

U.S. SENATE COMMITTEE ON THE JUDICIARY

JOINT HEARING BETWEEN THE SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CITIZENSHIP AND THE SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

HEARING – “STRENGTHENING ENFORCEMENT AND BORDER SECURITY: THE 9/11 COMMISSION STAFF REPORT ON TERRORIST TRAVEL”

MARCH 14, 2005

STATEMENT OF CO-CHAIRMAN KYL

Good afternoon, and welcome to this joint hearing, which will examine the work that the Department of Homeland Security (DHS) is doing to ensure that terrorists are not permitted to travel to the United States, posing as legitimate visitors. We are very interested in the work that DHS is performing in our consulates abroad to protect the integrity of the visa application and issuance process. The consulates are often the first place that representatives of the United States government encounter foreign nationals who seek to enter our country. We count on the professionals staffing our consular offices to extend our welcome to the world, but also to keep a watchful eye on travelers who seek to exploit the system in order to do us harm or to violate our immigration laws.

The Enhanced Border Security and Visa Entry Reform Act of 2002 added safeguards to ensure that visa applicants were better screened, (1) mandating specialized training for consular officers to recognize terrorist threats, (2) requiring the State Department to electronically share information on visa applicants with DHS, (3) mandating that travel documents and passports contain biometric identifiers and authentication features, and (4) that they be machine-readable and tamper resistant.

We have expressed grave concern with the way consular officers have screened or failed to

screen foreign travelers, and with the guidance that they received from the State Department. I authored an amendment for inclusion in last year's intelligence reform legislation that was prompted by the 9/11 Commission's recommendation that most foreign nationals should be personally interviewed by consular officers before they are issued visas. The personal interview is an important part of the process of determining whether a foreign national may pose a security risk. The amendment that I authored last year also required that visa applications be completely and accurately filled out by the applicants in order to be considered for approval.

Here's why: all 15 of the visa applications filed by the 9/11 hijackers contained inaccuracies or omissions that should have prevented them from obtaining visas, and only 2 of the hijackers were personally interviewed by the State Department on their applications – the remainder were simply approved, sight unseen. DHS has been given responsibility for visa policy and oversight of the visa issuance process, and we are interested in learning what progress it has made in the security of visa operations. We look forward to Acting Assistant Secretary Dezenski's testimony on the matter.

A second line of defense against terrorists trying to enter our country is located at the ports of entry. The 9/11 Commission noted that no government agency had "systematically analyzed terrorists' travel strategies," even though our security would have been greatly enhanced by such analysis, and that "as many as 15 of the 19 hijackers were potentially vulnerable to interception by border authorities," but were not picked up because of the lack of analysis of "characteristic travel documents and travel patterns." The Commission's Staff Report added that Immigration and Naturalization Service (INS) inspectors were inadequately trained in the essentials of identifying terrorists; that they had received no counterterrorism training; were remarkably under-trained in conducting primary inspections and in

recognizing fraudulent documents; and, that they “were not taught the content and value of” the numerous databases at their disposal which might have helped them identify members of the 9/11 terrorist group. We know that DHS has made efforts to improve the awareness and efficiency of the officers who oversee our borders, and expect that Chief Walters will give us details on the training of those officers.

I am also looking forward to the testimony of Janice Kephart, who worked on my subcommittee staff before going to the 9/11 Commission.