program.

Improvements and Remaining Challenges to the Visa Process

Issue	Improvements	Issues requiring attention
Policy	Clarified policies on national security concerns	Guidance needed on DHS roles overseas, and *Foreign Affairs Manual* should be updated
Staffing	Increased hiring and focused recruitment	Shortages of midlevel and language proficient officers and unreliable data on wait times for applicant interviews
Training	Expanded consular training with an emphasis on counterterrorism	Courses needed on terrorism travel trends and fraud prevention, among others
Fraud Prevention	Increased fraud awareness	Standard criteria needed to identify high-fraud posts
Information sharing	More information available from other agencies for name checks	Additional information from FBI criminal history files would facilitate visa processing
DHS Visa Security Program	Stationing of officers in Saudi Arabia with plans for expansion	Comprehensive data and strategic plan needed

Source: GAO.

September 13, 2005

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here to discuss our reports issued today and in July[1] on the actions that the Departments of State (State) and Homeland Security (DHS) have taken to strengthen the nonimmigrant visa[2] process as an antiterrorism tool. All 19 of the September 11, 2001, terrorist hijackers were issued a visa, which is a U.S. travel document foreign citizens must generally obtain before entering the country temporarily for business, tourism, or other reasons. In deciding to approve or deny a visa application, State's consular officers are on the front line of defense in protecting the United States against potential terrorists and others whose entry would likely be harmful to U.S. national interests. But consular officers must balance this security responsibility against the need to facilitate legitimate travel. In October 2002, we identified shortcomings and made recommendations aimed at strengthening the role of national security in the visa process, procedures for addressing heightened border security concerns, staffing, and counterterrorism training of consular officers.[3] Similarly, staff of the National Commission on Terrorist Attacks Upon the United States, or the 9-11 Commission, reported that while there were efforts to enhance border security prior to September 11, no agency of the U.S. government at that time thought of the visa process as an antiterrorism tool.[4] Indeed, the 9-11 Commission staff reported that consular officers were not trained to screen for terrorists.

Today I will discuss the changes made since our 2002 report to strengthen the visa process, as well as areas that deserve additional management attention. First, I will focus on our report issued today on changes in visa policy and guidance; consular resources, including staffing and training; and the extent to which U.S. agencies share information with visa adjudicators. Second, I will discuss our July 2005 report on the placement of DHS Visa Security Officers (VSO) at U.S. embassies and consulates overseas.

In conducting this work, we reviewed relevant legislation and agency documents, and interviewed State, DHS, and Federal Bureau of Investigation (FBI) officials in

---

[1]See GAO, *Border Security: Actions Needed to Strengthen Management of Department of Homeland Security's Visa Security Program*, GAO-05-801 (Washington, D.C.: July 29, 2005), and GAO, *Border Security: Strengthened Visa Process Would Benefit From Improvements in Staffing and Information Sharing*, GAO-05-859 (Washington, D.C.: Sept. 13, 2005).

[2]The United States also grants visas to people who intend to immigrate to the United States. In this testimony, the term "visa" refers to nonimmigrant visas only.

[3]GAO, *Border Security: Visa Process Should Be Strengthened as an Antiterrorism Tool*, GAO-03-132NI (Washington, D.C.: Oct. 21, 2002).

[4]9-11 Commission, *9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks Upon the United States* (Washington, D.C.; Aug. 21, 2004).

Washington, D.C., as well as visa chiefs and other consular affairs staff from 25 posts overseas. We observed visa operations and interviewed U.S. government officials at 8 U.S. consular posts in seven countries—Egypt, Indonesia, Malaysia, Morocco, Spain, Saudi Arabia, and the United Kingdom. Our work was conducted in accordance with generally accepted government auditing standards. In addition, GAO has conducted extensive reviews of different aspects of the visa process and related areas (see appendix I for a list of GAO reports).

Summary

State and DHS have taken many steps to strengthen the visa process as an antiterrorism tool. Specifically, State has provided clear instructions to consular officers on the importance of national security to the visa process. At every post we visited, including those of special interest to antiterrorism efforts, consular staff viewed security as their top priority, while recognizing the importance of facilitating legitimate travel. To further strengthen the visa process, State has increased hiring of consular officers, targeted recruitment of foreign language proficient officers, revamped consular training with a focus on counterterrorism, and increased resources to combat visa fraud. Further, intelligence and law enforcement agencies have shared more information for consular officers' use in conducting name checks on visa applicants. Despite these improvements, we found that further actions are needed to enhance the process. Consular officers we interviewed said that guidance is needed on interagency protocols regarding DHS staff's roles and responsibilities overseas. Actions are also needed to ensure that State has sufficient experienced staff with the necessary language skills at key consular posts. While State has hired more consular officers, it continues to experience shortages in supervisory staff. As of April 30, 2005, 26 percent of midlevel positions were either vacant or filled by entry-level staff. Moreover, State has not prioritized the staffing of more experienced officers to key posts. For example, we found that the visa sections in critical posts in Saudi Arabia and Egypt were staffed with first-tour, entry-level officers and no permanent midlevel visa chiefs to provide direct supervision and oversight. Our report issued today also calls for further improvements in training and fraud prevention, as well as information sharing with the FBI.

The Homeland Security Act of 2002 authorized the assignment of DHS employees to U.S. embassies and consulates to provide expert advice and training to consular officers regarding visa security, among other things.[5] In September 2003, DHS assigned VSOs to consular posts in Saudi Arabia and plans to assign staff to other posts to strengthen the visa process at these locations. VSOs assigned to Saudi Arabia review all visa applications prior to final adjudication by consular officers as required by the Homeland Security Act. These VSOs also assist consular officers with interviews and fraud prevention. According to DHS, State's consular officials, and the deputy chief of mission in Saudi Arabia, the VSOs in Riyadh and Jeddah have strengthened visa security. However, no comprehensive data exists to demonstrate the VSOs' impact. In addition, the requirement to review all visa applications in Saudi Arabia limits the VSOs' ability to

[5]P.L. 107-296.

provide additional training and other services to consular officers, such as assisting with interviews. Furthermore, DHS planned to expand the Visa Security Program[6] to five locations in fiscal year 2005 and intends further expansion in future years; however, chiefs of mission at the posts chosen for expansion in fiscal year 2005 delayed approvals needed for the expansion. Embassy and State officials attributed the delays to various questions and concerns about the program's goals, staffing requirements, and coordination plans. According to DHS officials, the department provided sufficient responses throughout 2004 and 2005 to answer the concerns. However, DHS has not developed a strategic plan for visa security operations in Saudi Arabia or the future expansion posts that defines mission priorities and long-term goals and identifies the outcomes expected at each post.

In our report issued today and our July report, we have recommended actions to further improve both the visa process and the management of the Visa Security Program. In addition, we have recommended that Congress consider requiring State and the FBI to report on the options for and feasibility of providing visa adjudicators with more detailed information from the FBI's criminal history records, and to allow DHS the flexibility to determine which visa applications its personnel in Saudi Arabia will review.

In general, State and DHS agreed with the majority of our conclusions in both reports. Both agencies indicated that they have begun taking steps to implement our recommendations. However, State believed that it already had a plan to address vulnerabilities in consular staffing and that development of a comprehensive plan that we recommended was not necessary. The Department of Justice did not comment on the matter for congressional consideration regarding visa adjudicators' access to certain information in the FBI's criminal history records; it provided additional information about other efforts that the department is taking to enhance the sharing of law enforcement and intelligence information in connection with visa processing.

Background

The 1952 Immigration and Nationality Act, as amended, is the primary body of law governing immigration and visa operations.[7] The Homeland Security Act of 2002 generally grants DHS exclusive authority to issue regulations on, administer, and enforce the Immigration and Nationality Act and all other immigration and nationality laws relating to the functions of U.S. consular officers in connection with the granting or denial of visas.[8] As we reported in July 2005,[9] the act also authorized the assignment of

[6]For the purpose of this statement, we refer to DHS's program that oversees the implementation of the requirements in sect. 428 (e) and sect. 428 (i) of the Homeland Security Act of 2002 as the Visa Security Program.

[7]P.L. 82-414, 8 U.S.C. § 1101 et seq.

[8]State retains authority in certain circumstances as outlined in the act. See P.L. 107-296.

[9]GAO-05-801.

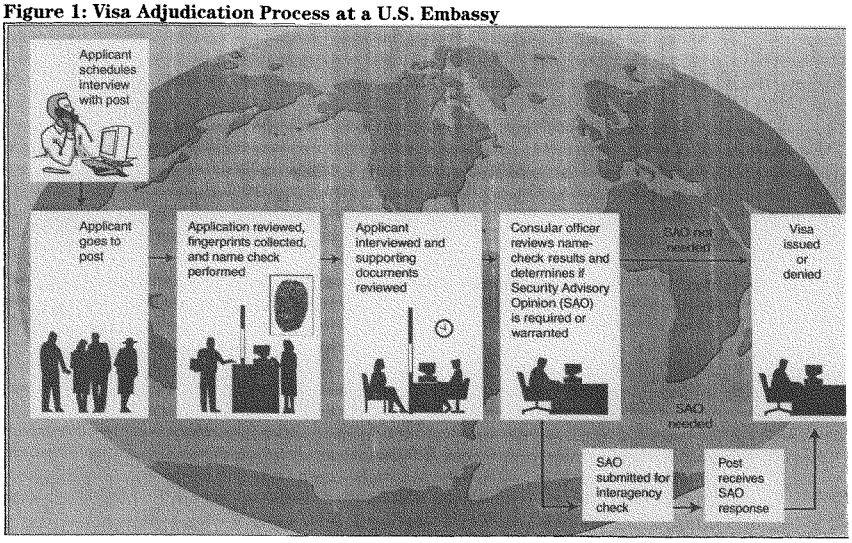
DHS employees to U.S. embassies and consulates to provide expert advice and training to consular officers regarding visa security, among other things. In particular, the act mandated that VSOs on-site in Saudi Arabia review all visa applications prior to final adjudication by consular officers.

A September 2003 Memorandum of Understanding between State and DHS further outlines the responsibilities of each agency with respect to visa issuance. State manages the visa process, as well as the consular corps and its functions at 211 visa-issuing posts overseas. In addition, State provides guidance, in consultation with DHS, to consular officers regarding visa policies and procedures. DHS is responsible for establishing visa policy, reviewing implementation of the policy, and providing additional direction. This agreement also broadly defines the DHS officers' responsibilities in reviewing visa applications at consular posts overseas, indicating, among other things, that they will provide expert advice to consular officers regarding specific security threats relating to visa adjudication and will also provide training to consular officers on terrorist threats and applicant fraud.

The process for determining who will be issued or refused a visa contains several steps, including documentation reviews, in-person interviews, collection of biometrics (fingerprints), and cross-referencing of the applicant's name against the Consular Lookout and Support System (CLASS)[10] (see fig. 1).

[10]CLASS is a State Department name-check database that posts use to access critical information for visa adjudication. The system contains records provided by numerous agencies and includes information on persons with visa refusals, immigration violations, and terrorism concerns.

Figure 1: Visa Adjudication Process at a U.S. Embassy



Sources: GAO; Nova Development (clip art).

In 2002, we recommended actions to strengthen the visa process as an antiterrorism tool, including

- establishing a clear policy on the priority attached to addressing national security concerns through the visa process;
- creating more comprehensive, risk-based guidelines and standards on how consular officers should use the visa process to screen against potential terrorists;
- performing a fundamental reassessment of staffing and language skill requirements for visa operations; and
- revamping and expanding consular training courses to place more emphasis on detecting potential terrorists.

Visa Process Strengthened, and Further Actions Would Support Ongoing Improvements

Since 2002, State, DHS, and other agencies have taken numerous steps to strengthen the visa process as an antiterrorism tool and increase its overall efficiency and effectiveness. In particular, the Assistant Secretary in the Bureau of Consular Affairs has taken a leading role in implementing changes to the visa process and promoting its use as a screen against potential terrorists. However, additional actions could enhance the visa process. State has increased and clarified visa policies and guidance, but additional steps are needed to ensure these changes are implemented. Additionally, State has increased resources to strengthen the visa process, including hiring additional consular officers, targeting recruitment, and expanding training efforts; however, staffing limitations remain a concern, posts seek further training, and other gaps remain. Lastly, while interagency information-sharing efforts have increased, consular officers do not have direct access to detailed information from the FBI's criminal records, which would help facilitate the approval of legitimate travelers.

Visa Policies, Procedures, and Guidance Enhanced, but Additional Steps Needed to Ensure They Are Implemented

We reported in October 2002 that consular officers held differing views on balancing the need for national security and customer service in the visa process. In addition, State had not issued comprehensive policy guidance to posts regarding how consular officers should react to the heightened border security concerns following the September 11 attacks. Over the past three years, State has implemented several changes to address these issues, and consular officials stated that the report and its recommendations provided a framework for these changes. For example, in February 2003, Consular Affairs issued guidance identifying national security as the first priority of the visa process. Consular officers we interviewed said the guidance was generally clear, and officers at all eight posts we visited viewed security as the most critical element of the visa process. In addition, Consular Affairs identified certain areas where additional guidance was needed to streamline visa procedures. State has issued more than 80 standard operating procedures, in consultation with DHS, to inform consular officers on issues such as fingerprinting and special clearance requirements.

Despite these improvements, some consular officers we interviewed stated that it has been difficult to synthesize and consistently apply all of the changes to the visa process. The guidance provided to consular officers in the field is voluminous and can change rapidly, according to consular officials. The Consular Affairs Bureau may notify its officers overseas of policy changes through cables, postings on its internal Web site, and informal communications. However, the bureau has not consistently updated the consular and visa chapters of the *Foreign Affairs Manual*—State's central resource for all regulations, policies, and guidance—to reflect these changes. Throughout 2005, the bureau has updated several portions of the manual, but, as of June 2005, some sections had not been updated since October 2004. Consular officials stated that they are overhauling the standard operating procedures to eliminate those that are obsolete and incorporate current requirements into the manual. However, while the Consular Affairs

Bureau's internal Web site contains all of the standard operating procedures, it also links to out-of-date sections in the manual. As a result, there is no single, reliable source for current information.

Consular officers also indicated that additional guidance is needed on certain interagency protocols. Specifically, 15 out of 25 visa chiefs we interviewed reported that additional guidance would be helpful regarding the interaction between the Bureau of Consular Affairs and DHS. For example, DHS personnel stationed overseas work on a variety of immigration and border security activities and serve in a regional capacity. However, DHS has not provided guidance to consular officers regarding the roles and geographic responsibilities for its personnel.

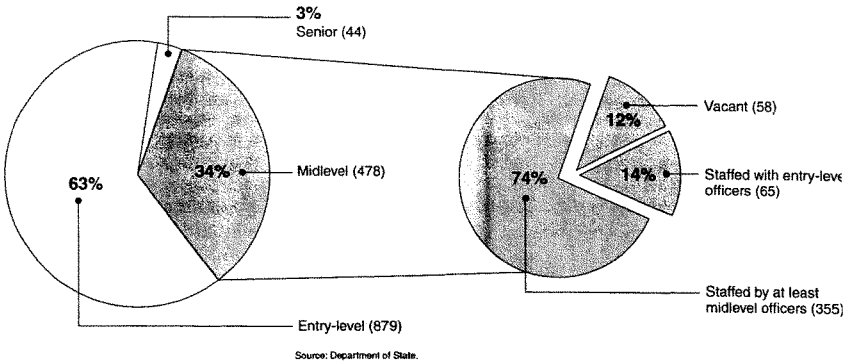
Resources for Visa Function Increased, but Staffing Shortages and Other Gaps Remain a Concern

In 2002, we found that at some posts the demand for visas, combined with increased workload per visa applicant, exceeded the available staff. As a result, we recommended that State perform a fundamental reassessment of staffing requirements for visa operations. In our report issued today, we have noted that State has received funding to address staffing shortfalls, but we continue to see the need for a reassessment of resource needs worldwide. Through the Diplomatic Readiness Initiative and other sources,[11] State has increased its Foreign Service officer consular positions by 364, from 1,037 in fiscal year 2002 to 1,401 in fiscal year 2005. Moreover, a senior human resource official anticipates that many officers hired under the Diplomatic Readiness Initiative will begin to reach promotion eligibility for midlevel positions within the next two years. However, as we have previously reported in 2003,[12] the overall shortage of midlevel Foreign Service officers would remain until approximately 2013. As of April 30, 2005, we found that 26 percent of midlevel consular positions were either vacant or filled by an entry-level officer (see fig. 3). In addition, almost three-quarters of the vacant positions were at the FS-03 level—midlevel officers who generally supervise entry-level staff—which consular officials attribute to low hiring levels prior to the Diplomatic Readiness Initiative and the necessary expansion of entry-level positions to accommodate increasing workload requirements after September 11, 2001.

[11]In 2001, State launched the Diplomatic Readiness Initiative—a 3-year effort to ensure global diplomatic readiness.

[12]GAO, *State Department: Targets for Hiring, Filling Vacancies Overseas Being Met, but Gaps Remain in Hard-to-Learn Languages*, GAO-04-139 (Washington, D.C.: Nov. 19, 2003).

Figure 3: Authorized Foreign Service Officer Consular Positions and Distribution of Staff by Grade, as of April 30, 2005



Note: Vacancy figures may not reflect recent promotions of officers to a higher grade who were still serving in lower-grade positions as of April 30, 2005.

During our February 2005 visits to Riyadh, Jeddah, and Cairo, we observed that the consular sections were staffed with entry-level officers on their first assignment with no permanent, midlevel visa chief to provide supervision. Although these posts had other mid- or senior-level consular officers, their availability on visa issues was limited because of their additional responsibilities. For example, the head of the visa section in Jeddah was responsible for managing the entire section as well as services for American citizens due to a midlevel vacancy in that position. At the time of our visit, the Riyadh Embassy did not have a midlevel visa chief. Similarly, in Cairo, there was no permanent midlevel supervisor between the winter of 2004 and the summer of 2005, and Consular Affairs used five temporary staff on a rotating basis during this period to serve in this capacity. Entry-level officers that we spoke with stated that due to the constant turnover, the temporary supervisors were unable to assist them adequately. At the U.S. consulate in Jeddah, entry-level officers expressed concern about the lack of a midlevel supervisor. Officers in Jeddah stated that they relied on the guidance they received from the DHS visa security officer assigned to the post. However, as of July 2005, visa security officers are stationed only at two consular posts in Saudi Arabia—not at any of the other 209 visa-issuing posts overseas.

If the Consular Affairs Bureau identifies a need for additional staff in headquarters or overseas, it may request that the Human Resources Bureau establish new positions. In addition, posts can also describe their needs for additional positions through their consular packages—a report submitted annually to the Consular Affairs Bureau that details workload statistics and staffing requirements, among other things. For example, in December 2004, during the course of our work, the consular section in Riyadh

reported to Washington that there was an immediate need to create a midlevel visa chief position at post, and State worked with human resource officials to create this position, which, according to State officials, will be filled by summer 2005.

However, the current assignment process does not guarantee that all authorized positions will be filled, particularly at hardship posts.[13] Historically, State has rarely directed its employees to serve in locations for which they have not bid on a position, including hardship posts or locations of strategic importance, due to concerns that such staff may be more apt to have poor morale or be less productive. Further, though Consular Affairs can prioritize positions that require immediate staffing, according to a deputy assistant secretary for human resources, it generally does not do so. For example, Consular Affairs could choose not to advertise certain positions of lesser priority during an annual assignment cycle. However, senior Consular Affairs officials acknowledged that they rarely do this. According to these officials, Consular Affairs does not have direct control over the filling of all consular positions and can often face resistance from regional bureaus and chiefs of mission overseas who do not want vacancies at their posts. Therefore, due to State's decision to not force assignments, along with the limited amount of midlevel officers available to apply for them,[14] important positions may remain vacant.

Improvements Made in Recruitment, Training, and Fraud Prevention, and Additional Actions Would Support Ongoing Initiatives

In 2002, we found that not all consular officers were proficient enough in their post's language to hold interviews with applicants. We also found that training for new consular officers was focused on detecting intending immigrants through the visa process, with little training given on detecting possible terrorists. Today we are reporting that State has made a number of improvements in its recruitment of language proficient Foreign Service officers, expanded and revamped consular training, and increased the attention paid to fraud prevention. However, we found that additional actions would support ongoing improvements. For example,

- State has created programs to better target its recruitment of Foreign Service officers who speak critical languages. For example, in March 2004, State created the "Critical Needs Language Program," which increases the opportunities for appointment to the Foreign Service for new hires proficient in Arabic, Chinese, Indic, Korean, Russian, or Turkic, and who have passed the Foreign Service Exam. From March 2004 through May 2005, 172 of the 564 Foreign Service officers hired were proficient in one of these languages. Despite these

[13]State defines hardship posts as those locations where the U.S. government provides differential pay incentives—an additional 5 percent to 25 percent of base salary depending on the severity or difficulty of the conditions—to encourage employees to bid on assignments to these posts and to compensate them for the hardships they encounter.

[14]The assignment process begins when Foreign Service employees who are eligible to be transferred from their current assignment each year receive a list of instructions and upcoming vacancies for which they may compete. Staff then must submit a list of those positions for which they want to be considered.

improvements, additional actions are needed to fill continuing language proficiency shortfalls. As of April 30, 2005, State reported that about 14 percent of consular-coned[15] Foreign Service officers in language designated positions did not meet language requirements for their position.

- State has revamped and expanded consular training to enhance visa security. For example, in October 2003, the Basic Consular Course was extended from 26 days to 31 days, and classes were added in analytical interviewing and fraud prevention. In addition, in March 2002, State created a new course in advanced name-checking. However, additional training could further assist consular officers. All of the posts we contacted reported that additional training on terrorist travel trends would be helpful, with 16 posts responding that such training would be extremely helpful. Some posts also reported that additional briefings on counterterrorism techniques specific to post and fraud prevention would be helpful.

- State has taken several steps to increase its focus on preventing and detecting fraud in the visa process. For example, by 2004, State's Bureau of Diplomatic Security had deployed 25 visa fraud investigators to U.S. embassies and consulates. In addition, State's Office of Fraud Prevention Programs has developed several ways for consular officers in the field to learn about fraud prevention, including developing an Internet-based "E-room," with more than 500 members, which serves as a discussion group for consular officers, as well as a place to post cables and lessons learned from prior fraud cases. However, until recently, the department has not used a systematic process to identify consular posts with the highest degree of visa fraud. According to State officials, fraud rankings for consular posts have not been based on an objective analysis using standardized criteria, but have been self-reported by each post. As a result, previous resources for fraud prevention, including the 25 visa fraud investigators assigned in 2004, may not have been allocated to posts with the highest need. We also plan to report later this year on the internal controls that are in place to mitigate the risks of visa malfeasance—the provision of a visa in exchange for money or something else of value—and intend to make several recommendations to help ensure adherence to these controls.

Number of Intelligence and Law Enforcement Records in CLASS Increased, but Additional Information Would Help Facilitate Legitimate Travel

The September 11 attacks highlighted the need for comprehensive information sharing. In January 2005, GAO identified effective information sharing to secure the homeland as a high-risk area of the U.S. government due to the formidable challenges the federal government still faces in this area.[16] With cooperation from other federal agencies, State

[15]State requires that a generalist applicant to the Foreign Service select a "cone," which is a functional area of specialization, when applying to take the written examination. For generalists, Foreign Service specializations are management, consular, economic, political, and public diplomacy.

[16]GAO, *High-Risk Series: An Update*, GAO-05-207 (Washington, D.C.: January 2005).

has increased the amount of information available to consular officers in CLASS. Name-check records from the intelligence community have increased fivefold from 48,000 in September 2001 to approximately 260,000 in June 2005, according to consular officials. Moreover, consular officials told us that, as of fall 2004, CLASS contained approximately 8 million records from the FBI. In addition, State has developed more efficient methods of acquiring certain data from law enforcement databases. For example, State established a direct computer link with the FBI to send descriptive information from the FBI's National Crime Information Center (NCIC) to CLASS on a daily basis.

While the additional records in CLASS have helped consular officers detect those who might seek to harm the United States, many consular officers we interviewed stated that the increased volume of records and lack of access to other detailed information can lead to visa-processing delays. In particular, consular officers do not have direct access to detailed information in the FBI's criminal history records. Section 403 of the USA PATRIOT Act of 2001[17] directs the Attorney General and the FBI to provide State with access to extracts of certain files[18] containing descriptive information for the purpose of determining whether a visa applicant has a criminal history record contained in the NCIC Interstate Identification Index (or Index). The USA PATRIOT Act also states that access to an extract does not entitle consular officers to obtain the full contents of the corresponding records. In accordance with this mandate, FBI officials stated that the bureau provides to CLASS extracts that contain all available biographical information, such as the date of birth and height of the person with the criminal record.[19] As a result, when conducting a CLASS name check, consular officers told us they may not be able to determine whether an FBI file matches an applicant because the extracts lack sufficient biographical information. Moreover, in accordance with section 403, the extracts do not contain details such as charges or dispositions of the cases, which are necessary to determine if the applicant might be ineligible for a visa.[20] For example, the information in CLASS does not distinguish between a conviction for a crime such as kidnapping, or an acquittal on charges of driving while intoxicated.

Consular officers, therefore, must fingerprint applicants who have a potential match in the Index for positive identification in FBI records to then ascertain whether the information contained in the criminal record would make the applicant ineligible for a

[17]P.L. 107-56.

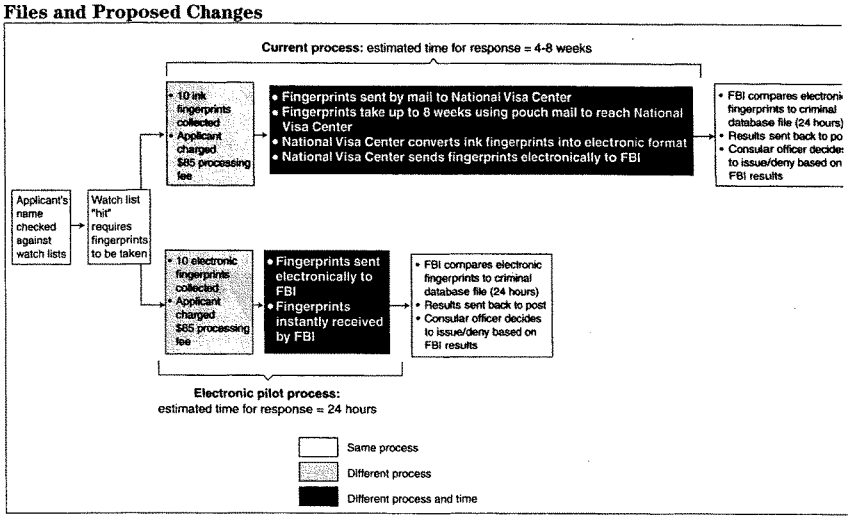
[18]The files include the NCIC's Interstate Identification Index, which is the FBI's database of criminal history records, Wanted Persons Files, and any other files maintained by NCIC that may be mutually agreed upon by the Attorney General and the agency receiving access.

[19]According to FBI officials, examples of the information provided to CLASS, when available, include the FBI record number, name and alias, date of birth, place of birth, citizenship, sex, race, eye color, hair color, height, or weight.

[20]To render an alien ineligible under INA 212(a)(2)(A)(i)(I), the conviction must be for a statutory offense that involves moral turpitude, which includes many serious crimes, such as kidnapping and murder, but does not include other crimes that may be reflected in the NCIC database.

visa.[21] In fiscal year 2004, of the more than 40,000 sets of fingerprints consular officers sent to the FBI for verification, about 29 percent were positive matches between the applicant and a criminal record in the Index. State officials we spoke with estimated that of those applicants who were positively identified, only about 10 percent were denied a visa based on the information provided by the FBI. Moreover, fingerprinted applicants are charged an additional $85 processing fee and, as of the spring of 2005, must wait an estimated 4 to 8 weeks for a response from Washington, D.C., before adjudication can proceed. According to FBI and State officials, the processing delays are due to inefficiencies in the way the prints are sent to the FBI for clearance (see fig. 4).

Figure 4: Fingerprint Requirements for Access to Detailed Information in FBI Files and Proposed Changes



Sources: GAO; Nova Development and Map Resources (clip art).

To facilitate more efficient fingerprint processing, State and the FBI are implementing an electronic fingerprint system whereby consular officers will scan the applicants' fingerprints at post and submit them directly into the FBI's database. FBI and State officials told us that posts would be notified if the record in question matched the

[21]This requirement is also consistent with the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14611 et seq.) (or Compact Act), which organizes an electronic information-sharing system among the federal government and states to exchange criminal history records, such as those contained in the Index, for noncriminal justice purposes. The Compact Act requires that consular officers, as noncriminal justice personnel, first submit the visa applicant's fingerprints, or other approved form of identification, for positive identification before the record can be released.

applicant within 24 hours. However, thousands of visa applicants could still face lengthier wait times and additional fingerprinting fees that they would otherwise not have incurred because consular officers lack enough information at the time of the interview to determine if the records in CLASS match the applicant.

The FBI and State have discussed several options to help ensure that consular officers can facilitate legitimate travel; however, each would require legislative changes and would entail associated trade-offs. These options include the following:

- Consular officials told us that access to additional information in a criminal history file, such as the charge and disposition of a case, would allow their officers to determine which crimes are serious enough to require a positive fingerprint match prior to adjudication. However, FBI officials noted that there are some technical limitations on extracting specific pieces of data from the criminal history records.

- To avoid some of the technical limitations associated with the Index, FBI officials stated that it would be easier to provide visa adjudicators access to the full criminal history records. However, these officials told us that assurances would need to be in place to prevent misuse of the information, given its sensitive nature. Indeed, State and the FBI have already negotiated a Memorandum of Understanding aimed at protecting the information passed from NCIC to CLASS. However, consular officials indicated that their officers may need access only to the criminal charge and disposition of the case to adjudicate a visa case more efficiently.

Recommendations

In our report issued today, we are recommending, among other things, that State and DHS, in consultation with appropriate agencies, clarify certain visa policies and procedures and facilitate their implementation, and ensure that consular sections have the necessary tools to enhance national security and promote legitimate travel, including effective human resources and training. In particular, we recommend that State develop a comprehensive plan to address vulnerabilities in consular staffing worldwide, including an analysis of staffing requirements and shortages, foreign language proficiency requirements, and fraud prevention needs, among other things—the plan should systematically determine priority positions that must be filled worldwide based on the relative strategic importance of posts and positions and realistic assumptions of available staff resources. We also suggest that Congress consider requiring State and the FBI to develop and report on a plan to provide visa adjudicators with more efficient access to certain information in the FBI's criminal history records to help facilitate the approval of legitimate travelers.

In commenting on a draft of our report, State noted that it is a fair and balanced evaluation of the improvements made to the visa process. State agreed with most of our conclusions, and indicated that it is taking action to implement the majority of our recommendations. However, State disagreed with our recommendation that it prepare a

comprehensive plan to address vulnerabilities in consular staffing. State argued that it already had such a plan. Based on our analysis, we continue to believe it is incumbent on the department to conduct a worldwide analysis to identify high-priority posts and positions, such as supervisory consular positions in posts with high-risk applicant pools or those with high workloads and long wait times for applicant interviews. As we note in our report, at the time of our work, the midlevel visa chief positions in Riyadh and Jeddah, Saudi Arabia, and Cairo, Egypt, were not filled with permanent midlevel officers. This was a serious deficiency given that the visa sections were staffed with officers on their first tour. Although State noted that it anticipated addressing this shortage of midlevel consular officers before 2013, it did not indicate when that gap would be filled. Moreover, State's bidding and assignment process does not guarantee that the positions of highest priority will always be filled with qualified officers. Therefore, a further assessment is needed to ensure that State has the right people in the right posts with the necessary skill levels.

Actions Needed to Strengthen Management of DHS's Visa Security Program

In September 2003, DHS assigned Visa Security Officers (VSO) to consular posts in Saudi Arabia and plans to assign staff to other posts to strengthen the visa process at these locations. As we addressed in our July 2005 report, according to State Department consular officers, the deputy chief of mission, and DHS officials, VSOs in Saudi Arabia enhance the security of the visa adjudication process at these consular posts, though several issues raise concerns about the VSOs' role and impact. VSOs in Saudi Arabia provide an additional law enforcement capability to the visa adjudication process and have access to and experience using important law enforcement information not readily available to consular officers. Moreover, VSOs' border security and immigration experience can assist consular officers during the visa process. The consular sections in Riyadh and Jeddah have incorporated the VSOs' review of all visa applications into the adjudication process in Saudi Arabia. In addition to reviewing applications, the VSOs may conduct secondary interviews with some visa applicants based either on findings from their application reviews or a consular officer's request. Despite the VSOs' positive effect on visa operations, however, several concerns exist about their role and overall impact.

- The requirement that VSOs review all visa applications in Saudi Arabia limits the amount of time they can spend on training and other valuable services. We observed that VSOs in Riyadh and Jeddah must spend a significant amount of time reviewing all visa applications, including those of low-risk applicants or individuals who do not pose a threat to national security, as well as those that have preliminarily been refused by consular officers. A Visa Security Program official noted that this mandate is only for visa security operations in Saudi Arabia and not other posts to which DHS plans to expand the program. VSOs, DHS and State officials, and the deputy chief of mission all agreed that the mandate to review all applications was forcing the VSOs to spend time on lower priority tasks, limiting their ability to perform other important activities, such as providing training or conducting additional secondary interviews of applicants.

- DHS has not maintained measurable data to fully demonstrate the impact of VSOs on the visa process. The VSOs that were stationed in Riyadh during our visit estimated that, based on their review of visa applications, they had recommended that visas be refused after the preliminary decision to issue a visa by consular officers in about 15 cases between October 2004 and February 2005. In addition, the DHS officials in Saudi Arabia and in Washington, D.C., were able to provide anecdotal examples of assistance provided to the consular officers. However, DHS has not developed a system to fully track the results of visa security activities in Saudi Arabia. For example, DHS could not provide data to demonstrate the number of cases for which they have recommended refusal.

DHS's Planned Expansion of Security Program Delayed

DHS plans to expand the Visa Security Program to five additional posts in fiscal year 2005; however, the assignments of VSOs were delayed at four of the five selected expansion posts. DHS attributed the delay to resistance by State, as well as funding problems; State and chiefs of mission attributed the delays to various outstanding questions about the program. Following DHS's initial request in June 2004 to assign 21 VSOs to five expansion posts, embassy officials raised questions and concerns, including regarding the criteria used by DHS to select expansion posts, the reasoning for the number of VSOs requested for the posts, and DHS's plans to coordinate with existing law enforcement and border security staff and programs at post. In 2004 and 2005, DHS provided responses, through State's Bureau of Consular Affairs, to the questions raised by the chiefs of mission at four of the expansion posts. According to DHS, the responses were sufficient to answer the concerns. We reviewed DHS's responses to the posts, and identified a number of issues that had not been fully addressed, such as what criteria DHS would use to demonstrate the effectiveness of its officers. Nonetheless, the chiefs of mission at three posts approved DHS's National Security Decision Directive 38[22] requests in March and June 2005, while, as of June 2005, one post had still not approved the request.

Although DHS plans to expand the Visa Security Program in fiscal year 2005 and beyond, it does not a have a strategic plan that defines mission priorities and long-term goals and identifies the outcomes expected at each post. We have identified the development of a strategic plan as an essential component of measuring progress and holding agencies accountable.[23] The development of an overall strategic plan for the Visa Security Program prior to the expansion of the program may have addressed the questions initially raised by State and embassy officials that led to the delay of the assignment of VSOs. Moreover, a strategic plan would provide a framework for DHS to address broader questions regarding the selection criteria for expansion, the roles and responsibilities of VSOs, and the cost of establishing the program at posts. Officials from DHS and State, as well as

[22]The National Security Decision Directive-38 process requires non-State agencies to seek approval of chiefs of missions on any proposed changes in the size, composition, or mandate of their staff.

[23]See GAO, *Executive Guide: Effectively Implementing the Government Performance and Results Act*, GAO/GGD-96-118 (Washington, D.C.: June 1996).

consular officials we contacted overseas, all agreed that the development of such a plan would be useful to guide visa security operations in Saudi Arabia and other posts. It would also be useful to inform the Congress, as well as State and other agencies who participate in the visa process at consular posts overseas.

Recommendations

In our July 2005 report, we recommended that DHS develop a strategic plan to guide the operations of the Visa Security Program in Saudi Arabia and the program's expansion to other embassies and consulates. This plan should define mission priorities and long-term goals and identify expected outcomes. In addition, the strategic plan and supporting documents should include the criteria used to select the locations for expansion, justification for the number of VSOs at each post, costs associated with assigning VSOs overseas, and their roles and responsibilities in relation to other agencies at post. In addition, we recommended that DHS develop and maintain comprehensive performance data that track the results and demonstrate impact of VSO activities. We also proposed that Congress consider amending current legislation, which requires the review of all visa applications in Saudi Arabia, to allow DHS the flexibility to determine which applications VSOs will review prior to final adjudication by consular officers. This would allow VSOs to focus on the applications of those who may pose a risk to national security, providing them time to perform other tasks that could benefit consular officers.

In commenting on our report, DHS stated that it was taking actions to implement performance measurements and a strategic plan for the Visa Security Program, as described in our recommendations. DHS indicated that it is expanding the tracking and measurement of performance data to better reflect program results, and is developing a strategic plan that will integrate the key elements described in our recommendation. Regarding the matter for congressional consideration to provide DHS with the flexibility to determine the review of visa applications in Saudi Arabia, DHS noted that a legislative change should maintain the department's authority and discretion in determining the scope of the VSOs' review. DHS agreed that it needed to expand some of the VSOs' activities in Saudi Arabia, such as providing additional training, which we found were not being provided because of the volume of work that resulted from fulfilling the legislative requirement.

Conclusions

The visa process presents a balance between facilitating legitimate travel and identifying those who might harm the United States. State, in coordination with other agencies, has made substantial improvements to the visa process to strengthen it as a national security tool. DHS has also taken steps to assign personnel to consular posts to provide an additional layer of security to the visa process in these locations. However, we identified areas where additional management actions are needed by State and DHS to further improve the efficiency and effectiveness of the visa process.

Mr. Chairman, this concludes my prepared statement. I will be happy to answer any questions you or Members of the Subcommittee may have.

Contact and Staff Acknowledgements

For questions regarding this testimony, please call Jess T. Ford (202) 512-4128 or fordj@gao.gov. Individuals making key contributions to this statement include John Brummet, Assistant Director, and Joseph Carney, Daniel Chen, Kathryn Hartsburg, and John F. Miller.

Appendix I: GAO Reports on the Border Security and Related Areas

Border Security: Strengthened Visa Process Would Benefit From Improvements in Staffing and Information Sharing. GAO-05-859. September 13, 2005.

Border Security: Actions Needed to Strengthen Management of Department of Homeland Security's Visa Security Program. GAO-05-801. July 29, 2005.

Border Security: Streamlined Visas Mantis Program Has Lowered Burden on Foreign Science Students and Scholars, but Further Refinements Needed. GAO-05-198. February 18, 2005.

Border Security: State Department Rollout of Biometric Visas on Schedule, but Guidance Is Lagging. GAO-04-1001. September 9, 2004.

Border Security: Additional Actions Needed to Eliminate Weaknesses in the Visa Revocation Process. GAO-04-795. July 13, 2004.

Visa Operations at U.S. Posts in Canada. GAO-04-708R. May 18, 2004.

Border Security: Improvements Needed to Reduce Time Taken to Adjudicate Visas for Science Students and Scholars. GAO-04-371. February 25, 2004.

State Department: Targets for Hiring, Filling Vacancies Overseas Being Met, but Gaps Remain in Hard-to-Learn Languages. GAO-04-139. November 19, 2003.

Border Security: New Policies and Procedures Are Needed to Fill Gaps in the Visa Revocation Process. GAO-03-798. June 18, 2003.

Border Security: Implications of Eliminating the Visa Waiver Program. GAO-03-38. November 22, 2002.

Technology Assessment: Using Biometrics for Border Security. GAO-03-174. November 15, 2002.

Border Security: Visa Process Should Be Strengthened as an Antiterrorism Tool. GAO-03-132NI. October 21, 2002.

State Department: Staffing Shortfalls and Ineffective Assignment System Compromise Diplomatic Readiness at Hardship Posts. GAO-02-626. June 18, 2002.

(320385)

September 13, 2005

GAO Highlights

Highlights of GAO-05-994T, a testimony before the Subcommittee on National Security, Emerging Threats, and International Relations, Committee on Government Reform, House of Representatives

BORDER SECURITY

Strengthened Visa Process Would Benefit from Additional Management Actions by State and DHS

Why GAO Did This Study

In adjudicating a visa application, Department of State (State) consular officers are on the front line of defense against those whose entry would likely be harmful to U.S. national interests. In October 2002, we identified shortcomings and made recommendations on the role of national security in the visa process. This testimony discusses our report issued today on actions taken since our 2002 report to strengthen the visa process, as well as areas that deserve additional management actions. It also discusses our July 2005 report on the status of the assignment of Department of Homeland Security (DHS) personnel to U.S. consular posts overseas.

What GAO Recommends

In our report issued today and our July report, we recommended further improvements to the visa process and the management of DHS's Visa Security Program. In addition, we recommended that Congress consider requiring State and the Federal Bureau of Investigation (FBI) to report on the options for and feasibility of providing visa adjudicators with more detailed information from the FBI's criminal history records, and to allow DHS personnel in Saudi Arabia the flexibility to determine the extent of their application reviews.

State and DHS agreed with most of our conclusions. Both agencies indicated that they were taking steps to implement the majority of our recommendations. State did not agree on the need for a comprehensive staffing plan.

www.gao.gov/cgi-bin/getrpt?GAO-05-994T.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Jess Ford at (202) 512-4128 or fordj@gao.gov.

What GAO Found

State and DHS have taken many steps to strengthen the visa process as an antiterrorism tool. Consular officers are receiving clear guidance on the importance of addressing national security concerns through the visa process, and State has established clear procedures on visa operations worldwide. State has also increased its hiring of consular officers and language proficient Foreign Service officers, and has enhanced training and fraud prevention efforts. Further, consular officers have access to more information from intelligence and law enforcement agencies. However, some areas require additional attention. For example, officers we spoke with said that guidance is needed on DHS staff's roles and responsibilities overseas. In addition, while State has hired more consular officers, it continues to experience shortages in supervisory staff. As of April 30, 2005, 26 percent of midlevel positions were either vacant or filled by entry-level staff. During our visits to three consular posts in Saudi Arabia and Egypt—all of which are of interest to U.S. antiterrorism efforts—the visa sections were staffed with first-tour officers and no permanent midlevel visa chiefs to provide direct oversight. Further improvements are also needed in training and fraud prevention, as well as information sharing with the FBI.

In September 2003, DHS assigned visa security personnel to consular posts in Saudi Arabia. According to DHS, State's consular officials, and the deputy chief of mission in Saudi Arabia, the DHS officers in Saudi Arabia strengthen visa security. However, DHS does not maintain comprehensive data on their activities and thus is unable to fully demonstrate the program's impact. Further, DHS has not developed a strategic plan for visa security operations in Saudi Arabia or for the planned future expansion of the program.

Improvements and Remaining Challenges to the Visa Process

Issue	Improvements	Issues requiring attention
Policy	Clarified policies on national security concerns	Guidance needed on DHS roles overseas, and *Foreign Affairs Manual* should be updated
Staffing	Increased hiring and focused recruitment	Shortages of midlevel and language proficient officers and unreliable data on wait times for applicant interviews
Training	Expanded consular training with an emphasis on counterterrorism	Courses needed on terrorism travel trends and fraud prevention, among others
Fraud Prevention	Increased fraud awareness	Standard criteria needed to identify high-fraud posts
Information sharing	More information available from other agencies for name checks	Additional information from FBI criminal history files would facilitate visa processing
DHS Visa Security Program	Stationing of officers in Saudi Arabia with plans for expansion	Comprehensive data and strategic plan needed

Source: GAO.

Mr. SHAYS. Ambassador.

STATEMENT OF AMBASSADOR JOHN E. LANGE

Mr. LANGE. Mr. Chairman, thank you for the opportunity to provide the Office of Inspector General's observations about the Department of State's progress since 2002 in strengthening the visa process as an antiterrorism tool. For the sake of brevity, Mr. Chairman, I will today present highlights from the full statement that I am submitting for the record.

Among OIG's body of work on this subject over the last 4 years, our December 2002 report on visa issuance policy and procedures continues to serve as a baseline to measure the Department of State's progress in strengthening nonimmigrant operations worldwide. That report identified four areas where the visa process needed strengthening, including improved executive oversight and supervisory leadership, increased consular section staffing, specialized national security training, and the need for adequate consular workstation facilities for implementing new visa process requirements.

We also have identified fraud prevention programs as a fifth key topic.

Overall, in our judgment, the Department of State has made extensive strides in strengthening the visa process since September 11th, a day that profoundly changed U.S. border security policy. Regarding executive oversight and supervisory leadership, recent OIG reviews indicate that the Bureau of Consular Affairs has made substantial improvements in standardizing visa policy and procedures. Since 2002, the Bureau has repeatedly reinforced the consular oversight responsibilities of chiefs of mission and has instituted a mandatory annual certification of consular management controls.

Our recent report on the visa referral process, dated March 2005, discussed dramatic improvement in the referral system that is now codified, more transparent, and more accountable than before, with Ambassadors and deputy chiefs of mission clearly responsible for a mission's referral system and its integrity.

On consular section staffing, this office in 2002 identified inadequate staffing levels of consular sections as the single most serious impediment to effective management of nonimmigrant visa processing worldwide. The Department of State now employs a staffing model, updated every 2 years, that measures the increased work loads for visa officer positions due to ongoing changes in visa processing requirements, including more personal interviews, more security clearances, and the new fingerprinting requirement.

Although some improvements have occurred, determining adequate staffing has been increasingly complex. OIG inspection observations would lead us to caution that a one-size-fits-all model does not suit the differences in the type of visa clientele and mix of processing requirements found in overseas posts. The Department has taken steps to mitigate the problem of assigning entry-level officers to consular sections in rotational positions that involve only 1 year of service in a consular section. And this is a matter that we continue to monitor in response to our recommendations from back in 2002.

Regarding national security training, the Department of State has made substantial strides in training consular officers and has addressed requirements spelled out in the Enhanced Border Security and Visa Reform Act. In our 2002 report, we recommended that the Department develop special analytical interview training to help identify visa applicants who are a potential threat to national security.

The Foreign Service Institute's basic consular course now includes added emphasis on visa security, including a half-day program on counterterrorism at the Central Intelligence Agency. Over 95 percent of respondents to our survey for a report on standards for refusing visa applicants reported that they had received training in analytical interviewing techniques. OIG has found that many consular sections are following the Department's information-sharing directive and arranging with other mission elements to provide current region-specific training on law enforcement, counterterrorism, and techniques for detecting possible terrorist or criminal connections.

As noted in our 2002 report, many posts had longstanding, inadequate consular work space and facilities. Over the past 3 years, many urgently needed renovations for consular spaces were completed, using funds from a special 3-year consular improvement initiative. OIG continues to identify consular sections with urgent work space needs and believes this type of flexible funding is necessary to respond to rapid changes in nonimmigrant visa trends.

In November 2004, OIG issued a report on visa and passport fraud prevention programs that lauded the Bureaus of Consular Affairs and Diplomatic Security for their joint initiative in creating 25 overseas investigative positions staffed by assistant regional security officers who have produced clear, positive results in detecting and deterring fraud and corruption. However, in spite of numerous communications to the field, some consular officers have stated that mission management and consular managers have not been effectively informed of the importance of antifraud efforts and their direct bearing on border security.

In summary, it is clear from our reviews that the Department has made substantial improvements to address gaps and vulnerabilities in the visa process over the last 4 years, but continued progress needs to be monitored closely.

Thank you, Mr. Chairman. I will be pleased to address your questions.

Mr. SHAYS. Thank you very much, Ambassador.

[The prepared statement of Mr. Lange follows:]

HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS,
AND INTERNATIONAL RELATIONS

TESTIMONY OF
JOHN E. LANGE
DEPUTY INSPECTOR GENERAL
U.S. DEPARTMENT OF STATE AND
BROADCASTING BOARD OF GOVERNORS

SEPTEMBER 13, 2005

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to provide the Office of Inspector General's (OIG) observations about the Department of State's progress since 2002 in strengthening the visa process as an antiterrorism tool. As you know, OIG has been following this issue and working with the Department in the aftermath of the September 11th attacks as the Department[1] transforms visa operations into a first line of defense against international terrorism.

OIG's observations are based on a body of work conducted since October 2001 that includes regular overseas inspections at 165 visa issuing posts, inspections of several components of the Bureau of Consular Affairs (including its three functional directorates of Passports, Visas, and Overseas Citizens Services), and several management reviews that were scoped to examine specific aspects of the visa process. Key among this body of work was OIG's December 2002 report entitled, *Review of Nonimmigrant Visa Issuance Policy and Procedures (ISP-I-03-26),* which identified areas for strengthening the visa process. Using that report as a baseline, all subsequent OIG work measured the Department's progress in strengthening nonimmigrant visa operations worldwide. My statement today highlights OIG's major findings and recommendations based on key reports on this subject and comments on the Department's progress in implementing those recommendations. Other Department measures are not addressed in my statement; that I will leave to the Bureau of Consular Affairs in describing its activities.

Background

OIG conducted a worldwide survey in October 2002 that targeted visa management issues to determine (1) the adequacy of visa policies for satisfying national security requirements, (2) procedures for waiving personal appearance interviews and the involvement of travel agencies in the process (where applicable), (3) the adequacy of training for consular officers and staff for focusing on national security when adjudicating visa applications, and (4) the adequacy of resources for meeting additional visa processing requirements. The survey was conducted as part of a review, which is

[1] OIG consular reviews have included the Bureaus of Consular Affairs, Diplomatic Security, Human Resources, and numerous embassies and consulates.

fully reported in *Review of Nonimmigrant Visa Issuance Policy and Procedures (ISP-I-03-26, December 2002).*

The report identified four areas where the visa process needed strengthening, including (1) improved executive oversight and supervisory leadership, (2) increased consular section staffing, (3) specialized national security training, and (4) the need for adequate consular workspace and facilities for implementing new visa process requirements. Fraud in travel documents is a systemic challenge for the Department in consular work. Therefore, OIG identified fraud prevention programs as a fifth key topic imperative for examining visa processing issues.

OIG continues to measure these aspects of the visa process, which form the basis for questionnaires that inspection teams use for all on-site inspections of consular sections at posts abroad. Overall, the Bureau of Consular Affairs has made extensive strides in strengthening the visa process since the horrific events of September 11th – a day that profoundly changed U.S. border security policy.

Executive Oversight and Supervisory Leadership

The December 2002 report identified inadequate oversight of consular officers' visa adjudications of nonimmigrant visas and the need for standard visa policies and procedures worldwide. (It should be noted that this review was conducted prior to the passage of the Homeland Security Act and establishment of the Department of Homeland Security.) At that time, consular policy was not clear about the need to prioritize national security concerns over other factors in managing visa operations in the post September 11th environment. However, more recent OIG reviews indicate that the Bureau of Consular Affairs has made substantial improvements for standardizing visa policy and procedures.

- Since 2002, the Bureau has repeatedly reinforced the consular oversight responsibilities for chiefs of mission by sending an annual cable from the Assistant Secretary for Consular Affairs. This practice provides a regular reminder to chiefs of mission of their responsibilities and reaffirms current visa policy and procedures. The Bureau of Consular Affairs and OIG also lecture every new ambassadorial training session regarding the importance of overseeing the consular function. The Bureau also instituted a mandatory annual certification of management controls.

- In response to an OIG recommendation, the Bureau of Consular Affairs reissues annually its visa referral policy and has instructed posts to do the same, sending a copy of the post referral policy to the Visa Office for review and filing. This also reminds chiefs of mission about establishing and implementing appropriate referral policy at posts. It also ensures that newly arriving officers are familiar with post policy and procedures and that the chiefs of mission take active roles in overseeing the process.

- OIG's *Nonimmigrant Visa Adjudication: the Visa Referral Process (ISP-CA-05-56)* report issued in March 2005, discussed the dramatic improvement in the referral system that is now codified, more transparent, and more accountable than before, with ambassadors and deputy chiefs of mission clearly responsible for a mission's referral system and its integrity. Further work is required in that consular officers need more training for appropriately dealing with referral requests.

- The March 2005 review was done at congressional request based on concern over whether undue influence was being exerted on consular officers while adjudicating visa referrals. However, the March 2005 report pointed out that 96 percent of the visa officers surveyed said that their post management supported their visa referral decisions.

Consular Section Staffing

In 2002, OIG identified inadequate staffing levels of consular sections as the single most serious impediment to effective management of nonimmigrant visa processing, worldwide. In fact, OIG noted that using entry-level staff via rotational assignments hindered the Department from appropriately addressing its consular staffing needs because newly experienced personnel were transferred to other duties after only a year on duty.

Although some improvements have occurred, determining adequate staffing has become increasingly complex due to ongoing changes in U.S. visa processing requirements. As a result, resolving recommendations in this area has proven to be challenging.

- OIG's 2002 report recommended that the Department take steps to develop a staffing model. The Department employs staffing models to measure its consular section staffing challenges, such as the extra workloads for visa officer positions, including the increased number of personal interviews, the increased need for security clearances on many categories of applicants, and the new fingerprinting requirement. Every two years, the Department updates the consular portion of the Overseas Staffing Model to account for workload changes. For example, in 2004, work rates were increased by 19 percent to take into account changes in visa processing.

  OIG inspection observations would lead us to caution that a "one size fits all" model does not suit the differences in the type of visa clientele and mix of processing requirements found in overseas posts. Moreover, American officers have acquired many processing responsibilities previously tasked to locally employed staff. As a part of routine inspections, OIG is advising that consular managers carefully analyze their workloads and give due consideration to the accuracy of their staffing needs.

- In 2002, OIG recommended that the Bureau of Human Resources discontinue in most cases the practice of assigning entry level officers to consular sections in rotational positions that involve only one year in a consular section and instead assign each entry level officer to a two-year tour. OIG found that consular section chiefs were almost universally opposed to one-year assignments because it turns them into perpetual training officers, or even worse forces them to use entry level officers to bear the burden of training new arrivals. OIG's 2002 work described the problem at Embassy Riyadh regarding entry-level staff handling consular responsibilities as a rotational assignment even though they lacked experience and had inadequate supervision and training. The conditions were inefficient for the post as well because vested time for training and orienting new consular officers lasted for only one year.

The Department has told OIG has it has agreed to factor into its human resource planning the effect of such rotational positions on consular operations, and it has taken steps to mitigate the problem. OIG continues to monitor the implementation of the Department's response to these recommendations.

National Security Training

The Department has made substantial strides in training consular officers to operate in the post September 11th environment and has addressed requirements spelled out in the Enhanced Border Security and Visa Reform Act.

- In the 2002 report, OIG recommended that the Department develop special analytical interview training using outside specialists to provide consular officers with interview techniques needed to help identify visa applicants, who are a potential threat to national security. Soon thereafter, the Department's Foreign Service Institute extended its Basic Consular Course to include added emphasis on visa security. As part of this new focus on national security, the expanded curriculum now also includes half-day programs on counterterrorism at the Central Intelligence Agency and at the Foreign Service Institute as well as the OIG-recommended course on interviewing techniques. OIG consular inspectors went so far as to take this expanded course and found that it materially improved training and addressed requirements spelled out in the Enhanced Border Security and Visa Reform Act.

  As part of a recent OIG review of nonimmigrant visa procedures *(Nonimmigrant Visa Adjudication: Standards for Refusing Applicants, ISP-CA-05-58, March 2005)* we surveyed 368 visa officers at posts worldwide. Over 95 percent reported they had received training at the Foreign Service Institute or at post in analytical interviewing techniques.

- In cabled instructions, in Foreign Service Institute courses, and soon in the completely revised Consular Management Handbook, as well as updates to the Foreign Affairs Manual, the Bureau of Consular Affairs is also directing posts to

exchange information regularly with relevant agencies in the mission and to use them in briefing newly arrived officers. OIG found many posts were following this directive and arranging with other mission elements to provide current, region-specific training on law enforcement, counterterrorism and techniques for detecting possible terrorist or criminal connections. OIG considers this type of training a significant break from practices followed before the events of September 11th.

- Another important improvement in visa officer training has been a clarification of the interpretation of section 214(b) of the Immigration and Nationality Act, which goes beyond a finding of ineligibility only for intending immigration. OIG has recommended that training modules be developed at the Foreign Service Institute to ensure complete adherence to consistent interpretation. FSI's consular training division has begun providing all consular training students laminated reference cards containing the text of sections 101(a) (15)(b), 214(b), and 291 of the Immigration and Nationality Act for quick reference.

  According to OIG survey results obtained in the above-mentioned March 2005 report, 75 percent of consular section chiefs confirmed that they are instructing interviewing officers to use section 214(b) in this manner even when applicants can demonstrate they have no intention to immigrate to the United States.

- The 2002 report specifically recommended that the Department (1) require language training for consular positions and that all consular officers be able to communicate at the basic level; (2) implement plans to adapt language training to serve better the needs of consular officers, including interviewing techniques; and (3) assign officers with appropriate Middle East languages and area knowledge to major visa processing posts in that region and certain other posts.

  In March 2004, the first entry-level officers hired by the Department under the Critical Needs Language program began training. In December 2004, the Bureau of Human Resources reported to the OIG there was an 18 percent increase in Language Designated Positions and, as a result of this hiring program, over 50 percent of new officers had language proficiency upon their entry on duty. These numbers, OIG is informed, are holding at about the same level for new entrants in 2005.

Consular Workspace and Facilities

As noted in the 2002 report, many consular sections have had longstanding, inadequate workspace. The Department has created ways to be responsive. Over the past three years, many urgently needed planned renovations for consular spaces worldwide were completed using funds from a special three-year initiative that will end in fiscal year 2005. Via the Consular Improvement Initiative, some Bureau of Overseas Building Operations funds were earmarked for consular renovation projects aimed at enlarging consular waiting rooms and visa sections for handling the increased in-person visa

applicant workloads and meet other new post September 11th workspace demands for visa processing.

OIG inspections of key visa posts such as embassies Seoul (2003), Cairo (2004), and Islamabad (2005) have noted that these renovations play an important part in easing the heavy burdens but noted that more needs to be done. OIG continues to identify consular sections with urgent workspace needs and reports them to the Bureaus of Consular Affairs and Overseas Building Operations. Therefore, the Consular Improvement Initiative will need to be funded beyond this fiscal year in order to continue strengthening the urgent security needs of the nonimmigrant visa program. This type of flexible funding is necessary for responding to rapid changes in nonimmigrant visa trends that the Bureau of Overseas Building Operations more long-term budget process cannot handle.

Fraud Prevention Programs

Fraud in travel documents is a long-standing challenge to effectively securing our nation's borders and, hence, is, relevant to OIG's monitoring of the visa process. OIG has studied the issue of fraud prevention particularly in the aftermath of September 11th and issued a report in November 2004, entitled, *Management Review of Visa and Passport Fraud Prevention Programs, ISP-CA-05-52*, after conducting an extensive evaluation of the joint fraud prevention programs of the Bureaus of Consular Affairs and Diplomatic Security.

Those two bureaus were lauded for their joint initiative in creating 25 overseas investigative positions, staffed by Assistant Regional Security Officer Investigators (ARSO/Is), who produced clear, positive results in detecting and deterring fraud and corruption in both visa and passport functions. The Bureau of Consular Affairs has also acknowledged the importance of fraud prevention with new initiatives such as an excellent fraud prevention web site and an e-room to serve as a forum for exchanging intelligence and ideas concerning fraud prevention. In spite of numerous communications to the field, however, some consular officers stated that mission management and consular managers have not been effectively informed of the importance of antifraud efforts and their direct bearing on border security.

The conclusions contained in that review clearly highlighted the importance of fraud prevention for meeting the nation's new security needs. During recent inspections, OIG reviewed some of the major changes and innovations that the Bureau of Consular Affairs has made toward reshaping the visa and passport processes to meet post-September 11, 2001, security requirements.

Conclusion

It is clear from our inspections and reviews that the Department has made substantial improvements to consular operations that have strengthened the nonimmigrant visa process since September 11th. OIG remains concerned, however, that personnel resources devoted to this process still need to be commensurately enhanced.

OIG is impressed with the progress made by the Bureau of Diplomatic Security in establishing effective fraud prevention operations at 25 consular posts. We will continue to monitor the Bureau of Consular Affairs' compliance with recommendations to restructure and retool its Office of Fraud Prevention Programs.

Thank you and I am pleased to address your questions.

Mr. SHAYS. Mr. Edson.

STATEMENT OF TONY EDSON

Mr. EDSON. Mr. Chairman, thank you for the opportunity to discuss today's GAO report and the steps the Department of State has taken to strengthen the visa process.

Mr. SHAYS. Your mic is on, I think. Just tap, just so I know.

Yes, it's on. We have one mic that's a little softer than the rest.

Mr. EDSON. Thank you for having me here.

The research and recommendations the GAO makes are vital to the Department's work as we move with the Department of Homeland Security toward our common goal of national security and secured prosperity. We know the goal posts are never stationary. There are always additional steps that we will take, can take, to improve visa security.

The Department has made significant and rapid changes to the visa process since September 11th in an effort to push out our border security beyond the United States. As the report notes, today's consular officers understand that national security is job one, while they work to facilitate legitimate travel. In order to support that work, the Department has incorporated some 8.9 million records from the FBI National Crime Information Center into the consular lookout and support system name-check data base, doubling the records on file.

We have implemented new regulations requiring near-universal personal interviews, rolled out the new tamper-resistant Lincoln nonimmigrant visa foil and completed worldwide deployment of biometric software and facial recognition screening, and the list of improvements goes on.

As the GAO recognized, the Department has taken numerous steps to enhance consular training. For example, we have quadrupled the number of offerings of FSI's special course on fraud prevention for managers, allowing over 130 consular personnel to complete the course in fiscal year 2005. The content of the course has also been revised to incorporate additional material on counterterrorism and a briefing from the National Targeting Center.

We agree with the GAO that we must expand this training further and have already begun to do so, developing a course specifically on countering terrorist travel. Moreover, because terrorist travel trends are inherently changeable and often country specific, we believe that additional instructions should center on ways to access current intelligence data. Therefore, as part of the basic consular course, all new consular officers are trained to effectively access relevant information from the Department and other USG agency sources on the SIPRNet classified Internet.

The GAO's report cites the need for greater and more targeted language training, FSI or the Foreign Service Institute, has already developed consular-specific modules for most of the languages it teaches and has also expanded upon our post language programs.

In light of the security concerns raised in this report, the Department will give careful consideration to extending the current time

limitation on language training for entry-level officers assigned to critical threat countries.

The report also recommends that State develop a comprehensive worldwide staffing plan. We believe we have such a plan, and it's being revised on an ongoing basis.

We would be happy to brief the subcommittee in more detail on human resource planning activities, at your convenience. For now, allow me to note that the Department periodically reviews all consular staffing needs to ensure that workload needs are met around the world.

Based on these work load reviews, which also take into account priorities such as assistance to American citizens, the Department has established over 400 new consular positions since fiscal year 2002. Our increased level of hiring in fiscal years 2002 to 2004 has since produced our largest tenured class to date. These 152 newly tenured generalists included approximately 70 consular officers now eligible to compete for midlevel jobs and to help address the midlevel gap frequently cited in the GAO report.

An important component of interagency information sharing is access to complete information. This is especially true on the visa interviewing line where such information is directly relevant to fighting terrorism.

As I mentioned previously, in early 2002 and in response to the Patriot Act, we worked closely with the FBI to transfer names from FBI data bases into the class system culminating in an on-line linkage of those two data bases. Since then, thousands of ineligible visa applicants have been denied visas who otherwise might have received visas had their names not been transferred to our lookout system.

However, the GAO report emphasizes that consular officers need some additional information from FBI data bases in order to increase their operational efficiency and enhance national security. We in DHS have had fruitful discussions with FBI on this matter and look forward to a solution that meets our needs.

Mr. Chairman, thank you for your attention. At this time, I'm available to answer any questions.

Mr. SHAYS. Thank you very much, Mr. Edson.

[The prepared statement of Mr. Edson follows:]

U.S. House Committee on Government Reform
Subcommittee on National Security, Emerging Threats, and International Relations

Testimony of

Deputy Assistant Secretary for Visa Services
Tony Edson

September 13, 2005

Chairman Shays, Ranking Member Kucinich, distinguished members of the Committee:

Thank you for this opportunity to discuss the steps the Department of State has taken to strengthen the visa process. I am pleased that the Government Accountability Office recognized this progress in its report "Strengthened Visa Process Would Benefit from Improvements in Staffing and Information Sharing." We have worked hard to implement many of the GAO recommendations from its 2002 report "Visa Process Should Be Strengthened as an Antiterrorism Tool." As the current report notes, consular officers understand that national security is "Job 1" while they work to facilitate legitimate travel. In a parallel effort, the Department has increased officer staffing, specifically targeting language proficient candidates, restructured consular training with a counter-terrorism and interviewing focus, and increased resources to combat visa fraud. The research and recommendations Jess Ford and his GAO colleagues have made are vital to our work; I would therefore also like to thank them for their assistance, as the Department, together with the Department of Homeland Security (DHS), moves forward towards our common goal of national security and secured prosperity. We know that the goalposts are never stationary, and there are always additional steps that can be taken to improve visa security. I look forward to commenting on the GAO's advice in that regard today.

The Department, working with DHS, has made significant and rapid changes to the visa process and entry screening requirements since September 11, 2001, in an effort to "push out" our border security beyond the United States to the maximum extent possible, while at the same time facilitating legitimate travel. Some of our most significant steps include incorporating approximately 8.9 million records from the FBI's National Crime Information Center (NCIC) into our Consular

Lookout and Support System (CLASS) namecheck database. This has more than doubled the records on file since June 2002. By August 2003, State implemented new regulations requiring near universal personal interviews, even before the legislative requirement was in place. In September 2003, we completed deployment of the new, tamper-resistant Lincoln nonimmigrant visa foil. In October 2004, we completed the worldwide deployment of biometric software and required facial recognition screening of all visa applicants not subject to the biometric fingerprinting requirement.

We have attached in Exhibit 1 a summary of these and some of our other significant improvements to the visa process since 9/11, which also include our ongoing participation in interagency efforts to implement the provisions of the USA PATRIOT Act, the Enhanced Border Security and Visa Entry Reform Act, the Homeland Security Act, and the National Security Entry Exit Registration System (NSEERS).

As the GAO report recognized, the Department, through the Foreign Service Institute (FSI), has taken steps to enhance consular training, including several additions to, and the lengthening of, the Basic Consular Course. The number of offerings of FSI's special course on Fraud Prevention for Managers has quadrupled this year. 139 consular personnel have completed this course thus far in FY-2005. The content of the course has also been revised to incorporate additional material on counterterrorism and a briefing from the National Targeting Center. We agree with the GAO that we must now expand this training to include terrorist travel trends, post-specific counterterrorism techniques, and fraud prevention, either at the Foreign Service Institute (FSI) or at overseas posts. As noted in the report, we are already taking such steps including, developing FSI distance-learning courses on fraud prevention, one of which focuses specifically on countering terrorist travel.

Furthermore, because terrorist travel trends are inherently changeable and often post-specific, the Department believes that additional training should center on ways to access current intelligence data. The draft report refers to a web site recently developed by the Bureau of Consular Affairs on the Department's classified network, part of the government-wide SIPRnet classified network. FSI has developed a special training module called "SIPRnet for Consular Officers," taught by expert trainers from FSI's School of Applied Information Technology. The course features hands-on practice at a classified computer terminal in order to teach consular officers effectively to access relevant information from that web site and from other USG agency sources. All new consular officers must receive this

training as part of the Basic Consular Course, and it has also been incorporated into the course on Fraud Prevention for Managers and the Advanced Consular Course. To date, 335 consular officers have completed this training.

The GAO cites the need for both greater amounts and more targeted language training for consular officers. FSI's language and consular training sections, along with personnel at posts, have developed consular-specific modules for most of the languages. We have also expanded upon the post language programs described in the report through additional programs at posts funded directly by FSI. However, for entry-level officers, the overall limitation on the amount of time they may be in training status before their initial assignments limits the Department's capacity to bring them to high levels of proficiency in the more difficult languages. In light of the security concerns raised in this report, the Department will give careful consideration to extending that time limitation for entry-level officers assigned to critical threat countries.

Another focus of the report is staffing of visa sections. The GAO recommends that State develop a comprehensive plan to address vulnerabilities in consular visa officer staffing worldwide. However, I believe a comprehensive worldwide staffing plan already exists and is being revised on an on-going basis. We would be pleased to report to Congress at any time on these efforts, as also recommended by the GAO. For now, allow me to note that the Department periodically reviews all consular staffing needs to ensure that workload needs are met around the world, including updating the consular portion of the Department's Overseas Staffing Model (OSM) to account for workload changes every two years. For example, changes to visa processing rules in 2004 resulted in a workload increase of nineteen percent. Based on these workload reviews, which also take into account other priority needs such as American citizen services and adoptions, the Department established over 400 new consular positions between FY-2002 and FY-2005.

The GAO also frequently cites the shortage of mid-level Foreign Service officers, particularly at the FS-03 level, and the 2003 analysis that such mid-level gap would not be closed until approximately 2013. Our increased level of hiring in fiscal years 2002-2004 has now produced the largest tenure class ever with 152 generalists recommended for tenure, including approximately 70 consular cone generalists. These Foreign Service officers are immediately eligible to compete for mid-level FS-03 jobs, though they would continue until promotion to appear in personnel data as the FS-O4 entry-level officers cited in this report.

As a final point, the Department appreciates that "priority positions must be filled worldwide based on the relative strategic importance of posts and positions." Baghdad is clearly such a post, for example, and it is treated as a priority. However, every visa-issuing post is "strategic" in that a visa, regardless of where issued, grants the holder permission to travel to the United States. Therefore, every visa application must and does receive the same scrutiny, regardless of at which post the application is presented, and every visa-adjudicating officer is already serving a strategic function.

With respect to the GAO's recommendation that we ensure that interview wait times data are kept up-to-date, we wholeheartedly agree. The implementation of the numerous post 9/11 changes to the visa process has resulted in significantly increasing the complexity of the visa adjudication process and therefore also increasing the average time necessary to adjudicate a visa. One of those changes, the requirement of near universal personal interviews, necessitated instituting appointment systems at our posts, in order to arrange for interviews in a rational manner. We are acutely aware that the more complex processing requirements, combined with the personal interview requirements, have increased interview appointment wait times at some posts. CA also views the interview wait times as a management tool; that is, if a post has a consistently long interview wait time of thirty days or more, we look at the post more closely to see if this may indicate a resource or other management problem. For this reason, we require posts to update their wait times weekly, both on their post's website for the public's use and in our in-house database for our use. Since receiving the GAO's draft report, we have already taken steps to implement the GAO's recommendation by sending a cable to all posts stressing the importance of compliance with the weekly update procedure. In addition, we have reviewed the data being posted and have contacted delinquent posts directly to instruct them to update their wait time information. We will continue to monitor this closely.

The draft report also cites the need for post-specific training. As the report notes, some posts have developed more extensive programs than have others. FSI offered guidance on how to implement on-the-job training during three recent Consular Leadership Development Conferences attended by consular officers from seventy posts in Latin America, Europe, Africa, and the Middle East. FSI is currently developing detailed guidance for consular sections worldwide on how to implement on-the-job training for consular personnel, to include security-related material specific to each post on impeding terrorist travel. The Department will also send instructions to chiefs-of-missions reminding them of the importance of the visa function as an antiterrorism tool and instructing them to ensure that all

members of their mission, regardless of agency, are responsible for keeping consular officers informed of terrorist trends or travel patterns affecting their host country.

We are also working to encourage interactions between consular sections, law enforcement officials and other security officials at post to increase information-sharing with consular officers on terrorism issues relevant to the visa process, including regional or post-specific terrorism trends. We are in the process of verifying that consular chiefs and deputies abroad have the appropriate clearances to access and receive relevant intelligence from other agencies, and have staffed the Department's Bureau of Intelligence and Research with a consular officer specifically responsible for pushing pertinent intelligence and law enforcement assessments to the appropriate consular sections overseas via the classified communications system in other appropriate ways.

Nevertheless, I note that an important component of interagency information sharing is access to complete information, especially on the visa interviewing line where it is most directly relevant to fighting terrorism in the visa adjudication process. As I mentioned earlier, in early 2002 and in response to the PATRIOT Act, we worked closely with the FBI to transfer names from FBI databases into the CLASS system. This major systems integration effort began with the stop-gap measure of transferring names on magnetic tapes, but through the diligent efforts of our technical staffs it has culminated in an on-line linkage of our systems by which our CLASS system is updated daily from the FBI databases. Through this undertaking we are now able to screen all visa applicants against over eight million names in CLASS that originated in FBI databases. The end result is that thousands of ineligible visa applicants have been denied visas who otherwise might have received visas had their names not been transferred to CLASS from the FBI. Everyone involved in this effort, in particular the Congress, which made it possible through the PATRIOT Act, may be proud of how it has strengthened the enforcement of our immigration laws. However, the GAO report emphasizes that consular officers need some additional information from FBI databases in order to increase their operational efficiency and enhance national security. As an interim measure, the FBI has been providing extracts that are used by consular officers to screen visa applicants. These extracts are accessed via name-based searches. For both technical and policy reasons, these extracts do not fully meet the needs of visa officers. We have had fruitful discussions with the FBI on this matter and look forward to a solution that meets our needs.

Finally, we agree that the Department should strive to update the Foreign Affairs Manual (FAM) on a regular basis to incorporate all changes in visa policies and procedures, and we are doing so on a continuous bases. As the GAO observed, since their 2002 report, we have established voluminous and frequent new and clearer procedures on visa operations worldwide, as well as management controls, to ensure that visas are adjudicated in a consistent manner at each post. Because guidance changes so rapidly and because we are developing so many new procedures as our work and technology evolves, it is often necessary to issue guidance as "Standard Operating Procedures," or SOP, cables and wait until a new program has stabilized before we include the material in the FAM. All SOPs are available on the CA Bureau's intranet site, which is accessible by all officers worldwide. We are currently overhauling the SOP list to make it more useful, by categorizing SOPs by subject matter and, for SOPs that have been incorporated into the FAM, listing the relevant sections of the FAM that incorporate the material. In addition, we now include updated FAM notes in all cables that deal with FAM-related material, and we make every effort to post these in the FAM as quickly as possible after the cable is sent.

However, updating the FAM is rather like painting an aircraft carrier; one can never say the job is done. We literally make changes every day, so it will never be possible to say that the FAM is completely up-to-date. We agree with the GAO's recommendation and will continue to make every effort to update and modernize the FAM as quickly as possible.

Mr. Chairman, thank you for your attention. I am always happy to explain to you and the Committee the Department of State's concentrated efforts to improve our visa procedures and security. The GAO is an intrinsic part of this process, and we appreciate their hard work on the Department's behalf. We look forward to continued close cooperation with the GAO, DHS, and Congress as we look for further ways to improve the efficiency, the integrity and the security of the visa program. At this time, I am available to answer any questions that you and the Committee may have about the Department's steps to strengthen visa security or other aspects of the visa process that I have discussed.

Mr. SHAYS. Ms. Dezenski.

STATEMENT OF ELAINE DEZENSKI

Ms. DEZENSKI. Good morning, Mr. Chairman. Thank you for the opportunity to appear before you this morning.

I think, as we're all aware, developing and implementing effective visa policy is complex and very difficult work, and it is so because we strive to achieve a balance so that the visa system cannot be exploited by those who wish us harm, while it also provides, or should provide, an open and inviting system that encourages and facilitates legitimate visitors to the United States.

DHS oversight of the visa issuance process is the first component of a layered security approach. We realize that this process must continually be reviewed, refined, and improved; and we appreciate the work of our partners at the State Department and the work that both GAO and our own OIG have done to help us make our programs as effective as possible.

Meeting our legislative mandate under section 428 of the Homeland Security Act requires us to focus on several critical areas involving visa policy oversight. This morning, I'd like to talk about three of those areas: first, our visa security officer presence and effectiveness; second, training for consular officers; and finally, ensuring that the visa issuance process supports our Secure Borders, Open Doors vision.

The deployment of VSOs, or visa security officers, to high-threat areas of the world is top priority. In support of congressional mandates, the Department has established two visa security operations in Saudi Arabia, which have made the visa issuance process in that country more secure. In the first 9 months of this fiscal year, VSOs reviewed 24,000 visa applications is Saudi Arabia. This additional scrutiny has prevented ineligible applicants from receiving visas, helped to identify new threats and fraud trends, generated new watch list entries and led to the initiation of domestic investigations. Per GAO recommendation, we are currently creating a data base to establish a baseline of these types of VSO contributions that will help better quantify our success and our performance measures.

Even as we are reviewing 100 percent of visa applications, we have not seen a negative impact on visa processing times. In fact, for the time period covering 2003 to 2004, State reported an improvement in processing times at these locations.

VSOs have also instituted a prescreening process that allows consular officers and VSOs to more effectively focus applicant interviews on areas of interest and concern.

Finally, VSOs work closely with consular officers during the adjudication process to closely scrutinize applications, clarify immigration law, review suspect documents, and to clarify or interpret derogatory information the consular officer may encounter from a data base check. Our VSOs come into the job with an average of 15 years of law enforcement and related experience, and that can be very beneficial to consular officers who may be relatively new to their duties.

GAO's most recent report on visa security process identifies the need to put the right people in the right place with the right skills.

We fully endorse this assessment. We are confident that the Department's plans for expansion of the VSO program addresses the critical human resource needs identified in the report.

In order to facilitate deployment of VSOs to new consulates, both DHS and State will need to increase efforts to educate the embassies on the role of VSOs at the post. We concur with GAO's recommendation that the Department develop additional guidance on the relationship between DHS and State in the visa process and this effort has already begun. We are moving ahead with the deployment of VSOs to five additional high-threat locations beginning next month.

We appreciate State Department's support of these efforts. GAO also made specific recommendations to further integrate and share law enforcement information. While most of the reports' recommendations refer to the need for data base improvements, the VSOs themselves are an important link in the information-sharing process. Automated systems cannot substitute for human law enforcement expertise.

By expanding the Department's presence in consulates, we can facilitate the consular officer's access to information and law enforcement analysis critical to their adjudication process. For example, in Saudi Arabia, the VSOs provide up-to-date information on newly identified document vulnerabilities directly to consular officers, such as the types of counterfeit documents that have recently been seized at U.S. ports of entry.

Now I'd like to talk a little bit about training. DHS has a statutory obligation to provide training to improve the security of the visa process. This is a critical function that is important not only for the consular officers already at post, but also during the basic consular training taking place stateside. VSOs conduct training sessions for consular officers on topics ranging from port of entry procedures, admissibility, fingerprinting, fraudulent document detection, interview techniques and immigration and national security law.

We have also reviewed the basic consular officer training at the Foreign Service Institute, and we are working with State to identify and develop additional homeland security modules. VSO officials conduct classes on the visa security program during consular officer basic training, and we have participated in two Department of State regional conferences and have participated with State in their consular management assistance team visits to various posts. We believe that the positive training environment developed at the two consulates in Saudi Arabia will be a model for VSOs deployed to new posts.

Training is but one area where we feel VSOs can offer a significant value add. In fact, by allowing for some flexibility in terms of how we review applications and at what volume we review, as suggested by GAO, our VSOs could spend additional time on training and other value-added oversight capabilities.

Finally, DHS and State have made a tremendous effort to combat the perception that security measures implemented to strengthen the visa process have made it too difficult for legitimate travelers to come to the United States. We've talked extensively with business organizations, educational institutions and the scientific

community, and one of the issues consistently raised by these groups was the lengthy timeframe for visa processing, often due to the need for additional security checks on certain travelers. Based on this feedback, we have worked with our interagency counterparts to identify areas of the visa issuance process, such as the security advisory opinion [SAO] process, where we can implement more efficient and effective procedures.

One example of the type of efficiencies we have identified is the validity of certain SAO clearances where we have extended the validity period for students, certain types of temporary workers and certain types of business visas. This change is a significant improvement of the previous requirement of a new SAO clearance for each individual trip.

In making this change, DHS and State carefully reviewed the existing process and set strict limitations on when the extended clearances apply. In this instance, we were able to fine-tune the process to better facilitate travel while maintaining security. We continue to work with State to identify other areas where we can achieve similar results.

Visa security is an integral part of the overall border management system. It impacts the security of our citizens, our visitors, affects billions of dollars in trade and travel, and helps define relations with our international partners. We simply can't afford to get it wrong.

I want to thank the subcommittee for the support, and I look forward to working in partnership with the State Department and members of the committee on this complex and critical homeland security task. Thank you.

[The prepared statement of Ms. Dezenski follows:]

TESTIMONY OF

ELAINE K. DEZENSKI

ACTING ASSISTANT SECRETARY FOR BORDER AND TRANSPORTATION SECURITY POLICY AND PLANNING

DEPARTMENT OF HOMELAND SECURITY

BEFORE THE HOUSE COMMITTEE ON GOVERNMENT REFORM

SUBCOMMITTEE ON NATIONAL SECURITY,

EMERGING THREATS, AND INTERNATIONAL RELATIONS

September 13, 2005

INTRODUCTION

Good morning, Chairman Shays, Ranking Member Kucinich and Members of the sub-Committee. Thank you for the opportunity to discuss the Department of Homeland Security's (DHS) progress in preventing terrorist exploitation of international travel, focusing on the visa issuance process.

Denying terrorists access to the United States is a top priority for DHS and the visa-issuance process has been a central focus of this effort. A number of reports, including the 9/11 Commission Report, the General Accounting Office July 2002 Report on Border Security, as well as the substantial debates in Congress leading to the passage of the Homeland Security Act in 2002 and the Intelligence Reform and Terrorism Prevention Act in 2004 have confirmed the need to target terrorist travel as an important tool to protect the United States.

In addressing the threat of international terrorist travel, DHS considers U.S. visa issuance policy one part of the larger spectrum of programs designed to secure travel as well as ensure the integrity of the U.S. entry and exit system and, by extension, the immigration system. Improving the security and the integrity of the visa issuance process is the first step in a layered solution that does not end until a foreign visitor departs the United States. With this approach in

mind, DHS has been working with the Departments of State (DOS) and Justice (DOJ) to address the security interests at stake in the visa issuance process, and where necessary, to implement appropriate changes to visa policy and the visa issuance procedures.

Section 428 of the Homeland Security Act (HSA) of 2002 assigns the DHS very specific visa security functions. The Act authorizes:

- DHS to assign officers to each diplomatic and consular post at which visas are issued, unless the Secretary determines that such an assignment at a particular post would not promote homeland security [Section 428(e)(1)];
- DHS officers conduct specific functions at those posts [Section 428(e)(2)] such as:
    - provide expert advice and training to consular officers regarding specific security threats relating to the adjudication of visa applications;
    - review visa applications, including review of all visa applications in Saudi Arabia [Section 428(i)];
    - conduct investigations with respect to consular matters under the jurisdiction of the Secretary; and
    - participate in the terrorist lookout committee operating at post; and
- DHS to develop performance standards for evaluating consular officers in consultation with the Secretary of State.

Finally, the Act exclusively vests the Secretary of Homeland Security "with all authorities to issue regulations with respect to, administer, and enforce the provisions of the [INA], and of all other immigration and nationality laws, relating to the functions of consular officers of the

United States in connection with the granting or refusal of visas…." These authorities relating to visa issuance are to be exercised through the Secretary of State, according to the Act. To this end, they are exercised in accordance with a Memorandum of Understanding (MOU) between the DOS and DHS that was concluded on September 29, 2003.

DHS Accomplishments

DHS works with DOS and DOJ to ensure security measures are in place both in the visa issuance process and, more broadly, to combat terrorism and illegal immigration while facilitating travel for legitimate individuals. Our shared goal is a system that uses the best and most complete information available to authenticate traveler documents and identity, regularly vet travelers against intelligence and other terrorist information and identify individuals who may present a terrorism risk using the capabilities of an experienced cadre of officers in both Departments. This approach is central to everything we do regardless of whether an individual travels with or without a visa.

DHS has made significant progress toward this goal through the (1) establishment of the Visa Security Unit in summer 2003 to implement Section 428 of the Homeland Security Act; (2) implementation of the US-VISIT program to screen travelers entering and exiting the United States; (3) improved information sharing within the U.S. Government and with foreign allies; (4) establishment of the National Targeting Center (NTC) to vet traveler data against information on known and suspected terrorists; (5) strengthening the security of the Visa Waiver Program; and (6) improved access to traveler data.

DHS recognizes that facilitating legitimate travel by prospective students, scientists, tourists, or business partners to visit the United States is crucial. If that travel is disrupted, either because travelers are mistakenly rejected for a visa, or because they believe that travel to the United

States is too inconvenient, we will experience a negative effect on our economy. In addition, the ability of legitimate foreign visitors to come to our country is critical to spreading our democratic ideals, furthering scientific development, and promoting the image of America overseas.

In recent months, DHS and DOS have made a tremendous effort to combat the perception that security measures implemented to strengthen the visa process have made it too difficult for legitimate travelers to come to the United States. We have examined how we can facilitate travel while ensuring safety to our nation and we are making progress.

Visa Policy

Under the HSA and the DHS-DOS Visa MOU, subject to certain exceptions, DHS has responsibility for visa policy and has final authority over DOS-initiated visa guidance. Under this authority, DHS is conducting a comprehensive review of the existing immigration laws, regulations, and policies to ensure that our immigration goals, policies, and laws are properly aligned in relation to visa issuance and policy. We are calling on staff from US-VISIT, Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and Immigration and Customs Enforcement (ICE) to bring their best people and thoughts to the table to aggressively review these issues. Continuing this process over coming months will remain a priority for DHS.

We have worked closely with State on a variety of issues related to visa issuance. Together, we have met with many business organizations, educational institutions, and the scientific community and heard their concerns about the need for visa process streamlining.

As a result of these exchanges, DHS and DOS have worked together to identify and implement solutions to improve security and facilitation. Specifically, we have examined the issues of visa

reciprocity and visa validity periods and we have made adjustments where necessary and possible without jeopardizing security. We have also extended the validity periods of certain Security Advisory Opinions (SAOs) clearances for students, certain temporary workers, and business visas. Academic students may receive such a clearance valid for the length of the approved academic program up to four years and business visitors for up to one year provided the purpose of the travel has not changed. This is a significant improvement over the previous policy of obtaining a new clearance for each trip. In making the change, DHS and DOS carefully reviewed the existing process and set strict limitations on when the extended clearances apply. In addition, since the validity of the SAO clearance does not change the visa validity period, at the time of a subsequent visa application within the SAO validity period, the consular officer may still initiate a new request, on an individual basis, if he feels the circumstances warrant it.

DHS and DOS have also worked closely together to strengthen the security requirements under the Visa Waiver Program (VWP). This past June, we clarified the biometric passport requirements applicable to the program. DHS and DOS are currently working with our international partners in the VWP to ensure that the deadline of October 26, 2005 for having integrated digital photographs is met. In addition, we announced new policy stating that all VWP applicants must have an electronic passport (e-passport) after October 26, 2006, and we are working with our international partners on that initiative as well.

Visa Security Unit (VSU)

DHS implements Section 428(e) of the HSA through the VSU, which is currently running visa security operations at two posts in Saudi Arabia. Visa Security Officers (VSOs) at these posts review all visa applications. The VSOs reviewed 24,000 in the first nine months of FY 2005.

The VSU has also instituted a "pre-screen" process that allows consular officers and VSOs to focus applicant interviews more effectively. VSOs also closely monitors intelligence reports and coordinate with their colleagues across DHS to identify information relevant to the consular, law enforcement, and intelligence communities at post. The VSOs coordinate with the CBP to obtain information about the types of mala fide applicants that are being identified and about individuals denied admission at the ports. The VSOs then share this information with other key U.S. Government personnel at post and brief consular officers on new intelligence relevant to their adjudications, such as new fraud schemes and newly identified document vulnerabilities. Several domestic ICE investigations have been initiated based on VSO efforts overseas. DHS VSOs also participate in the posts' Lookout Committee, which monitors terrorist activity and threats.

Additionally, the VSOs routinely are asked by the consular officers for assistance during the adjudication process, for example: to review an application, to clarify a question of immigration law, to review suspect documents, and to clarify or interpret derogatory information received about the applicant. In addition to ensuring rigorous scrutiny of visa applications, this practice provides an opportunity for on-the-job training for junior consular officers to build on their current skills to screen for mala fides through enhanced interview techniques, imposter detection, and fraudulent document identification.

When VSU operations in Saudi Arabia began in October 2003, the office was staffed with temporary detailees. DHS replaced these individuals with trained, permanent VSOs in 2005. Additional permanent VSOs have been recruited and trained and will be deployed to five additional high threat locations in October 2005. The tours of duty at different consul posts will vary from one to five years consistent with DOS policy and guidelines.

Training is an integral part of the VSU operations. DHS has developed a VSO training course at the Federal Law Enforcement Training Center. DHS also maintains a program to solicit feedback from returning VSOs to continuously evaluate current procedures and identify areas for improvement.

Training and Evaluation of Consular Officers

The best policies in the world can fail if they are not implemented by qualified, knowledgeable individuals. As a result, DHS has emphasized improving security training for consular officers consistent with its authority under the HSA.

The VSU has reviewed the DOS Consular Officer training course and is working with DOS to identify additional homeland security training needs. The VSU also performs a range of consular training activities. Overseas VSOs have provided numerous training sessions for consular officers on topics ranging from port of entry procedures and admissibility to fingerprinting and fraudulent document detection. VSOs have participated in two DOS Regional Conferences and a Consular Management Assistance Team as well as the consular officer basic training program at the Foreign Service Institute.

Security Advisory Opinion Process

DHS has expanded its participation in the DOS' SAO process. The SAO process provides an interagency review of visa applications based on defined risk criteria (established under various SAO category designations) or because they otherwise warrant further scrutiny (based on consular officer discretion). The VSU supports this critical review process through review and clarification of adverse information and participation in interagency dialogue.

DHS and DOS have, in the last year, conducted an extensive interagency review of the SAO process. The review seeks to ensure that agencies participating in the SAO process are communicating, making decisions, and working in the most effective manner possible. Some of the issues considered include: 1) how to leverage DOS's Consolidated Consular Database so that law enforcement organizations may effectively utilize its information; 2) how to more quickly resolve conflicting interagency views on visa issuance; 3) improved communication between Consular Posts and domestic law enforcement once a visa has been vetted and issued; and 4) what, if any, changes should be made to the SAO process to incorporate the most recent threat data. Finally, DOS and DHS have joined forces to develop a long term roadmap for effective management of the SAO process. DHS, DOS, and DOJ have also joined forces to determine how best to streamline the SAO process consistent with overarching security and policy concerns. DHS is considering how to improve electronic transfers of information and whether imposing reasonable deadlines on other agencies to review the underlying visa application is appropriate. Our goal in these endeavors is to ensure the security value of the SAO process while minimizing the processing time.

U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT)

US-VISIT is part of a continuum of security measures that begins before individuals enter the United States and continues through their arrival and departure from the country. US-VISIT represents a major milestone in enhancing our nation's security by securing our borders. It is a significant step toward ensuring the integrity of the U.S. immigration system.

US-VISIT uses biometric identifiers, a digital photo and two finger scans to prevent the use of fraudulent identities and travel documents, including visas. The purpose of the biometric identifier is to verify a person's identity, run selected criminal history checks, and ensure that an

individual cannot apply and/or be granted benefits, a visa, or admission to the U.S. under different names. Biometric visas issued by DOS to travelers to the United States enable DHS to conduct one-to-one matches, verify that the person presenting the visa is the person who was issued the visa, and one-to-many matches, to ensure that the bearer is not the subject of a biometric lookout or enrolled in the system under another name.

At U.S. border ports of entry, visitors are required to provide biometric data, biographic data, and/or other documentation. This data is checked against multiple databases, which contain visa issuance information, terrorist and criminal watchlists, and immigration status information. These checks allow border inspectors to verify identity and identify criminals, security threats and immigration violators.

As of August 25, 2005, 36.4 million foreign visitors have been processed under the US-VISIT entry procedures without adversely impacting wait times. In addition, DHS has taken adverse action against more than 800 criminals and immigration violators. On July 13, 2005, DHS Secretary Chertoff announced that we would transition to the capture of 10 fingerprints for enrollment in the US-VISIT program. The capture of "10-prints" will allow us to identify visitors with even greater accuracy; improve DHS's ability to match enrollees against latent prints; increase accuracy for matching individuals against watchlists; and allow DHS to focus more time and attention on individuals who might be potential risks to the country.

Information Sharing with International Partners

Effective border security starts well beyond our physical borders. Close cooperation with our international partners is key to ensuring effective procedures are in place to support U.S. visa

issuance procedures as well as ensure the security of other countries' passport and travel document issuance procedures. In addition, DHS is committed to improving information sharing related to terrorist threats with friendly and allied nations. As announced this year as part of the Security and Prosperity Partnership (SPP), the United States, Canada and Mexico have agreed to strengthen information sharing on terrorists and criminals. Effective information exchange among North American countries is essential to strengthening our capability to prevent acts of terror within and outside North America. The SPP will enable all three countries to address and resolve gaps in cross-border information sharing. Ultimately, our goal is to ensure that all travelers arriving in North America will experience a comparable level of screening. DHS is also working with other international partners on a bilateral and multilateral basis such as the G8 Secure and Facilitated International Travel Initiative (SAFTI), to improve information sharing.

CONCLUSION

Visa security, an integral part of the overall border management system, impacts the security of our citizens and our visitors, affects billions of dollars in trade and travel and helps define relations with our international partners. The Department of Homeland Security has made tremendous strides in securing the international travel system, always with the goal in mind that security without prosperity –without the ability for people to visit friends and family, go to school, conduct business or do research – is a hollow victory. We have aggressive plans to move us even farther toward our goal of creating the 21st century border our citizens deserve to protect the homeland and facilitate legitimate trade and travel. I look forward to working with the Committee on this complex, yet important task. I want to thank this Committee for its support as we continue to enhance the security of our visa processes and policies.

Mr. SHAYS. I thank you very much.

You had a nice way of describing really what our task is. I mean, this is the GAO, the Inspector General, Congress, working with DHS and the Department of State to make the system work better.

I think for the most part, the system is working better both for GAO and Inspector General; but we are going to kind of get underneath and just have a better sense of it.

But I wanted to start out—and, Mr. Edson, I guess you would be the person to do it; I want you to tell me. We basically have an immigrant process and we have a nonimmigrant process, tourist, student visas and business folks coming in and out and probably just a whole host of others as well.

But am I correct in thinking as immigrant and nonimmigrant?

Mr. EDSON. Yes.

Mr. SHAYS. OK. Walk me through what used to happen before September 11th, before DHS, before we put this focus on how did 19, 20 people, who were not U.S. citizens, end up getting into the United States and so on. So walk me through first the nonimmigrant, either way, immigrant or nonimmigrant.

And then I want you to tell me what it was and what it is today or what we want it to be today. I'm trying to set the stage here.

Mr. EDSON. At a fairly high level perhaps?

Mr. SHAYS. Yes. In other words, what was it before September 11th? How did the system work?

Mr. EDSON. Immigrants—actually, the system's been pretty standardized since the late 1990's with the deployment of a uniform automation platform for us overseas. So beginning at about that time, a nonimmigrant applying for a tourist or student visa would submit an application, a printed application, a single-page form, back and front, with a photograph attached and the passport.

A large percentage of those cases were submitted without personal appearance required. People would submit them through a, what we call the "drop box." It might be something as simple as a wooden box with a slot in it in front of the embassy, or through a travel agent, through a school educational group. The applications would then be reviewed.

Some people were interviewed; depending on local conditions, threat and fraud indicators, many were not. The application was reviewed by our local staff for completeness, then a visa record created in our system. That would kick off a name check automatically. Based on the results of the name check and a review of the application, an officer would then approve or deny the case.

Denials only took place in person. You'd have to come in in person for an interview for a denial. But either through an interview, or without, the case would be approved or denied, and then subsequently issued, and the issued foil placed in the passport and given back to the applicant.

Mr. SHAYS. But when you checked names with the record thing, what was the significance of that? Because you didn't really have anything to match the names with, did you?

Mr. EDSON. Yes.

Mr. SHAYS. What did you have?

Mr. EDSON. Even before September 11th, the consular lookout and support system had several million records, including the ter-

rorist lookout records that subsequently became the core of the data base managed today by the National Counterterrorism Center. So we had that.

We did not have FBI data at that time. We had enforcement data, most of the law enforcement data from DHS.

Mr. SHAYS. So the FBI data would be basically a criminal record?

Mr. EDSON. Criminal records we did not have at that time.

Mr. SHAYS. Basically, if you were a nonimmigrant, you could pretty much come into the United States either as a tourist, a student, or a business? And are there a lot of other nonimmigrants? I mean, is it countless or are those the big three?

Mr. EDSON. Those are the big three. There are varieties of working classes.

Mr. SHAYS. So you could basically come into the United States without ever having to be interviewed, without ever making a personal appearance?

Mr. EDSON. Right.

Mr. SHAYS. And if you were to deny someone, they were given basically the right to have an interview. You would not deny someone without at least giving them an interview?

Mr. EDSON. Correct, to make sure that we were making the correct decision.

Mr. SHAYS. OK. And that's with nonimmigrant.

Now, that was in the past. What was it with immigrant status?

Mr. EDSON. Immigrant status has always required—it's a much more regular, drawn-out process that begins with CIS in most cases, the Citizens and Immigration Services at DHS, for petition.

Mr. SHAYS. They weren't DHS then, so——

Mr. EDSON. For INS. And it began with INS at the time.

A petition that is filed, most cases will go through our National Visa Center in New Hampshire, where we do sort of value-added clerical support for the overseas posts, some of the early correspondence with the outposts.

Mr. SHAYS. That covers the entire United States?

Mr. EDSON. For us it covers the entire world. And when the case was ready for interview, it would be sent overseas to our consular sections where 100 percent of immigrants were interviewed. And then the visa process to conclusion, if they were eligible, we did the same sorts of name checks. Immigrants have always—well, for the past several years, in any event, immigrants have been checked against NCIC.

Mr. SHAYS. I don't want to do since September 11th yet. Before then.

Mr. EDSON. Before then, they were being checked, I just don't remember when in the 1990's that began. But we checked immigrants against the FBI records for criminal records.

So we had that check done, and the case then would be processed to conclusion overseas, again always with a personal interview with an immigrant case.

Mr. SHAYS. OK. So the process involved an interview, right, for an immigrant?

Now describe to me what's different about both nonimmigrant today, versus what it was—you described what it was—and then the immigrant.

Mr. EDSON. For nonimmigrants, the differences are stark. Obviously, in addition to that flow that I described before, the most significant changes are regulatory changes that we made in August 2003 to require personal appearance from nearly all applicants. Those changes were enacted in legislation in December 2004. So nearly every applicant is now coming in for a personal interview.

We expanded the special screening procedures, the screening that only a small percentage of applicants go through, but it's a targeted class, targeted demographics identified by law enforcement or intelligence.

The data in the matrix——

Mr. SHAYS. I'm sorry. I had my Blackberry on, and that's why we're getting the feedback evidently.

I'm one step behind again, so I'm going to ask you to start over. I apologize. I want you to start over again.

Mr. EDSON. Oh, sure.

The biggest changes, post-September 11th have been in the nonimmigrant process which, as you could tell, was slightly less formal than the immigrant process before September 11th. Beginning in August 2003, we published a regulation requiring additional interviews, a much higher percentage of these applicants to be interviewed. That same regulation was essentially enacted into statute in December 2004. There are very few opportunities for waiver of personal appearance now for nonimmigrants.

Mr. SHAYS. So basically the rule is, you interview?

Mr. EDSON. Right.

Mr. SHAYS. And that, if you don't interview, there has to be an exception?

Mr. EDSON. An exception in the statute.

Mr. SHAYS. OK. So that is one big difference?

Mr. EDSON. That's one big difference. Fingerprinting is a major difference. We're now collecting the two index finger scans from all applicants for whom that's required. We're using the same standard that U.S. Visit uses at the port of entry, so the very young, the very old and the diplomats are not scanned. That is a second big difference.

Those fingerprints, not only are we collecting the biometric information, but we're running it against the IDENT biometric data base maintained by DHS that includes significant amounts of FBI information. So we're catching people, imposters, criminals daily. Large numbers of people are being caught that wouldn't have been caught before because of the printing.

We have changed the way in which work is processed in our sections so that local employees, host nationals, host country nationals or locally engaged American personnel, say, spouses of Foreign Service officers, they are actually allowed to do far less today than they were before September 11th. We've taken them out of anything having to do with the name check, for example. They have very limited involvement in the biometric system. Just as a security measure, we added that in.

We expanded the special targeted screening, which doesn't apply to a large number of applicants, but some applicants are subject to additional screening based on demographics identified by law enforcement and intelligence communities. That body of people has

actually expanded. So we are screening more people that way, and we share more information.

The name check system that's behind all this has more than doubled in size since September 11th, most significantly with the inclusion of the FBI data.

Mr. SHAYS. Now the FBI data this committee added to the DHS bill, but the data is somewhat vague.

Mr. EDSON. The data is incomplete. The Department of Justice, in their comments on the GAO report, did a nice job of summarizing some of the issues involved. Basically, they're managing a biometric data base that we are trying to access on a name-retrievable basis. What we get back is very limited biographic information from NCIII. Much of the information in that data base has no direct bearing on eligibility for a visa, things like traffic violations or——

Mr. SHAYS. But are you able to distinguish between them?

Mr. EDSON. We are not able to distinguish based on a name check return. We need to submit a 10-print set to the FBI and get the criminal record in order to distinguish what's important and what isn't.

Mr. SHAYS. Basically, what you want is the criminal record?

Mr. EDSON. Or enough of the criminal record that we can determine whether or not it's germane to visa adjudication.

Mr. SHAYS. And this has happened for a while. And the argument for this process working this way is what? Why would we not streamline this?

Mr. EDSON. A couple of arguments. The Patriot Act actually requires that we submit 10 prints to access this data.

I gather that other legislation that governs how criminal data is managed in the United States has similar impact; and then I have been told that the FBI indicates that the way the data base is structured makes it a little difficult to extract some of the information, like charge and disposition.

Mr. SHAYS. The bottom line, though, each one of these individuals is not an American citizen?

Mr. EDSON. Correct.

Mr. SHAYS. I mean, so we are really asking about the criminal records of someone who is overseas?

Mr. EDSON. Correct.

Mr. SHAYS. And we are trying to protect their privacy rights?

Ms. Dezenski, basically you're doing what INS was doing, correct, as a general rule, at DHS?

Ms. DEZENSKI. Within the Border and Transportation directorate most of our focus is on the nonimmigrant process. CIS and shipment services handles most of the immigrant work. But, yes, we have the former INS function.

Mr. SHAYS. OK. Well, let me ask you this.

Of the people that existed before in some other named agency, what are they doing differently today than they did before September 11th? Forget where they're located, but INS is basically under your jurisdiction, correct?

Ms. DEZENSKI. Correct.

Mr. SHAYS. What do they do differently now than they did before?

Ms. DEZENSKI. I think we can probably point to a couple of major process changes. I'm not as familiar on the immigrant side, but I can tell you, for example, that there's increased access to certain types of data bases for the immigrant review process. That's a byproduct, I think, of the work that we've done through U.S. Visit and their ability to integrate numerous data bases across the Department that have both biographic and biometric information. So not only does that help us at the port of entry, but it also can be used in terms of the case management process with NCIS. So I think that is one good example.

If you look more closely at the nonimmigrant side of what we do, you know, we can point to everything from the implementation of U.S. Visit entry and, now, exit processing to greater information sharing with the FBI.

Tony alluded to the work that we are doing with our IDENT and FBI's IAFIS data bases, to bring those two biometric resources together so we have more information available at our ports of entry and at consular posts. We're moving toward the 10-print standard so that as people are coming into the country, we are not going to be taking two prints; we're going to be moving toward 10-print. That also applies ultimately to the visa issuance process as well.

So we can point to numerous activities that we have undertaken to strengthen the system and a lot of these broader moves that we have made on information sharing and data integration and management have spillover effects for both the immigrant and the nonimmigrant side of what we do.

Mr. SHAYS. Thank you.

Mr. Van Hollen has joined us and I can yield to him or I can just proceed with some questions to Mr. Lange. But before recognizing him, I would ask unanimous consent that all members of the subcommittee be permitted to place an opening statement in the record and that the record remain open for 3 days for that purpose. And without objection, so ordered.

I ask further unanimous consent that all witnesses be permitted to include their written statements in the record. And without objection, so ordered.

Mr. Van Hollen.

Mr. VAN HOLLEN. Thank you, Mr. Chairman.

I want to thank Chairman Shays for conducting these hearings and thank all the witnesses for being here this morning. As you all said in your testimony, we have an obvious, important mission within the immigration's nonimmigrant visa system to make sure, No. 1, that we protect our security, but also to make sure that we don't stymie unnecessarily the ability of legitimate visitors that come to the United States.

And there was a period of time where I think that became a very serious issue, where our system was resulting in many legitimate visitors not coming here. I think that continues to be an issue, but I'm pleased with the progress that we've made.

I have heard a lot of complaints—I think, legitimate complaints—from those in the area of higher education, scientists, of the delay and that, of course, has an impact on our economy here and our ability to move forward in many areas of research. Obviously, within the business community, there were lots of com-

plaints from legitimate business travelers. So I want to thank you for the progress that's been made in that area.

I look forward to working with you, especially if you could pass along, Mr. Edson, my thanks to Assistant Secretary Maura Harty for her efforts in that area because I think she's been working very diligently for all of us.

Let me just ask a couple of questions about the visa security officers, if I could, because one question—I'm looking at the GAO report and maybe I should start with you, Mr. Ford. To what extent do you believe the visa security officers are really providing value added to our consular officers? In other words, is there duplication? Are some of the tasks that are being performed by visa security officers tasks that can be performed by consular officers if we gave them additional training, and would that be a better approach to providing for our security than having another layer?

I don't have a position on this issue. I'm really looking to you, as someone who's taken an independent look at it, for your advice.

Mr. FORD. Yes, sure.

I think it's difficult to answer that question at this point because so far they've only been assigned to two overseas posts in Saudi Arabia, so the amount of information that's available about the value added of those positions is somewhat limited.

Clearly, we visited Saudi Arabia in the course of doing our work. We met with all the visa security officers there. We met with all the senior embassy officials. I think the general sense of everyone we talked to there was that they were, in fact, bringing some value added to the process.

We noted at the time of our visit that the State Department consular officers assigned there were largely junior people, so having an experienced law enforcement individual there actually helped them get their job done.

But I can't generalize, based on one post, whether or not the overall effort is going to be value added or not. That is one of the reasons we recommended that the Department of Homeland Security, as they expand this program, provide more data on exactly what the value added is for these individuals, so that one can make a judgment as to whether or not, in fact, it's duplicating what consular officers are already doing, or whether they're providing some additional law enforcement training and expertise that right now we may not have in these posts.

So I'd say at this point in time, it's an open issue as to whether or not this program is going to be value added or not.

Mr. VAN HOLLEN. Thank you.

If I could have some reaction from representatives of State Department and Homeland Security, I'd appreciate it.

Ms. DEZENSKI. Thank you.

Well, I think we feel very strongly within the Department that the visa security oversight and officer program needs to move forward with the additional deployments and that there's real value added to the process. I think we need to be sure that we're not comparing apples to oranges.

The role of the consular officer, and Tony can speak to it better than I can, but it's primarily focused on visa adjudication, application review, specific skills inherent in the State Department proc-

ess. We envision, and I think the way it's working in practice in Saudi Arabia, that the VSO role is slightly different. There is a review process of the visa application, and that is very important; but we also bring analysis of law enforcement information. We do reviews of trends, for example; and the types of information that we're seeing, we'd like to have our officers play a more regional role so that we can share information and gather trends across a region as opposed to just simply focusing on a particular country.

We play an important role in training, whether it's working with the consular officers or even going out into the local community. For example, we worked with airlines in Saudi Arabia where we have been able to help them identify certain types of fraudulent documents.

So I think the way to look at it is a different type of value add in that both of these functions are critical to making the process work. What we hope is that we can move forward with the deployments to the five additional areas that we've identified, recognizing that we need to work on the performance metrics so we have a better process for reporting back to you and that we get the strategic plan in place. However, we hope that we're not held up because of not having that plan completed.

Mr. VAN HOLLEN. Thank you.

Mr. EDSON. We certainly agree with our DHS colleagues, with everything that Elaine said. The two functions are and ought to be different; and we've worked very closely and will continue to work very closely with DHS as that strategic plan is framed to ensure that we're not doing the same work, that there's genuine value added on both sides for all the activities that we undertake.

Mr. VAN HOLLEN. Well, let me ask you this. I mean, we obviously have the visa security officers in one post right now, Saudi Arabia, a plan to expand to five. We have hundreds of embassies around the world, and it would seem to me that where we have consular officers on the front line, I would hope that this additional training in security areas and being able to detect fraudulent documents and all that kind of thing is now being incorporated into the training of the consular officers.

Has there been a change since September 11th with respect to that kind of training for consular officers? And why isn't it better to make sure that everybody going through the process, all the consular officers, are getting some of this more specialized training so that they can make the kind of assessments and analysis that the DHS folks are doing?

Mr. EDSON. Certainly, there have been significant changes in the training since September 11th. We added 3 or 4 days to the basic training course for consular officers to include 2 days of analytical interviewing techniques and some significant time spent on fraudulent document identification and counterterrorism, briefings from other agencies.

In addition, we have quadrupled the number of offerings of our fraud managers course so that we were able to put 130 officers through that course last fiscal year.

We have expanded an effort to get more local access; in the field access to intelligence information, we have expanded training on the classified Internet resources that we use to access intel. So we

are taking both approaches. We are trying to make sure that our officers are as prepared as possible to deal with counterterrorism threats and fraudulent documents and fraud in general, while working with DHS to frame a role for the visa security officers that is complementary and does the best it can to secure the visa process.

Mr. VAN HOLLEN. OK. I just was a little concerned when you talked about having these totally separate functions with no overlap. I understand where you have both individuals there; that is important. Let's face it, the bulk of our consular officers are right now in stations around the world that have no visa security officer, and I think it's essential that they have that training so that there is a first line of defense.

Let me ask you about the visa waiver program. I don't know how many countries—there are European countries where we have an arrangement whereby, if you come from one of those countries, you don't require a visa; is that right?

Mr. EDSON. Twenty-seven.

Mr. VAN HOLLEN. OK, 27 countries. And so what is required from those countries? Show a passport? What do you need to show?

Ms. DEZENSKI. Yes, the requirement is to have a valid passport. And as you may be aware, we have actually implemented some new requirements in terms of what those passports need to encompass, a digital photo integrated into the data page as of October 26, 2005. In addition, we have specific statutory requirements that countries must follow to be part of the VWP. For example, they have to have a relatively low visa refusal rate. They have to have a low overstay rate, so we know that folks from that country aren't illegally remaining. And there are a couple of other criteria in that statute.

So it's a combination of those statutory requirements, plus some of the new things that we require on the biometric passport and some refined requirements in terms of obtaining information on lost and stolen passports, so that we have a better handle on fraudulent documents coming in.

Mr. VAN HOLLEN. OK. I don't have a solution to this issue, but ultimately, I mean, it's fair to say, isn't it, that we are relying on the ability of the foreign governments of these 27—I mean the governments of these 27 countries to police the validity of these documents?

Ms. DEZENSKI. We do require that they have certain standards for the documents. Yes, we do rely on them for the issuance of them. As VWP travelers come into the United States, they are still subject to U.S. Visit requirements, so we are taking their fingerprints and running their information against our data bases, which also happens when someone comes in with a visa. So there are additional measures in place at the port of entry so it is not as if these folks are just waved in with a passport.

Mr. VAN HOLLEN. Right. I guess what I'm suggesting is, as we commit lots of resources to making sure our consular officers are trained, or our visa security officers in those posts where people are issuing nonimmigrant visas, it's obviously essential that we make sure that we're confident that the documents being provided by those 27 countries that have waiver programs are not easily subject

to forgery. Because it seems to me that if you're looking for a way to illegally enter the United States, and you believe the line of defense of the consular officers and the visa security officers is working pretty well, you're obviously going to be looking for another way in. And what exactly are we doing?

We have the standards, I understand. Do we go beyond that in terms of trying to determine the extent to which these governments are protecting against forged documents, and illegal?

Ms. DEZENSKI. Yes, absolutely. This has been a critical issue. In fact, we've had a lot of congressional interest over the past 6 to 8 months in terms of biometrics with foreign passports coming from VWP countries. And we've stated to those countries that not only do you need to meet the statutory requirements, but your passports need to encompass certain types of security features. One, of course, is a digital photo integrated into the page so you don't have a problem of tampering with the passport. Sometimes you can lift the top piece and take out the photo and put in a new photo. Very difficult to do when the digital photo is embedded in the document.

Second, we're moving toward linking in a biometric chip to the passport so that the digital photo will actually be stored in the chip along with the biographic information in the passport. So when VWP passport holders come into the United States and the requirement is fully in place, we'll be checking that biometric information based on the chip in the passport.

Mr. VAN HOLLEN. Just realistically, what's the timeframe for that technology to be implemented?

Ms. DEZENSKI. The digital photo requirement, which most countries are already meeting, will come into full effect October 26, 2005, so next month. And the requirement for the biometric chip follows 1 year later, and that will be required of all new passports issued after that date. So it will take some time to implement that.

Mr. VAN HOLLEN. OK, thank you very much.

Thank you, Mr. Chairman.

Mr. SHAYS. Thank you very much. Let me, before going to you, Mr. Ford, and Mr. Lange, I have a little suspicion when my staff tells me how to pronounce names. They do it phonetically for me and the last two times they had it wrong, so they have credibility only in that area with me.

I would like to add a clearer picture about both the VSOs and the waiver. What I am not clear about the VSOs is that I felt it was Congress' intent that we would have a number of them in a variety of countries.

Was that your understanding of what Congress wanted?

Ms. DEZENSKI. Yes, it was.

Mr. SHAYS. And we have how many so far?

Ms. DEZENSKI. We have—well, there are two congressionally mandated locations in Saudi Arabia. So we met that requirement. And then we immediately started developing——

Mr. SHAYS. Just answer the question. How many do we have elsewhere?

Ms. DEZENSKI. We just have the two.

Mr. SHAYS. And how long has that been since the requirement, how much——

Ms. DEZENSKI. 2003.

Mr. SHAYS. That is pathetic, frankly. And there has to be a reason, and I want to know the reason. Is it because you have requested to have VSOs in other countries and State has said no, or you haven't even made the request?

Ms. DEZENSKI. We have identified five additional locations where——

Mr. SHAYS. Just answer my question first.

The question is, have you—is it because you haven't made the requests yet or is it because the requests were made and State turned it down? And then you can tell me anything else after you answer my question.

Ms. DEZENSKI. I don't think it is as simple as saying it is State because State denied our request.

Mr. SHAYS. Start over again, take each question. Did you make a request to State to have VSO officers in other countries?

Ms. DEZENSKI. Yes, we did.

Mr. SHAYS. Don't hide things from us. You know, the issue I am having with this administration is that loyalty seems almost more important than the truth, that we don't get straight answers. And we didn't get straight answers for what we needed down in Louisiana. So straight answers matter to me. Answer my question and then give me spin.

The question is have you requested to have VSO officers in any other country?

Ms. DEZENSKI. Yes, we have.

Mr. SHAYS. What countries?

Ms. DEZENSKI. That is actually law enforcement sensitive information.

Mr. SHAYS. How many countries?

Ms. DEZENSKI. Five countries.

Mr. SHAYS. So you have requested in five countries. When did you make the request? Last week or a year ago?

Ms. DEZENSKI. The requests are made starting in 2003.

Mr. SHAYS. So they were made in 2003. State Department has so far not agreed to the VSO officers in these countries, is that correct?

Ms. DEZENSKI. Some of the NSDDs have been approved. I actually have a timeline.

Mr. SHAYS. Mr. Edson, why has State Department not responded positively to these five requests?

Mr. EDSON. The requests were submitted under the National Security Decision Directive 38 procedures that charged our chief of commission, our Ambassadors to balance security—the needs of the Homeland Security Act to post Visa Security Officers overseas and other directives to right size the U.S. presence abroad.

That discussion with DHS is something we have been actively involved in since 2003, when the requests were submitted, and that discussion is going forward. In some cases, the requests were approved and the positions are——

Mr. SHAYS. Isn't it true that State Department originally opposed having VSOs in countries?

Mr. EDSON. Not that I am aware of, no.

Mr. SHAYS. Did they request that there be VSOs in countries? Did we make the requests when we were working in that station? And if you don't know, you don't know.

Mr. EDSON. I am not aware that we positively requested them. We have worked close with DHS on every request——

Mr. SHAYS. My sense is this has been a initiative of Congress that we have wanted the VSOs. Maybe, Mr. Ford, Mr. Lange, you can help me out here. Do either of you know? The question is, it was my sense that we were not happy with the job State Department was doing. I think I even got a call from the Secretary of State about some of what we wanted to have happen, and we were looking—there were amendments in this committee about taking away some authority from State. And I think the VSOs were the compromise, that State would still do much of this but we would have—we had people totally focused on security from DHS working within State Department. That is my understanding. I mean Mr. Ford, Mr. Lange, can you confirm it, not confirm it? You look like you're praying, Mr. Ford.

Mr. FORD. Well, I can confirm that is what Congress wanted. I think based on what we know about why there was a delay is that the Department of Homeland Security and the individual embassies that were being considered had some disagreements about what exactly the role of these officers would be. And as Congressman Van Hollen mentioned earlier, that was apparently unclear to many of the Ambassadors about what exactly the role of the VSOs was going to go overseas and it took a while for clarity to come to the fore before they would approve these positions.

My understanding is the five posts that they planned to expand, I think all but one of them have now been approved. So, four out of five——

Mr. SHAYS. Why would that be an issue that we couldn't have an open conversation about? Just offhand? Tell me why. Without telling what me what the discussions are, tell me why. You know, we have had hearings about why we classify things so that no one sees them practically except a few people see the document. Just tell me why we can't as Members of Congress in open forum have a logical conversation about where these five stations would be? What is the reason why we can't have a discussion about that? Can someone tell me that? Why don't we start with State? Tell me why we can't have a discussion. And then DHS tell me why. What is the logic?

Mr. EDSON. I think we certainly, DHS colleagues have determined that the locations, specific locations, need to be treated sensitively.

Mr. SHAYS. Just think about why. They needed to be treated sensitively because of what? Why?

Mr. EDSON. I would have to defer to DHS.

Mr. SHAYS. Defer to DHS. And if you don't know, you don't have to give me an answer. If you don't know, you don't know.

Ms. DEZENSKI. I think there are a couple things going on. The first thing is that the role of the VSO effort is to expand the footprint of the Department of Homeland Security and to expand our ability to oversee the process. The NSDD 38 process is obviously a legacy process. And in that process one of the goals for, and Tony

will correct me if I am wrong, is to ensure that we are not expanding our footprint, or State isn't expanding its footprint overly to a size that they can't accommodate. So there is some inherent conflict between the two efforts, and somehow we have to get these processes to work in a more expedited fashion because the objectives of the two processes are not always in sync. So that is the first thing.

Mr. SHAYS. Let me ask you, once the VSO is in a foreign country, will it be known that they are in that foreign country?

Ms. DEZENSKI. It will certainly be known by——

Mr. SHAYS. Are VSOs like CIA agents, that we are not supposed to let people know who they are, and so on? Maybe I don't have an understanding of what the classification of VSO officers are.

Ms. DEZENSKI. My understanding is that they are law enforcement classification. We have treated the locations as law enforcement sensitive information. So we have not been public about how many people we have deployed and to what location other than congressionally mandated locations.

Mr. SHAYS. So the answer to the question is like other law enforcement, we don't disclose where law enforcement officials are in various countries?

Ms. DEZENSKI. Yes. We are not going to put out a press release, for example, that we are sending five people next month to country X.

Mr. SHAYS. When they are in country, are they treated as State Department employees or DHS employees? When they go to cocktails, what do you do? I work for the State Department, what is your job?

Ms. DEZENSKI. No. I don't think they have to say I could tell you but I would have to shoot you. I think they are known in country in terms of their role.

I mentioned, for example, that we have officers that have worked with local airlines in Saudi Arabia, so it is not as if they are working under cover. But we are not public about how we identify high threat locations and how many people we put on the job to, you know——

Mr. SHAYS. Let me——

Ms. DEZENSKI [continuing]. For those functions.

Mr. SHAYS. Let me back up a second. I was going to ask Mr. Ford what is the best thing, and Mr. Lange, what is the best thing that is happening and the worst thing with immigration, nonimmigrants and immigrants? What is State doing best? What are they doing worst? What is DHS doing best? What are they doing worst?

I am not even to that level yet. Where I am at right now is I came to this hearing listening to four very nice presentations thinking, you know, we in Congress need to be fair. The Inspector General needs to be fair. GAO needs to be fair, you know, they are making good progress, and GAO and Inspector Generals, their job is not to be "I gotcha" nor is it my job to be "I gotcha," or Mr. Van Hollen's. But I will tell you the uneasiness I have right now, and maybe you can sort it out. What I have is basically that we have to kind of give the party line that DHS doesn't want to offend State. State doesn't want to offend DHS. That is kind of what I am

getting a feeling, that it was clear as one of the lines of questions that the VSOs were—they have said there is no clear plan on how many you want, no time lines, I guess kind of the impression that we were getting. And then I start to hear these kind of wobbly answers to what to me are fairly logical questions for us to ask. That is where I am now. So I have gone from a level of feeling kind of good about things to thinking, you know, if we peel away the onion, I don't like what I am seeing.

And just to continue just briefly, the VSO officers were the compromise, I believe, that Congress wanted. Now if they aren't needed, if their job isn't defined, then let's have this debate and let's have an honest dialog from State. We don't want them, they are not needed, they basically don't interview anybody, they are just there. It is a waste. And we have too many different departments in State as it is. That part I agree with. We have, you know, sometimes 70-plus people who have nothing to do with State in our State Department.

But then let us know and then, you know, let's get rid of the law. It is pathetic to only have in two countries, and there is something wrong about it. And I don't know what it is. But I want an answer to it. If State is dragging their feet, I want to know that. If it is VSOs that aren't needed, then let's forget the charade about even having them there.

So let me ask you this. Tell me why we need these VSOs. I will start with State. And if you don't think we need them, just say I don't think we need them. I don't think you're going to lose your job by being honest.

Mr. EDSON. We need them because—let me start by saying——

Mr. SHAYS. Slow down.

Mr. EDSON. We are not trying to block the implementation of the law in any way.

Mr. SHAYS. You didn't ask for them. You didn't say, we couldn't do the job. That's true, right?

Mr. EDSON. Right. It is in the laws and we were trying to make it work.

Mr. SHAYS. Fair enough.

Mr. EDSON. We have seen in Saudi Arabia, and seen increasing in your dialog with DHS, that there's a potential for a real benefit here. But as I suggested to Mr. Van Hollen, we are concerned to make sure that we get the mission right at the "git go." Those are somewhat dangerous countries. There are already fairly small and strained physical plants in a lot of these countries. We would like to make sure that what the mission of the VSOs is really adds value. It seems like it does.

Mr. SHAYS. It's been 2 years now, right?

Mr. EDSON. Right.

Mr. SHAYS. It has been 2 years. What I am hearing you say basically, I will try to read between the lines. You didn't ask for them. Congress has said you have to have them. What I am hearing you say is basically you don't know what they are doing. And let me finish. This is what I am hearing.

And what I am also hearing is stiff upper lip, you are going to try to make the best of it and you will find a place to put these folks. That is what is coming across, and that is OK.

Mr. EDSON. I'm a little bit misleading then perhaps.

Mr. SHAYS. Let me ask you this, could State Department do this job?

Mr. EDSON. Yes, ultimately.

Mr. SHAYS. And I think that is what their argument was originally. But we have imposed it on you.

Now tell me, are we close to finally having an agreement that we are going to get them into the other four countries?

Mr. EDSON. Yes. And I think that having deployed additional—Saudi Arabia has its mission defined by statute so it's an unusual model. I think having deployed to those additional countries, that deployment will end up clarifying the mission significantly and will speed up the process down the road. I don't think that there will be quite as much delay in the future, certainly not in 2 years.

Mr. SHAYS. Ms. Dezenski, tell me, what is the value added of the VSOs?

Ms. DEZENSKI. Well, let me state the tremendous value I talked about how all of our officers have an average 15 years of law enforcement experience. So they come from a different background than a consular officer. We are talking about folks who have worked as port of entries, folks who have done numerous investigations, have spent time abroad working in an investigative capacity. It is a different function.

Mr. SHAYS. Fair enough. You had answered that before and so we don't have a problem with you believing in this, is that correct?

Ms. DEZENSKI. That's correct.

Mr. SHAYS. OK, but we do have a problem with you not being forceful enough in getting them in there and that I think is true and if you do have pushback from State Department, besides going to your superiors and so on, I think you need to come to Congress and say we are getting the pushback and we will help push the other way.

Maybe before going back to Mr. Van Hollen and then we will close up, here, Mr. Ford, Ambassador, would you tell me, candidly, did you see value in the VSO officers or is their value somewhat of a question?

Mr. FORD. I can say, based on our observations in Saudi Arabia, yes, they did in fact add value there. And I think, again, I think it is important, this is linked to our other report, when we talk about the lack of enough experienced supervisory consular officials in several posts, one of which happens to be Saudi Arabia, having a law enforcement official there that has capability to and experience on law enforcement matters that State Department currently doesn't have, basically that is a value added, and every senior official we talked to in Saudi Arabia had that view.

The real issue is whether or not you multiply that to the other 210 posts overseas, because some places are going to be different in terms of the environment, the workload and the other factors that go into making a decision about whether you really need a law enforcement person there or not.

Mr. SHAYS. OK, Mr. Ambassador.

Mr. LANGE. Mr. Chairman, in a recent inspection report that we issued regarding a post in South Asia, we expressed some concern about a proposed VSO due to the lack of specificity in what the per-

son would be doing and we thought it was important that there be a clarification of duties to avoid overlap with the Consular Section's Fraud Prevention Unit and the Assistant Regional Security Officer for Investigations.

Mr. SHAYS. Describe to me the difference between the fraud out of the consular's office and VSOs? What is the difference?

Mr. LANGE. The RSO, regional security office——

Mr. SHAYS. They are under State?

Mr. LANGE. They are under State. It is part of the Bureau of Diplomatic Security, and they look broadly at investigations which could be of locally hired employees, it could be of visa applicants and its broad connection and have very little close contacts with the local law enforcement authorities.

The Fraud Prevention Unit is more focused on—and that is in the Consular Section that is under State. They are more focused on the specifics of the applicants who come in, the documents that come in, possibly false birth certificates, things such as that. And then they work closely with the RSO to utilize those contacts with the police authorities. And our recommendation in that report was to try to ensure that the VSO that was proposed for this post have a clarification what those duties are so there would be no overlap.

Mr. SHAYS. Mr. Van Hollen.

Mr. VAN HOLLEN. Thank you, Mr. Chairman. And not to go over this ground too much, but let me just ask a question that really is raised, Mr. Ford, by your response, and it raises a question. You pointed out that in Saudi Arabia, one of the reasons the people you talked to said that Visa Security Officers were needed, one of the reasons you mentioned was because you didn't have enough mid-level consular officers, which raises of course the question of staffing of consular officers generally and if Ambassador Lange and others, Mr. Ford, others, you spoke to it in your testimony in part. But if you could just talk a little bit about to what extent we are short staffed in key posts with regard to consular officers because that is a separate issue. I think it is important in Saudi Arabia that someone is helping fill that vacuum. But that doesn't mean that we shouldn't be fully staffed in our other posts. Let's go back to the fact that this is right now one post. Even when expanded to five we still have hundreds, lots of countries left where it is going to be the consular officers and the consular officer is going to be on the front line, and they need to have the training so that, you know—where I have some trouble with all this testimony is the suggestion that, you know, when these guys aren't around that the State Department consular officer isn't in a position to adequately protect the national security interests of the United States because they don't have this training. So No. 1, we are going to need consular officers that have the training in all those other posts, unless we ultimately go to a model where in every post we have, you know, Visa Security Officers and consular officers. So that is one issue.

And the other issue is the short staffing; in other words both the training of the consular officers, but also the staffing. If you could just speak as to the adequacy of our current staffing of consular officers overseas, what needs to be done to improve it, is this a

money and resources issue, is this a priority allocation issue within the department? Is it all of the above? What do we need to do?

Mr. FORD. I will start.

I think this is, for us, this is probably the most important issue that we still think requires greater attention, particularly at the State Department.

In the report we issued today, we cite that at the end of April the department was short about 26 percent of their mid-level positions, overall, in Consular Affairs sections.

We visited Saudi Arabia and Egypt, and we found that at the time of our visit we didn't have supervisory staff there. We made a recommendation back in 2002 that the Department address a prioritized system of staffing to ensure that we had the right people in the right place.

The Department has, in fact, hired more people, but they haven't really implemented the intent of what we called for 3 years ago and we have called for again in today's report, and that is we believe that since they know they are going to have shortages in the supervisory ranks they need to come up with a plan that prioritizes posts overseas where the most senior experienced people should be assigned. And currently, they are basically operating the way they normally operate in the way they assign their staff, which does not really prioritize those positions.

So that is what we would like the Department to do, is to reexamine and come up with a plan that basically over time says these are most critical posts that we need to have our most senior people there. So that is the issue. And they are hiring more people, and eventually somewhere down the road hopefully all the positions will be filled with the right people. But they are not there now.

Mr. VAN HOLLEN. Makes sense to me. Is that what State Department's plan is, to prioritize posts with respect to if you have a shortage of consular officers, make sure they are deployed to the places where you think is most important to have them?

Mr. EDSON. Certainly. When we were discussing this with GAO we were trying to discuss with them the sort of complexity of the overseas staffing situation. We have to prioritize the visa function in high security environments, obviously.

We also have to make sure we have enough people on the ground to handle American citizens and be cognizant of the fact that there is no such thing as a nonstrategic visa. I mean, anywhere we issue a visa it can be misused. So we can't afford to let any post no matter how apparently tranquil go unfilled. That doesn't mean that the goal is 100 percent when we only have 80 percent of our mid-level people available for supervisory positions. But it is a balancing act from year to year. Sometimes if we have a particularly energetic or talented senior officer in a place it might make more sense to leave the mid-level position vacant and assign that person to somewhere else.

We try to do our best. We do acknowledge that there is a need here that we need to be more careful in trying to fill the positions in places like Saudi Arabia in a more timely manner. Now most of them in Saudi Arabia and Cairo which were vacant at the time of the study are now filled.

Mr. SHAYS. Just fairly quickly, I hope, when we send people overseas, do we have to declare them to the country involved, state what the job is? So would we declare that this person was a VSO officer? And I believe the answer is yes, correct?

Mr. EDSON. The answer is yes that they are declared. I would have to take the question in terms of degree of specificity that we declare their function.

Mr. SHAYS. See, my sense is I am getting kind of sensitive to this but if the host country knows that we have a VSO officer, I would like to think that American citizens have a right to know. And I would make a request to State if they are not enthusiastic for VSOs and they are saying no, I would like them to reargue this case before Congress and have a meaningful debate about it. And I would make a request for State and DHS if they don't have the resources, don't tell the appropriator that you have everything you need to get the job done.

I mean, I realize you probably don't go before the appropriators, but we are just not being told things that we need to be told in open discussion. And so I am certainly going to visit this issue, and this subcommittee will as well.

Mr. Ford, Ambassador, tell us the best thing State is doing and the worst, and the best that DHS is doing and the worst.

Mr. FORD. I think in terms of using the visa processes as a security tool, that from my perspective, the most important thing the Department has done is they've made it a priority, the State Department has made it a priority in overseas operations. When you go and talk to consular officials today overseas, and we visited 8 of them and we have contacted another 17, so we covered 25 in total—every place we met with people or talked to people it was clear that the visa process as a security device was critical to that mission.

So I would say that is the most important thing, is that change in mindset at the Department of State with regard to ensuring that security is part of that process. So that is what I would see as being the best thing that has happened.

I think they have done a lot of other things in regard to training, in regard to ensuring that their procedures are more clear to their people overseas. They have made enhancements in all of those areas, and we want to give them credit for that.

Mr. SHAYS. What is their biggest weakness right now?

Mr. FORD. The biggest weakness, in my view is the staffing issue we just talked about. I think at the end of the day we are talking about individuals that have to make a judgment as to whether a person is going to get a visa or not.

Mr. SHAYS. And part of the problem with staffing of State is that we have underfunded them for a number of years. We lost a whole number of years of folks who could buildup in seniority. So we have this gap in leadership. But I am making the assumption that we are trying to fill that gap but now we have a lot more inexperienced folks at State.

But I also want to say for the record, this subcommittee has responsibilities overseas. We oversee State and Defense and so on. We go to a lot of places. I have met some of the finest men and women working for the State Department. You are just an awe-

some group of people, and I am very appreciative of the work they do.

Ambassador, what is the biggest strength of State and the biggest weakness? If it is different or the same, you can just tell me it is the same.

Mr. LANGE. In our perspective, the office of the Inspector General, the best improvements in addition to the culture change that could be the single most overriding issue that Mr. Ford mentioned, is the training. The consular training that is done by the Foreign Service Institute in cooperation with the Bureau of Consular Affairs has really been dramatically changed. The analytic interviewing, the involvement of the CIA to help on that, anti-terrorism, counterterrorism efforts, etc. That has really been a huge improvement and we detect that whenever we go out and visit embassies and consular officers explain to us what kind of experiences they have had and what kind of training.

I think consistent with the view of the GAO is that the biggest problem is in the human resource area. And it is not that it is going badly, but that it needs to be monitored because it is a very complex issue, in part because of the issues that you raised, Mr. Chairman, regarding the influx of new junior officers that occurred over the last 4 or 5 years through what is called the Diplomatic Readiness Initiative to make up for the insufficient hiring in the 1990's. And as that bulge of new officers goes through the system, there will be more and more available at the mid-level with experience who will be able to fill these positions. But in this interim period, in a sense, there are some problems with junior officers filling jobs that really should be led by mid-level officers.

Mr. SHAYS. DHS? Biggest strength, biggest weakness?

Mr. LANGE. In terms of us I will have to defer to the DHS on that one.

Mr. SHAYS. Are you in a position to——

Mr. FORD. Well, again, in the case of DHS——

Mr. SHAYS. As it relates to?

Mr. FORD. The Visa Security Officer program. Again our view is it is too early to tell what the overall value added of these officers will be. As we say in the report, we think that DHS should come up with an overall plan for how these people will be integrated overseas, and also they need to have better information about what the value added is. They need to be able to say that as a consequence of having these people we have more fraud cases, we are finding more bad people than we had before. They need to be able to demonstrate that having these people assigned overseas is actually going to make a meaningful difference in the overall security process, and right now they haven't got those metrics and we think they need to develop those. And they also need to develop them to convince the State Department that it is useful to have these people assigned.

Mr. SHAYS. Right, OK. Mr. Edson, biggest strength, biggest weakness right now, State.

Mr. EDSON. Biggest strength——

Mr. SHAYS. For your comfort level, I will just say biggest challenge, OK?

Mr. EDSON. Biggest challenge is staffing. It is not entirely in our hands. But both filling the mid-level gap in terms of people coming up through the ranks, a better way to address the fact that with the changes we have made to the visa process, we have definitely broadened the base of the pyramid. In terms of the requirement for more entry level people or lower level visa adjudicators, is now, real and continuing. It will be with us forever. So I think we have created a dynamic that will probably result in imbalances in the personnel system on an ongoing basis, and we need to figure out how to——

Mr. SHAYS. Let me say, Congress did that. I mean, we underfunded, at a point, we allowed you not to hire certain people that created this imbalance of——

Mr. EDSON. In addition, I am thinking in terms of things like the interview requirements and the biometric collection requirements which we are right now doing with consular officers, you just—we have created a requirement for a broader base of lower level visa officers on an ongoing basis, and we need to deal with that.

Mr. SHAYS. Ms. Dezenski.

Ms. DEZENSKI. Our biggest challenge is breaking through the NSDD process. It has to move more quickly. We need to speed up the deployment of our folks. They are trained and ready to go. We won't have meaningful performance metrics unless we have more people to develop those metrics.

Mr. SHAYS. You're understaffed to develop those?

Ms. DEZENSKI. I think that we are going to have a hard time putting performance metrics together if we don't have more locations to add into those performance metrics.

Mr. SHAYS. But I got the sense from what you were saying that you don't have the staff to start to develop those metrics and so on?

Ms. DEZENSKI. I think we do have the staff ready to develop that. The issue is getting our people deployed.

Mr. SHAYS. OK. Well, you know, some of that fight maybe needs to be a little more public and you need to involve Congress in this process. OMB is not a dictatorship. It may seem like it is. But if OMB decides what you're allowed to say before a committee, you're going to have misinformed Members of Congress and we will not provide the resources where they are needed. And there needs to be a little more faith that if we have some knowledge that it will benefit you all. And it is not being disloyal telling us where these issues of disagreement are. It is what makes our job interesting.

Is there anything that you need to put on the record before we get to the next panel? Is there any statement you want to clarify or correct from someone else or whatever, any question that you wish we had asked that we should have asked that would have made this a better hearing?

Ms. DEZENSKI. Sir, I would like to add a couple comments to the record. I have a great staff behind me. They have fed me some good statistics that I would like to note for the record. The first is that we want to note that the Ambassador in Saudi Arabia has actually asked us to increase our staff. We think that is one of the best examples of the efficacy of what we are doing.

I have mentioned we had started the process on the NSDDs in 2003. That is true for Saudi Arabia, but the four additional coun-

tries were submitted in June 2004. I wanted to make sure that was understood. And in terms of revealing where we have VSO officers, the main reason that we are quiet about it is because we don't what visa applicants moving to the next available post because they know they won't have to go through that scrutiny.

Mr. SHAYS. OK, well, I congratulate your staff on good staff work. But I would say that we could make a list of 15 or so countries where you need to have folks. And the sooner we get that done the better. Or State Department needs to be making sure they are doing what the VSO folks would be doing. You all are good people. I thank you for your service to your country, and I thank you for participating in this hearing. Thank you very much.

Our next and final panel is the Honorable Clark Kent Ervin, Director of Homeland Security Initiative, Aspen Institute; Dr. James J. Carafano, senior fellow of Heritage Foundation; Ms. Susan Ginsburg, former senior counsel, National Commission on Terrorist Attacks Upon the United States, what is in fact the 9/11 Commission; and Mr. John Daniel Morris, retired Consul General, U.S. Mission to Beijing, China.

[Witnesses sworn.]

STATEMENTS OF CLARK KENT ERVIN, DIRECTOR, HOMELAND SECURITY INITIATIVE, ASPEN INSTITUTE; DR. JAMES J. CARAFANO, SENIOR FELLOW, THE HERITAGE FOUNDATION; SUSAN GINSBURG, FORMER SENIOR COUNSEL, NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES (THE 9/11 COMMISSION); AND JOHN DANIEL MORRIS, RETIRED CONSUL GENERAL, U.S. MISSION TO BEIJING, CHINA

STATEMENT OF CLARK KENT ERVIN

Mr. ERVIN. Thank you very much, Mr. Chairman and Mr. Van Hollen. Thank you very much for inviting me to testify today on this critically important topic of whether 4 years after September 11th security gaps remain in our visa policy that can be exploited by terrorists.

There is no question but that it is harder than ever before for terrorists to get a visa into the United States. Before September 11th, it was relatively easy. Back then, even though the law required State Department officers to interview visa applicants, this legal requirement, as you know, was routinely waived. The waivers were to be exceptional and interviewing applicants was to be the norm. In practice the reverse was true. Indeed, as we heard, when an interview was granted, it was usually for the purpose of giving an applicant, who had already been rejected on a first documentary review, a second chance to convince the State Department that he should be admitted to our country. And we all know now about the notorious visa express program in Saudi Arabia and like programs elsewhere that allowed third parties in foreign countries to review visa applications on the State Department's behalf.

Further, State consular officers had limited access to information and other government agencies' data bases, indicating whether a given applicant might be a terrorist. There was nothing in the State Department's CLASS data base indicating that any of the

September 11th hijackers was a terrorist, but there was information in other agencies' data bases that had that information been shared in a timely fashion with State those terrorists might never have gained entry into our country.

Fortunately, nowadays there are no visa express programs, most applicants are interviewed, consular officers are better trained to spot terrorists and signs of fraud. The CLASS data base contains 21 million records of known or suspected terrorists and other people who for some reason are ineligible for visas, nearly triple the number prior to the attacks, and about 70 percent of the data base is based on information passed to the State Department by the FBI, the CIA and other law enforcement intelligence agencies. So information sharing among relevant agencies is much better than it was 4 years ago.

But I want to focus my remarks on the issue that you focused most on, Mr. Chairman, and that is the whole Visa Security Officer program.

Gaps remain in the visa process that terrorists could easily exploit to readily effect. First of all, and most importantly, and I will leave the rest of my remarks for the printed record, the Visa Security Officer program provided for in the Homeland Security Act has not lived up to its promise. Since 15 of the 19 hijackers were from Saudi Arabia, this provision, as you know, mandated the stationing of Homeland Security officers in Saudi Arabia to oversee State's administration of the visa issuance process to ensure that no more visas are issued to terrorists, at least from that country.

The DHS officers sent were presumably to be experts in counterterrorism, fraud detection, interview techniques and other relevant areas. The provision, as you noted, went on to say that Visa Security Officers should be dispatched to every visa issuing post in the world, unless the Secretary of Homeland Security can explain why stationing such officers in a given country would not contribute to homeland security.

When I looked into the VSO program last year as the then Inspector General of Homeland Security, we found that it was not making much of a difference in Saudi Arabia. There were no designated VSO slots, the positions were filled by volunteers, and the volunteers were serving only on a temporary basis, resulting in a rapid turnover of personnel. I think the average was about 7 months at the time. And the temporary volunteers were lacking in the basic skills they needed to be effective. For example, one officer had no law enforcement experience. Another had never worked outside the United States.

Mr. SHAYS. I don't usually interrupt someone who is testifying but when you say volunteers, that has a whole meaning to me. Are you saying someone from DHS who volunteered?

Mr. ERVIN. That's right. Another had never worked outside of the United States and as a result he had no idea how an embassy works. Another had no knowledge of the visa process. And only 1 of the 10 spoke Arabic. Even though the DHS and State Department officers were located just a few feet from each other, neither could then access the other's data bases, so both were inputting and then sending back to Washington for a fuller background check essentially the same information. As a consequence, precious time

was being wasted by State Department, the Department of Homeland Security, their respective headquarters, and other key members of the U.S. law enforcement, intelligence communities, leaving the VSOs little time to do what they were supposedly uniquely competent to do, review visa applications strictly from a counterterrorism perspective.

There have been some advances in the VSO program in Saudi Arabia since then. As for the temporary what I call volunteer turnover problem, according to the GAO as you heard, DHS has hired and trained four permanent employees and deployed them to Saudi Arabia in June, and they are to stay there for a 1-year period. As for language ability, two of the four reportedly speak Arabic. I understand from other sources that the VSOs are no longer wasting time inputting the same data and transmitting it to Washington that consular officers at post had already input. But as you have heard, while there is anecdotal evidence that VSOs have helped to keep terrorists outside of the United States there is no hard and fast evidence of that because DHS has not kept track of any data that might shed light on it.

More troubling to me and indeed most troubling to me is that the program, as you indicated, Mr. Chairman, has yet to be expanded to any country other than Saudi Arabia. If VSOs are such an effective counterterrorism tool, if they have expertise and access to information that State consular officers don't have, it is critical that they be deployed to every visa issuing post throughout the world as quickly as possible, otherwise terrorists could slip into the country by obtaining a visa in any of the other nearly 200 countries with which the United States maintains diplomatic relations.

While DHS, as you heard, intends to add five posts this fiscal year, this fiscal year is nearly over. And as you heard, VSOs have yet to be deployed to any of them.

While DHS intends to expand the program at the rate of five posts a year, this is troubling because at that rate it will take about 40 years for VSOs to be deployed worldwide, giving terrorists plenty of time to apply for a visa from countries lacking putative protections of the program.

And I will close with this final paragraph. In my judgment we should make VSOs as effective as possible. They should in fact be expert in counterterrorism, fraud detection, interview techniques and the like. They should have country and area expertise and they should all be proficient in the local language, and then they should be deployed throughout the world. We should not allow the State Department to exercise an effective veto over the expansion of a program by subjecting this program to the NSDD 38 chief admission authority process by which our Ambassadors, as you have heard, are in power to approve or deny other agencies' requests to have representation in the embassy. This process may be acceptable for the Agriculture Department. It is not acceptable for the Department of Homeland Security.

After all, as you noted, Mr. Chairman, a compromise was reached between State and DHS to allow State to continue to process visa applications and to issue visas only on the understanding that DHS would have the final say on visa issuance. The fear was that absent the strong hand of a department focused exclusively on

counterterrorism, the more diplomacy oriented State Department might revert to a mindset that focuses more on diplomacy and customer service than counterterrorism.

I will stop there and be happy to take your questions.

[The prepared statement of Mr. Ervin follows:]

STATEMENT OF CLARK KENT ERVIN BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON GOVERNMENT REFORM, SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS, AND INTERNATIONAL RELATIONS – September 13, 2005

Mr. Chairman, Mr. Ranking Member, members of the subcommittee, thank you very much for inviting me to testify today on the critically important topic of whether, four years after 9/11, security gaps remain in our visa policy that can be exploited by terrorists. There is no question but that it is harder than ever before for terrorists to get a visa to enter the United States; before 9/11, it was relatively easy.

Back then, even though the law required State Department officers to interview visa applicants, this legal requirement was routinely waived. Though waivers were to be exceptional and interviewing applicants was to be the norm, in practice the reverse was true. Indeed, when an interview was granted it was usually for the purpose of giving an applicant who'd already been rejected on a first, documentary review a second chance to convince the State Department that he should be admitted to the country. And, we all know now about the notorious Visa Express program in Saudi Arabia, and like programs elsewhere, that allowed third-parties in foreign countries to review visa applications on the State Department's behalf. Further, State consular officers had limited access to information in other government agencies' databases indicating whether a given applicant might be a terrorist. There was nothing in the State Department's CLASS database indicating that any of the 9/11 hijackers was a terrorist, but there was information in other agencies' databases. Had that information been shared in a timely fashion with State, those terrorists might never have gained entry into the country.

Fortunately nowadays, there are no Visa Express programs. Most applicants are interviewed. Consular officers are better trained to spot terrorists and signs of fraud. The CLASS database contains 21 million records of known or suspected terrorists and other people who, for some reason, are ineligible for visas, nearly triple the number prior to the attacks. About 70% of the database is based on information passed to the State Department by the FBI, the CIA, and other law enforcement and intelligence agencies, so information sharing among relevant agencies is much better than it was four years ago.

But, gaps remain in the visa process that terrorists could easily exploit to deadly effect. First of all, the Visa Security Officer program provided for in the Homeland Security Act has not lived up to its promise. Since 15 of the 19 hijackers were from Saudi Arabia, this provision mandated the stationing of Homeland Security officers in Saudi Arabia to oversee State's administration of the visa issuance process to ensure that no more visas are issued to terrorists. The DHS officers sent were presumably to be expert in counterterrorism, fraud detection, interview techniques, and other relevant areas. The provision went on to say that "Visa Security Officers" should be dispatched to every visa issuing post in the world, unless the Secretary of Homeland Security can explain why stationing such officers in a given country would not contribute to homeland security.

When I looked into the VSO program last year as the then Inspector General of DHS, we found that it was not making much of a difference in Saudi Arabia. There were no designated VSO slots; the positions were filled by volunteers. And, the volunteers were serving only a temporary basis, resulting in a rapid turnover of personnel. And, the temporary volunteers were lacking in the basic skills they needed to be effective. For example, one officer had no law enforcement experience. Another had never worked outside the United States, and as a result, he had no idea how an embassy works. Another had no knowledge of the visa process. Only one of the 10 could speak Arabic. Even though the DHS and State Department officers were located just a few feet from each other, neither could access the others' databases, so both were inputting and then sending back to Washington for a background check essentially the same information. As a consequence, precious time was being wasted by the State Department, the Department of Homeland Security, their respective headquarters, and other key members of the U.S. law enforcement and intelligence communities, leaving the VSOs little time to do what they were supposedly uniquely competent to do – reviewing visa applications strictly from a counterterrorism perspective.

There have been some advances in the VSO program in Saudi Arabia. As for the temporary volunteer turnover problem, according to the recent GAO report on the subject, DHS hired and trained four permanent employees and deployed them to Saudi Arabia in June, and they are to stay there for a one year period. As for language ability, two of the four reportedly speak Arabic. I understand from other sources that the VSOs are no longer wasting time inputting the same data and transmitting it to Washington that consular officers at post have already input. But, while there's anecdotal evidence that VSOs have helped to keep terrorists out of the U.S., there's no hard and fast evidence of that because DHS has not kept track of any data that might shed light on it.

More troubling to me is that the program has yet to be expanded to any country other than Saudi Arabia. If VSOs are such an effective counterterrorism tool, if they have expertise and access to information that State consular officers don't have, it is critical that they be deployed to every visa issuing post throughout the world as quickly as possible. Otherwise, terrorists could slip into the country by obtaining a visa in any of the other nearly 200 countries with which the U.S. maintains diplomatic relations. While DHS intends to add five posts to the VSO program this fiscal year, the fiscal year is nearly over, and as far as I know, VSOs have yet to be deployed to any one of them. Indeed, as of a couple of months ago, according to GAO, only four of the five posts have approved VSOs for deployment. While DHS intends to expand the program at the rate of five posts at year, this is troubling because at that rate it will take about 40 years for VSOs to be deployed worldwide, giving terrorists plenty of time to apply for a U.S. visa from countries lacking the putative protections of the program.

In my judgment, we should make VSOs as effective as possible. They should, in fact, be expert in counterterrorism, fraud detection, interview techniques, and the like. They should have country and area expertise, and they should all be proficient in the local language. And, then they should be deployed throughout the world. We should not allow the State Department to exercise an effective veto over the expansion of the program by

subjecting the program to the NSSD 38 Chief of Mission Authority process by which our ambassadors are empowered to approve or deny other agencies' requests to have representation in the embassy. This process may be acceptable for the Agriculture Department; it is not for the Department of HOMELAND SECURITY. After all, a compromise was reached between State and DHS to allow State to continue to process visa applications and to issue visas only on the understanding that DHS would have the final say on visa issuance. The fear was that, absent the strong hand of a department focused exclusively on counterterrorism, the more diplomacy-oriented State Department might revert to a mindset that focuses more on diplomacy and customer service than counterterrorism.

Second, while the U.S VISIT system as presently deployed is a major step forward in our decades long effort to develop a system to keep track of who enters and who exits our country through legal channels, it is operational at only 115 airports around the country and 14 seaports, with plans to be expanded to the 50 busiest land ports of entry by the end of the year, according to the latest information available to me. The gap, of course, is that a terrorist could enter the United States at a non-U.S. VISIT-serviced port of entry, and use a visa lent by or stolen from a person with a clean background. Because there'd be no way to match the biometrics of the traveler with those of the visa applicant, there'd be no way for the port of entry inspector to be sure that the traveler is in fact the person to whom the visa was issued. It is critical that U.S. VISIT be deployed to every port of entry as rapidly as possible, and that the exit feature, still only in the pilot stage, be made operational at every port of entry/exit. Otherwise, we might not be able to determine definitely whether known or suspected terrorists who somehow manage to slip into the country undetected and who are subsequently identified have left the country. Finally, it is good that Secretary Chertoff has recognized that a major security gap is the fact that the two finger scan U.S. VISIT system is incompatible with the FBI's 10 fingers based 47 million print database of suspected terrorists and criminals. At some point in the future, first time visitors will be required to submit ten fingers at U.S. VISIT ports of entry. But, for as long as it takes for this enhancement to be implemented, we will be depriving ourselves of information which might help to identify terrorists.

Thank you for this opportunity to testify today, and I welcome your questions.

Clark Kent Ervin
Director, Homeland Security Initiative
The Aspen Institute
(202) 736-1494
[redacted]

Mr. SHAYS. Thank you very much.
Dr. Carafano.

STATEMENT OF JAMES J. CARAFANO

Dr. CARAFANO. Thank you, Mr. Chairman. First, I want to applaud this subcommittee on holding these hearings. I would argue that in the area of interdicting terrorism travel this needs to absolutely be our No. 1 national priority and there is a lot of discussion about dealing with illegal entry to the United States and making the border safer. And while I would agree that is important, quite frankly we know that virtually every known terrorist that has come into the United States has used some form of travel document. And this is simply the No. 1 way terrorists seek to exploit every way to get into this country. But this is simply the No. 1 way, and this simply needs to be our No. 1 priority in this area.

The one comment I would make is that as we look at those programs and assess since September 11th I really think we need to be sober in our expectations. If we really want to make progress in this area, we have to have realistic deadlines. We have to have adequate resources. We have to have adequate human capital programs. We have to have clear standards, we have to have credible measures of performance and we have to have integrated ID programs and if you want to know why things aren't working better you can look across all those areas and get the answer.

I agree with Clark. Things are absolutely much better than they were before September 11th. I don't think that is disputable. One of the most important recent developments in my mind is the second stage review by Secretary Chertoff and the Department of Homeland Security and two critical decisions he has made. One is to create an Under Secretary for Policy and to elevate the International Affairs Office into that office and give it overall responsibility. I think one of the things that has really hamstrung DHS since the start is that it hasn't had a coordinated, integrated approach to its international affairs and it hasn't had a high level person directing overall policy integration in the Department. That is critical. I think establishing a Chief Information Officer and breaking him away from the IAIP and focusing just on intelligence and just on the issue of intelligence is absolutely critical. And if there is one recommendation I would make to the Congress, it is to be fully supportive of the Secretary's organizational changes that he proposed in the second stage review.

I think here is what we can say we have learned over the last 4 years and that making progress has been incredibly difficult, very costly and very problematic. So what I would really like to direct this subcommittee's attention to is I thing we ought to go back and ask a fundamental question, is knowing that making progress in the existing system is so difficult and so costly, we should really ask ourselves do we want to continue on this course or do we simply want a new and different paradigm and do things very, very differently.

I think terrorism is a long-term problem. The terrorists aren't going anywhere. It took 5 years to plan September 11th, it took 3 years to plan Madrid. This is going to be an endemic problem in the 21st century. I think we should take our time and build a sys-

tem and get it right, and staying with a legacy system, which we know fixing it and making it better is very, very difficult, may not be the right—we may not have made the right policy choice in the Homeland Security Act of 2002.

I would argue that we take a different course. I think it makes no sense to divide major responsibilities between three major departments. I would consolidate them all in one, and I would argue that should be the Department of Homeland Security and then——

Mr. SHAYS. Three major responsibilities being——

Dr. CARAFANO. Justice, Department of Homeland Security, Department of State.

And I would argue that we go back and start with a blank sheet of paper and envision a new program or new system on how we want people to come in and exit this country in the 21st century.

And I will end by commenting on two things that I think should be an important part of that strategy. One is the Visa Waiver Program, and I would simply argue as a matter of strategy that this is the right solution. If you can get countries into the Visa Waiver Program and have a degree of due diligence that they are operating with the same due diligence that we are, you do two things. One is you build more geostrategic partnerships, and there are lots of countries that we want to be open and be stronger partners with. And the second one is you take an enormous amount of resources and then you can then shift them to other States that aren't meeting that same level of due diligence.

And the second point I make is we really need the equivalent of the Military War College's National Defense University. We really need a Homeland Security University that brings together these mid-level people in the State Department and Justice and Homeland Security to really have them in an academic environment, to really think deeply about these challenges. And one of them should be terrorist travel. There should be an entire academic environment for these mid-level people to sit together and deep think about this issue. So I really think we do need some kind of equivalent to the War College experience for our future leaders in these three departments. And one of the core pieces of that curriculum—not something in the Consular School, not something that is an add-on course, not Tuesdays instruction, but a serious intellectual development. As warfighters think about how to conduct a campaign, people in these other agencies should be thinking about how to fight terrorism.

[The prepared statement of Dr. Carafano follows:]

The Visa Process: Strategic Direction for a 21st Century System

Testimony before the Committee on Government Reform, Subcommittee on National Security, Emerging Threats, and International Relations

House of Representatives

Dr. James Jay Carafano
Senior Research Fellow
The Heritage Foundation

September 13, 2005

Rayburn House Office Building

****

The Heritage Foundation is a public policy, research, and educational organization operating under Section 501(C)(3). It is privately supported, and receives no funds from any government at any level, nor does it perform any government or other contract work.

The Heritage Foundation is the most broadly supported think tank in the United States. During 2004, it had more than 200,000 individual, foundation, and corporate supporters representing every state in the U.S. Its 2004 income came from the following sources:

Individuals	56%
Foundations	24%
Corporations	4%
Investment Income	11%
Publication Sales and Other	5%

The top five corporate givers provided The Heritage Foundation with 2% of its 2004 income. The Heritage Foundation's books are audited annually by the national accounting firm of Deloitte & Touche. A list of major donors is available from The Heritage Foundation upon request.

Members of The Heritage Foundation staff testify as individuals discussing their own independent research. The views expressed are their own, and do not reflect an institutional position for The Heritage Foundation or its board of trustees.

Mr. Chairman and other distinguished Members of the committee,

Thank you for the opportunity to assess the roles of the Departments of State, Homeland Security, and Justice in programs for issuing and managing visas.

In my testimony today, I would like to reaffirm the importance of the efforts by Congress to strengthen the programs governing the issuance and management of travel documents; assess the results of the administration's efforts so far; offer principles and issues that might guide the next steps; and offer specific recommendations for the way forward.

After September 11th

In the wake of 9/11, the Congress and the administration turned its attention to strengthening the issuance and management of visas. They were right to do so and make this effort a very high priority in the global effort to diminish terrorist travel. Terrorists have tried virtually every means available to get to the United States. The overwhelming number of known and suspected terrorists, however, have traveled and remained here in the same manner as most foreign visitors, employing a nonimmigrant visa, which can be obtained from any of the 211 American consulates around the world or under certain circumstances within this country. The length of stay varies depending on the type of visa. Travelers holding nonimmigrant visas comprise the majority of individuals entering the United States.[1] Additionally, others obtain immigration visas or are visitors carrying passports from the 27 countries participating in the visa waiver program.[2] A recent study of 94 foreign-born terrorists by Janice Kephart, former counsel for the September 11 Commission, revealed that virtually all used some form of travel documentation to enter or remain in the United States.[3]

Not only do most terrorists mask their movements by using legitimate means of trade and travel, they often break the law in the process. Kephart noted that over half of the subjects in her study committed some kind of fraud in pursuance of obtaining documentation.[4] Some were also known or suspected terrorists before they entered this country. These facts suggest that an appropriate screening of visa issuance and monitoring the use of visas and foreign-issued passports could be an effective layer in interdicting terrorist travel and restricting their freedom of movement within the United States.

---

[1] James Jay Carafano and Ha Nguyen, "Better Intelligence Sharing for Visa Issuance and Monitoring: An Imperative for Homeland Security, October 27, 2003, Heritage Backgrounder #1699, http://www.heritage.org/Research/HomelandDefense/BG1699.cfm.

[2] James Jay Carafano, and Richard Weitz, "Building the Alliance for Freedom: An Agenda for Improving and Expanding the Visa Waiver Program," May 6, 2005, Heritage Backgrounder #1850, http://www.heritage.org/Research/NationalSecurity/bg1850.cfm.

[3] Janice Kephart, "Immigration Benefits and Terrorism," The Center for Immigration Studies, September 2005, p. 7.

[4] Kephart, ibid.

Winning the war on terrorism, however, requires more than just stopping individual plotters. It also means building a strong America—a free and prosperous nation that can out compete and out last the nation's enemies while we hunt down their leaders, destroy their sanctuaries, disrupt their networks, cut-off their sources of funding, support, and recruiting, and discredit their ideology. The effective management of visas and passports has a vital role to play here as well.[5] Maintaining the free flow of people, goods, services, and ideas across America's borders are also vital national security interests. Arguably, reduction and delay in the issuance visas since 9/11 for security concerns have had a significant economic impact and reduced U.S. competitiveness.[6]

Where We Are

In regards to the system of visas and passports that facilitate international travel, major challenges remain in meeting the equally compelling demands of better security, economic growth, and strengthening civil society. In particular, serious obstacles remain to providing adequate physical infrastructure at counselor offices and border entry and exit points, enhancing human capital programs, and improving the integration and sharing of information between intelligence and information data bases.[7]

On the other hand, there has been progress in both improving customer service and strengthening the security of visa issuance and management since 9/11. In virtually every category, visa issuance levels were higher in 2004, than in 2003.[8] Recently, the Government Accountability Office noted improvements in the application of the Visas Mantis program for adjudicating visas for science students and scholars.[9]
The Departments of State, Justice, and Homeland Security are working to harmonize their policies, operations, and information technology programs.

---

[5] James Jay Carafano and Paul Rosenzweig, *Winning the Long War: Lessons from the Cold War of Defeating Terrorism and Preserving Freedom* (Washington: DC: The Heritage Foundation, 2005), pp. 67-68.

[6] See, for example, Bay Area Science and Innovation Consortium, Bay Area Economic Forum, "Visas for Higher Education and Scientific Exchange: Balancing Security and Economic Competitiveness," April 2005, pp. 4-7. Other factors likely also contributed to the decline including a global recession and overall decline in international travel.

[7] These challenges are detailed well in Stephen Yale-Loehr, et.al., "Secure Borders, Open Doors: Visa Procedures in Post-September 11 Era," Migration Policy Institute (2005).

[8] U.S Department of State, "Table 1/Part 1: Immigrant and Nonimmigrant Visas Issued at Foreign Posts, Fiscal Years 1994-2004," (2005), http://travel.state.gov/pdf/visa_office_report_table_i.pdf.

[9] See, U.S. Government Accountability Office, "Streamlined Visas Mantis Program Has Lowered Burden on Foreign Science Students and Scholars, But Further Refinements Needed," GAO-05-198, (February 2005). The report notes significant improvement from an investigation by the GAO the year before. U.S. Government Accountability Office, "Improvements needed to Reduce Time Taken to Adjudicate Visas for Science Students and Scholars," GAO-04-371, (February 2004).

Of particular significance, the new Secretary of Homeland Security, Michael Chertoff, recently announced a reorganization of his department. Among the initiatives was the creation of an Office of Policy, Planning, and International Affairs which the secretary intends to ask the Congress be managed under a new Undersecretary position. The secretary also announced his intent to create a Chief Intelligence Officer to oversee all the department's intelligence activities.[10] These initiatives should provide strong leadership from the department for overseeing its responsibilities for visa and passport programs.

Perhaps, most important, while we recognize there is still much work to be done to strengthen existing programs, there is evidence to suggest that transnational terrorist groups perceive that the United States is a 'harder" target than it was before 9/11. In part, this is reflected in increased efforts to organize and conduct operations in Europe and recruit operatives who are holders of passports from Visa Waiver countries or U.S. citizens.[11]

The Point of Decision—Incremental Improvement or Transformation

The main issue I would like to bring before this committee is not what can be done to strengthen the current programs that divide responsibilities between three major federal departments, but whether we should continue to proceed on this course or take a new path. As noted in a recent report by the Migration Policy Institute, despite many the changes in visa and passport application, issuance, and oversight, the basic legislative framework that governs the system "has not changed in significant ways."[12] Four years of experience have shown us that incremental gains in security under this system are costly, disruptive, and difficult to implement. Recognizing that the war on terrorism will be a long protracted conflict and that the requirements for free and efficient international travel will be enduring for any country that wants to remain competitive in the 21st century—it is time for the Congress to ask whether we should consider an alternative paradigm.

At the heart of the shortfalls of the current system is the requirement for multiple agencies to balance the multiple priorities of security, economy, and civil society. To the maximum extent possible these programs should be consolidated under the agency whose core competencies and principle missions most closely align with the tasks required. In particular, as pointed in a bipartisan study conducted by The Center for Strategic and International Studies and The Heritage Foundation, little synergy has been gained by splitting responsibility for visa programs between the Departments of State and Homeland Security (DHS).[13]

---

[10] Congressional Research Service, "The Department of Homeland Security Reorganization: The 2SR Initiative," (August 19, 2005), pp. CRS-3to CRS-5.

[11] Robert S. Leiken, "Bearers of Global Jihad: Immigration and National Security After 911," The Nixon Center (March 2004), pp. 91-101.

[12] Yale-Loehr, "Secure Borders, Open Doors: Visa Procedures in Post-September 11 Era," p. v.

[13] James Jay Carafano and David Heyman, "DHS 2.0: Rethinking the Department of Homeland Security," The Center for Strategic and Budgetary Assessments and The Heritage Foundation, (December 2005), p.

Major progress won't be made until an appropriate consolidation of authority and responsibility has been undertaken. I believe that should be in the DHS. Despite its name, the DHS is the federal government's "center of gravity" for issues involving international trade and travel. The term "homeland security" is misleading. Virtually no homeland security program can be implemented effectively without the support and cooperation of America's friends and allies around the world. On the other hand, security is not about "pushing our borders out," making other nations bear the burden of protecting U.S. citizens. Homeland security is really a cooperative effort that enables nations to serve their mutual interests and protect their citizens—as well as the global economic lifelines that carry the free flow of goods, services, peoples, and ideas—against the threat of transnational terrorism.

While the Homeland Security Act of 2002 gave the Secretary of the DHS exclusive authority to issue regulations and administer the visa program, consular officers remained part of the Department of State.[14] This was a mistake. For the DHS to fulfill its responsibilities in the visa process, and because of the national security aspect of visa approvals, the Bureau of Consular Affairs' Office of Visa Services should be placed under the DHS.

Principles for a 21st Century System

As a second step, the DHS and the Congress need to start with a blank sheet of paper and redesign a system for the 21st century. This vision should provide (1) a new, simplified legislative framework to govern immigration law; (2) a bold new infrastructure investment plan; (3) an innovative human capital program; and (4) a roadmap for transforming the current system into a 21st century system.

Here are some principles that might guide their efforts.

Principle #1 *Security, Economic Growth, and Civil Society are Equal Priorities.* Any framework for managing visa programs must meet all three national priorities. An effective system would: (1) Keep legitimate travel documents out of the hands of known or suspected terrorists and prevent them from using fraudulent documents; (2) Minimize impediments to legitimate travel; (3) Protect the liberties and privacy of U.S. citizens, provide reciprocal benefits to the citizens of friendly and allied nations.

Principle #2 *Integrity is Important.* The rule of law must be maintained if immigration laws are to serve as a deterrent to criminals and terrorists. The United States should only have immigration laws it is willing to fully enforce and it should allocate the resources to fully enforce those laws.

13, http://www.csis.org/hs/041213_dhsv2.pdf or http://www.heritage.org/Research/HomelandDefense/sr02.cfm.

[14] Homeland Security Act of 2002, Section 428(b)(1).

Principle #3 *Visas and Passports don't have to Do it All.* Visas and passports are part of a layered international security system for fighting transnational terrorism. The United States should not over invest in attempting to build a perfect system. The biggest bang for the security buck is in effective counterterrorism, intelligence and early warning programs that thwart terrorist acts before they occur. These must be fully funded first.

Principle #4 *Stop Wasting 90 percent of Security Assets on 90 percent of the people that aren't a problem.* Mandatory screening or interview programs that waste time and effort on low-risk individuals have to be eliminated. The best system is one that will require security and screening personnel to focus maximum resources on high-risk individuals—known or suspected terrorists and transnational criminals.

Principle #5 *Think Outside the Box.* There is no inherent reason why counselor services need to be conducted at State Department facilities or why the United States should be wedded to the current infrastructure and programs employed to manage trade and travel.

Principle #6 *Engage the Private Sector.* The federal government has the responsibility to ensure that policies and priorities are implemented to standard, but that does not mean that visa and passport activities must be conducted by the federal government. The private sector is far more adept at accommodating to the changing environment of global trade and travel. Private sector solutions should be aggressively sought out.

Principle #7 *Take Time and Get it Right.* The terrorists aren't going anywhere. It took over five years to plan the 9/11 attacks, three years to organize the Madrid bombings. The next may occur tomorrow—or maybe in the works for a decade from now. Transnational terrorist are endemic threat to a globalized world. What is needed are long-term solutions to a long-term problem.

Recommendations

As the Congress looks at the broad scope of visa issuance and management programs, in addition to rethinking the overall strategic direction of these efforts, there are several specific issues that it might consider.

Visa Waiver Program

The Visa Waiver program should be strengthened and expanded. New criteria need to be added to account for transnational security threats and document surety. The program also needs to be expanded. Every country that is added to the program allows U.S. resources to focus on other more pressing security concerns. In addition, adding countries will strengthen ties with emerging strategic allies. The United States should work with

targeted nations such as India, South Korea, Poland, and the Czech Republic to establish a joint roadmap to reach a Visa Waiver program agreement within five years.[15]

Terrorist Screening Center (TSC)

The TSC plays an important role in providing intelligence support for the visa issuance and monitoring process. Responsibility for managing the center should be given to the DHS and its functions better integrated with the National Targeting Center and the Law Enforcement Support Center.[16]

State and Local Support for Immigration Enforcement

State and local governments must provide more support for enforcing immigration laws. The integrity of these laws must be restored. In addition, state, local and federal officials must work closely together to combat transnational threats. This means both more law enforcement and increasing capacity in a manner that respects civil liberties and the roles and responsibilities of federal and state authorities. Adequate authorities already exist. Instead, Congress should promote the use of Section 287(g) of the Immigration and Naturalization Act (INA) as a better mechanism for enabling state and local law enforcement to join in the global war against terrorism. Congress must create incentives to use this program and demand that the DHS places more emphasis on using this potentially valuable tool.[17]

Consolidation of Border Support Agencies

In "consolidating" responsibility for border, immigration, and transportation security, DHS actually increased the number of involved, creating more problems that now need solving.[18] These agencies should be consolidated into a single border services agency. This agency should provide all operational support for visa issuance and monitoring both in the United States and overseas.

---

[15] James Jay Carafano, and Richard Weitz, "Building the Alliance for Freedom: An Agenda for Improving and Expanding the Visa Waiver Program," May 6, 2005, Heritage Backgrounder #1850, http://www.heritage.org/Research/NationalSecurity/bg1850.cfm

[16] James Jay Carafano, Statement before the House Permanent Select Committee on Intelligence, (August 10, 2004, http://www.heritage.org/Research/HomelandDefense/tst081004a.cfm

[17] James Jay Carafano, Ph.D., Paul Rosenzweig, and Alane Kochems, "An Agenda for Increasing State and Local Government Efforts to Combat Terrorism" February 24, 2005, Heritage Backgrounder #1826, http://www.heritage.org/Research/HomelandDefense/bg1826.cfm.

[18] James Jay Carafano, Statement before the Subcommittee on Management, Integration and Oversight, House Committee on Homeland Security, March 10, 2005, http://www.heritage.org/Research/HomelandDefense/tst031005a.cfm.

Visa Security Program

The DHS Visa Security Program was established under the authorities of the Homeland Security Act of 2002. Its purpose is in part to help coordinate visa policies, provide training to counselor officers and assist in the review of applications in Saudi Arabia. The program lacks strategic direction, adequate resources, and the current legislation authorizing the program is too restrictive.[19] The program should be restructured and integrated into a single DHS border services agency.

Homeland Security University

The DHS lacks an institution to serve as a focus for professional development of its leaders and a forum for educating other leaders in other agencies and other countries, similar to the Defense Department's War Colleges and National Defense University. One major are of study at the Homeland Security University should be the subject of terrorist travel.

Next Steps

I hope this committee will provide a leadership role in encouraging the Congress to rethink our national system for visa issuance and monitoring, as well as tackling the perplexing issues of interagency cooperation that prevent the current system from being as effective as it could be. I look forward to discussing these and other issues and recommendations during the course of the hearing.

Once again, thank you, Mr. Chairman and the rest of the Committee for holding this hearing and for inviting me to participate. I look forward to answering any questions you might have.

[19] General Accountability Office, "Actions Needed to Strengthen Management of Department of Homeland Security's Visa Security Program," GAO-05-801 (July 2005).

Mr. SHAYS. Thank you. Is there any model of any school somewhere else? Any country has a school on homeland security?

Dr. CARAFANO. No.

Mr. SHAYS. It would be kind of like Newt Gingrich thinking out of the box here?

Dr. CARAFANO. Yes.

Mr. SHAYS. Ms. Ginsburg.

Ms. GINSBURG. Mr. Chairman——

Mr. SHAYS. That is the mic that has the least amplification. If you want to pull it closer to you.

STATEMENT OF SUSAN GINSBURG

Ms. GINSBURG. Mr. Chairman, Mr. Van Hollen. It is a privilege to appear before the subcommittee which has maintained a consistent focus on the visa process since September 11th and acted as a force for its continual improvement.

Let me first summarize the GAO's key findings as follows. The visa process must serve simultaneously as an anti-terrorism tool and as a facilitator of legitimate travel. Consulates are still understaffed in numbers, expertise and experience levels. Counterterrorism and counterfraud tools are improved but not optimal and DHS's practical contribution to the visa process remains unclear.

Each of these points calls for comments from a counterterrorism perspective.

The visa process as an anti-terrorism tool. Visa offices are crucial screening points for the defensive blocking of dangerous individuals. Offensively, they help detect and counter terrorist operations and help counter the criminal infrastructure for illegal immigration, which also contributes to terrorist mobility.

All terrorist groups have to execute certain basic functions: Making decisions, communicating, recruiting, training, raising and distributing money, and moving people and material. Each facet presents a potential vulnerability.

Terrorist mobility, the need to move people, is central. When terrorists need to cross sovereign borders for any of their critical functions, their vulnerabilities and our opportunities for detecting them are greater.

The mobility function offers opportunities for designing new offensive and defensive measures. We can create new types of information based on it, use it as points of attack or make it more difficult to carry out, especially secretly. Yet terrorist mobility has received significantly less attention than it demands. The visa process is central to this new field of terrorist mobility. The visa office is a key location where we have the opportunity to detect and intercept terrorists, or at least ensure that they leave a footprint.

This footprint can contribute to a larger analytic effort by consular offices and others. This information will become relevant later when a new crew allows visa data base information to be read as the record of terrorist passage. With other information, it can reveal patterns and trends and speed the design of new countermeasures.

Visa offices, consulates and embassies are also critical locations for crime control. Visa officers gain access to information that can

lead to detecting false personas and fraudulent travel in supporting documents. When analyzed, this information will allow investigators, intelligence officials and diplomats to take actions against the sources of those illegal travel tactics.

This includes penetration of criminal networks, preemption and deterrence. Visa offices must take an increasingly significant role in crime control against such illegal travel practices and organizations. This role adds a new dimension of importance to the personnel and practices dedicated to this function.

Lack of trained personnel is unacceptable at a time when consulate affairs has a critical national security role in countering terrorist mobility. I do not believe that role can be transferred to the DHS. The GAO reports significant growth in visa office staffing, but also presents a troubling picture of supervisory positions filled by entry level officers, shortages, and language training deficiencies.

Consular offices are transit points which force terrorists to surface and confront governmental authorities. There must be people in place with experience in the region so that they are better able to read the clues presented by the people in front of them and to devise systems to improve information gathering.

The Intelligence Reform Act recommended additional consular officers. Until this occurs there should of course be a process for establishing priorities for filling posts critical to national security.

Part of the good news in the GAO report is that the State Department is currently developing distance learning courses in the areas of fraud prevention and terrorist mobility. This is a good beginning as long as they are mandatory requirements. Once the courses are distributed, consular officers must determine whether they are adequate and what modifications are needed.

Two other points about counterterrorism are important. First, each post's officers must have a thorough understanding of the role of that geographic area in terrorist mobility and in the criminal infrastructure for illegal migration. This probably means developing specialists at posts for this purpose. These specialists would have a career path that reflected their role such as cross-service in the intelligence community and at ports of entry.

At present there appear to be at least 25 visa fraud investigators deployed, but no specialists in terrorist mobility. Only specialized knowledge, however, allows visa fraud to be recognized as terrorist related, and it does not appear that the ability to make these assessments is a mandatory requirement for any of the fraud investigators.

Second, there still appears to be insufficient focus on travel and supporting documents as a means of detecting terrorists. As you know, the 9/11 Commission found that 15 of the 19 hijackers were potentially detectable as terrorists by documentary indicators.

Information relating to potential terrorists' travel documents is extensive, detailed and ever changing. Rather than making information available only by classified computer, a better approach would be to automate it.

Currently, there are no electronic screening of passport books themselves and of accompanying documents; in other words, they look at the passport. It doesn't go through any kind of machine

that can read it using technology. This can be done to determine authenticity, to detect adulteration and terrorist and criminal indicators. Yet this capability exists and can be further augmented.

The goal should be electronic screening of foreign passports and identification documents using these kinds of algorithms. One dimension of a terrorist mobility specialist job should be expertise and documentary indicators just as there are forensic passport specialists today who supply the Nation with expertise on fraudulent passports generally.

Improved fraud detection through interviews with visa applicants and scrutiny of their documentation is a critical dimension of countering terrorist mobility, of crime control and immigration management. Once fraud of any kind is detected, there must be an additional effort to detect any links to terrorism or to a criminal organization that may have links with terrorists.

According to the GAO, what consular officers are requesting are better counterterrorism tools and training. The basic truth here is that DHS personnel from ICE or CBP do not have any greater expertise in terrorist mobility than consular affairs officers. The experiment of having DHS visa security officers perform this role for which they are no better equipped than the personnel at the State Department should end. Instead, there should be a focus on what functions DHS officers must fulfill overseas themselves to counter terrorist mobility.

Consideration should be given to building up at least two important roles to supplement the visa function overseas: First, a serious program to staff airport embarkation points with DHS officers. That's a gap, especially for Visa waiver program countries.

Second, the creation of a team of agents from ICE, Diplomatic Security and FBI to assist foreign law enforcement organizations in major cases against criminal travel facilitation organizations.

To conclude, the visa process is essential to counter terrorism, to crime control and to immigration management, including the facilitation of legitimate travel fundamental to our commitment to freedom and to our economic well being. Until visa officers and other border control points are seen as central contributors to counterterrorism, at least as important as the FBI, the intelligence community and the military, their opportunities to combat terrorism will not be maximized. Visa offices need to become hybrid hubs for counterterrorism, crime control and immigration fraud expertise.

To achieve this goal, more personnel, greater specialization, new technology tools and cross-training and cross-service among the relevant agencies are required.

The work of this subcommittee, highlighted today by analysis of the GAO report you commissioned continues to be a source of innovation and excellence. Thank you.

[The prepared statement of Ms. Ginsburg follows:]

STATEMENT
before the
Subcommittee on National Security, Emerging Threats and International Relations:
Combating Terrorism: Visas Still Vulnerable
September 13, 2005

Susan Ginsburg

Mr. Chairman, Rep. Kucinich, and members of the Subcommittee, it is a privilege to appear before this subcommittee which has maintained a consistent focus on the visa process since 9/11 and acted as a force for its continuous improvement.

The GAO's report that you commissioned and are reviewing today, *Border Security: Strengthened Visa Process Would Benefit From Improvements in Staffing and Information Sharing,* contains important new recommendations relating to counterterrorism.

As you know, the work of my team on the 9/11 Commission staff was to provide research and recommendations concerning the tactics used by the 9/11 conspirators and some of their terrorist predecessors. These terrorists were able to obtain visas, enter, and remain in the United States through illegal use of legal entry channels, including the visa process.

Today I would like to build on the work of this subcommittee, the GAO, and the 9/11 Commission by highlighting the importance of some of the findings and recommendations that have been presented and by offering some additions.

I would summarize the GAO report's major findings as follows:

- The visa process must serve simultaneously as an anti-terrorism tool and as a facilitator of legitimate travel;
- Consulates today are better staffed for these purposes but are still understaffed in numbers, expertise, and experience levels;
- Counterterrorism tools are improved, but not optimal;
- Counter-fraud tools are improved, but not optimal;
- DHS' practical and even notional contribution to the visa process remains unclear; and
- The difficulty in using FBI criminal history (NCIC) files contributes to needless delays and perhaps undue expense in the visa process.

Each of these six points merits comment from a counterterrorism perspective.

1. The visa process as an anti-terrorism tool.

Since 9/11, we've understood that visa offices are crucial screening points for the *defensive* blocking of dangerous individuals. They are also, however, crucial

offensively, to help detect and counter terrorist operations, and to help counter the criminal infrastructure for illegal immigration which also contributes to terrorist mobility.

We live in an age where war is conducted, in part, through terrorism. National borders and their screening and access points must be regarded as critical components of offensive counterterrorism and the national security framework. Why? Because for terrorists they pose major obstacles to a critical terrorist function -- mobility.

All terrorist groups have to execute certain basic functions: making decisions, communicating internally and publicly, recruiting and training members, raising and distributing money, and moving people and material. Each of these facets of terrorist functioning offers a potential vulnerability.

Terrorist mobility – their need to move people – is equally important. When terrorists need to cross sovereign borders for *any* of their critical functions – communications, fundraising, recruiting, training, decision making -- their vulnerabilities and our opportunities for detecting them are greater.

These provide opportunities for designing new offensive and defensive measures. We can create new types of information based on them, use them as points of attack, or make them more difficult to carry out – especially secretly. Until terrorists are persuaded to desist, it is essential that we take effective effective advantage of every vulnerability.

Efforts today are being directed against terrorist leadership cadres, their communications (including Internet), finance, recruiting and training practices, and their actual and potential sanctuaries. Yet terrorist mobility has received significantly less attention than other dimensions of counterterrorism.

The GAO's report and the continuous improvements at Consular Affairs are critically important because the visa process is central to this new field of terrorist mobility. The visa office is one of the key locations where we have the opportunity to detect and intercept terrorists, or at least ensure that they leave a footprint.

This footprint can contribute to larger analytic efforts by consular offices among others. This information can become relevant later, when a new clue allows visa database information to be read as the record of terrorist passage. Put together with other information, it can reveal patterns and trends, and permit the design of new countermeasures. Because the screening and analytic architecture provided by the visa process captures revelatory information it is critically important to the new national security framework.

Visa offices, consulates, and embassies are also critical locations for crime control. Visa officers gain access to information that can lead to detecting false personas and fraudulent travel and supporting documents. When analyzed, this information will allow investigators, intelligence officials and diplomats to take actions against the *sources* of those illegal travel tactics.

Again, more is called for than the defensive blocking of individual criminals. Visa offices must take an increasingly significant role in crime control against illegal travel practices and organizations, by developing and sharing information to be used in law enforcement, intelligence, and diplomatic efforts against the sources of crime and criminal travel networks.

Very often these roles – counterterrorism and countercrime – overlap. The corrupt official who provides passports under the table can supply a terrorist as well as a narco-trafficker or family member.

The visa office's role in collecting, analyzing, and applying information about terrorist mobility and the organized criminal support for terrorist travel adds a new dimension of importance to the personnel and practices dedicated to the visa function.

2. Consulates today are better staffed but still understaffed in numbers, expertise, and experience levels.

Lack of trained personnel is unacceptable at a time when Consular Affairs has a critical national security role in countering terrorist mobility. The GAO reports significant growth in visa office staffing but also presents a troubling picture of a consular corps where over a quarter of supervisory positions are filled by entry-level officers, shortages are expected to remain until 2013, and language training deficiencies persist.

Consular offices are transit points which force terrorists to surface and confront governmental authorities. There must be people in place with experience in the region so that they are better able to read the clues presented by the people in front of them, and to devise systems to improve information gathering in cooperation with host governments and other parts of the US government.

The *Intelligence Reform and Terrorism Prevention Act* recommended additional consular officers. Until this occurs, there should be a process of establishing priorities for filling posts critical to national security.

3. Counterterrorism tools are improved, but not optimal.

Part of the good news in the GAO report is that the State Department is currently developing distance-learning courses in the areas of fraud prevention and

terrorist mobility. This is a good beginning, as long as there are mandatory requirements.

Once the courses are distributed, consular officers must determine whether they are adequate and what modifications are needed.

Two other points are important.

First, each post's officers must have a thorough understanding of the role of that geographic area in terrorist mobility and in the criminal infrastructure for illegal migration. This information needs to be updated continually as information and intelligence become available.

This probably means developing specialists at posts for this purpose. These specialists would have a career path that reflected their role, such as cross-service in the intelligence community and at ports of entry or other immigration and terrorism screening points contributing to counterterrorism.

At present, there appear to be at least 25 visa *fraud* investigators deployed but no specialists in terrorist mobility. Only specialized knowledge, however, allows visa fraud to be recognized as terrorist-related, and it does not appear that the ability to make such assessments is a mandatory requirement for any fraud investigators. Moreover, screening for terrorist indicators needs to be done during the visa application process, and not limited to special investigations.

Second, there still appears to be insufficient focus on travel and supporting documents as a source of terrorist indicators. As you know, the 9/11 Commission found that 15 of the 19 hijackers were potentially detectable as terrorists by documentary indicators.

The GAO found that only 48 percent of the visa chiefs surveyed had visited a classified website where such information might be displayed. Yet the GAO report says convincingly that many officers requested additional terrorism-related training. This apparently contradictory situation is likely a result of the classified computers being located at a distance from the understaffed visa issuing unit.

Information relating to documentary indicators is extensive, detailed, and ever-changing. Rather than simply making information available to whoever has time to study it, a better approach would be to automate it.

Currently, there is no electronic screening of passport books and accompanying documents for authenticity, adulteration, and terrorist and criminal indicators. Yet this capability exists and can be augmented further.

The goal should be electronic screening of foreign passports and identification documents using authentication, fraud, and terrorism-related algorithms. One

dimension of a terrorist mobility specialist's job should be expertise in documentary indicators, just as there are forensic passport specialists today who supply the nation with expertise on fraudulent passports generally. How to design and organize document screening in response to terrorism is a larger subject that requires more time than available today.

4. Counter-fraud tools are improved, but not optimal.

Improved fraud detection through interviews with visa applicants and scrutiny of their supporting documentation, is a critical dimension of countering terrorist mobility as well as of crime control and of immigration management. From a counterterrorism perspective, it is important that once fraud of any kind is detected, there is an *additional* effort to detect any links to terrorism or to a criminal organization that may also support terrorism.

The GAO's report of new fraud investigators and the establishment of the Vulnerability Assessment Unit are important developments. They ought to lead to better fraud detection and deterrence which can bolster counterterrorism. The GAO also recommends standardized fraud reporting by posts.

For counterterrorism purposes, comprehensive information must also be developed about the nexus between fraudulent documents and individuals denied on terrorism or organized crime related grounds. This kind of information collection and analysis, available centrally and combined with similar information from ports of entry, is key to effective counterterrorism.

5. The DHS' practical and even notional contribution to the visa process remains unclear.

According to the GAO, what consular officers are requesting are better counterterrorism tools and training, and what is needed also is an increased number of visa officers. The basic truth here is that DHS personnel from ICE or CBP do not have greater expertise in terrorist mobility than Consular Affairs officers.

The experiment of having DHS Visa Security Officers perform this role should end. Instead, there should be a focus on what functions DHS officers must fulfill overseas to counter terrorist mobility. While this goes beyond the subject matter of the GAO report, consideration should be given to building up at least two important roles to supplement the visa function overseas:

- *first*, a serious program to staff airport embarkation points with DHS officers (a combination of ICE and CBP) who can scrutinize travel documents in cooperation with foreign officials, and possess and have access to terrorist travel document expertise;
- *second*, the creation of a team of agents from ICE, Diplomatic Security Service (DSS), and FBI to assist foreign law enforcement organizations in

major cases against criminal travel facilitation organizations – human smugglers, major forgers, corrupt officials and travel agencies that support terrorist travel or large scale illegal migration.

6. The difficulty in using FBI criminal history (NCIC) files contributes to needless delays and perhaps undue expense in the visa process.

The efficiency, accuracy, and reliability of the visa process have an indirect as well as direct impact on the nation's security. The direct impact is in intercepting dangerous individuals and contributing to the information collection and analysis to preempt and deter them and the criminal travel infrastructure. The indirect impact is in fostering the ability of people to come to the U.S. and to become our friends and supporters, and hence to contribute to our economic security and strengthen our public diplomacy.

According to the GAO, there is at least one cause of disproportionate delay in the visa process – this is the link between visa offices and the FBI NCIC file information, which provides criminal records information on visa applicants. On the one hand, once there is a hit that indicates a record exists, the data necessary to visa determinations cannot be *extracted electronically*, which is what visa officers need. On the other hand, visa officers are not legally entitled to *review the entire files* to glean the necessary information. This is an easily made legislative fix.

It may be that the solution is to download the entire records into CLASS as is being discussed. Meanwhile, an option for addressing the immediate problem is to consider staffing visa offices not only with terrorist mobility specialists, but also with criminal investigators from Diplomatic Security. They have sufficient familiarity with criminal investigative processes to interpret NCIC file and make an additional queries with records centers. Broadening the responsibility of DS agents, increasing their numbers and familiarization with the visa issuance process, cross-training them with ICE officers over the course of their careers, involving them in a broader range of criminal travel facilitation investigations, may be a useful substitute or supplement to having visa officers become expert in these older databases.

Conclusion

To conclude, the visa process is central to counterterrorism, to crime control, and to immigration management, including the facilitation of legitimate travel fundamental to our commitment to freedom and to our economic well being.

Until visa offices and other border control points are seen as central contributors to counterterrorism – at least as important as the FBI, the intelligence community, and the military – their opportunities to combat terrorism will not be maximized.

Visa offices need to become hybrid hubs for counterterrorism, crime control, and immigration and immigration fraud expertise. To achieve this goal more personnel, greater specialization, new technology tools, and cross-training and cross-service among relevant agencies are required.

The work of this Subcommittee – highlighted today by analysis of the GAO Report you commissioned – continues to be a source of innovation and excellence as demonstrated by the hearing today.

Mr. SHAYS. Thank you very much.
Mr. Morris.

STATEMENT OF JOHN DANIEL MORRIS

Mr. MORRIS. Mr. Chairman, thank you for the opportunity today to present my comments on post-September 11th U.S. visa procedures from the perspective of a consular officer in the field.

As you know, I recently completed a 3-year assignment as Consul General in Beijing. I am now retired from U.S. Government after a number of years in the Foreign Service, primarily in consular work. In the course of my career, I saw many changes in visa work. As the world became more and more interconnected, demand for U.S. visas accelerated exponentially and technological innovations were introduced to try to help keep pace with efficiency and security needs.

As I returned to consular work in the summer of 2002, following a period working in other Foreign Service areas of responsibility, it was evident the Department of State was in the midst of the biggest change regarding visas I had experienced. First, Secretary Powell had set out clear policy guidance that security is the No. 1 consideration in visa processing. While self-evident, that reality had become blurred in the course of two decades of declining resources and visa work in relation to the growing work demands and amidst policy admonitions to consular officers to find ways to do more with less due to budget constraints. Secretary Powell's definitive statement has since been a watchword to all of us in the field as we are trying to carry out those changes.

Second, Consular Affairs Assistant Secretary Maura Harty put forth a series of detailed guidelines and instructions for officers in the field to ensure that the Secretary's policies would be carried out. These were very helpful to posts in sorting through all of their priorities and managing their workloads.

Third, bolstered by Secretary Powell's Diplomatic Readiness Initiative, which increased Foreign Service officer intake, the Department endeavored to provide sufficient personnel to posts to enable them to actually carry out their responsibilities fully.

As a consular officer, I saw that it was the first time in at least a decade that I experienced replacement visa interview officers beginning to arrive as the officers departed on reassignment without lengthy staffing gaps. But staffing was then and still is insufficient in many consular sections abroad, as you have heard already today.

In China, we discovered precisely some of the things we have been talking about today, including, particularly, a shortfall in the mid-level consular supervisors. And this is, as you know, an echo from the drastic cutbacks in the intake of Foreign Service officers in the nineties. This put a lot more responsibility than was desirable in the hands of very talented but inexperienced officers in China.

The officers conducting visa interviews around the world today are highly motivated and intelligent and language capable, very aware of their important role in the front line of America's defense. They're also very hard pressed to handle growing workloads of administering new security procedures which cumulatively slow down the visa process considerably.

From the post perspective I believe the State Department policymakers have tried very hard to improve visa security procedures since 2001 and have made many significant improvements, among these the inclusion of substantially more names of potentially dangerous individuals in our lookout systems and success in the biometric registration or fingerprinting of virtually all visa applicants. Some other measures were not as carefully thought through, however, and have had the unintended effect of sending out an unwelcoming message to the rest of the world without adding significantly necessarily to the security equation.

I provided one example of this in my written statement whereby security advisory opinion procedures directed primarily against terrorism had the side result of stifling U.S.-China academic exchange in the sciences. Where they can be identified these sorts of measures need to be reviewed and modified and new security initiatives should be carefully considered, focused on concrete objectives, and take into account the views of embassies and consular officers in the field where the policies meet reality.

Finally and most importantly, as alluded to many times today, it is critical that serious stock be taken by all concerned in the visa process of present and future needs for consular resources, especially staff and facilities.

I will be happy to respond to any questions you might have on these matters.

Mr. SHAYS. Thank you very much. All your statements will be included in the record in their full form. Mr. Van Hollen.

[The prepared statement of Mr. Morris follows:]

STATEMENT TO THE SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS, AND INTERNATIONAL RELATIONS
UNITED STATES HOUSE OF REPRESENTATIVES
SEPTEMBER 13, 2005

JOHN DANIEL MORRIS
CONSUL GENERAL
US EMBASSY BEIJING
2002 - 2005

The tragic events of September 11, 2001 that changed the way most Americans look at the world also prompted extensive changes in the State Department's visa procedures and policies, with far-reaching consequences, some foreseen, some not. The general thrust of the changes was a significant tightening up of the visa application process, resulting in a more security-oriented scrutiny of cases, but with some serious negative implications for facilitating general travel into the United States. In the last few years the Department has made important strides in attaining its goal of "Secure Borders, Open Doors," though it still has obstacles to be overcome of course before both objectives can be fully assured.

As a Foreign Service Officer over a 30-year span, and having served most of that time in the consular field, I view my career in two discrete segments--pre-9/11 and post-9/11. The difference in consular work since 9/11 has been huge in terms of increased policy focus on security. In September 2001 and during the subsequent 10 - 11 months I was posted in Indonesia, not directly involved with visa matters. In August 2002, however, I was transferred to Beijing to serve as Consul General, and remained there until June of this year. As Consul General in Beijing I had primary responsibility for implementing in China the State Department's many worldwide post-9/11 visa policy changes increasing focus on security.

Shortly after my arrival in Beijing we received a worldwide message from then-Secretary Powell reminding all Chiefs of Mission that the security of the United States is the "primary" consideration in the processing of U.S. visas. Although security has always been a key part of the visa consideration process, the Secretary's message was the most explicit and definitive I have seen on that point;

and I kept a copy of that message at my desk in Beijing to remind me of that priority amid the daily swirl of activity involved with processing hundreds of thousands of cases each year in China.

The watchword of "security" that Secretary Powell raised defined consular work in large measure post-9/11 in my experience. Security's importance was emphasized frequently by Consular Affairs Assistant Secretary Maura Harty, explained at length in conferences I attended, detailed in a succession of policy telegrams mandating procedural changes, and reinforced in the training of interviewing officers. It remains for consular officers in the field to implement this clear directive while at the same time doing their best to facilitate the legitimate travel of tourists, students, business travelers, and others into the United States, within the constraints of personnel and physical resources. This is no small task.

In China there were three mandated changes in visa procedures post-9/11 which had a major impact on our operations. First there was a change in the handling of cases worldwide which required what we term Security Advisory Opinions (SAO's). These are broad categories of cases involving various potential "security-related" concerns regarding which the State Department has removed issuance authority from Consular Officers abroad until these have been vetted and cleared by concerned offices in Washington. Before the summer of 2002 posts abroad submitted these cases to Washington via cable, and if no negative response was received within a specified period (usually two weeks) clearance was presumed and the visa could be issued if the applicant was otherwise eligible. In the summer of 2002, however, posts were instructed they could not issue these visas until a positive "OK" was sent by the Department.

In short order things began to get complicated. Responses were regularly delayed for weeks in most cases and months in many others. Most SAO cases in China (of which there are several thousand each year) do not involve terrorist-related security issues, but rather potential illicit technology transfer matters. Officers must submit for SAO's cases involving travelers from China involved in a broad range of scientific and technical fields. Thus, a measure primarily intended to thwart terrorism came to be applied broadly and to have unintended consequences on another category of applicants. When the long SAO-response delays persisted many legitimate scientific and academic exchanges and bilateral cooperation suffered. The Department of State was itself as frustrated by the delays as we were in the field. Although the problem lay primarily in the slow responses from vetting agencies, we in the field sometimes felt we bore the brunt of criticism for "moving

slowly" on the processing of important visa cases, including some high profile cases.

Over time there were significant improvements in this SAO turnaround problem, as the Department made strenuous efforts to improve Washington coordination and agency responses became more timely. By early 2005 about 95% of these cases were receiving "OK's" within 2 - 3 weeks. I hasten to add that at the same time we were also successfully identifying a number of applicants whose entry into the United States was not in our security interest from a technology transfer perspective; but that could have been accomplished without the harm caused by the SAO turnaround problem.

The second big post - 9/11 Department-mandated change for China was the elimination of personal appearance waivers (PAW) programs worldwide. Many categories of applicants who had previously been exempted from personal interviews were now post 9/11 required by Department policy to be seen by an officer before their visa could be issued. Waivers of personal interviews were now post - 9/11 required by Department policy to be seen by an officer before their visa could be issued. Waivers of personal interviews are, of course a standard practice for most travelers to obtain permission for entry into most other countries around the world. The United States had begun to use PAW programs extensively in the 1980s and 1990s as worldwide demand for USA visas far outstripped available consular resources. We in the field were advised frequently to find ways to "do more with less," and the use of PAW programs was one of the methods approved for doing just that.

In China prior to my arrival there had been a long-standing PAW program for Chinese applicants bearing so-called "public affairs" passports. These applicants comprised almost 30% of all visitor visa cases in China. The Chinese authorities argued, and still assert, that these tens of thousands of diverse individuals are "officials" and should therefore be exempted from interviews. They are wrong. Of course, in a state-run economy, or a mixed economy, as China is today, many ordinary people technically still work for the government. But most of the "public affairs" passport holders in fact are not "officials" but rather are ordinary workers or midlevel supervisors at state-owned factories or the like. In China we therefore eliminated this PAW program for these applicants, just as other U.S. Embassies and Consulates eliminated at the Department's direction other PAW programs.

With this elimination, however, our visa interview workload in China quickly grew by as much as 20%. It did not grow by 30% (the approximate percentage of

applicants in the "public affairs" category) because 10% simply chose not to apply (most probably went to Europe or Australia instead). But 20% overnight is a staggering workload increase for offices already approaching their resource limits. While the SARS phenomenon, which occurred just as we were eliminating the PAW in China, delayed the huge growth in demand for interviews for several months, by the fall of 2003 all posts in China began to experience notable appointment backlogs. By juggling resources and using creative efforts, posts in China generally managed during my tenure to keep visa backlog requests at around 4 weeks. Our Consulate General in Shanghai, because of the rapid growth in that city's economy, experienced more pronounced workload growth and therefore sometimes had backlogs of visa appointment requests of two months. Those were in fact the approximate backlog figures when I departed post in June. Endeavoring to cope with the growing workload demand, including normal growth due to China's economic gains, was a major task for me in my last 18 months in China.

The Department of State allocated to us in China a substantial number of additional officer slots. We simply could not have coped otherwise. Because of the training time lag (including Chinese language training), however, additional help was almost always awaited anxiously at each post. We constructed additional facilities in China to handle the growing crowds and expanding staff. We offered facilitated access to interviews for student and business applicants on short fuse schedules. Our officers worked long hours and many weekends. We brought in temporary office support from the Department and other Embassy sections. But visa appointment backlogs in China, as elsewhere in the world, have become a fact of life in the post-9/11 world. With China's 1.3 billion people, an economy growing at 9% a year, and most Chinese placing the U. S. near the top as a desirable travel destination, it is difficult to imagine how many consular officers will be required in the future to interview all the visa applicants. And that is just one country.

In the end the backlog issue turns on officer resources--a single consular officer can only effectively conduct a finite number of visa interviews each day; and when visa demand exceeds what officers can collectively handle, backlogs, frustration, discouragement of legitimate travel, negative business repercussions, and a less positive image of the U.S. abroad are the results. The key to effective visa operations in a world where all applicants are personally interviewed is sufficient trained officers on the spot to do the job.

The third big change that affected operations in China was the implementation of "biometrics," or the fingerprint requirement for all visa applicants. By and large this came off well in China, and the Department deserves a lot of credit for

bringing this off successfully worldwide. In general, the Chinese public accepted this new requirement (since they had to come in for an interview anyway it wasn't a particularly added burden). In my time there we identified through the program a number of fraud cases and criminals, and the electronic responses came back quickly enough (usually less than a minute) to enable us to handle our daily workload. From anecdotal evidence I sensed that there were some travelers from China with nefarious purposes that were deterred from applying for U.S. visas because of our fingerprint requirement. On the flip side, the major negative impact of fingerprinting on our operations was twofold: one, it was simply another travel impediment that many potential Chinese applicants did not want to face. It became relatively easier for them to obtain visas for Europe or Australia, and, in fact, that's where many of them go now to spend their tourist dollars. Two, many important Chinese decision-makers not exempted from fingerprinting as "officials" now choose not to come to the U.S. but instead to do business or otherwise travel to Japan, Europe and Australia.

The Department post-9/11 took many other important steps to tighten up visa procedures, many which have been cited to the committee by my former colleagues in the Consular Affairs Bureau. Some of these are just as important from the security perspective, though none had the major impact on our daily operations as the three examples cited above. Among these, were the entry into the visa namecheck system of tens of thousands more names of those who should be denied entry into the U.S., a more systematic method of tracking students in the U.S. from the date of visa application, the requirement of substantial additional information from applicants, the issuance of directives to posts detailing careful processing, and the dispatch of support teams to posts to ensure those directives are being followed. Cumulatively, these measures brought procedures more and more in line with Secretary Powell's admonition about security in the visa process. However, they also cumulatively added more and more requirements to officers' daily workload and contributed to the slowing down of the visa process, with all that entails.

From the above, it should be clear I believe that strenuous, and sincere efforts have been made in the Department and by dedicated officers abroad to carry out Secretary Powell's (as well as Congress's and the current Department administration's) directives on placing "security" in the forefront of visa processing. The officers I supervised came to China well attuned to their responsibilities in this regard and serious about their role as part of the "front line" of America's defense. In this we received strong support and advice from Ambassador Randt and others in his management team in Beijing.

The task of keeping America secure from outside threats while open to active and positive participation in the international community will grow even more difficult in an increasingly interconnected world. The issue of how to administer the visa filter--keeping the "bad guys" out while welcoming those whose presence benefits the U.S.--is part of that dilemma. I am confident that my former Foreign Service colleagues, now serving their nation in many important and diverse roles and in dangerous locations, will continue to work hard to find the right solutions.

As far as my own recommendations for bolstering the visa process I have two: first, the U.S. Government must provide sufficient resources to enable the Department's Consular Corps to do the jobs overseas that are required; second, policy makers should ensure that all security-related measures are thoroughly planned and well-coordinated to avoid their having unnecessary and unintended negative consequences for other important U.S. interests.

On the resources question, in the not too distant future the United States will be faced with many more thousands of visa requests from nations like China, India, Mexico, and other developing populous countries. Serious consideration must be given as to how we can accommodate these requests. We cannot afford to give short shrift to an already overburdened Consular Corps and simply expect miracles to occur. Technology can help, but only so far if each applicant must be interviewed in his/her own native language. If we cannot efficiently facilitate beneficial travel to our nation, while maintaining security controls, it is U.S. businesses, our economy, academia, and our international image which will continue to suffer.

On the issue of properly directing our security focus, the example regarding security advisory opinions above is one where good intentions led to at least temporary negative consequences. Broad consultation, discussion, and consideration by all interested parties are advisable whenever feasible as the Department of State and other elements of the United States Government move forward with additional security-related visa measures. These discussions should not be too lengthy or drawn out--security is too important--but posts abroad in particular and others may have constructive ideas to contribute to avoid unintended consequences.

In closing, I would like to thank the Subcommittee for the opportunity to put forth my private observations on this important subject. I hope that my comments will

be helpful in your deliberations and would welcome any further questions in this regard.

Mr. VAN HOLLEN. I thank you, Mr. Chairman. Thank you all for your testimony this afternoon on this very important issue, and, you know, listening, we all agree with the mission, which is that these people on the front lines should be protecting our security, No. 1, but also making sure that legitimate travelers get here. But as I listen to you there are at least three different proposals with respect to the question of the visa security officers as I hear it. And I don't have a dog in this fight. I wasn't here, I don't think, when Congress created the Visa Security Office, so I'm just trying to listen to figure out what makes the best sense in organizational policy. And I listened to Mr. Ervin, who said let's continue along this path and expand visa security officers to every—should be deployed throughout the world, so you have the consular officers and next to them you have the visa security officers throughout the world.

As I understand Dr. Carafano's testimony, your long-term solution would be essentially to take the Consular Affairs away from the State Department and place it in Diplomatic Security Department. I mean not diplomatic security, excuse me. DHS. And Ms. Ginsburg, you're suggesting that this has been essentially a failed experiment, that the evidence to date suggests that these security officers don't have a lot more training than the consular officer and maybe we should end that experiment, put the homeland security folks, deploy them in other areas in terms of disrupting travel patterns, terrorist travel patterns and essentially, as I understand it, allow the consular officer to take on that expertise. And I understand, Mr. Morris, I'll even say you seem to be closest to Ms. Ginsburg. I wasn't sure.

So you sort of have these different options out there. And just looking at the situation as we see it today, noting that we only have visa security officers in one country right now, the delay in the expansion and the idea that we do want to make sure that at the end of the day, although there are obviously higher risk posts, that at the end of the day we want to make sure that there's no weakness in the system. We do want this emphasis on security or security to be a paramount concern everywhere. It seems to me that it does make sense to have one, maybe one department in charge, except for Mr. Ervin's point is the different institutional sort of mandates where you have homeland security maybe focused more on security issues as opposed to diplomacy issues would be a counter to that.

That's all by way of suggesting that as I understood the testimony of the Government Accountability Office, Mr. Ford, he said that one of the main changes that he has seen with respect to the consular officers overseas, as echoed by Mr. Morris, is that people understand now that security should be the paramount concern and that should be the one focus. Given that, why doesn't it make sense, and given the fact that we already have the Consular Affairs within the Department of State, why doesn't it make sense to make sure that the consular officers who are on the front line get the training they need? They're already deployed to every consulate around the world. Why don't we make sure they get the training they need to develop whatever expertise that we want these visa security officers to have? Sounds like they don't necessarily have it right now. And we already have a sort of a deployment mechanism.

Let's give them the expertise and the tools to do their job and let's get the staffing problem, which we all, everyone on the last panel said that was the primary issue, and yet we sort of move over it because, yes, that means resources and all that. But why not look at the model that we've got and beef up the training so that every consular officer overseas has the training necessary?

Mr. ERVIN. May I answer that first?

Mr. VAN HOLLEN. Yes.

Mr. ERVIN. Well certainly, Mr. Van Hollen, I think that all the State Department consular officers should have that kind of counterterrorism training, and as you say and as we heard, apparently more and more of them do all the time and certainly that's a step in the right direction. I think all of them should just as quickly as possible. But I'm just afraid that at the end of the day, there is an institutional mindset necessarily, and I don't think that—that's not a normative statement on my part. I just think that the State Department tends to focus on diplomacy and customer service.

The whole theory behind the Department of Homeland Security is that there should be a department that is exclusively focused on counterterrorism. And of course implicit in what I was saying is the notion that these DHS officers actually be qualified to do work in the counterterrorism area to the extent there are DHS officers, VSOs who aren't qualified, and as I said, when I looked into the program last year as Inspector General, many of them were not. But this presumes that they will be. But I'm just afraid that if we're not careful, as the months and years go by without another attack and unless there's some huge increase in funding for the State Department, the institutional pressure to revert to form, to revert to focus on diplomacy will mean that we will be back years from now where we were before September 11th. If it were up to me, if this were tabla raza I frankly was supportive of the notion of giving the entire visa function wholesale to a Department of Homeland Security, a competent Department of Homeland Security. But as a practical matter that's not happened. I can't envisage that it will happen.

That being so, this present structure is the one that we're going to have to live with. And if that's the case it seems to me VSOs need to be effective and they need to be deployed throughout the world.

Dr. CARAFANO. Putting aside the issue of which department it should be, I would make the argument that it all needs to be in one department based on a very simple premise. Whether it's visa issuance or border entry, exit, the basic functions to be performed are exactly the same that you need, preliminary screening, secondary screening and investigation. My notion is any time you split those apart you've created a seam that doesn't need to be there and you create potential problems. This is like the police department in which the beat cop and the homicide investigator are in totally separate agencies. I mean, we don't do that. It's integrated. And so you want to have the guy that's doing the primary screening, or woman, and the secondary screening and doing the investigations that back that up all in one, all work for one person.

You could put this to the test and say—and we could debate and argue, make the arguments why one versus the other. But I think if we want to move forward, rather than trying to create seams that don't need to be there, we need to focus all this so the person can make the intelligent decisions about IT integration, human capital programs, resources, infrastructure. Any time you have two people making decisions on those things you've guaranteed that it's going to take five times as long and cost 10 times as much.

Ms. GINSBURG. Well, my comment would be that we have in the State Department now diplomatic security agents who are gun carrying investigators who refer cases to the U.S. attorneys and that they are fully capable of carrying out the same kinds of activities that are being outlined for the visa security officers, the analysis, the review of the trends, the regional expertise, the training of people like airline officials. All of those functions outlined by the witness from DHS are, in fact, what needs to be done. But in the 2 years that these people haven't been deployed, they haven't been deployed because there isn't that bench of expertise that the new security circumstances demand. There is a function in the State Department that can be expanded to meet this need and there's an intelligence function in the State Department that's very well regarded. And there's a deep knowledge already of immigration and criminal fraud matters relating to passports and visas, which is precisely the expertise that you need overseas. I would argue that needs to be expanded, the function of the diplomatic security, the function of units like the—I think it is called the Vulnerability Assessment Unit in Consular Affairs, which is a new analytic unit to take the data in the consular data bases and create algorithms that help, you know, predict where there are problems, and that we need to do much more to support those functions, including for investigations conducted by foreign governments of human smuggling organizations, major document forgers who are supplying and the people who are then showing up at consulates and looking for visas. And those teams can be integrated teams with people from ICE and CBP, FBI, but there is no need to shift this function when you have within the State Department a fully capable diplomatic security service, which should indeed be involved more deeply with the consulates in looking at the visas. They can have full access to the NCIC data which we haven't discussed much today, which is one of the trouble spots. They're fully qualified to review that data and there's no reason why they shouldn't be doing that. And indeed, one of the problems was that the visa security officer hasn't been able to define a role that's any different from what the diplomatic security officer can perform.

Mr. VAN HOLLEN. Just to sum up, I understand each of your testimony was if you had your wish, this function would be in one department. I mean, you might differ on which department it should be in, but just organizationally, it makes sense to put this under one department and get rid of these two people sitting side by side with really very much the same mission at the end of the day.

I thank you. I thank you, Mr. Chairman. I have some other questions, but after——

Mr. SHAYS. No, no, no. Keep going.

Mr. VAN HOLLEN. Well, let me just ask with respect to the waiver program because, you know, there's no doubt ideally that if you can be assured that the processes and protections that are in place in each of these 27 countries are perfect, that obviously that's the best way to assure security in the sense that, you know, if you could be 100 percent guaranteed. But that of course depends on us, you know, relying on the systems that are put in place by these 27 countries, and if the list expands more than that number of countries. And at least within, in terms of your ability to travel within at least some of these 27 countries within the European Community, you know you get issued your travel documents in one country, you can travel freely within the European Community and get on an airplane anywhere you want. I guess the question is as we focus so much today on our consular officers, are we focused enough on, and have we put the time into really reviewing the security measures that are in place in the waiver countries? And I ask this question not because I think that, you know, we need to clamp down. I really, I don't know the answer to the question. I know you have all probably looked at that question. But it seems to me it'd be a mistake to focus all our resources and attention on closing a barn door in one place while it was wide open somewhere else. So if you could all respond to that question.

Mr. ERVIN. If I could start on that, Mr. Van Hollen, I looked at the security implications of the visa waiver program also when I was the Inspector General of Homeland Security and I'm concerned about the visa waiver program. One of the things that we recommended in that report was the U.S. Visit system be applied to visa waiver countries and frankly the Department of Homeland Security was slow to do that. We recommended that I think in April 2004. It actually wasn't done until the end of the year and the Department has acknowledged that there are likely terrorists who would not have been caught had U.S. Visit not been applied to travelers from those visa waiver countries. It's not for nothing, for example, that Zacharias Moussaoui, the alleged 20th hijacker, came on a French passport, that Richard Reid, the shoe bomber, came on a British passport, etc. So it's very important.

Second, as you suggest, we learned when I was the Inspector General of Homeland Security that there wasn't sufficient oversight on the part of the Department of Homeland Security of the bona fides of the countries participating in the program. There wasn't the kind of regular review that is required to make sure that countries merit their continued participation in the visa waiver program.

The final comment I'd make, even though now, fortunately, the U.S. Visit system is applied to visa waiver countries, there's still no way to match the biometrics of the travelers from the visa waiver countries with those of the applicant at the consulate because of course the visa waiver travelers did not apply at consulates. They did not have to obtain a visa. So it is a—there's a potential security gap there, needless to say, and certainly I would not expand the program.

Dr. CARAFANO. Well, of course Clark and I disagree on this. My first comment would be that one of the key criteria that no one's mentioned is reciprocity. Every country that we give visa waiver

status gives visa waiver status to us and they're also depending on us to keep terrorists from getting passports. And you know, we can ask can the United States guarantee that we are never going to give a passport to a terrorist, and the answer is probably no.

I agree with Clark that the visa waiver program was created before terrorism was a major issue and that we should look at mechanisms to strengthen the program, to add in criteria for terrorism, to add in means of oversight. But I think the last thing we want to do is to abolish it and I would argue we need to extend it, and for, you know, two strategic reasons. One is, we have to get over the notion that the visa system needs to be perfect, because we all know that getting that last 10 percent or 15 or whatever is 80 percent of the cost. Visas are part of a layered security system, and at the end of the day the visas are never going to stop terrorist travel. What's going to stop terrorists is counterterrorism operations, intelligence, where they go out and get these guys. This is a part of the defensive system and a layered system and so it doesn't have to be a perfect system. It just has to be a good solid component. And if the expectation is no terrorist gets a visa, other than that you are not going to be a visa waiver country, then there's going to be no visa waiver countries.

So I think it's a bad expectation to note that this needs to be an ironclad perfect system. If we just don't give passports and visas to known terrorists, I'd be happy.

The second is we don't have all the resources in the universe and we have to realize that every time we add a visa waiver country, that's an enormous amount of resources, because most of these countries are people that, where most of the people come from, that we can put in other places. I mean there are proposals to end the visa waiver program. But when you look, when people started running the numbers and what it would cost to both the economy and in resourcing to try to give a visa to everybody that comes into this country now that doesn't need one, it was astronomical. So there's enormous resources. It's a tough choice. It's a strategic decision. But it's an enormous amount of resources that you could pull up.

And the third is, you know, we have all talked about and we can't give lip service to it, it's economic growth, it's civil society and it's security, and all three are important. And we can't give economic lip service to the fact that we have growing strategic partners that fit and you know we've got polling, there's people dying in Iraq and the Czech Republic, which has been great, and India, which is an enormously important strategic partner, and we have had South Korea, which has been a strategic partner for 50 years, and we have turned to these countries and we've said, OK, countries like France, you know, they can come and go all the time even though they disagree with us. But you that have helped us out, you can't. You're not eligible for the visa waiver program, and that's simply geostrategically dumb. These countries can meet these standards. If we tighten our standards they can meet these standards and we should be—here I really disagree with Clark. We should make a strategic choice to identify key countries, to sit down and make a road map on what we can do to get there. If we need to add additional measures and oversight we should do that.

But we should be charging ahead trying to add countries on the list and make the countries on the list do better, not take countries off.

Ms. GINSBURG. Well, I mean I agree we should strengthen the program. And the first thing we should do is look at the airport embarkation points with our strategic partners about what we can do to improve the security there, including through the use of overseas DHS officers that are not that—are only in a very, very few places.

Mr. VAN HOLLEN. Thank you.

Mr. SHAYS. Thank you very much. We appreciate your presence at this hearing. You all have gone well, expanded what we've asked this morning. But if we just go back to what we discussed this morning, what was your reaction to the testimony you heard this morning?

Mr. ERVIN. Well, I'll start, Mr. Chairman. I'm very happy that you and Mr. Van Hollen probed both the DHS and the State personnel to ultimately highlight the fact that the Department of Homeland Security has not, apparently, pressured the State Department and enlisted the support of Congress to dispatch these VSO personnel beyond Saudi Arabia as the law intended. And I think it's absolutely critical that this be done. Again, this presumes that the VSOs know what they're doing. But I think it is possible to find people in our country who can serve in this capacity. I question, again, for the reasons that I've already said, not to beat a dead horse, whether State Department officers can do that.

I think we need to learn from the lessons of history. After all, there were RSOs, regional security officers, before September 11th. There had been studies that have shown that RSOs have not focused on visa fraud to the extent that they should. I know something about that, having been the State Department's Inspector General and having fought jurisdictional battles frankly with the RSOs since there's a joint jurisdictional overlap between RSOs and the Inspector General's office. So I think it's critical that this be done, and then you highlighted the fact that it hasn't yet been done.

Mr. SHAYS. Thank you.

Dr. CARAFANO. I think what we heard was incredibly predictable. I mean Congress split the baby in a not very clear way and it forced these departments to figure out how they were going to seamlessly integrate their operations in areas where they have tremendous human capital, resource and IT challenge. And really they have asked them to do something that no Federal agency has ever done, which is to come up with a cooperative interagency Federal program of a major scale with major resources on the line and say make it all seamless and do it in 4 years and the fact that they're struggling with it I just think is eminently obvious. And if it was anything less I'd question whether I was in the right country.

Mr. SHAYS. The bottom line, from your standpoint, you did it from day one, this system is so flawed that we developed?

Dr. CARAFANO. Quite frankly I think we're getting what we paid for. I mean we're getting very incremental gains.

Mr. SHAYS. The answer is yes to my question?

Dr. CARAFANO. Absolutely.

Ms. GINSBURG. There seems to have been this morning a focus on resources, the need for consular personnel, and this is a need across our entire border system, the ports of entry as well. The investment in the infrastructure, in people, in the information systems, is lacking and it is just taking a long time to be built up. And I think we have to recognize that this is now a national security environment and there's a great deal at stake, so that when you are shorting consular officers, you're shorting counterterrorism capability.

And although I don't fully agree with the idea of full separation between departments, I think you need fusion centers like the Human Smuggling and Trafficking Center, which is jointly run by the Justice Department, DHS and the State Department, which is a center of expertise on human smuggling, human trafficking and soon I believe terrorist travel. And it's that kind of interagency cooperation which I think is going to make a big difference in connecting dots and in understanding trends and patterns.

Mr. MORRIS. I think posts abroad certainly——

Mr. SHAYS. So the question was—I just want to make sure. The question I first asked, before you maybe elaborate on what you just heard, what was your reaction to the testimony this morning?

Mr. MORRIS. Reaction to the testimony this morning on?

Mr. SHAYS. When you were sitting in the audience listening to this, what were you thinking?

Mr. MORRIS. Well, I thought that as an American citizen, that I was puzzled why something had been mandated and 2 years later had not come about. And being a consular officer in Beijing didn't help me understand the bureaucratic reasons why it had not happened. So I agreed with your question.

Mr. SHAYS. Well, do you think the problem lies more with DHS or more with the State Department?

Mr. MORRIS. I honestly have no perspective particular to give on that. From our perspective and from everything I've heard in the State Department, we were told that this was a great agreement, we're going to make this work. This is policy.

Mr. SHAYS. Great compromise.

Mr. MORRIS. Great compromise, and then we waited out in Beijing and nothing happened. And when we discussed this with other DHS people, not in those types of programs, we didn't get a very clear—when we had chances to interact with DHS people in the field we would ask them what's going on because we wanted to plan for our own sections and how to incorporate them and how best to use them. And they couldn't really give us any clear answers. So we're just in a waiting mode.

Mr. SHAYS. I'm going to ask our professional staff just to ask a few questions. And I thank Mr. Van Hollen for being here.

Mr. VAN HOLLEN. Thank you, Mr. Chairman. Thank all of you. Thank you, Mr. Chairman.

Mr. COSTA. Mr. Morris, could you expand a little bit on what you were just talking about on how at Beijing you coordinated the policy, programs, information with the intelligence security and law enforcement personnel? Given this open setting, what was that conversation that took place? How did you get information from the law enforcement and intelligence folks? How do you incorporate

that into your jobs? Were they helpful? Did you have a good relationship with those folks?

Mr. MORRIS. You mean the people at post, the representatives at post?

Mr. COSTA. Yes, sir.

Mr. MORRIS. I felt we got great cooperation from all the other elements, law enforcement elements, you know, the FBI, the DEA, you know, on and on. One of the things that wasn't mentioned today is a program where each month, and more frequently if necessary, the country teams get together and they discuss sharing the information. It's a mandatory meeting and it's mandatory that we reported back to departments called the Visa Viper program, and the purpose of that is that any information that anybody has at post that is in any way terrorist related to a potential future application should be shared with the consular section and you know, they may be transmitting that back to their own home agencies where they are supposed to also give it to us. And then we, you know, transmit it back in our channels. We got a lot of information in Beijing. I think we got good cooperation from that. We interacted with the agencies on the security advisory opinions related to not just terrorism but also tech transfer, which is a big issue with China. They're trying to get our technology, basically, and we're trying to prevent it. And when it's going to be used for potential dual use, those sorts of things. And we worked very closely with the Defense Attache's office, the commercial section and others that had expertise in certain technical areas that we in the consular sections did not, and sought their advice when cases came in and we weren't sure exactly what these people were going to the United States to try to ferret out. And if it was legitimate or not. So we had very good cooperation on that. And we worked closely with DHS also locally. But they were not in this particular security role.

Mr. COSTA. One of the issues that the GAO brought up was the need to increase access to the NCIC data bases, the FBI criminal data bases for consular offices, who now it's my understanding essentially you get a name hit and it says call the FBI and they will run, take a couple of weeks and run a background check. How would that have changed your job in China, the folks in your office in China? Would that have made life easier? Was that something that just would have added time?

Mr. MORRIS. Sure. The more information you have on an applicant, the better. First of all, we had enough information, we were given enough information to determine visa eligibility so that, you know, that's our basic function. But if you're going beyond that to determine, for example, if there's fraud, a fraud scheme going on or a terrorist scheme or something of that nature, you know, the more information that you can get, it gives you a clue to ask another question and to go further. So sure, the more information the better. And sometimes the information might be, oh, they had a drunk driving conviction, you know, in Maryland. But, OK, and then that doesn't help. But at least, but sometimes then it may, you may get some information that causes you to raise another question and leads to a whole different line of inquiry.

Mr. COSTA. Then I guess my last question for all of you, but I guess we'll start with you, Mr. Morris, again is are there security

steps that have been put in place since September 11th that maybe have gone too far, that are not productive? In your testimony you talked about the SAOs, but that seems to be something that's fixed. Of course there's the mandatory interview process now, which is fairly controversial. Are there issues like that, or you can even expand on that one if you like.

Mr. MORRIS. Well, I think that there are a lot that are coming up in the future, you know, more fingerprinting and more facial recognition and, you know, there are many things that are coming down the pike. And I think, my point is that the department obviously these are very, very important security issues. But posts need to be given a heads up, this is coming down the pike, and given an opportunity to come back and say, if you do this you may make a policy decision to take this security step, but it's going to have this negative impact on tourism or business or trade or that sort of thing. So—and then there may be ways that people, you know, in Washington that are developing these policies, they can tweak the proposals so that they don't have these unintended effects. You said the security advisory opinion problem has been resolved. Well, it's been resolved in fact, but in terms of the perception in China and in the academic community and in the academic world it'll be years before the impact of that goes away.

Mr. COSTA. Thank you. Ms. Ginsburg.

Ms. GINSBURG. I would just say that if you're going to add security layers and measures, many of which are very critical, then you have to add the personnel and the technology to make sure they work efficiently and that requires additional investments.

Dr. CARAFANO. I'm opposed to mandatory interviews. I think it's the same problem I have when we are doing airline security. I mean we're using these legacy paradigms to do this and we're wasting 99 percent of our resources on 99 percent of the people that aren't a problem. You know, this is the equivalent of if the cop stopped everybody driving down the street and not just people breaking the law. You know, we simply need new paradigms that focus resources on the high risk people and quit wasting resources on people that we have a comfort level with or that are a low risk.

Mr. ERVIN. Thank you. Well, I am a contrarian on this point. I disagree with Dr. Carafano. I'm a hard liner on security, and I think it's possible to be a hard liner on security and at the same time understand the importance of diplomacy and understand the importance of resisting our civil rights, civil liberties tradition.

That said, I agree with Ms. Ginsburg that all of this requires resources, and I think one of our problems, and I've said this on many occasions, is that we've underfunded homeland security. There's this false distinction between the security of the Nation, where we spare no expense, a $400 billion plus defense budget and literally a fraction of that, about a tenth of that for the Department of Homeland Security. Certainly more resources are required.

So I'm completely for mandatory interviews. That was one of the recommendations I made as the Inspector General of the State Department. I'm very pleased to see that's happened today. And perhaps it's a failure of imagination on my part, but certainly in the visa area I cannot think of a single security measure that we've

since implemented that I would take back. If anything, as you've heard me say, I would increase them.

The final thing I'd say is GAO did make in its report today, as you know, the suggestion that a lot of time is wasted reviewing applications and Saudi Arabia is the only place where VSOs are mandated and it's the only place of course where the VSOs have to review every section of the application. I suppose it's possible in theory to presume that some Saudi person, some Saudi who is 5 years old, say, or some Saudi who is 99 years old probably wouldn't pose a security threat to the United States. But frankly, in this post-September 11th environment, I am skeptical about the ability of our government, and I think Katrina showed a couple of weeks ago, I'm skeptical of the ability of our government to draw distinctions and to work in the gray areas. That being so, I argue for more security, recognizing that is very costly. And as I say, I for one, and I say that incidentally as a conservative Republican, am willing to put the resources behind it.

Mr. COSTA. Thank you, Mr. Ervin. Thank you, Mr. Chairman.

Mr. SHAYS. Thank you. It's a little off subject, but I wrestle with it and it gets to the point of how far does your security go? We are hearing continually from universities that the best and brightest students are being denied opportunity to study in the United States, and I think that is tragic. We are told that they have given up in many cases, applied and been accepted in European schools, in Chinese schools, in Russian schools, but not in the United States. Is there any indication that students have been the problem in the past, No. 1? And do you, any of you, have a strong feeling one way or the other on this issue?

Mr. ERVIN. If I could just start. Well, of course some of the people we were concerned about on September 11th were flight students. You're not talking about flight students certainly.

Mr. SHAYS. I'm talking university students going for Ph.D. programs, and so on.

Mr. ERVIN. I can't think of any instance. But I agree with you. Certainly there has been evidence to suggest that students who we need for the continued economic success and the vitality of our country are going elsewhere because of the length of time it now takes for visas to be processed. And that's why, as I said, I think it's possible for there to be security and an advance in liberty and economic progress for our country, but that requires infinitely more resources. I think the State Department budget should be increased rather dramatically, right along with that of the Department of Homeland Security.

Dr. CARAFANO. Known and suspected terrorists have tried to come to the United States on student visas. But the more important point is known and suspected terrorists have tried to come into the United States using virtually every means, asylum, illegal entry. So if there's a means to get here the terrorists have tried to exploit it.

There has been a decline in foreign students coming to the United States. Security certainly has contributed to that over the last few years. There are other reasons as well. Other countries have targeted foreign students and tried to bring them there, and it's a much more competitive world. And the United States is less

competitive in getting students here and the security is part of it. And it is a serious issue. It seems to have bottomed out. There's data coming out next month which will tell us if we have turned the corner or not. But even before September 11th we were already on a decline for that.

You know, we have to look at these issues strategically. If we had infinite money to spend on everything that would be fine. But we don't and what we are doing is we're spending a lot of on money on a lot of things and not getting much of anything.

Mr. SHAYS. How does that relate to my question?

Dr. CARAFANO. It absolutely does because we need to make some hard choices. I mean, we're going to beat these guys in the end anyway. The point is economic growth and competitiveness are part of national security. Making this country strong by bringing these foreign students here and growing our economy is part of what makes us strong and pay for national security. So when we said, well, we can't sacrifice security for these things, those things are security.

Mr. SHAYS. You're making this point because you obviously want me to understand something. I'm missing your point. My question is——

Dr. CARAFANO. The point is, is that——

Mr. SHAYS. You don't know where I have my problem, so let me explain to you where I have my problem. You're making an assumption. I'm understanding you based on words you're using that I'm not understanding. Not your fault, my fault, but it's your fault if you're not listening to my problem here. I asked about whether or not it was a cost to us to deny so many students the opportunity to come based on either denial or taking too long. I mean, in other words, they apply, Yale starts its program in September and they can't even get here until December. They're out of the program. So what I didn't understand about what you said is you said it was resources. Connect resources to that issue.

Dr. CARAFANO. Well, the answer to your question is absolutely yes. The security procedures that are put in place since September 11th have made less students come here and it does make us less competitive. It's not the only reason why students are going other places and why we are losing them but it is one of them.

Mr. SHAYS. I heard that part.

Dr. CARAFANO. The argument that we can't make it easier for students to come here, we can't do this because it's security, I don't buy that argument because getting them here and growing this country and making it economically strong is equally important to the security of the United States as it is trying to keep terrorists out.

Mr. SHAYS. And so the problem is——

Dr. CARAFANO. The problem is you want a visa system that's good enough, that keeps known and suspected terrorists from getting visas. But beyond that I think you invest elsewhere in going out in preemptive measures. So I would say in trying to—as a layer of security, in trying to keep people coming to the United States and trying to interdict terrorist travel, the No. 1 priority should be illegal means of entry and exit, making sure that those documents are secure and issued to the right people, and it should be keeping

known and suspected terrorists from getting them. Once you've done that you take your investments and you put them elsewhere.

Mr. SHAYS. Ms. Ginsburg.

Ms. GINSBURG. We clearly had a big problem at the beginning.

Mr. SHAYS. I want you to put your mic a little closer. I'm sorry. It's not your fault. It's just the mic is not working as well.

Ms. GINSBURG. We clearly had a big problem at the beginning with huge delays and are now facing the diplomatic consequences of that. I think there is a problem, there are still long delays in the tech visa category. But I think the answer, I definitely agreed that known and suspected terrorists have been associated with the student program here and in England and elsewhere in Europe and it's a serious consideration. So we do need security in that process. And we need followup security by ICE using terrorism related data bases to make sure that there is continued compliance with the terms of the student visas.

But I mean, we need enough people to do that and we need it to move fast and we need not to have delays, as were illustrated by the problem with the NCIC data process. We need computerization, automation algorithms and all the things that speed up those kinds of check.

Mr. SHAYS. Mr. Morris.

Mr. MORRIS. First of all, I would just like to note that actually the numbers, at least from China, are bouncing back. They're coming back after a decline. We've had extensive public relations campaigns, you know. We welcome, you know, legitimate Chinese students.

Mr. SHAYS. If they are increasing again, is that because they're just willing to wait an extra year and just—the timeframe clearly takes longer.

Mr. MORRIS. For most students the timeframe is really not an issue and never has been an issue, and the refusal rate has never been an issue. It is more the perceptions. Perceptions are huge in a place like China, where, you know, one message goes out and they all believe that. So there are some still——

Mr. SHAYS. Well, I'll just tell you I've spoken to a number of different university officials, not necessarily presidents, who they tell me they're losing their students and they're losing them because they can't get them in here. That's what they're telling me.

Mr. MORRIS. I think in the years after September 11th, 2 or 3 years, that's exactly true. But I think that if you look at the numbers recently, you'll see that they're beginning to come back. The Chinese students are beginning to come back. But I absolutely agree that we're not only losing—if we discourage the students from coming we're losing not only the benefits to our universities and the academic exchanges and our own economy in the short term but in the long term.

I have been posted in other Asian nations where you go and you know everybody in leadership positions in journalism and politics and business have had American educations and they send business our way. They understand America. And I think China is such an important place, you know, we need that sort of people going back, bright students going back.

Mr. SHAYS. Dr. Carafano was basically making the point that it's a flawed system. We have three folks involved in this process, three different departments, and one would be better, and I think your choice was DHS, correct?

Dr. CARAFANO. Yes, sir, that's correct.

Mr. SHAYS. Nodding the head doesn't get on the transcript.

Dr. CARAFANO. Yes, sir. That's correct.

Mr. SHAYS. There's always, you know, you dig a little deeper, there's always these tradeoffs and you realize why it doesn't happen, like it seems so obvious to have DHS do it. I'm trying to recall, but, you know, I rarely have conversations with the Secretary directly, but this was one area that he was pretty concerned that this would be taken away from State. And then I remember having conversations with other State officials who said, you know, this is part of the work that you do in State and it's kind of like you have to earn your spurs and it helps round you as a State Department official, interaction with the communities and so on. So aside from the fact that no one in government likes something taken from them, there appears to be logic to why you would want them to interface that way, at least to me.

I'd like you to react to that. In other words, if you did take it away from State, not likely to happen, but if you did, and give this whole process to DHS, is there a cost to State, in your judgment? Would they suffer from it? Would our State Department officials, when they were senior officials, have lost some experiences that would be important to them?

Let me start with you, Mr. Morris. We'll go that way. Do you understand the question?

Mr. MORRIS. You mean taking away the visa function from the State Department?

Mr. SHAYS. Yes. Would it—the argument, I could just tell you I could agree with Dr. Carafano that, you know, just give it to DHS. In other words, you want to come to the United States, you just give it to DHS. And I see you shaking your head but I can see the argument. But then I can see a counter argument that says State Department, which is maybe more warm and fuzzy, may need that process and the interacting with the community, that country, people coming in, requesting to go to the United States. The interaction may be part of what's needed to round the State Department experience for someone so that when they are a senior official they went through that process. Did you go through that process as a State Department official?

Mr. MORRIS. Absolutely. I mean, relationships between nations are not just sitting in big meetings and talking about the six party talks. They're human relationships. And, I would argue that those are the most important relationships over time that nations develop. You know, we're close to many countries in the world because our people have an affinity for each other and they have relatives and they——

Mr. SHAYS. I'm not arguing about whether people should come into the United States. I'm arguing whether—and I'm sorry this seems to be so complex. I'm arguing whether there is argument that State Department needs to be the one handling it so they have that experience as part of being in the State Department as mak-

ing them a well rounded State Department official. Did you do this process? Did you go—as a junior officer in State, did you do that?

Mr. MORRIS. Absolutely. I started as a Vice Consul.

Mr. SHAYS. If that had been taken away from you as an experience, would you be less of an official?

Mr. MORRIS. Absolutely.

Mr. SHAYS. OK. That's the question.

Ms. Ginsburg.

Ms. GINSBURG. I think that the idea of having one department only involved in homeland security is, you know—would be very atypical of how our government works. We have criminal justice capacity across many agencies of government. We have intelligence capacities across many agencies of government, including in State and local police forces, including, increasingly, functions relating to immigration. I think there's a kind of seamlessness that's needed for terrorism that can't be confined to one department.

So competitive intelligence, sources of information that are multiple, different takes on a problem are very, very valuable when you're dealing with an adversary that's so illusive. So I think it—you know, there is an important function.

Mr. SHAYS. Well, you're making the argument that you're not concerned when more than one department gets involved in the process. Dr. Carafano.

Dr. CARAFANO. Well, the answer to your question is no. I mean there's other ways that State Department officials could get the cultural and professional development they need to proceed in their career. And quite simply, visa processing is not central to the core mission of what the State Department should be doing in the 21st century and it is central to the core mission of the Department of Homeland Security, which is preventing, which is supervising the means of trade and travel in the United States to prevent terrorism. So it's vital to the core competency of one department. It is an add-on to the core competency of the other department. It's only there because it's always been there since the 18th century. That's a poor reason to keep it there.

Mr. ERVIN. Well, I agree with my colleagues in part and I disagree with them in part. I agree with Dr. Carafano that there are other ways, it seems to me, for State Department officers to get the interaction with the local community that they need in order to be effective in that country and in order to be effective later in their careers. Of course there are political officers and embassies, there are economic and commercial officers. There are other things that consular officers do besides the visa functions, so there are other ways to get that experience. Point one.

Point two, I'm actually not opposed to the present bifurcation. I think as compromises in our government go, the logic of it, and that's the key word, makes a lot of sense. It's the effectiveness of it that I question. I'm just afraid that if in fact DHS were to have the entire function, although if you have to choose one agency or the other I would put it in DHS, but the problem it seems to me with giving the entire function, not just looking at things from a counterterrorism perspective but the whole visa function to DHS is the opposite problem, that you need to focus on diplomacy as well.

A DHS officer might focus unduly on counterterrorism at the expense of diplomacy.

Dr. CARAFANO. Could I just followup on that?

Mr. SHAYS. Sure.

Dr. CARAFANO. Yes. I simply think that's a false argument. I mean one of the arguments not to give it to DHS——

Mr. SHAYS. Which argument?

Dr. CARAFANO. The argument that security, the security culture is going to twist this in some way. The argument against giving it to DHS is, well, those guys only care about security. They're not going to care about diplomacy and trade facilitation, so that's one of the reasons why we have to keep that in State. But if you look at the evidence, for example, the recent GAO investigations that were interviews of State Department officials in Canada, and if you talk to any State Department official that's in the visa process, they all tell you that their No. 1 concern is security. So I mean the guys that were supposed to be only concerned about trade facilitation and diplomacy, they're obsessed with security.

Mr. SHAYS. But I could use your argument and just use it against you and make the point that to say that State Department is one dimensional would be false, too?

Dr. CARAFANO. I absolutely agree with you, and because DHS has people who are as concerned with trade facilitation and movement of people as well.

Mr. SHAYS. So if you agree with me, what's your point?

Dr. CARAFANO. That there is no notion that because you put it in one department you're going to get this kind of insulation and you know they're going look at these other things.

Mr. SHAYS. But your point——

Dr. CARAFANO. It's a false argument.

Mr. SHAYS. OK. Your point to this subcommittee is though that you would prefer, in fact you think it's nonsensical to do it any other way, than to have one department and the reason why we took it away from State where we had them do it was we felt that they were too much involved in the service side of it and not enough involved with the security side? That's the reason why we did it?

Dr. CARAFANO. I think that's the wrong argument. I don't think it's—the culture argument I think is not a valid basis for the decision. The reason why I would take it away from State is I don't think it is a core competency of the State Department and I think it is a core competency and a core mission of DHS.

Mr. SHAYS. Well, some day.

Dr. CARAFANO. Well, it should be.

Mr. SHAYS. OK. Is there anything that we need to put on the record, any question we should have asked, any statement you want to put on the record before we close out?

Mr. ERVIN. Maybe just one final thing, sir.

Mr. SHAYS. Sure.

Mr. ERVIN. Not to belabor the point, but I think it's important in this last exchange to be clear about what the "it" is and what the core competencies are and what was taken away and what wasn't. I mean, to be precise, of course the visa function itself, the entirety of the visa function was not taken away from the State De-

partment. It's only—the question is should there be some additional layer of review strictly from a counterterrorism perspective to make sure that in the future to the extent that can be humanly done of course we won't let terrorists into the country. The question is should there that be an additional layer of review and, if so, who should provide it.

Mr. SHAYS. And the question that we can't answer today, which is kind of pathetic, is we've had 2 years experience in Saudi Arabia. Tell us the benefit.

Mr. ERVIN. I couldn't agree with you more. I think it's inexcusable that it's taken us 2 years to determine whether the program is effective and if the program can be as effective as Congress initially intended for it to be. Then it's critical, as I said, that it be expanded throughout the world because terrorists can go to any of 209 other visa issuing posts and get a visa there.

Mr. SHAYS. And at the very least do it in a few other—in a sense that it's become a pilot program based on the pushback of State and the lack of aggressiveness on the part of DHS?

Mr. ERVIN. Precisely.

Mr. SHAYS. Well, you know, you're finally getting through to me here.

Any other comment? So with that, thank you, all four of you, for your testimony. We appreciate it very much. And with that, this hearing is adjourned.

[Whereupon, at 1:03 p.m., the subcommittee was adjourned.]

[The prepared statement of Hon. Dennis J. Kucinich follows:]

Statement of Rep. Dennis J. Kucinich
Ranking Minority Member
House Subcommittee on National Security, Emerging Threats and International Relations
Committee on Government Reform
U.S. House of Representatives

Hearing on "Combating Terrorism: Visas Still Vulnerable."

September 13, 2005

Good morning, Mr. Chairman, and good morning to all of the witnesses here today.

Since GAO's critical report to the Subcommittee in 2002, I understand that the Departments of State and Homeland Security have made considerable changes to better secure our overseas consulates and points of entry. They have done so by making counterterrorism screening the highest priority of the entire visa process.

There have been dozens of new regulations issued, additional training courses on fraud detection and analysis added, and mandatory fingerprinting and interviews of every applicant.

These changes have added to the workload of consular officers, but I'm not sure that they make us any safer from future terrorist attacks. Just as we have shorn up the holes in our visa security, terrorists will surely adapt their own strategies in response.

Rather, improved communication among federal agencies may be the simplest and most effective way to detect and prevent future terrorist threats.

Much has been made of the fact that the al Qaeda members responsible for the 9/11 attacks were all granted U.S. visas to enter the country. In hindsight, we know that 15 of the 19 should have been detected by authorities based on documentary indicators. 15 of the 19 hijackers should have been denied a visa. That they were allowed to enter into and stay in the U.S. was not a fault of the visa system, but a series of human errors rooted in sloppiness and inept management.

In March 2002, the New York Times reported that the INS had just sent letters to the Huffman Aviation flight school in

Florida, notifying it that the INS had approved student visas for two of the 9/11 hijackers, Mohammed Atta and Marwan al-Shehhl, to study at the school.

In fact, the Times story stated that not only had the INS approved these visas mere weeks before the 9/11 attacks, but ACS Inc., the Kentucky based subcontractor to the INS, had only just postmarked them - six months ***after*** the 9/11 attacks had occurred.

The real problem we must fix is the lack of accountability over federal agencies and their private contractors.

In fact, Mr. Chairman, I'd be very interested to know just how much of our immigration and visa processing has been contracted out to private firms. I hope this committee will use its oversight authority in the future to look into the sale of our national security to the highest bidder.

So, it is important that this oversight committee make sure that those mistakes never happen again, and that each and every gap in our visa process is permanently closed. It may require

retraining and additional consular and DHS staff at key posts, but it certainly should involve better interagency communication.

So I thank the Chairman for his continued oversight of these new policies and reforms. I believe this is an important and timely issue, particularly as members of Congress are once again questioning our nation's preparedness for catastrophic events, whether they are acts of terrorism or natural disasters.

The devastation of homes and communities felt by our fellow citizens due to Hurricane Katrina have only reinforced to Congress how unprepared we really are at all levels of our government.

Thank you and I yield back to the Chair.

THE HIJACKERS 3/13/02

6 Months Late, I.N.S. Notifies Flight School of Hijackers' Visas

By DAVID JOHNSTON

WASHINGTON, March 12 — Six months after Mohamed Atta and Marwan al-Shehhi crashed hijacked airliners into the World Trade Center, the Immigration and Naturalization Service sent out a routine notice this week telling a flight school that the two men had been approved for student visas to study there.

Embarrassed by the disclosure that the school had received the notifications on Monday, six months to the day after the attacks, the agency said it approved student visas for the two men last summer, before either had been identified as suspected terrorists.

After Sept. 11, the agency said, it failed to halt the normal process of having a subcontractor notify the school, Huffman Aviation in Venice, Fla., that it had authorized the student visas for the two, who are now among the world's most infamous terrorists.

The mistake was another embarrassing gaffe for an agency that has long been criticized in Congress for sloppy management and inept record keeping and for being unable to control the borders or keep track of foreigners in the United States legally or illegally.

A spokesman for the immigration agency, Russ Bergeron, said it regretted that it had not notified the subcontractor before it sent the letters last week. Mr. Bergeron said he knew of no other letters related to any other hijackers.

"We certainly regret that our contractor was not notified after Sept. 11," he said. "It was our responsibility to notify the contractor that the notifications were not needed in this case."

In a draft statement, the agency acknowledged that its system was flawed. But those admissions were deleted from the final statement issued this evening. The draft statement said, "This incident also highlights the need to replace a student information collections systems that I.N.S. has long stated was antiquated, inaccurate, untimely and of little utility to I.N.S., school or students."

The error seemed particularly difficult to explain, because Mr. Atta and Mr. Shehhi were among the most infamous of the 19 hijackers. The authorities say they believe that Mr. Atta, the suspected ringleader of the operation, was at the controls of American Airlines Flight 11, which struck the north tower of the trade center to begin the attacks. Mr. Shehhi was the suspected pilot on United Airlines Flight 175, which slammed into the south tower.

Representative John Conyers Jr. of Michigan, the senior Democrat on the House Judiciary Committee, said he was astonished at the slipshod handling of the visas.

"I have been wondering for some time whether this administration suffers from myopia as it continues with a misguided focus in pursuit of homeland security," Mr. Conyers said. "I am astonished that while the I.N.S. is fixated on detaining and rounding up countless Arab-Americans without any justification, it has failed to take basic steps to ensure that visas are not issued to known terrorists."

Associated Press

Rudi Dekkers, owner of Huffman Aviation, holding the eligibility certificates for nonimmigrant student status yesterday in Venice, Fla.

The flight school filed the requests for M-1 student visas for the two men in August 2000. The requests sought to change the men's visas from nonimmigrant visitor to student to let them take a $27,000 yearlong professional course.

The agency approved the requests on July 17, 2001, in Mr. Atta's case, and on Aug. 9 in Mr. Shehhi's. But CNN, which first reported the agency's action today, said the letters were postmarked last week.

In its statement, the agency said: "It is important to emphasize that the decisions regarding the request to change status were made in the summer of 2001, prior to the tragic events of Sept. 11. It is equally important to recognize that when the applications were approved, the I.N.S. had no information indicating that Atta or Shehhi had ties to terrorist organizations."

Letters to the two men would have been generated automatically and sent to them shortly after the visas had been approved. The flight school would have been notified as a follow-up.

The letters to Huffman Aviation were sent from the I.N.S. Student Processing Center, operated by ACS Inc., a contractor in London, Ky. The company has processed arrival and departure forms for foreign students, business visitors and travelers.

Exhibit 1

CHANGES TO THE VISA PROCESS SINCE SEPTEMBER 11, 2001

The Department of State, working with the Department of Homeland Security (DHS), has made significant changes to the visa process and entry screening requirements since September 11, 2001, to provide better security in light of the revised threat assessment to our national security. The steps outlined below are some of our more important efforts to improve the security of U.S. borders, which also include our ongoing participation in interagency efforts to implement the provisions of the USA PATRIOT Act, the Enhanced Border Security and Visa Entry Reform Act, the Homeland Security Act, and the National Security Entry Exit Registration System (NSEERS).

Improvements Made in Visa Processing

Application Processing

- Greatly increased the percentage of nonimmigrant applicants interviewed worldwide and set a written standard on interviews to achieve consistency around the world. On August 1, 2003, new regulations were implemented that limit waiver of personal appearance for nonimmigrant visa applicants to only a few categories of exceptions, such as diplomats, children, and the elderly. These regulations were codified in statute in December 2004.
- In coordination with the Departments of Justice and Homeland Security, added more interagency security checks for counter-terrorism purposes for certain groups of visa applicants from certain countries.
- Provided nonimmigrant and immigrant visa data access to DHS inspectors at ports of entry. The data includes detailed information on all visas issued, including photographs and fingerprints of nonimmigrant and immigrant visa applicants.
- The Consular Consolidated Database (CCD) had earlier been made available to consular officers worldwide in May 2001.
- Expanded intranet resources for consular adjudicators to assist them in reading and verifying entry/exit cachets in Arabic or Persian script. Deployed a classified CA web site.

- Concurred with the Department of Justice in the removal of Argentina (February 2002) and Uruguay (April 2003) from the Visa Waiver Program and imposition of limitations on Belgium's participation (May 2003).
- Currently working with DHS to finalize reviews of the Visa Waiver Program for 25 countries.
- In March 2003, centralized the flow of fiancée visa petitions from USCIS to the National Visa Center (NVC) in New Hampshire. NVC compiles certain FBI and special checks before sending the files to overseas posts.
- Developed Internet site that allows applicants to complete NIV application on-line. Resultant application form includes a 2-D bar code enabling quick scanning of data into the NIV system. Forms are available in English, Spanish, and a number of other languages.
- Implemented Presidential Proclamation number 7750, which suspends the entry into the United States of certain corrupt public officials and their dependents.
- In Spring 2004 we centralized the flow of approved nonimmigrant visa petitions from USCIS to overseas posts through the Kentucky Consular Center (KCC). In a second phase, petitions that posts identify as warranting return to CIS for revocation will go first to KCC for review and tracking.

Namechecks

- Since June 2002, have incorporated approximately 8.9 million records from the FBI's National Crime Information Center (NCIC) into our Consular Lookout and Support System (CLASS) namecheck database. This more than doubled the records on file. (This was authorized by the USA PATRIOT Act.)
- Entered over one million additional records into CLASS on open or unresolved removal or deportation cases. Cases were entered in January 2004 and provide more timely notice to consular officers in the field of pending removal and detention actions.
- Eliminated the periodic purge program for lookout records that fit a certain predefined profile. As of May 2005, the CLASS database contained over 19.5 million prime records, and an additional 8.6 million alias records. In addition, the system contains records on over 866,000 lost and/or stolen foreign passports.

- From September 2001 to May 2005 increased namecheck records from the intelligence community from 48,000 to 180,000 (through the National Counter Terrorism Center [NCTC], a clearinghouse for sensitive intelligence and watchlist entries in CLASS). The Terrorist Screening Center (TSC) feeds terrorist-related lookout information to the CLASS system.
- Started automated cross-checking of new derogatory information concerning terrorists or suspected terrorists (including TSC entries) against records of previously-issued visas in order to provisionally revoke existing valid visas in the hands of those who may be a threat. Since 9/11, we have revoked the visas of some 1,500 individuals suspected of having a connection to terrorism.
- In May 2003, implemented the Alternate Processing Center (APC) for the CLASS namecheck system. Located in the Kentucky Consular Center, several hundred miles from Washington, DC, the APC provides additional namecheck production resources and load sharing capability with the primary computer complex in the Washington area. APC also improves CLASS survivability.
- Effective November 2002, discontinued the use of a CD-ROM based back-up namecheck system. No visa is now issued without a CLASS check that provides real-time lookout information.
- Implemented the Hispanic algorithm in all Western Hemisphere posts and eighty percent of all posts worldwide.
- Joined with DOJ and others in establishing the Terrorist Threat Integration Center (TTIC), now known as the National Counterterrorism Center (NCTC), and the Terrorist Screening Center (TSC). Both entities are engaged in integrating government watchlists, including TIPOFF, and TSC checks visa applicants against the terrorist database.
- Upgraded the central namecheck processing facility to increase computer power and provide system scalability
- Established a communication link with the FBI's Criminal Justice Information Division to ensure that the NCIC entries are received into CLASS in a timely manner. Since February 1, 2005, we get updates and new records daily.
- Have improved the capacity of CLASS to handle additional information such as Interpol and deportation lookout information, the Hispanic algorithm, and lost and stolen passport data.

- Reduced significantly the response time to every category of Security Advisory Opinion (SAO) clearing out long-overdue cases and making SAO response wait times more reasonable and predictable.

Enhanced Data Collection

- Completed worldwide deployment of biometric NIV software in October 2004. Applicants for whom fingerprints are collected are checked against the DHS database before a visa is issued.
- Included 25 additional data elements in the automated nonimmigrant visa processing system beginning in September 2002. These fields are viewable worldwide through the Consular Consolidated Database. This data includes U.S. contact information.
- Effective October 26, 2004, implemented facial recognition screening of all visa applicants not subject to the biometric fingerprinting requirement.
- Deployed on-line electronic registration for the Diversity visa program. Registration for the DV-2005 "lottery" was successfully conducted exclusively through a dedicated web site. This enables us to better identify duplicate entries, including, through extensive use of facial recognition technology, those submitted under fraudulent identities.
- Created two new forms for nonimmigrant visa applicants: the DS-157 (November 2001), required of all men aged 16 to 45 from every country in the world; and the DS-158 (July 2002), required of all applicants for student visas. The DS-157 is used to identify applicants who require a security advisory opinion from Washington agencies.
- In the spring of 2002, provided all posts with software and scanners to allow scanning of supporting evidence in serious refusals. This evidence is thus available in its electronic format to all consular operations and DHS border inspection offices. This is part of the effort to replace paper files with image-storage and retrieval and to improve the access to information by consular officers making adjudication decisions.
- In April 2002, began requiring photo-capture for refused nonimmigrant visa applicants.
- Revised the Immigrant Visa system to capture and store a digitized photograph of the applicants as well as two fingerprints. The fingerprints are checked against the DHS fingerprint database (IDENT). The new Immigrant Visa is now printed on the Lincoln visa foil, and affixed in the

applicant's passport. This system has been deployed to all immigrant visa processing posts worldwide.

- Revised photo standards for visa applicants to improve the quality of data for facial recognition and other purposes.
- Included several additional data elements in the automated immigrant visa processing system to support datasharing with the Social Security Administration.

Expanded Information Sharing

- Created a new staff office, VO/I, in the Visa Office in August 2002 to coordinate information management and liaison activities. We expect this office to continue to grow and to play a key role in interagency discussions.
- The Border Biometric Program office in the Visa Office has been reorganized as the Office of Border and International Programs to allow for expanded efforts at information sharing and coordination with like-minded nations and multilateral organizations.
- Developed and implemented the Security Advisory Opinion Improvement Project (SAO-IP), a re-engineering of the interagency visa clearance process to allow quicker processing and greater accountability. Improved software was piloted overseas in November 2003 and deployed worldwide in the spring of 2004. Deployment to other USG agencies began in December 2003. A number of upgrades are planned for implementation in 2005 including the elimination of cables to rely fully on electronic transmission of data.
- In the fall of 2001, began storing serious refusal files for posts at risk (or with space problems) at the Kentucky Consular Center (KCC). KCC has begun scanning old files, making these files available to all CCD users. This process will be expanded to include serious refusal files from all posts worldwide, thereby making them available to all posts worldwide and to domestic offices.
- Implemented technology support in the visa lookout system to support DHS's National Security Entry Exit Registration System (NSEERS).
- Successfully launched the Interim Student and Exchange Authentication System (ISEAS) (September 2002), which provided electronic verification of the acceptance of foreign students and exchange visitors who apply to enter the United States on student ("F," "M") and

exchange visitor ("J") visas. ISEAS was created to satisfy the mandates of Section 501(c) of the Enhanced Border Security and Visa Entry Reform Act of 2002 and remained active until February 2003 when DHS's Student and Exchange Visitor Information System (SEVIS) was implemented.

- Worked with DHS on the implementation of the SEVIS student tracking system. All student visas are now verified and registered in SEVIS. Over 1.4 million records from SEVIS have been downloaded to CA's Consular Consolidated Database where the information is available for the electronic verification, adjudication, and reporting of student and exchange visitor visas.
- Make consular data available via the interagency OSIS (Open Sources Information System) network. Work with agencies concerned with Border Security (DHS, FBI, etc.) to develop an MOU that will allow this access. Signed an MOU on datasharing, with the FBI on July 15, 2004.

Internal Controls

- Removed direct Foreign Service National access to detailed namecheck information in consular automated systems.
- Reviewed the visa referral system and reminded post/consular managers of the controls needed. The referral form was revised and its use was made mandatory worldwide. The form now requires written certification by the referring officer that the visa applicant is personally known to the referring officer and does not pose a threat to the United States.
- Implemented recommendations resulting from the OIG review of the referral system to strengthen accountability.
- In July 2002, installed new management tools to monitor user accounts on consular automated systems.
- Mandated a special worldwide review of management controls in September 2002 and again in August 2003. This has now been made a required annual report from all consular sections.
- Implemented a system of Consular Management Assistance Teams (CMAT) to visit posts to review management controls and procedures. The first such visits were made in February 2003. As of January 1, 2005, CA has conducted sixty-one CMAT visits.

- Began the process of formalizing and disseminating Standard Operating Procedures for visa processing.
- In January 2004 began implementing a new software utility to further improve the security and integrity of password assignment in consular systems.
- Re-issued comprehensive instructions for accountability of controlled items, including strengthened procedures.
- Provided a checklist to guide posts in prevention and reporting of malfeasance.
- Provided a checklist to guide front office oversight of consular operations, including supervisory officer review of visa issuances and refusals.
- Instituted a reporting requirement for posts to report instances of disciplinary action and/or termination of locally hired consular employees for malfeasance or misconduct.
- Announced to the field establishment of an ombudsman for issues relating to instances of real or perceived undue pressure on the visa process.
- Announced to the field that checks of the IDENT and Facial Recognition systems are covered by Visa Lookout Accountability procedures.

Fraud Prevention Efforts

- In March 2002, pilot tested the new, tamper-resistant Lincoln nonimmigrant visa foil with worldwide deployment completed in September 2003.
- Developed a more secure way of canceling machine-readable visas to deter malefactors from "washing" the cancellation stamp from the visa. The system was made available to posts in March of 2003.
- In April 2003, established a Vulnerability Assessment Unit (VAU) staffed by personnel from Consular Affairs and Diplomatic Security. VAU personnel employ data-mining and other techniques to identify baseline trends and patterns and detect variations that could indicate possible malfeasance. The unit analyzes data anomalies and makes recommendations for action. The unit also participates in State Department training efforts to ensure consular employees are well informed about issues related to malfeasance.

- In August 2003, established a fraud prevention unit at the National Visa Center (NVC) in Portsmouth, New Hampshire. The unit focuses on data validation/fraud screening using automated search tools. In September 2004 established a fraud prevention unit at KCC to work with DV and petition-based NIV cases.
- Created an e-form for easy reporting of lost/stolen/missing visaed passports, with automatic forwarding to DHS.
- Continue to update our database of foreign lost and stolen passports. We currently have over 680,000 entries of blank and individually-issued lost and stolen passports in the database.
- Review facial recognition results from initial test deployment at visa posts. In October 2004, further deployed facial recognition technology to screen certain visa cases.

Training

- In March 2002, initiated an Advanced Namechecking Techniques course at the Foreign Service Institute. Hundreds of consular officers have now received this training.
- In May 2004 established an Advanced Namechecking course targeting Passport Adjudicators.
- Lengthened the Basic Consular Course, also known as ConGen, from 26 to 31 days. This change is the result of the added emphasis that we are giving to visa security, counter-terrorism awareness and interviewing techniques. Among the new modules is a two-day interviewing "mini-course" that focuses students on ways to identify lying/deception by applicants. The new curriculum also includes a half-day program on counter-terrorism at the CIA Headquarters in Langley. The new, longer ConGen training schedule began October 17, 2003.
- Increased training for Ambassadors, Deputy Chiefs of Mission and Principal Officers on their supervisory role in the visa function.
- Provided written guidance to chiefs of mission and their deputies to assist them in their oversight of consular sections.
- Increased training for consular officers in the Visas Mantis SAO program that seeks to prevent the illegal transfer of sensitive technology. Training takes place in Washington, at posts, and through a regular series of videoconferences with a variety of posts.

Security Improvements

- Eliminated crew-list visas and required that seamen obtain individual visas as of June 16, 2004. (Crew list visas do not allow for the same verification of identity and bona fides as do individual applications.)
- In February 2003, eliminated the waiver of visas for permanent residents of Canada and Bermuda.
- In March 2002, amended regulations to close a loophole and limit the ability of persons with expired visas to reenter the U.S. from contiguous territory (i.e. Mexico, Canada, the Caribbean). The change removed from the automatic revalidation provision those persons who apply for a new visa and are refused in Canada or Mexico and all nationals of countries designated as state sponsors of terrorism regardless of whether or not they apply for a visa.
- Supported implementation of the Aviation and Transportation Security Bill.
- Started discussions with Mexico and Canada about greater cooperation on immigration, security, and visa issues.
- Dedicated a full-time Visa Office representative to US-VISIT (United States Visitor and Immigrant Status Indicator Technology program). Phase one deployed in January 2004 allows DHS officers at primary inspection lanes at 115 airports and 14 seaports to scan visas and view on computer screens the visa data transmitted from the Consular Consolidated Database, which should practically eliminate counterfeit and photo-substituted visas. US-VISIT and the Biometric Visa Program are fully compatible and coordinated, adding strength to our border security through biometric enrollment.

FUTURE IMPROVEMENTS TO THE VISA PROCESS AND TIMETABLES

The Department continues to implement requirements set forth in the USA PATRIOT Act, the Enhanced Border Security and Visa Entry Reform Act, and the Homeland Security Act. Major initiatives not outlined above that are currently planned include:

Application Processing

- Continue investigation of "rules based process" as a tool for visa screening.
- Revamp the visa processing sections of the Foreign Affairs Manuals, including a complete reexamination of all existing guidance to overseas posts. Existing standard operating procedures are being redrafted and reissued, and new standard operating procedures SOPs are being developed.
- Developing fully automated NIV application that will consolidate all three NIV application forms and provide for more efficient data collection and analysis.

Namechecks

- Explore opportunities to improve performance on namechecking of Asian names.
- Continue to support Department of State entities at the National Counter Terrorism Center (NCTC) and the Terrorist Screening Center (TSC).
- Continue to pursue with the FBI additional data pertaining to NCIC lookouts to reduce "false positive" hits.

Enhanced Data Collection

- The Department will continue to work with countries that are eligible for the Visa Waiver Program (VWP) and with ICAO to meet the requirement that those countries have programs to incorporate biometric identifiers in their passports, as required by the Border Security Act.

Expanded Information Sharing

- Continue to expand datashare opportunities with federal agencies, maximizing the value of consular data to the USG while developing procedures to ensure proper use of this information.
- Continue working on a number of programs with Canada and Mexico as part of our U.S.-Canada Smart Border Action Plan (30 point plan) and U.S.-Mexico Border Partnership (22 point plan).

Internal Controls

- Restrict further the access of Foreign Service National employees to namecheck information.
- Provide additional guidance to the field on supervisory officer review of visa issuances and refusals.
- Maintain a robust schedule of visits by consular management assistance teams to posts to review management controls and procedures.

Fraud Prevention Programs

- Expand the efforts of the newly created Fraud Trends Analysis Unit to employ data mining tools to identify trends in fraud around the world.

○