

Testimony of
Mr. Steven Edson

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Madame Chair and distinguished members of the Committee, thank you for allowing me to speak this morning concerning the progress to date of the Department of State's efforts to implement the provisions of the Enhanced Border Security and Visa Entry Reform Act of 2002.

In implementing the immigration laws of the United States and managing the visa process, the Department of State has no higher priority than our national security. We participate with the border security agencies and the broader law enforcement and intelligence communities in a wide range of activities including but not limited to the visa process to ensure the greatest possible cooperation in our joint efforts to secure our borders and fight terrorism. Although these relationships are long-standing, they have been significantly expanded in the year since the tragic attacks of September 11, 2001. We are dedicated to meeting the opportunities provided by the Enhanced Border Security and Visa Entry Reform Act, both to build on our efforts to date and to break new ground in our common search for a safer United States.

For the sake of comprehensiveness, in my testimony today I will address in order each section of the Enhanced Border Security and Visa Entry Reform Act that involves the Department of State and briefly outline the Department's efforts in each area.

Section 103 concerns the amount of the machine-readable visa fee and authorizes a surcharge for issuing visas in passports which are not machine-readable. The machine-readable visa fee will go up from \$65 to \$100 on November 1, 2002, reflecting increases in the actual cost of providing visa service. Added security screening procedures, restrictions on the role of Foreign Service National employees and further increases in management oversight have made visa processing more expensive. Consistent with the principle of full cost recovery, the Department will continue to conduct regular cost of service studies to ensure that this fee remains appropriate for the cost of services provided.

The Department has not yet implemented a surcharge for bearers of passports which are not machine-readable but appreciates the authorization to do so and stands prepared to collect this surcharge should it become necessary.

Section 201(a) of the Act concerns interim measures to maximize information sharing relevant to the admissibility and deportability of aliens. Significant progress has been made in the past year to increase that amount of information available to visa officers overseas and, conversely, to INS and other law enforcement and intelligence agencies in the United States. The State Department's Consular Lookout and Support System (CLASS) is a principal example of this progress. The Department has been able to leverage the provisions of the Enhanced Border Security Act and USA Patriot Act to make CLASS an ever-stronger tool in our efforts to protect our national security. CLASS uses sophisticated search algorithms to match lookout information to individual

visa applicants. Every single visa applicant is run through CLASS, and in fact, our automated processing systems will not print a visa until the consular officer has checked and resolved "hits" of the applicant's biodata against the lookout system data. CLASS is only as good, however, as the data that it contains. I am happy to report that post 9/11 this situation has improved dramatically.

CLASS records have doubled since September 11. Per USA PATRIOT Act mandate, more than 7 million names of persons with FBI records were added to the CLASS database by August 2002, augmenting 5.8 million name records from State, INS, DEA, and intelligence sources. These NCIC records include the FBI's Violent Gang and Terrorist Database, a particularly valuable resource. When a visa applicant "hits" against NCIC records in CLASS, consular sections can obtain fingerprints to pass to the FBI for purposes of obtaining a full criminal record if necessary, with the fingerprints to help guard against any identification problems.

20,000 Customs serious violator name records have been added to CLASS since September 11, 2001. CLASS now has over 78,000 name records of suspected terrorists, up 40% in the past year. Most of this information has entered CLASS through TIPOFF, a program run through the Department's Bureau of Intelligence and Research that acts as a clearinghouse for sensitive intelligence information provided by other agencies throughout the US government. The TIPOFF staff is able to review and evaluate information concerning suspected terrorists and pass sanitized index information to CLASS. Since September 11, 2001, approximately 20,000 new terrorist lookouts have been entered in the TIPOFF database.

The Department is working on CLASS enhancements including better data on lost and stolen passports, more deportation records from INS, a backup facility at our Kentucky Consular Center, more hardware capacity, and new search algorithms.

An interoperable law enforcement and intelligence data system with linguistic algorithms and robust training and support is the subject of Section 202 of the Act. The State Department currently shares electronic data relevant to visa eligibility with other agencies including INS and is rapidly expanding information sharing arrangements throughout the law enforcement and intelligence communities. The Department's systems use open, flexible architecture consistent with industry standards in order to facilitate information sharing. All nonimmigrant and immigrant visa activities at all of our posts worldwide are replicated to the Consular Consolidated Database at five minute intervals, providing the Department, INS and other US government agencies with a near-real-time window into this work.

The State Department's CLASS lookout system has used for sometime now linguistically sensitive algorithms for checking Arabic, and Russian-Slavic names. A Hispanic algorithm is developed and ready for implementation. An algorithm for East Asian languages is under study. The Department of State has been a leader in the development of linguistic logic in search processes and is actively engaged with other US government agencies to share this expertise and ensure optimal implementation of this section of the law by the specified deadline.

The State Department's Bureau of Consular Affairs provides assistance to consular officers in resolving identity and other questions concerning CLASS lookout system hits, in addition to

handling substantial numbers of inquiries from INS and various law enforcement entities related to visas and lookout entries.

Although the Department of State has skilled linguists available around the world accessible on an ad hoc basis, we feel that full implementation of this section of the act will require additional formal training, printed materials on various transliteration systems and alternative spellings, and a more formal designation of linguistic expertise in various key languages. In March of 2002 the Consular Training Division began offering a course on Advanced Consular Namechecking techniques. This course teaches students about the language algorithms used in CLASS to ensure officers provide the best information possible regarding applicants and thus increase the reliability of namechecks. We are exploring a number of additional alternatives for providing this expertise, beginning with a support structure in the Department of State, but expect to discuss this further in the context of the formation of the Department of Homeland Security as part of a coordinated support structure.

Section 301 of the Act concerning the electronic provision of visa files is one of several examples of new requirements which complement longstanding partnerships between State and INS. The Department of State currently provides to INS visa issuance information, including nonimmigrant and immigrant visas, electronically. This information is available through the Department's Consular Consolidated Database, which is updated from all posts around the world every five minutes. The information includes biographic data and visa and passport details. For nonimmigrant visa issuances, the electronic record passed to INS includes a digital copy of the photograph of the visa applicant, matching the photograph printed on the visa. The information on nonimmigrant visa applicants in the CCD will be augmented by an additional 25 data fields, including address and telephone numbers, with the upcoming January release of new visa software, already in Beta test at the Consulate General in Toronto, Canada. We are also developing the capability to capture and share the photos of immigrant visa applicants electronically as part of our effort to design a machine-readable immigrant visa.

The latest versions of our nonimmigrant visa processing system also support the scanning of nonimmigrant visa applications and other documentation. Soon all visa processing posts will have this software, and we have procured and shipped scanners to each post to allow them to scan serious refusal files into the consolidated database. We will soon expand this procedure to require posts to scan visa applications in cases requiring special security screening. Telecommunication and other resource issues prevent us from immediately scanning all applications worldwide, although this is our longer-term intention.

We should also note that we have begun efforts to allow applicants to submit applications electronically, which will ultimately facilitate more efficient sharing of these files.

The implementation of an integrated entry and exit system with appropriate technology standards is dealt with in Section 302. The Department of State is working closely with the Department of Justice and the National Institute of Standards and Technology on development of the technology standard for travel documents. The Department has issued machine-readable documents since 1981. Beginning in April 1998 the Department has collected two fingerprints and a digitized photo for all applicants for border crossing cards in Mexico, and we have gained valuable

experience in that program. Since the inception of the BCC program, the Department has adjudicated over 7 million applications and issued over 5.6 million cards. We are confident that we will be able to deploy a global visa issuance system that will use appropriate biometric standards.

I defer to my colleague from INS on the progress of work to establish a database of arrival and departure data, but I should note that the Department of State is a regular participant in discussions of this issue and stands firmly behind INS efforts. We believe that the Consular Consolidated Database with its repository of visa information will be a key resource in this effort.

The Department of State's Consular Lookout and Support System (CLASS) database is interoperable with the Interagency Border Inspection System (IBIS) that INS uses in regard to determining admissibility under section 212 of the INA. In fact, State and INS began electronic sharing of data through these systems in 1995. The systems architecture used by the Department lends itself readily to interoperability and we look forward to expanding information sharing activities with INS and other agencies.

The Department of State meets regularly with the INS in the interagency Entry Exit Program Team, the Datashare Working Group, the Senior Implementation Group of the Border Agency Partnership, and other ad hoc meetings to discuss and resolve issues related to facilitation of lawful and efficient cross-border movement of persons and border security. We feel that we and INS have important experience with the problems of moving large numbers of people that will help ensure optimal implementation of this section of the law.

Finally, the Department is taking the lead in discussions with the governments of Canada and Mexico on closer cooperation on matters of border security.

Section 303 concerns standards for and implementation of machine-readable, tamper resistant travel documents. The report called for in Section 303(a) is currently under preparation and the State Department is participating fully in this process.

The Department of State, in coordination with the Department of Justice and other concerned agencies, is working to determine the appropriate type of document and biometric standards to use with travel documents issued to aliens. Although many of the final implementation details will have to wait for formal decisions on these standards, the Department of State already issues nonimmigrant visas which are machine-readable and include digitized photos. Since the attacks of September 11, we have successfully rolled out the new Lincoln nonimmigrant visa, which contains major enhancements to prevent alteration and duplication, in pilot posts overseas, with plans to complete worldwide deployment by early 2003. Prior to 9/11, we had already begun design work on a machine-readable immigrant visa, also to include a digitized photo.

We are currently collecting input from our missions in countries participating in the Visa Waiver Program and have already met with each of these nations to discuss the requirement that they incorporate biometric identifying data in their passports. Although all of these countries recognize the importance of including biometric indicators in their travel documents, and most already use at least digitized photos, specific plans are still under development. This section of

the law refers to standards established by the International Civil Aviation Organization (ICAO), rather than to the NIST-developed standard necessary for our own visas. An ICAO working group has identified three acceptable biometric identifiers--face, fingerprint and iris. A full ICAO meeting in early 2003 should finalize the standards. We will continue an active dialogue with ICAO and the governments involved on this issue and are preparing to report to Congress as required by Section 303(a) of the Act.

The Department of State is meeting the provisions of Section 304 for terrorist lookout committees through the Visas Viper program, a program which began in the aftermath of the first World Trade Center bombing in 1993 and has been significantly enhanced pursuant to the requirements of the Enhanced Border Security Act. It is an ongoing interagency collaboration here in Washington and at our posts abroad. Overseas agencies and sections meet monthly or more often to review data on possible terrorists and terrorism supporters for submission to Washington for inclusion in the lookout system. Quarterly reports will be prepared for Congress as required by the Act.

Since the Visas Viper program began, over 60,000 names of persons suspected of involvement in terrorism have been submitted through this channel and entered into the Consular Lookout and Support System through the TIPOFF database.

Section 305 expands the existing training required for consular officers. Much required consular training has always included instruction on the detection of fraudulent documents, imposters, and indicators of criminal intent. The Department's training center, the Foreign Service Institute, has initiated several changes to the basic consular course and other training. As mentioned earlier, in March of 2002 the Consular Training Division began offering a course on Advanced Consular Namechecking Techniques. We have now trained 70 officers in 2002 and expect to train 120 more in each of FY 03 and FY 04. This course teaches students about the language algorithms used in the CLASS system to ensure officers provide the best information possible regarding applicants and increase the reliability of namecheck matches. A separate but very important benefit of this course has been the direct feedback opportunities between field officers, computer technical staff, and Department management. Officers in this course are also updated on special security requirements, including new screening programs instituted during the past year.

The basic course also contains information on new security screening requirements and now included additional emphasis on ethics and accountability. In addition, FSI plans to provide new officers with briefings on terrorism, additional fraud training, and more time to hone interviewing skills. The latter initiatives are in varying stages of planning and implementation. FSI is collaborating with Counter-Terrorism officials at the FBI to start counter-terrorism sessions for consular officers as soon as the FBI has the training segment ready.

As an initial measure, to ensure that visas are not issued to persons from state sponsors of terrorism who might pose a security risk, the Department has put in place a variety of procedures explicitly designed to cut very broadly. As an interim measure, all adult visa applicants who are national or permanent residents of or who were born in one of these nations are subject to formal special clearance requirements. We anticipate reviewing these procedures in consultation with other agencies before making recommendations to the Secretary of State as to a final process for making the required determination under Section 306 of the Act. Under the Act, the Secretary is

required to consult with the Attorney General and the heads of other agencies to establish standards to implement the statutory requirement that an individual determination is made that 'such alien does not pose a threat to the safety or national security of the United States' in order for a visa to be issued.

Section 307 establishes a requirement for timely reporting of lost and stolen passports in order for a country to continue participating in the visa waiver program. Although this section will likely not, practically speaking, apply to existing visa waiver nations until such time as they are certified for continued participation in the program, we are discussing this requirement with all visa waiver countries. INS can provide the details of our joint review of six of these nations, but I can confirm that report of theft of passports has been a major topic of discussion in each case. In addition, all consular sections worldwide were instructed to begin discussing this requirement with host governments in a State Department message dated June 27, 2002.

I defer to my INS colleague for comment on the periodic certification of visa waiver participants but note that the Department of State intends to participate fully in each review.

The State Department's CLASS lookout system includes a database of lost and stolen passports which has been improved to address the requirement of Section 308. Each visa applicant's passport issuance number is electronically checked against this database prior to visa issuance. The Department already has in place a system for collecting data on missing blank foreign documents, and enters these documents into the CLASS system where appropriate. We are currently creating a database that will allow interagency cooperation on document searches to be quicker and more accurate. Currently the CLASS system has over 80,000 US and 250,000 foreign lost and stolen passport numbers in its database.

Section 401 requires a study of the feasibility of a North American National Security Program, which is a matter of ongoing discussion with the governments of both Mexico and Canada. The Department participates fully in these discussions.

We in the State Department are actively participating with the INS and the exchange community in the design and development of the Student and Exchange Visitor Information System (SEVIS), the permanent system that will contribute to our national security as it adds integrity to the student and exchange visa issuing process as required by Section 501 of the Act. At the same time we are working on SEVIS implementation, in response to a separate legislative mandate the Department has launched the Interim Student and Exchange Authentication System (ISEAS), which will provide for the electronic verification of student and exchange visitor visas until SEVIS is fully implemented. ISEAS is an interim system that will operate in a stand-alone capacity until SEVIS becomes final.

ISEAS is a web based system that allows consular officers to verify the acceptance of foreign students and exchange visitors who apply to enter the United States in student ("F," "M") and exchange visitor ("J") nonimmigrant visa categories based on information the schools or exchange program sponsors enter directly into the system. That portion of the legislative mandate that requires the Department to inform INS of F, M or J visa issuance is being accomplished using the existing datashare link.

ISEAS is the means by which INS-approved educational institutions and Department-designated exchange programs meet this legislative requirement. Consistent with the legislation, ISEAS was established as an interim system, with the limited support and capacity implied by the term. ISEAS will only be operational until SEVIS is implemented on January 30, 2002. Given the short timeframe to establish ISEAS, it unfortunately does not have the capability to share any data with SEVIS. As a result, currently, and until SEVIS is implemented and educational institutions and designated program sponsors become SEVIS compliant, designated officials will have to electronically register visa applicants into two separate databases (ISEAS and SEVIS), and consular officers will have to check both data bases to confirm the provenance of those documents, until ISEAS sunsets with final SEVIS implementation on January 30, 2003. The need to report foreign and exchange student information in two separate databases, however, will end once SEVIS is implemented and a program or institution is enrolled to use SEVIS.

Section 501(c) of the Act requires the approved institution or designated exchange program sponsor to transmit electronic evidence of the applicant's acceptance to the Department. Academic institutions and program sponsors enter information from the required forms into the ISEAS web application (provided at www.iseas.state.gov) for transmission to the Department.

To ensure data integrity, the ISEAS Internet subsystem validates the identification data entered by the designated institution or program official against approved lists of institutions or program sponsors. INS approved institutions or program sponsors correspond to F and M visas, and State Department, Bureau of Educational and Cultural Affairs approved institutions or program sponsors correspond to J visas.

Once ISEAS confirms that the institution or program is on one of the approved lists, the designated institution or program official will enter certain student or exchange visitor data, and the system returns to the school or exchange official a confirmation number which is maintained as part of the student's record. The ISEAS confirmation number will serve as evidence that a particular visa applicant's data has been entered into the ISEAS system, and is one of the search criteria available to consular officers in the field.

Due to the very short development period mandated by the legislation, we were unable to deploy ISEAS before September 11. Consequently, participating academic institutions and program sponsors were unable to enter the required data into ISEAS in advance.

That fact, coupled with the Act's clear wording - no student or exchange visitor visa can be issued after September 11, 2002, without electronic evidence of documentation of the alien's acceptance - meant that ISEAS deployment represented a potentially significant interruption of student and exchange visitor visa processing. We were concerned that many participating institutions and program sponsors would be unable to enter the required data into the system quickly enough to maintain smooth processing of student and exchange visitor visas. Therefore, we devised back-up procedures to ensure that consular officers receive timely electronic status verification directly from sponsoring institutions and programs, through email communications, when necessary.

ISEAS was intended to be an interim mechanism to collect information on foreign students and exchange visitors pending SEVIS development and not a comprehensive solution to better track

these nonimmigrant individuals. As of the October 7, 2002, over 2,988 educational institutions and exchange program sponsors have entered over 71,344 records into ISEAS. 213 visa-issuing posts have verified over 8,942 cases. ISEAS has provided both the Department and INS a better system to verify incoming foreign and exchange students, until SEVIS becomes operational in January 2003.

The Department has designed and implemented a new form, the DS-158, now required of all student and exchange visitor visa applicants to meet the expanded data-collection required by the act.

We are actively pursuing expanded electronic information sharing as discussed in Section 603 with the governments of Canada and Mexico, as well as with the European Union, to which the bulk of the visa waiver nations belong. We have existing data sharing arrangements with Canada and Australia that we hope can be expanded significantly.

On October 2, 2002, State Department officials met with counterparts from the Mexican government to discuss sharing terrorist watchlist data and implementing a terrorist interdiction program in Mexico. The proposal built on months of preliminary discussion and was well received, with meetings proposed for early November. Next steps include technical consultations and allocation of resources, as well as preparation of a Memorandum of Understanding.

In the immediate aftermath of the September 11 attacks, the Department instructed consular posts to retain all visa applications indefinitely. Since the passage of the Act, the Department has instructed all posts to retain these applications for at least seven years. Interim measures have been taken to provide for paper storage of these applications. Changes to consular automated systems being implemented this fall will allow consular sections to scan many of these applications for later retrieval and for easier collaboration with other concerned US government agencies on special clearance and other procedures. All visa applications dating from at least October 2000 will be retained for at least seven years in a form admissible in US courts.

Madame Chair and members of the Committee, this concludes my review of the Department of State's efforts to date in implementing the provisions of the Enhanced Border Security and Visa Entry Reform Act of 2002. I would be happy to take any questions that you might have.