



DEPARTMENT OF STATE

STATEMENT
OF
PATRICK F. KENNEDY

UNDER SECRETARY OF STATE FOR MANAGEMENT,
DEPARTMENT OF STATE

BEFORE THE
HOUSE OF REPRESENTATIVES COMMITTEE ON HOMELAND
SECURITY

HEARING
ON
FLIGHT 253: LEARNING LESSONS FROM AN AVERTED TRAGEDY

JANUARY 27, 2010

Chairman Thompson, Ranking Member King and distinguished Members of the Committee, thank you for the opportunity to address you today. As a result of the attempted terrorist attack on Flight 253, the President ordered corrective steps to address systemic failures in procedures we use to protect the people of the United States. Secretary Clinton reiterated this direction when she stated, “we all are looking hard at what did happen in order to improve our procedures to avoid human errors, mistakes, oversights of any kind. We in the State Department are fully committed to accepting our responsibility for the mistakes that were made, and we’re going to be working hard with the rest of the Administration to improve every aspect of our efforts.” Therefore, the Department of State now is working on reviewing visa issuance and revocation criteria and determining how technological enhancements can facilitate and strengthen visa-related business processes.

Our immediate attention is on addressing the deficiencies identified following the attempted attack on Flight 253. At the same time we continue to plan for the future, incorporating new technology, increasing data sharing and enhancing operational cooperation with partner agencies. We have a record of quickly adapting and improving our procedures to respond to security imperatives. We have a highly trained global team working daily to protect our borders and fulfill the overseas border security mission and other critical tasks ranging from crisis management to protection of American interests abroad. Within the Department we have a dynamic partnership between the Bureau of Consular Affairs and the Bureau of Diplomatic Security that adds a valuable law enforcement and investigative component to our capabilities. We will use these strengths to address the continuing security threats.

In the case of Umar Farouk Abdulmutallab, on the day following his father’s November 19 visit to the Embassy, we sent a cable to the Washington intelligence and law enforcement community through proper channels (the Visas Viper system) that “Information at post suggests [that Farouk] may be involved in Yemeni-based extremists.” At the same time, the Consular Section entered Abdulmutallab into the Consular Lookout and Support System database known as CLASS. In sending the Visas Viper cable and checking State Department records to determine whether Abdulmutallab had a visa, Embassy officials misspelled his name, but entered it correctly into CLASS. As a result of the misspelling in the cable, information about previous visas issued to him and the fact that he currently held a valid U.S. visa was not included in the cable. At the same time the CLASS entry resulted in a lookout using the correct spelling that was shared automatically with the primary lookout system used by the Department of Homeland Security (DHS) and accessible to other agencies.

We have taken immediate action to improve the procedures and content requirements for Visas Viper cable reporting that will call attention to the visa application and issuance material that is already in the data that we share with our national security partners. All officers have been instructed to include complete information about all previous and current U.S. visa(s). This guidance includes specific methods to comprehensively and intensively search the database of visa records so that all pertinent information is obtained.

In addition to this change in current procedures to search visa records, we immediately began working to refine the capability of our current systems. When dealing with applications for

visas, we employ strong, sophisticated name searching algorithms to ensure matches between names of visa applicants and any derogatory information contained in the 27 million records found in CLASS. This strong searching capability has been central to our procedures since automated lookout system checks were mandated following the 1993 World Trade Center bombing. We will use our significant experience with search mechanisms for derogatory information to improve the systems for checking our visa issuance records.

The Department of State has been matching new threat information with our records of existing visas since 2002. We have long recognized this function as critical to the way we manage our records and processes. This system of continual vetting has evolved as post 9/11 reforms were instituted and is now performed by the Terrorist Screening Center (TSC). All records added to the Terrorist Screening Database are checked against the Department's Consolidated Consular Database (CCD) to determine if there are matching visa records. Matches are sent electronically from the TSC to the Department of State to flag cases for visa revocation. In almost all such cases, visas are revoked. In addition, we have widely disseminated our data to other agencies that may wish to learn whether a subject of interest has a U.S. visa. Cases for revocation consideration are forwarded to us by DHS/Customs and Border Protection's (CBP) National Targeting Center (NTC) and other entities. Almost every day, we receive requests to review and, if warranted, revoke visas for potential travelers for whom new derogatory information has been discovered since the visa was issued. Our Operations Center is staffed 24 hours per day/7 days per week to work these issues. Many of these requests are urgent because the person is about to board a plane. The State Department then uses its authority to prudentially revoke the visa.

Since the Presidentially-ordered Security Review, there have been changes in the thresholds for adding individuals to the Terrorist Screening Database, No Fly, and Selectee lists. The number of revocations has increased substantially as a result. This revocation work is processed electronically in the Department. As soon as information is established to support a revocation, an entry showing the visa revocation is added electronically to the Department of State's lookout system and shared in real time with the DHS lookout systems used for border screening.

In addition to these changes, the Department is reviewing the procedures and criteria used in the field to revoke visas and will issue new instructions to our officers. Revocation recommendations will be added as an element of reporting through the Visas Viper channel. We will be reiterating our guidance on use of the broad discretionary authority of visa officers to deny visas on security and other grounds. Instruction in appropriate use of this authority has been a fundamental part of officer training for several years.

The State Department has broad and flexible authority to revoke visas and we use that authority widely to protect our borders. Since 2001, we have revoked 51,000 visas for a variety of reasons, including over 1,700 for suspected links to terrorism. We have been actively using this authority as we perform internal scrubs of our data with watchlist information provided by partner agencies. For example, we are re-examining information in our CLASS database on individuals with potential connections to terrorist activity or support for such activity. We are reviewing all previous Visas Viper submissions as well as cases that other agencies are bringing to our attention from the No Fly and Selectee lists, as well as other sources. In these reviews, we have identified cases for revocation and we have also confirmed that substantial numbers of

individuals in these classes hold no visas and of those few who did, many were revoked prior to the current review. We recognize the gravity of the threat we face and are working intensely with our colleagues from other agencies to ensure that when the U.S. Government obtains information that a person may pose a threat to our security, that person does not hold a visa.

We will use revocation authority prior to interagency consultation in circumstances where we believe there is an immediate threat. Revocation is an important tool in our border security arsenal. At the same time, expeditious coordination with our national security partners is not to be underestimated. There have been numerous cases where our unilateral and uncoordinated revocation would have disrupted important investigations that were underway by one of our national security partners. They had the individual under investigation and our revocation action would have disclosed the U.S. Government's interest in the individual and ended our colleagues' ability to quietly pursue the case and identify terrorists' plans and co-conspirators.

In addition to revocation efforts, consular officers refused 1,885,017 visas in FY2009. We now are renewing guidance to our officers on their discretionary authority to refuse visas under section 214(b) of the Immigration and Nationality Act with specific reference to cases that raise security concerns. No visa is issued without it being run through security checks against our partners' data. And we screen applicants' fingerprints against U.S. databases as well.

The Department has a close and productive partnership with DHS, which has authority for visa policy. Over the past seven years both agencies significantly increased resources, improved procedures and upgraded systems devoted to supporting the visa function. DHS receives all of the information collected by the Department of State during the visa process. DHS has broad access to our entire CCD, containing 136 million records related to both immigrant and nonimmigrant visas and covering visa actions of the last 13 years. Special extracts of data are supplied to elements within DHS, including the Visa Security Units of Immigration and Customs Enforcement (ICE). These extracts have been tailored to the specific requirements of those units. We are working closely with ICE Visa Security Units established abroad and with domestic elements of DHS, such as CBP's National Targeting Center.

We gave DHS access to U.S. passport records, used by CBP to confirm the identity of citizens returning to the U.S. We developed new card-type travel documents that work with the automated systems CBP installed at the U.S. land borders. We are collecting more information electronically and earlier in the process. Expanded data collection done in advance of travel will give DHS and partner agencies richer information and more time for analysis.

We make all of our visa information available to other involved agencies, and we specifically designed our systems to facilitate comprehensive data sharing. We give other agencies immediate access to over 13 years of visa data, and they use this access extensively. In November 2009, more than 16,000 employees of DHS, the Department of Defense (DOD), the FBI and Commerce made 920,000 queries on visa records. We embrace a layered approach to border security screening and are fully supportive of the DHS Visa Security Program.

The Department of State is at the forefront of interagency cooperation and data sharing to improve border security, and we embarked on initiatives that will position us to meet future

challenges while taking into consideration our partner agencies and their specific needs and requirements. We are implementing a new generation of visa processing systems that will further integrate information gathered from domestic and overseas activities. We are restructuring our information technology architecture to accommodate the unprecedented scale of information we collect and to keep us agile and adaptable in an age of intensive and growing requirements for data and data sharing.

We proactively expanded biometric screening programs and spared no effort to integrate this expansion into existing overseas facilities. In partnership with DHS and the FBI, we established the largest biometric screening process on the globe. We were a pioneer in the use of facial recognition techniques and remain a leader in operational use of this technology. In 2009 we expanded use of facial recognition from a selected segment of visa applications to all visa applications. We now are expanding our use of this technology beyond visa records. We are testing use of iris recognition technology in visa screening, making use of both identity and derogatory information collected by DOD. These efforts require intense ongoing cooperation from other agencies. We successfully forged and continue to foster partnerships that recognize the need to supply accurate and speedy screening in a 24/7 global environment. As we implement process and policy changes, we are always striving to add value in both border security and in operational results. Both dimensions are important in supporting the visa process.

The Department of State is an integral player on the border security team. We are the first line of defense. Our global presence, foreign policy mission and personnel structure give us singular advantages in executing the visa function throughout the world. Our authorities and responsibilities enable us to provide a global perspective to the visa process and its impact on U.S. national interests. The issuance and refusal of visas has a direct impact on foreign relations. Visa policy quickly can become a significant bilateral problem that harms U.S. interests if handled without consideration of foreign policy impacts. The conduct of U.S. visa policy has a direct and significant impact on the treatment of U.S. citizens abroad. The Department of State is in a position to anticipate and weigh those possibilities.

We developed and implemented intensive screening processes requiring personal interviews, employing analytic interview techniques, incorporating multiple biometric checks, all built around a sophisticated global information technology network. This frontline of border security has visa offices present in virtually every country of the world. They are staffed by highly trained and multi-lingual personnel of the Department of State. These officials are dedicated to a career of worldwide service and provide the cultural awareness, knowledge and objectivity to ensure that the visa function remains the frontline of border security.

In addition, we have 145 officers and 540 locally employed staff devoted specifically to fraud prevention and document security, including fraud prevention officers at overseas posts. We have a large Fraud Prevention Programs office in Washington, D.C. that works very closely with the Bureau of Diplomatic Security, and we have fraud screening operations using sophisticated database checks at both the Kentucky Consular Center and the National Visa Center in Portsmouth, New Hampshire. Their role in flagging applications and applicants who lack credibility, who present fraudulent documents, or who give us false information adds a valuable dimension to our visa process.

The Bureau of Diplomatic Security adds an important law enforcement element to the Department's visa procedures. There are now 50 Assistant Regional Security Officer Investigators abroad specifically devoted to maintaining the integrity of the process. They are complemented by officers working domestically on both visa and passport matters. These Diplomatic Security officers staff a unit within the Bureau of Consular Affairs that monitors overseas visa activities to detect risks and vulnerabilities. These highly trained law enforcement professionals add another dimension to our border security efforts.

The multi-agency team effort on border security, based upon broadly shared information, provides a solid foundation. At the same time we remain fully committed to correcting mistakes and remedying deficiencies that inhibit the full and timely sharing of information. We have and we will continue to automate processes to reduce the possibility of human error. We fully recognize that we were not perfect in our reporting in connection with the attempted terrorist attack on Flight 253. We are working and will continue to work not only to address that mistake but to continually enhance our border security screening capabilities and the contributions we make to the interagency effort.

We believe that U.S. interests in legitimate travel, trade promotion, and educational exchange are not in conflict with our border security agenda and, in fact, further that agenda in the long term. Our long-term interests are served by continuing the flow of commerce and ideas that are the foundations of prosperity and security. Acquainting people with American culture and perspectives remains the surest way to reduce misperceptions about the United States. Fostering academic and professional exchange keeps our universities and research institutions at the forefront of scientific and technological change. We believe the United States must meet both goals to guarantee our long-term security.

We are facing an evolving threat. The tools we use to address this threat must be sophisticated and agile. Information obtained from these tools must be comprehensive and accurate. Our criteria for taking action must be clear and coordinated. The team we use for this mission must be the best. The Department of State has spent years developing the tools and personnel needed to properly execute the visa function overseas and remains fully committed to continuing to fulfill its essential role on the border security team.