

THE FUTURE OF U.S. ANTITERRORISM POLICY

Y 4. F 76/1:AN 8/11

The Future of U.S. Antiterrorism Po... IS

AND
MARKUP

OF

H. Res. 118

**To Condemn the Release by the Government of Malta
of Convicted Terrorist Mohammed Ali Rezaq**

BEFORE THE

SUBCOMMITTEE ON
INTERNATIONAL SECURITY, INTERNATIONAL
ORGANIZATIONS AND HUMAN RIGHTS

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

MARCH 12 AND 15, AND
JULY 13 AND 22, 1993

Printed for the use of the Committee on Foreign Affairs



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THE FUTURE U.S. ANTITERRORISM POLICY AND MARKUP OF H. RES. 118, TO CONDEMN THE RELEASE BY THE GOVERNMENT OF MALTA OF CONVICTED TERRORIST MOHAM- MED ALI REZAQ

FRIDAY, MARCH 12, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS,
Washington, DC.

The subcommittee met, pursuant to call, at 10:05 a.m. in room 2172, Rayburn House Office Building, Hon. Tom Lantos (chairman of the subcommittee) presiding.

Mr. LANTOS. The Subcommittee on International Security, International Organizations and Human Rights will please come to order.

Today, our subcommittee begins a series of hearings on the future of U.S. antiterrorism policy. There are two particular issues that make this review both extremely important and timely.

First, the United States and the rest of the world are confronting a new international climate in which U.S. antiterrorism policy now function—a climate that is in some ways much more unstable and much more demanding than the climate of the past. The Soviet Union provided support to some terrorist groups, but, at the same time, it also helped, to some extent, to keep the terrorist genie in the bottle.

The cold war superpower confrontation is now over. Terrorists now operate in a wholly unchecked environment. The horror of "loose" nuclear weapons in terrorists' hands is of growing and legitimate concern. In addition, continuing turbulence in the Middle East, the legacy of the Persian Gulf War, and the ongoing ethnic conflict in Bosnia have served to mobilize and, in some instances, radicalize certain Islamic groups in the Middle East.

A second development that makes our review timely is the recent bombing of the World Trade Center in New York City. Our law enforcement officials—Federal, State and local—are working effectively in finding those guilty of perpetrating this horrendous terrorist act and in assuring that justice will be swift and sure.

The World Trade Center bombing in New York raises the question in dramatic terms of the vulnerability of the United States to international terrorism. In the past, Americans have had perhaps a false sense of security that we were immune to such despicable

acts. The bombing of the World Trade Center brings home to all of us the fact that U.S. policy against terrorism is an issue of utmost and immediate concern to all of us.

Today, we have three highly qualified witnesses who will present expert testimony on these important issues:

First, we will hear from the Honorable Thomas E. McNamara. Ambassador McNamara is the Coordinator for Counterterrorism at the Department of State.

Second, we will hear from the Honorable L. Paul Bremer, currently Managing Director of Kissinger Associates and formerly Ambassador-at-Large for Counterterrorism at the Department of State. Ambassador Bremer served as Ambassador-at-Large for Counterterrorism at a particularly difficult time in the early and mid-1980's when Americans and American interests were under siege by Middle East terrorists.

Our third witness is Mr. Brian Jenkins, Senior Managing Director of Kroll Associates, the leading private firm in our country which deals with issues involving terrorism and counterterrorist measures.

Before we hear from our experts, the committee has some legislative business to conclude relating to terrorism.

CONSIDERATION OF H. RES. 118

The Government of Malta recently released from prison a convicted terrorist, Mohammed Ali Rezaq, and permitted him to leave the country. Rezaq was found guilty in a Maltese court of law on a variety of charges in connection with the hijacking of Egypt Air Flight 648 to Malta in which 60 people were killed. He was personally found guilty of killing an American citizen from California, Scarlett Rogenkamp, and others.

This terrorist assassin was sentenced to a prison term of 25 years, but the Government of Malta unexpectedly released him last month after the government assured the State Department that he would remain in prison until at least 1996.

The resolution we are considering condemns the Government of Malta for this outrageous act, and urges all governments to cooperate in sending Rezaq to the United States to stand trial for his actions in this hijacking.¹ It urges the President to review U.S. relations with Malta, including any foreign assistance and all economic relations.

The clerk will report the resolution.

The CLERK. House Resolution 118, to condemn the release by the Government of Malta of convicted terrorist Mohammed Ali Rezaq.

Whereas on November 23, 1985, terrorists hijacked Egypt Air Flight 648 and diverted it to Malta.

Whereas during the hijacking, 60 people were killed, including citizens—

Mr. LANTOS. Without objection, the resolution will be considered as read, printed in the record in full, and open for amendment at any point.

[The text of H. Res. 118 appears in appendix 2.]

¹ Rezaq was deported to the United States to stand trial on July 16, 1993, with the assistance of the Governments of Ghana and Nigeria.

The Chair would inform his colleagues that after the introduction of this resolution, the subcommittee received comments on the resolution from the Department of State. The Department proposed some changes in the text of the resolution, which are incorporated in the text which is before the Members.

I have reviewed those changes, as has the Ranking Minority Member, Congressman Bereuter. We have agreed that those changes are appropriate and, therefore, without objection they are agreed to.

I now recognize Congressman Bereuter.

Mr. BEREUTER. Thank you very much, Mr. Chairman. I will have an extemporaneous opening statement on the hearing as a whole, but with respect to H. Res. 118, I would speak certainly in favor of its passage.

The resolution addresses a particularly disturbing lapse in international counterterrorist efforts. There is no question that the terrorist in question, Mohammed Ali Rezaq, was personally responsible for the deaths of innocent passengers of Egyptian Air Flight 648. Frustrated during the botched hijack attempt, Rezaq randomly shot a number of passengers, including an American citizen.

While we were unhappy with the relatively lenient sentence of the Maltese court, we had reassurances at that time that Rezaq would be held at least until 1996. For the Government of Malta now to act in such a capricious manner releasing him with almost no notice is extraordinarily disturbing.

This is not a trivial matter, and we need to convey to the Government of Malta our most profound displeasure with their action. H. Res. 118 does just that.

The chairman has introduced it and crafted it well. It makes it clear that the irresponsible actions of the Maltese Government seriously undermine our bilateral relations.

The Maltese Government expects to be viewed in a positive light, I am sure, and treated as a member of the Western European family of democratic nations. I would suggest Malta should be judged by its actions. At the present time we should, and do, judge Malta very harshly. Is it callousness or is it cowardice? Blunt, but I think you need to look at it in those terms.

As original cosponsor of H. Res. 118, together with the chairman, I would urge the adoption of the resolution.

I yield back.

Mr. LANTOS. Thank you very much.

I would like to call on my friend, Congressman Smith.

Mr. SMITH. Let me associate my remarks with both, the distinguished chairman and Ranking Member. This is an important resolution and I fully support it.

Mr. LANTOS. Is there any further discussion or amendment?

If not, the question is on agreeing to the resolution, as amended.

All those in favor signify by saying yes.

Mr. BEREUTER. Yes.

Mr. SMITH. Aye.

Mr. LANTOS. Those opposed, no.

In the opinion of the Chair, the ayes have it and the resolution, as amended, is agreed to.

It would be the Chair's intention to introduce a clean resolution incorporating the amendments agreed to today, which will be forwarded to the full committee for consideration.

I now would like to recognize the Ranking Republican Member of the subcommittee, Congressman Bereuter, for any opening statement he would care to make.

Mr. BEREUTER. Thank you very much, and I know my colleague from New Jersey has an important statement he would like to make, as well.

I want to commend the chairman on the continuing series of important hearings that we have held since this committee began its life in the 103rd Congress. This is a particularly timely subject and hearing that we have before us today. That is, unfortunately, true.

I noted that this subject came up in our most recent hearing. At that time I thought it was important that this committee suggest to the world that this country is not an easy target for terrorism. We do an extraordinary job in averting many acts of terrorism. The public, in general, does not know how effective our law enforcement and our intelligence community is in deterring many acts of violence of international terrorism, of anarchy. The message ought not go forth that this is an easy target.

The kind of prosecution and investigation now under way with respect to the terrorist act in New York City, I think, gives some demonstration of the capacity that we have to avoid and, if necessary, to reach the point where if an act happens, to investigate and to prosecute with effectiveness.

Unfortunately, it appears we are faced with a world where there is going to be more terrorist incidents in various places. We need to ensure that we do everything possible to keep those acts from coming to fruition here.

I noted that recently we have had a major problem with people coming into international airports and claiming asylum, when, in fact, they really have no legitimate case to pursue asylum.

But there is a backlog of asylum claimants that is so huge today that frequently these people claiming asylum will have at least a year here before they are fully investigated and their case is adjudicated. In the meantime, we lose track of them. They have opportunities to do great damage here.

Currently, in JFK Airport alone, we have 1,800 people a month coming in in this process, and that is just one of our major airports. I hope that the INS, the State Department, and other parts of our Federal Government are looking very carefully at this problem and giving their very best recommendations to the Congress to see what kind of legislative remedies are necessary. I think we surely should not be naive about the difficulties that this process creates today.

No place in this country is immune from the problem. I remember that, since I have been here, there have been two cases of would-be terrorism in the House Gallery. One of them we were fortunate that it did not blow most of us away. In both of those instances, we had people who were probably deranged, and they were foreign nationals who were here to pursue some sort of grievance, which had almost no connection to the United States and certainly not to the Congress. But that is one very close example, and a case

that was potentially very tragic, and another one that was in the same category, that affected this institution.

So I hope that we will learn more about this subject today from our distinguished panel of witnesses, and I look forward to the testimony.

Mr. LANTOS. Thank you very much, Congressman Bereuter. Congressman Smith.

Mr. SMITH. Thank you very much, Mr. Chairman, and I want to note, as my colleague did, this is one of the most active and effective subcommittees in the Congress. We have had a large number of hearings, very important hearings so far. This early and aggressive schedule is the harbinger of what I think will be a very successful year for this subcommittee as we go about the business of crafting foreign policy or at least advising the President on what we think ought to be done.

Mr. Chairman, the horror and moral bankruptcy of terrorism and the shock associated with it were, again, brought home to Americans in recent weeks with the bombing of the World Trade Center. Five innocent people were brutally killed and more than a thousand people injured. The estimated cost of the economic havoc produced could mount as high as \$1.1 billion according to a recent *New York Times* report.

Mr. Chairman, terrorism is a cowardly act with no thought or compassion for the lives of innocent women, men, and children. The cowards involved do not act alone but generally have the backing of organizations which have no respect for human life and think nothing of wanton destruction of individuals whose position in life have nothing whatsoever to do with the cause of the terrorist nor the objective of the organization.

In the case of state-sponsored terrorism, governments including Iran, Iraq, Libya, Syria, Cuba, and North Korea have institutionalized acts of violence and bring nothing but dishonor and contempt to their nation. The trend toward terrorist threats in the United States, Mr. Chairman, I am happy to say, have been significantly downward in the last decade, with less than 10 per year, each year since 1987.

I am pleased to note that many international cooperative agreements have been signed and there has been much greater cooperation and coordination in the last decade. Since 1976, the incidence of terrorism worldwide never fell below 400 until 1992, when the number of terrorist attacks worldwide was reported to be 362.

But, Mr. Chairman, we should not be satisfied with that number, because no terrorist attack is acceptable. Clearly, we must maintain our vigilance and beef up our counterterrorism activity.

Mr. Chairman, the level of international cooperation improved greatly with the leadership of Presidents Reagan and Bush and I am confident will continue under President Clinton. It has been their determination that the United States would make no concession to terrorists; that the United States is willing to act in a strong manner against terrorists when the situation is warranted; and that U.S. citizens can be assured that their country sees terrorism as a threat to U.S. national security and will respond with the strategy best needed to protect citizens and our properties.

Mr. Chairman, terrorism must continue to be vigorously fought and we must hold fast to our commitment that the United States and our allies will not acquiesce to the demands of terrorists. Our very distinguished guests and witnesses, starting with Ambassador McNamara, have been leaders in this fight and I look forward to reading their testimony as they make their presentations today.

I yield back to the distinguished chairman.

Mr. LANTOS. Thank you very much, Congressman Smith.

Before calling on our first witness, let me express my very deep appreciation to the outstanding staff members who have prepared this hearing and, indeed, are preparing our whole series of hearings on antiterrorism: Miss Toni Verstandig, Susan Andross, the subcommittee Chief of Staff, Dr. Robert King, Ken Timmerman, Maryanne Murray, Jo Weber, and Michael Ennis. Without their indefatigable work this subcommittee could not function.

Mr. Ambassador, you have done a great deal to advance the cause of antiterrorism and to see to it that this Nation is safe and secure and terrorists the world over are defeated. We are delighted to have you. You may proceed any way you choose.

STATEMENT OF THE HON. THOMAS E. McNAMARA, COORDINATOR FOR COUNTERTERRORISM, DEPARTMENT OF STATE

Ambassador McNAMARA. Thank you, Mr. Chairman.

Mr. LANTOS. If you could pull the mike very close to you, sir.

Ambassador McNAMARA. Would you like me to read my statement completely or in summary?

Mr. LANTOS. You are perfectly free to summarize. We will place your statement in its entirety in the record.

Ambassador McNAMARA. Fine. Let me say I have been—

Mr. LANTOS. But you will need to speak closer to the mike. Much closer.

Ambassador McNAMARA. Now? Is that better?

Thank you. I have been involved off and on for many years in the counterterrorism effort, starting back in about 1983.

I want to thank you for this opportunity for coming before the committee to review where I think we stand right now in 1992 and also to talk a bit about what we see as the likely prospects in the future.

As the Congressman has just said, 1992 has been one of decrease in international terrorism. One of the largest 1-year decreases, as the chart shows over there, occurred in 1992. In fact, the incidence of international terrorism have been, generally speaking, on the decline in the last few years with the exception of the slight increase in 1991 was most of, if not all of, that increase was due to the Gulf War and a series of relatively small incidents that occurred that year related to the war.

Nonetheless, U.S. citizens and properties remained the principal targets of terrorists throughout the world. Nearly 40 percent of last year's terrorist incidents were directed at U.S. targets. Fortunately, this past year, U.S. casualties were the lowest ever. There were only two Americans killed and one wounded during the year 1992.

This contrasts with much more deadly statistics in prior years. The deadliest international terrorist attack during 1992 occurred on March 17 in Buenos Aires, Argentina, when a powerful truck

bomb destroyed the Israeli Embassy in Argentina and some buildings near it. Twenty-nine persons were killed, 242 were wounded.

Islamic Jihad, which is a cover name for the Iranian-sponsored group Hizballah, subsequently claimed responsibility for the attack and demonstrated, through a videotape, that it had undertaken surveillance of the embassy prior to the bombing.

This is another in an all-too-long list of criminal involvement by Iran, either directly or through surrogates, in international terrorism. Iran continues to be the most serious, the deadliest and the most frequent sponsor of any state in the world of international terrorism.

Let me look for a moment to the future. We have been successful, we have had some failures. In the future, we see that violence and long-suppressed ethnic conflicts that are rising now in a number of areas in Eastern Europe and the former Soviet Union and are creating massive human sufferings. If they continue, it is likely that there will be increased terrorism rising out of this conflict.

Terrorism is often a by-product of these conflicts. We need to monitor them much more closely in the future as they arise and prepare to deal with them as, in the past, we prepared ourselves to deal with the state-sponsored terrorism and the political terrorism that arose out of the Middle East and in Latin America, for example.

Another area of great concern is in North Africa and the Middle East where there recently has been a disturbing emergence of new radical groups engaging in terrorism to enhance their political and their religious agendas. Let me state what should be obvious to all: The problem is not with Islam, it is with those extremists, few in number, but very dangerous, who use violence and terror to advance their objectives.

While terrorist incidents are fewer than several years ago, the threat continues to be significant and we cannot drop our guard. Just as we are facing the contemporary threat, we must continue to be vigilant to detect these new and emerging patterns to new threats before they pose a major risk to U.S. national interests.

I believe strongly that the main reason for the steady decline in the growth of international terrorism in recent years has been, as Congressman Bereuter mentioned, the steady growth of international cooperation. If you look at the statistics there, one can see that they are going down just as international cooperation in the late 1980's and early 1990's has risen. We have made tremendous progress in getting other countries to change their attitudes and to change their actions with respect to terrorism.

We still need to do more. We still need more international cooperation, we still need more energetic action by a number of states. For example, as the committee has noted, Malta was a great disappointment recently. We were angry and outraged at the action of the Maltese Government.

RELEASE OF MOHAMMED ALI REZAQ

Mr. LANTOS. Could I stop you on that point for a moment? What representation has the U.S. Government made to the Government of Malta for having released a convicted terrorist who killed an American citizen?

Ambassador MCNAMARA. In advance of the release, we were continually pushing the Maltese Government to give us information about what they intended to do with Mr. Rezaq. We found it very difficult to get information because the Maltese Government, quite frankly, was not very forthcoming.

Just before the release, as a result—

Mr. LANTOS. Let me stop you there. The previous Maltese Government was under the influence of and, in the view of many, in the pay of, Moammar Qadhafi of Libya. Now, what reason would the Government of Malta have for releasing a terrorist convicted of killing, I believe 60 people, who was convicted in their own court and who was sitting in their own prison?

Ambassador MCNAMARA. I am afraid I cannot give you an adequate explanation.

Mr. LANTOS. You can give me your speculation on this.

Ambassador MCNAMARA. Speculation? I would just say that there were a series of amnesties, there were a series of recalculations of the sentence, according to the information we were given by the Government of Malta.

Mr. LANTOS. How many people were killed in this terrorist outrage?

Ambassador MCNAMARA. I believe over 60.

Mr. LANTOS. Over 60 people. What kind of recalculations can one make after a terrorist kills 60 people?

Ambassador MCNAMARA. Unfortunately, as I said earlier, the Government of Malta was not completely frank and open with us in all aspects of this case, and I do not know what those recalculations were.

Mr. LANTOS. Well, they may not have been frank and open, but what did they say?

Ambassador MCNAMARA. They said they had recalculated the sentence and there had been certain amnesties granted by the previous government that applied to this individual case. As a result, instead of remaining behind bars until 1996, that he would be released, in fact, in a few days, that his sentence had indeed been completed and the only reason he was not being released more rapidly was because they had not yet determined where he could go when he left Malta.

It was, indeed, as a result of the entreaties of our Ambassador in Malta that we got that little bit of information from the government. They were most reluctant to discuss the case with the Ambassador. The Ambassador was most frustrated and, indeed, was outraged at the lack of information and the lack of forthcomingness on the part of the Maltese Government, and that was shared here in Washington.

We made that sentiment known to the Maltese Government. Indeed, we told them were it not for our Ambassador leaving Valletta the very next day after these representations were made, that we probably would have withdrawn her.

Mr. LANTOS. Please go ahead.

CONTINUATION OF OPENING STATEMENT

Ambassador MCNAMARA. So to resume, the international cooperation which has improved dramatically in recent years is, in

my opinion, one of the main reasons why those figures are downward over the recent past.

The second point I would like to stress is that we have made as a central pillar of our policy, pressuring state sponsors of terrorism to end their support. State sponsorship, in our opinion, is the most significant factor in giving terrorist organizations the ability to increase the number, the frequency and the deadliness of their terrorist acts.

In the end, without a state territory from which to operate, and without the facilities that only a state and a government can provide, terrorists are much more vulnerable to the effects of law enforcement and to the efforts of other states to bring them to heel.

We have been successful in putting greater pressure on a number of these state sponsors, most notably on Iraq and on Libya. In our recently completed review of state sponsors, we determined that six nations—Cuba, Iran, Iraq, Libya, North Korea, and Syria—continue to qualify as state sponsors. Two other nations, Pakistan and Sudan, are under careful review at the moment.

None of the six state sponsors has completely abandoned the terrorist option, nor severed all of their ties with terrorist surrogate organizations. The Iranian regime, as I said, in particular, has practiced state terrorism since it took power in 1979, and it is currently the deadliest state sponsor and has achieved worldwide capabilities.

Syria still retains very close ties to several groups that have engaged in international terrorism, and it allows them to train in territory it controls and maintain offices in Damascus and elsewhere in Syria.

Saddam has exercised terrorist options against regime opponents and against U.N. officials and Western relief workers who are in Iraq. Libya continues to allow terrorist groups to operate in its territory. Cuba and North Korea have not yet cut all their ties and links to terrorists.

Increasingly, we are finding, however, that other governments are willing to stand up and be counted as opponents of terrorism, and, importantly, to assist in countering terrorism. I would point to the United Nations Security Council condemnation of Libya for the Pan Am 103 and UTA 772 bombings as the most recent examples. This is a landmark event in the U.N. Security Council.

For the first time, two resolutions, one containing mandatory sanctions, were passed in order to stop terrorism.

LIBYAN COMPLIANCE WITH U.N. SANCTIONS

Mr. LANTOS. Before you go on, could I just stop you on that score before we get euphoric in congratulating ourselves and the U.N.

Ambassador MCNAMARA. Certainly. No euphoria here, sir.

Mr. LANTOS. Am I correct in assuming that Libya has still not turned over the two intelligence agents who were responsible for this terrorist act?

Ambassador MCNAMARA. That is correct, sir.

Mr. LANTOS. How long have we and the United Nations been urging Libya to turn over for trial the terrorists who were implicated in the bombing of Pan Am 103?

Ambassador MCNAMARA. For about a year and a half now, sir.

Mr. LANTOS. And to this day Libya has ignored these demands? Ambassador MCNAMARA. That is correct.

Mr. LANTOS. Well, don't you think, Mr. Ambassador, it sends a very negative message to the world community that the Pan Am 103 suspects are still enjoying the protection of the Libyan Government?

The families of the victims are pleading for action, and the United States and other great powers seem to be helpless, as indeed is the United Nations, in having Libya, a state on the terrorist list, comply even to the extent of turning over these two assassins for proper punishment.

Ambassador MCNAMARA. Yes, Congressman, I agree. Indeed, no euphoria was meant or intended in my remarks with respect to this. I was simply pointing to an example of an increased effort on the part of the international community.

It is clear that that effort is not yet adequate. If it were, those two individuals would be turned over and Libya would be cooperating with respect to other aspects of the resolution where cooperation was demanded.

We must do more. The resolution has not been satisfactorily implemented. In fact, Libya has stiff-armed the Security Council on this for a year and a half now. We are going to have to strengthen the sanctions regime against Libya, and we will have to continue our efforts in order to be successful.

I was pointing to this as a point of progress, not as a completed action where success has been achieved. We have not yet been successful, Mr. Chairman.

Mr. LANTOS. Well, I would read it, if I were planning terrorist acts, as an encouragement. Here is a United Nations resolution supported by the nations of that body; here is a case where citizens of some of the most powerful nations on earth are killed in a wanton act of terrorism, the total destruction of a civilian aircraft, and nothing happens.

I think it is a sign of impotence and ineffectiveness rather than a sign of progress, and that is my point, Mr. Ambassador.

Ambassador MCNAMARA. Mr. Chairman, I agree. The resolutions have thus far been ineffective in achieving their goal, and for that reason we believe they must be strengthened. Additional measures and additional efforts by the Council and by the member states are needed.

Mr. LANTOS. Well, what additional steps is the U.S. Government proposing to take so these resolutions do not seem, in perpetuity, as substitutes for action rather than as indications of action that will be forthcoming?

Ambassador MCNAMARA. We are currently talking with our British and French colleagues who joined with us in sponsoring the original resolutions, and whom cooperated with the United States during the last couple of years in these two bombings, to try and come to an agreement as to what the additional measures should be. And that is an ongoing consultation with which we hope in the near future go to the Security Council.

I am afraid we, the British and the French and the United States, have not yet concluded the consultations as to what pre-

cisely the measures to strengthen the current regime of sanctions would be. We are working on that with them.

Mr. LANTOS. When did the Pan Am bombing take place, Mr. Ambassador?

Ambassador MCNAMARA. It took place in December 1988.

Mr. LANTOS. What year are we in now?

Ambassador MCNAMARA. We are in 1993, sir.

Mr. LANTOS. Don't you think that this sends a pathetic message to the world community that 5 years after this outrageous mass murder of innocent people, the British and the French and we are still consulting on what to do, since Libya is doing nothing to accommodate the demands for the extradition of these thugs?

Ambassador MCNAMARA. The sanctions were, have not been in effect since 1988, Mr. Chairman. They have been in effect slightly less than a year. The 1-year anniversary is coming up in April. It is, indeed, in the context of the review, 1 year after the sanctions were imposed, that these consultations are being undertaken.

I would also like to point out that although the sanctions have not been successful, they have not been totally and completely without effect. Libya, in the past year, has not been active on the international terrorist front. They have been much too busy defending themselves against the sanctions, trying to shore themselves up both internally and externally as a result of the opprobrium, the isolation that the regime has suffered as a result of the sanctions.

Again, I am neither euphoric nor am I saying that is satisfactory nor a conclusive result. I merely point that out as an element which needs to be taken into account. We are not satisfied, and we are continuing our efforts 1 year after the sanctions have been in effect. The sanctions have not yet been successful in bringing those two to justice, nor, indeed, in getting the Libyans to cooperate with the French judicial authorities with respect to the UTA bombing.

Mr. LANTOS. As it emerged in our hearing yesterday with former Secretary of State Larry Eagleburger, one of the ways in which the Libyans are busying themselves these days is by building a second poison gas plant, so their behavior is not particularly contrite, it seems to me.

Ambassador MCNAMARA. Not at all contrite.

SYRIAN SUPPORT FOR TERRORISM

Mr. LANTOS. And I think at the highest levels, at the level of the President of the United States, some serious attention will have to be devoted to this matter. The pattern that is emerging is not very encouraging, not just with respect to Libya, but with respect to Syria, as well.

Let me read to you from today's *New York Times* an exchange that the Assistant Secretary of State for the Middle East and I had several days ago at a hearing. I questioned him as follows:

Does Assad accept the fact that he provides safehaven for terrorist groups on Syrian soil?

Assistant Secretary Djerejian. We present the facts to his government as we see them, very candidly, very frankly, and we have not been able to narrow the differences between us on that.

My question: Is it your judgment that as of today there are still terrorist groups on Syrian soil?

Assistant Secretary Djerejian. Yes, but we have absolutely no evidence of the Syrian Government itself being engaged in an act of terrorism since 1986.

Now, I find this response incredible; if a government provides safehaven for terrorist groups to say that it has not engaged in aiding and abetting terrorism is an oxymoron. If you allow terrorists to operate from your soil, if you provide them with a logistic base, you are an accomplice in acts of terrorism. Would you not agree, Mr. Ambassador?

Ambassador MCNAMARA. I completely agree. Indeed, so does Assistant Secretary Djerejian, I am sure. I do not read in his statement any indication that he does not believe that Syria is a state sponsor of terrorism. Indeed, as I have just testified, it is one of those states on our list of state sponsors of terrorism.

Mr. LANTOS. But if you are a state sponsor of terrorism, you participate in terrorist acts. It does not mean that the Prime Minister himself has to engage in the bombing. If a state provides safehaven for terrorist groups, a logistic base, an opportunity to train, to receive funds, and to receive weapons, a place to return to after they perpetrate their terrorist acts, isn't that participatory behavior?

Ambassador MCNAMARA. Indeed it is, and that is why Syria is on the list. I believe the point Assistant Secretary Djerejian was trying to make, and the point I would make here, is that in the past Syrian Government officials have directly engaged in terrorist acts. They have mounted operations outside of Syria, in Europe most particularly.

Mr. LANTOS. You mean people on the government payroll?

Ambassador MCNAMARA. On the government payroll with official positions in government service, in the Syrian intelligence service. They mounted operations of a terrorist nature. The point Mr. Djerejian was trying—and I am sure trying to make here—is that in recent years they have not engaged in that manner. They have, however, sponsored terrorism. They are a state sponsor of terrorism.

We are not saying that Syria is not involved in terrorism, that Syria is not a state sponsor. Indeed, it is just that. And that is why it is on the list.

Mr. LANTOS. Please go ahead.

ROLE OF LAW ENFORCEMENT

Ambassador MCNAMARA. There is another aspect, another key element of our policy which I think has been again relatively successful—I am not being Pollyannaish, I am not being excessive optimistic. Indeed, I have a number of concerns, but another aspect of our policy which I think has been successful has been our ability to engage not only the U.S. law enforcement agencies, but law enforcement in a number of other countries in order to identify, to track, and to judge and to jail terrorists and punish them for their crimes.

We have had some success in this area. In 1992, a gentleman—not a gentleman, excuse me—an individual named Mohammed Rashid was convicted in Greece for the 1982 bombing of a Pan Am aircraft. He is now serving a sentence and the sentence was pronounced 10 years after the bombing incident.

We would have preferred that he come to face trial here in the United States but since he was arrested in Greece, the Greek Government chose to try him in Greece. We cooperated fully in that trial and there was a conviction and a jail sentence.

We seek not only in Greece, not only in Europe but in other parts of the world, to strengthen the rule of law by helping to improve the judicial and law enforcement capabilities of other nations, precisely because we recognize the United States cannot do it alone.

We have, as you well know, an antiterrorism assistance program that over the course of the last few years has been very successful in training judicial and law enforcement officers around the world. In 1992, over 1,100 senior officials from 25 countries received training, bringing the total number of persons trained under the program to about 14,000 from 75 nations.

Before discussing the State Department's role in the investigation of World Trade Center bombing, I want to express my condolences to the families of the victims and assure them of the commitment of all of us at the Department of State to bring the guilty to justice. We are cooperating in the World Trade Center bombing in a number of ways. Let me list them very quickly.

First of all, embassies have been asked to report aggressively on any information they may acquire, however insignificant it may appear to them, concerning the bombing. That information is being passed to the joint task force in New York which is conducting the investigation. We want that Joint Task Force to have the benefit of that information as rapidly as possible and as fully as possible. We are bending every effort to make sure that whatever the information coming from overseas is, that that is made available to the task force.

Also, representatives of the Department are participating in the investigation directly. The Bureau of Diplomatic Security has provided a task force with specialized vapor-detection equipment that can help identify explosive compounds at the site.

In addition, the State Department has been working very carefully with the intelligence community here in Washington and overseas in undertaking an intensive retrospective review of U.S. intelligence to find any information that may be available that would be useful to the investigation.

Mr. Chairman, the investigation is in its early stages and it is centering now on the collection of forensic evidence and other evidence by the FBI, New York Police Department, and those working on the joint task force. This is an ongoing criminal investigation. Although I cannot comment on the investigation itself or speculate at this time, I wish to assure the committee that if there is an international aspect to this, that will be followed. As with the case of Pan Am 103, we will follow the trail wherever it leads, and the State Department is fully committed to doing its best and its utmost to resolve this terrible terrorist deed.

That Mr. Chairman, I think, is a summary. I would like to respond to any questions that you and the other gentleman may have.

[The prepared statement of Ambassador McNamara appears in the appendix.]

Mr. LANTOS. Thank you very much, Mr. Ambassador. We have a lot of questions, I am sure.

TERRORIST TRAINING CAMPS

Let me begin with some questions concerning Libya. Are there terrorist training camps still operating in Libya?

Ambassador MCNAMARA. At the present time we believe the terrorist camps in Libya have been temporarily closed. They are easily opened and closed, and at the current time we don't see any activity in those camps.

Mr. LANTOS. When were these camps temporarily closed?

Ambassador MCNAMARA. After the imposition of sanctions by the United Nations Security Council. That is to say, in the last year.

LIBYA'S PURSUIT OF CHEMICAL WEAPONS

Mr. LANTOS. Is it your information that Libya is pursuing the production of chemical weapons?

Ambassador MCNAMARA. The information that we have is that it does have such a program.

Mr. LANTOS. Are foreign technicians involved in the development of poison-gas facilities?

Ambassador MCNAMARA. I believe there are, sir.

Mr. LANTOS. From what countries?

Ambassador MCNAMARA. I am not an expert in that and I would prefer to give you the information subsequently, just so that I don't misstate it.

I believe there is more than one country where the technicians are coming from. I will get that information for you. I don't have it with me.

Mr. LANTOS. How soon do you suppose you will be able to submit that, Mr. Ambassador?

Ambassador MCNAMARA. As soon as I get back to my office and get the information from the office that is concerned with the chemical weapons issues.

Mr. LANTOS. Very good.

[The response to this question was received in a classified form.]

LIBYAN OIL

Is Libya still selling oil?

Ambassador MCNAMARA. Libya is still selling oil.

Mr. LANTOS. To what countries?

Ambassador MCNAMARA. Throughout the world, to the best of my knowledge, other than the United States where we have a prohibition against the purchase of Libyan oil.

Mr. LANTOS. My understanding is, with respect to these terrorist camps, that Libya closed down the terrorist camps that have been identified, but that there are other terrorist camps still operating. Is that your information also?

Ambassador MCNAMARA. They have closed the terrorist camps that we have identified.

Mr. LANTOS. That's right.

Ambassador MCNAMARA. We have not identified other terrorist camps, and therefore I can't say that if we haven't identified them, that I know there are other terrorist camps.

Mr. LANTOS. Well, what degree of certainty do we have to have before we identify a camp? We can have suspicions of camps operating without making a positive identification, isn't that true?

Ambassador MCNAMARA. That is true. Without getting into the particulars of the intelligence methods involved, we have a degree of certainty with respect to the camps in Libya, the ones that we have identified.

TERRORIST LIST

Mr. LANTOS. Mr. Ambassador, our Government maintains, as you have noted, a list of countries supporting international terrorism; is that correct?

Ambassador MCNAMARA. Yes, sir.

Mr. LANTOS. And you identified these currently on the list as Iran, Iraq, Libya, Syria, North Korea, and Cuba.

Why don't other governments maintain lists of states that support terrorism, and what attempts, if any, have been made by the U.S. Government, or have you made in dealing with your counterparts in the civilized community of nations, to have them maintain and publish such lists?

Ambassador MCNAMARA. I believe it probably has to do with their system of government, the role of their parliaments and their ministries and the relationship between the parliament and the executive branch in some of those countries, certainly. I think the relationship—

Mr. LANTOS. I don't quite understand you. Are you suggesting that the House of Commons is opposed to having the antiterrorist department in the U.K. establish a list of States—

Ambassador MCNAMARA. No, what I am saying is the relationship between the executive branch and the Congress in this country is part of the reason why the list has been established.

Mr. LANTOS. You mean the Congress pushed for it?

Ambassador MCNAMARA. Petitioned for it. The Department of State, in response to that, has established the list. The Commerce Department in consultation with the Secretary of State, submits that list to the Congress in its annual report on economic sanctions.

I don't know whether, to take the case of Britain, that methodology and that relationship between the executive departments and the House of Commons exists.

Mr. LANTOS. But it really doesn't need to exist, does it? I mean, if you recommend such a procedure to your counterpart in the U.K. or in France or in Germany, there is nothing to prevent them from establishing a list of states that sponsor terrorism.

Ambassador MCNAMARA. That is correct.

Mr. LANTOS. Have you done that, Mr. Ambassador?

Ambassador MCNAMARA. I have not myself personally recommended that they establish such a list.

Mr. LANTOS. Do you know of anybody else in our State Department who has?

Ambassador MCNAMARA. No, I do not.

Mr. LANTOS. Do you think it is a good idea to suggest it to our friends?

Ambassador MCNAMARA. I think it would be worth raising with them. In fact, they have such lists informally in the sense that we know in our talks with the British, the French, the Germans, the Japanese and others that they are fully aware of the States that are engaged in supporting terrorism and they do not disagree with us in insofar as we have that list. They have simply chosen to approach it somewhat differently and not create such a list.

Mr. LANTOS. I fully agree with you that they are aware of our list and I am sure they don't disagree with our list. But since one of the tools that we have in our armory in dealing with terrorism is to bring global disapproval on governments which sponsor terrorism. The more states that work to list these outlaw governments, the more helpful that would be. Don't you think so?

Ambassador MCNAMARA. Probably, yes.

Mr. LANTOS. May I ask you to carry back to Secretary Christopher the suggestion that we urge other governments to formally establish lists of countries that sponsor terrorism and to make those lists public?

Ambassador MCNAMARA. I will carry that message.

INTERNATIONAL COOPERATION

Mr. LANTOS. Thank you very much.

I have one more question and then I will turn it over to my colleague on this round.

Every time we deal with the question of international terrorism, it seems that we are getting less than full cooperation from many countries in implementing practical measures to counterterrorism. Would you agree with that?

Ambassador MCNAMARA. That we are getting less?

Mr. LANTOS. Less than full cooperation.

Ambassador MCNAMARA. Not in every case.

Mr. LANTOS. But in many cases.

Ambassador MCNAMARA. In many cases, yes.

Mr. LANTOS. For instance, the Papandreou government in Greece didn't give us much satisfaction in fighting international terrorism. Would you agree with that?

Ambassador MCNAMARA. Quite correct.

Mr. LANTOS. Quite correct. What actions can the United States, the only remaining superpower on the face of this planet, take to bring about a greater degree of international cooperation in fighting this heinous crime?

Ambassador MCNAMARA. Our experience during the 1980's and now into the 1990's seems to me to demonstrate that careful and continual and constant work with other governments is the best way to bring about their cooperation. We have to convince them, particularly those that are not the objects of terrorist attacks the way the United States is—40 percent of international terrorist attacks are directed at the United States, or U.S. persons or U.S. interests. Therefore, we feel the effects of the terrorism more than others. Those who do not feel it and are not affected at all are therefore less likely to put it high on their list of priorities.

Mr. LANTOS. I have to stop you on that point. For almost a half a century the primary purpose of NATO was to defend other countries which were more likely to be affected by a Soviet invasion than was the United States. So we provided a military umbrella to countries such as Denmark. I don't think it is unreasonable to expect Denmark or Greece or Holland or Belgium or anybody to cooperate with us in antiterrorism activities where we are more exposed, perhaps, than they are.

Ambassador MCNAMARA. Quite right, Mr. Chairman. And indeed we have used the NATO forum. There are groups of experts in NATO, in the European Community, in an organization known as the Trevi Conference, that have contributed and have assisted us enormously.

As I pointed out in my statement, one of the reasons the numbers are going down is indeed that cooperation. The cooperation is getting much, much stronger. I think if you were to ask, for example, the FBI, the Department of Justice, and other U.S. law enforcement agencies, they would tell you that they are much, much more pleased in the last 4, 5, 6 years, with the growing cooperation. I am not suggesting that it has reached its peak. Indeed, it is getting better every year.

The cooperation with respect to the Pan Am 103 affair was extraordinarily good. It is getting better. We have got a lot more work to do. We have to keep at this. We have to keep pushing. We have to keep working with these governments. It is through that long association, and through working relationships between law enforcement agencies, between diplomatic establishments and with various ministries of justice and interior, and regular day-to-day operations, that that cooperation increases and gets more fruitful. We are doing that and I expect in the coming years, in the 1990's that it will become better.

There is a changed attitude in Europe. There is a gradually, although not quite as dramatic, a gradually changed altitude in many countries in the Third World with respect to terrorism. And I would again point to the vote in the Security Council a year ago, the two votes a year ago to give you some indication of changed attitudes. I dare say as little as 3 or 4 years ago we would not have gotten a successful one either of those two resolutions, yet one was passed unanimously and the second was passed without a dissenting vote.

Mr. LANTOS. Thank you very much.
Congressman Bereuter.

ROLE OF THE UNITED NATIONS AND INCREASED USE OF SANCTIONS

Mr. BEREUTER. Thank you, Mr. Chairman.

I am glad that the discussion ended on that point because it is a tie-in to what I was going to comment about and upon which I would ask a question. It seems to me that because we no longer have the cold war confrontation between the Soviet Union and the United States, we have many new areas of cooperation available to us. I think that understandably we have been slow to recognize the potential of a very different agenda for the Security Council. Things are now possible that were inconceivable a few years ago, as you pointed out. It is time to be less traditional in thinking

about new kinds of sanctions that can be brought on member states by the Security Council.

There are today thousands of ethnics being killed in Central Asia and Tajikistan because of state-sponsored terrorism and because of Islamic fundamentalism. Russia has as much reason today to be concerned about international terrorism and state-sponsored terrorism as we do, and I am not at all sure that the People's Republic of China would be exercising a veto agenda of much tougher sanctions. Libya is a pariah state, and so are several other countries that have been mentioned today that are on our terrorist list. It seems to me that we could begin to eliminate some of the privileges and some of the special recognition that goes to those pariah states that are members of the United Nations.

I would encourage you to take back the message. We are publicly giving the message to Ambassador Madeleine Albright that this is the time for a fundamental rethinking of the opportunities we have to bring additional pressure on Libya and other nations that are involved in state-sponsored terrorism. We must have an agenda of actions that deserve redress.

Ambassador MCNAMARA. I will certainly do that.

Mr. BEREUTER. Thank you.

Ambassador MCNAMARA. I agree with the sentiments you are expressing.

ISSUANCE OF U.S. VISA TO SHEIKH RAHMAN

Mr. BEREUTER. I would like to go now to a more immediate concern prompted by what happened in New York City recently. It is my understanding that Sheikh Omar Abdul Rahman was first granted a visa for the United States in 1987 by our embassy in Egypt despite his implication in the assassination of Anwar Sadat. Although the name Sheikh Omar Abdul Rahman reportedly appeared in the lookout list, he was later granted a visa in Sudan.

How could a well-known radical Islamic suspect involved in terrorism succeed in obtaining a tourist visa? Do we have any method for screening out individuals that are participating in terrorist acting abroad from obtaining a visa on a fraudulent basis?

He was not fraudulent, for he had an outright tourist visa. The question relates to those receiving visas on a fraudulent basis, and whether our political asylum regulations should be amended to deal with abuses by suspected terrorists? Are you prepared to answer any one of those questions or do you want to get back to us on those questions?

Ambassador MCNAMARA. Let me try to answer them. I think first of all with respect to the visa granted to Sheikh Abdul Rahman, that visa was granted in error. It was granted by the consul at the American Embassy in Khartoum, Sudan, where the Sheikh was at the time and where he applied.

There was, it appears—and unfortunately the record is not complete in part because the embassy in Sudan in Khartoum was under emergency evacuation in 1991 and it destroyed a lot of files as it evacuated the country—nonetheless, it appears very clear that they were not aware of the fact of the Sheikh's previous record in Egypt. They did not have on-line computerized access to the lookout list. Instead, there was a microfiche system that was in use.

The second factor which came into play here apparently and I stress apparently was the fact that the Sheikh and others, but in this instance, the Sheikh was using different spellings, different transliterations of his name from the Arabic alphabet to the Latin English alphabet, and the last names were spelled differently. He was listed as Rahman, whereas in fact in the lookout list, had the consul been aware of it, it was listed under his full last name, which is Abdul Rahman and therefore there was that problem.

Mr. BEREUTER. Ambassador, first of all, are embassies now fully upgraded so that we will have this on-line capacity?

Ambassador MCNAMARA. We are upgrading. I do not believe that the upgrading is completed but I am not an expert on the question of the visa system. I believe this committee is having a hearing on Monday and there will be an expert available to answer that aspect of the question.

Mr. BEREUTER. But in any case, the difficulties in the adjustment of the name would still be a problem under the new system. Is that correct?

Ambassador MCNAMARA. It would be, yes. The new system, I believe, may be better able to catch it. But, yes, these types of mistakes are made and there was a mistake made in the issuance of the visa to the Sheikh.

We are going to be able to lessen those mistakes and make the system better able to respond, but I dare say that there will be mistakes made in the future.

Indeed, the Sheikh's visa, after being issued in error, was then revoked. At the time, however, he had arrived in the United States. And frankly, once a foreign citizen arrives in the United States, getting that individual out of the United States—which addresses the last question you asked—the system is heavily weighted against those wishing to see the person excluded. So much so that, as you pointed out, the great majority of those who come into JFK illegally or without documentation wind up staying.

Mr. BEREUTER. What is the status of Sheikh Abdul Rahman's situation now?

Ambassador MCNAMARA. The visa was revoked, but before that revocation was effective, he had transferred his residence to New Jersey, or at least said he did. He then went to an INS office in New Jersey where, under another spelling and formulation of his name, he obtained a green card.

As soon as that was recognized, the green card was revoked. He then applied for political asylum. His case is now being adjudicated as a political asylum case.

Mr. BEREUTER. Do our public officials responsible for these determinations have emergency powers to expedite the process and to expel?

Ambassador MCNAMARA. You will have to ask the gentleman on Monday. It is my understanding, and looking at it from the point of view of terrorism, that we do not have adequate measures to expel suspected terrorists.

There has been legislation pending before the Congress in recent years dating back to 1988. It has not been passed. There were sections in the omnibus crime bill that addressed this issue. I believe

it is an issue that needs to be addressed by both the Congress and the executive branch.

Mr. BEREUTER. At our next hearing I will be asking questions about legislation offered this week by Congressman Schumer. I think they are appropriately addressed by people in attendance at that meeting, but I will serve notice that I intend to ask questions about how much assistance his legislation will have on prescreening at foreign airports.

NEED FOR ADDITIONAL CONGRESSIONAL ACTION

I wanted to ask you a general question. From your vantage point, Ambassador, what can and should Congress do to facilitate the war against terrorism including state-sponsored terrorism? Do you have recommendations you would like to leave with us today beyond your general comments and your testimony?

Ambassador MCNAMARA. Yes. I think there are two international agreements, two treaties or conventions that we have signed for which implementing legislation is before the Congress. One is the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation. And the second one is the Convention for the Suppression of Unlawful Attacks Against the Safety of Maritime Navigation.

These conventions are important. They have been signed and ratified by the United States, and we now await implementing legislation. That legislation was submitted. Again, it was included in the omnibus crime bill, and when that failed passage, the implementing legislation therefore was not passed.

It is very important for us to be able to fulfill these obligations, also again by implementing legislation. We are prepared, and we think very quickly, as early as January of 1994, to be able to put into effect the plastic explosives markers that would enable such plastic explosives—and those were used in the Pan Am and UTA bombings, for example—to be detected in advance of their being put on board aircraft.

The other two conventions we think would have a great benefit in being able to deter the types of terrorist acts against airports that that we saw in the Rome and Vienna airport disasters in the mid-1980's, and in the case of the maritime, the hijacking of Achille Lauro, a cruise liner, which resulted in death. Those steps we think are very, very important and very critical.

The legislation introduced by Congressman Schumer is being looked at at the Department of State. I would note that a number of elements in that legislation were indeed in the omnibus crime bill in 1988, and are again in Congressman Schumer's legislative package. The elements, as you well know, were supported back then, and we will take a look at them now under the new administration and get back to the Congress.

Mr. BEREUTER. I believe that Congressman McCollum will shortly be introducing legislation. Neither of these two legislative items would be comprehensive, but I think they make important contributions.

I thank you for your suggestions. It seems to me if I could just observe, Mr. Chairman, that we have the right setting now for moving the implementing legislation for these initiatives separate

from the crime bill. I think there is a sense of urgency that surely must exist among our colleagues, and perhaps we can play a role unofficially as individuals in urging our colleagues on Judiciary and elsewhere to move those implementing bills.

Thank you. I will yield back at this point, Mr. Chairman.

COOPERATION WITH THE GOVERNMENT OF EGYPT

Mr. LANTOS. Thank you very much. And I fully agree with you. Mr. Ambassador, currently the Government of Egypt is rounding up members of the extremist terrorist Islamic Group. They have had shoot-outs with various sub-units of this terrorist organization.

Is our Government cooperating with the Government of Egypt in any of these matters?

Ambassador MCNAMARA. With respect to the round-up, I believe that is an internal matter which the Egyptian Government is undertaking on its own. We, however, are cooperating very closely with the Government of Egypt.

We have had some very useful exchanges between law enforcement agencies and between diplomatic exchanges with that government in the last days and weeks. That cooperation, I think, will continue. I am certain that we have benefited enormously from it, and I believe the Egyptian Government has benefited from what we have been able to tell them and to talk to them about.

We have been in touch with them constantly in recent months, and not just on the question of extremist organizations. We were in touch with them with respect to the case of the Malta hijacker, for example, and they were very cooperative and very helpful in that. So I would classify Egypt was one of the more helpful governments in that region and most cooperative with us on terrorism.

I think the Egyptians recognize because they now suffer themselves from a very serious form of terrorism, that international cooperation and exchanges of information work, and common efforts by law enforcement agencies is to the benefit of both countries.

SAUDI FUNDING FOR EXTREMISTS

Mr. LANTOS. I certainly agree with you. Let me ask what role either the Saudi Government or private Saudi individuals have in funding groups that are fanatic terrorist Islamic extremists?

Ambassador MCNAMARA. To the best of my knowledge, the Saudi Government does not fund such groups. But as you know, the Saudi Government is indeed a fundamentalist regime, a fundamentalist Islamic state, and has been since its founding.

There are private Saudi citizens who indeed do give funding to a variety of Islamic fundamentalists, not all of whom are violent and not all of whom are extremist and not all of whom practice terrorism.

We have been in touch with the Saudi Government and other Arab Governments with respect to funding of extremist terrorist groups.

I want to point out that we are not opposed to, as I said in my statement, to Islam. We are not opposed even to Islam fundamentalism. What we are opposed to, and what we take very seriously, are those extremist terrorist elements within the Islamic fundamentalist groups.

The vast majority of Islamic fundamentalists and the even larger majority of Islamic believers are not themselves either violent nor practitioners nor supporters of terrorism. Nonetheless, there are some troubling indicators that have arisen in recent years, particularly the growth of Sunni Muslim fundamentalism within the Arab world.

A form of Sunni Muslim fundamentalism has grown up with very extreme elements within it, practicing a form of terrorism that previously had been practiced by only the Shiah fundamentalists. Since the Sunnis represent a much larger percentage of the Islamic community worldwide, the growth of this extremism and this terrorist tendency within the Sunni fundamentalist movement is of great concern.

We hope, in fact, that the governments of these Arab countries will recognize the need to address the question not of just fundamentalism, but rather the question of extremist terrorist groups within the movement.

SUDAN'S SUPPORT FOR INTERNATIONAL TERRORISM

Mr. LANTOS. I found it intriguing that in your list of states sponsoring terrorism, Sudan was not mentioned. It is my information that there are terrorist training camps in the Sudan and that the Sudanese militia is involved in supporting international terrorism. There also is a close working relationship between Sudan and some of the states on the terrorist list, particularly Iran.

I would be grateful if you would explain to the subcommittee what our antiterrorist experts, of which you are the top government expert, think of Sudan's involvement in these matters.

Ambassador MCNAMARA. The case of Sudan—and I did refer to Sudan in my opening statement—is one which gives us great concern. The Sudanese Government is an announced and fundamentalist regime, an Islamic regime that has very close ties with Iran. It has within its borders a number of organizations which cause us concern. It has members of those organizations, it has officers of some organizations.

Mr. LANTOS. Does Abu Nidal have activities in the Sudan? Abu Nidal being one of the most famous of international terrorists.

Ambassador MCNAMARA. He has had a presence in the Sudan. There is a presence of Hamas, there is a presence of a large number of organizations, including the PLO and others.

We have gone to the Sudanese Government and we have told them of those concerns that we have. We have urged them to distance themselves from the extremists and terrorist organizations. We have not asked them to change the fundamental nature of the regime. We have asked them to change their behavior.

Indeed, this is very similar to what we have done with Iran. We are asking the Iranians, we are asking the Sudanese to change the nature of their behavior.

Mr. LANTOS. Have we succeeded in achieving this?

Ambassador MCNAMARA. Thus far with respect to Sudan, we have not been notably successful. That is the reason why we have cautioned the Sudanese very, very directly, very recently and very severely that they risk possible inclusion on that list.

The list gives is a list of states which have engaged in a series of practices which is laid out in the law, and committee report language that establishes the list. And after review, we concluded that Sudan did not fulfill the criteria and therefore, for the moment, would not be put on the list. However, I would say that they are a threshold case.

JUDICIAL RESPONSES TO TERRORISM

Mr. LANTOS. The gentleman who is president of the Institute on Terrorism, Neil Livingston, testified to Congress the other day that, and I quote: "If the bombing of the World Trade Center can be traced to a foreign government or a terrorist organization based on foreign soil, it is incumbent on our Government to abandon the fiction that we are somehow going to arrest the culprits and bring them to justice."

What do you think of this statement?

Ambassador MCNAMARA. I disagree.

Mr. LANTOS. Well, his point is that 5 years after the bombing of Pan Am 103, not one single individual has been brought to justice and not one single country has been made to pay an appropriate price for its involvement in the murder of 270 innocent people. So his skepticism has some basis.

Ambassador MCNAMARA. His skepticism may have some basis, but there is also a basis for saying that we may be able to bring them to justice should it turn out that it has not yet been demonstrated that there are particular individuals overseas who are responsible for that bombing.

Let me point out that although there has been much attention given to the bombing in New York, what also is happening in New York is a judicial proceeding against another terrorist who was brought here on extradition from Italy in recent months, and is now undergoing trial for a terrorist crime that was committed in 1973, 20 years after the crime. We pursued this man.

Twenty years after the crime, or shortly less than that, we went to the government of the Italy when we identified him as being present in Italy. The Government of Italy arrested him. They held him. They took under advisement our request for extradition and they extradited them. The proceedings are going forward in New York even as is the investigation of the World Trade Center.

There is a message that we are putting out to terrorists around the world—I mention the case of Rashid in Greece. He was tried and convicted 10 years after the act he performed. The message that we wish to send out to terrorists is that you can't hide, and no matter how long it takes, we are coming after you and we are going to get you. We don't expect to get them all, although we are going to try to get them all; but we will get some, and I expect we will get more and more as time goes on.

No terrorist should ever think that Mr. Livingston is right, because if Mr. Livingston is right, then indeed we will have more terrorism here in the United States. Mr. Livingston must be wrong. He has to be wrong and we are going to prove him wrong in coming years. Because we will go after them. We will probably not get them all, but they will never live comfortably thinking that we are not after them and that we might not get them.

We have indeed brought terrorists here. We have gone out and got them on the high seas. We have gone out and got them on extradition warrants from different parts of the world. We have brought them in from Latin America, from the Middle East and we have brought them in from Europe. That effort is going to continue.

I said we were stressing law enforcement. Indeed, it is the long arm of the law that will be one of the major discouraging factors in anybody contemplating terrorist acts, particularly terrorist acts here in the United States.

Mr. LANTOS. Mr. Ambassador, this subcommittee is fully supportive of all of your efforts. We are determined to stay on this issue as long as it takes, which is probably an indefinite period of time. We will want to help you in any way we can.

I will ask our two other witnesses to join the witness table. I want to welcome to the table Ambassador L. Paul Bremer, former Ambassador-at-Large for Counterterrorism at the Department of State, and Mr. Brian Jenkins, Senior Managing Director of Kroll Associates.

Ambassador Bremer, we are very pleased to have you. You testified before this committee in your previous incarnation. We are happy to have you back.

Your prepared statement will be entered in the record in its entirety, and you may proceed any way you choose.

STATEMENT OF HON. L. PAUL BREMER, MANAGING DIRECTOR, KISSINGER ASSOCIATES

Mr. BREMER. Thank you, Mr. Chairman.

I don't really have a prepared statement. Let me just make a few comments, though.

I think what we have to look at in terms of this attack is whether or not it is the beginning of a new string of attacks in the United States. And I don't think we can answer that question until we know about the motives and capabilities of the group involved.

But I do think there are two trends which we need to watch in the years ahead. The first, which you have referred to already, is that as the remaining superpower we may become again more interesting to terrorist groups, particularly ethnic and nationalist terrorist groups. I think we are going to have to watch that trend.

And the second trend is the changing pattern of Middle East terrorism. In the 1970's, a lot of the Middle East terrorism was essentially secular. It was conducted by Marxists, who had no particular affinity one way or the other with Islam. In the 1980's, it was radicalized within the Shiite branch. And now we see it moving into the Sunni branch, as Ambassador McNamara said.

Let me quickly give four lessons that I think can be learned from this attack or four areas we need to watch. The first is intelligence. It is absolutely vital that we continue our efforts to have timely and actionable intelligence in the field, and it is one of the more difficult fields to get good intelligence that I am aware of.

Secondly, counterterrorism policy needs continuing attention, particularly against state sponsors. You have spoken eloquently on it. The point is that states must understand they cannot have regular relations with us or with our allies if they continue to support terrorism.

Terrorists are not deterred and states are not deterred by pieces of paper and U.N. resolutions. They are deterred by action, and we have to take action. We have got to therefore work very hard to keep pressure on our allies and our friends to put pressure on other states.

I am particularly concerned, as you are, Mr. Chairman, by Iran. I was looking this morning at some figures on the exports of our allies to Iran. You can't read it at this distance, but let me just tell what you it shows.

It shows that the exports from Germany to Iran have approximately quadrupled since 1989. The exports from Japan have more than tripled. And Italy's exports have more than quadrupled in that same timeframe.

I might add, American exports to Iran in that timeframe have gone up by 1,000 percent though from a much lower base. So we all have to pay a little bit more attention, I think, to the message we are giving to states like Iran when we are prepared to do regular business with them.

I share your concerns about not making the annual look at terrorist states a *pro forma* exercise. It seems to me that Sudan has passed over the threshold. It may be a threshold case. It seems to me they have passed over the threshold and it should be designated as a Shiite supporting terrorism.

The more difficult problem in this area of keeping pressure on is the question of terrorism from indigenous groups. When you have a state which practices terrorism it is a relatively simple question, although hard to implement, to figure out what you are supposed to do.

On the other hand, if you get indigenous groups—and it may well be in the case of the World Trade bombing we are going to be dealing with a group that doesn't have a state sponsor, I don't know—it is much more difficult. And if ethnic-based terrorism becomes, as I think it will, a trend, we are going to have to figure out how to tackle that and that requires a lot of attention to practical measures for attacking terrorism, areas such as cooperation of law enforcement and intelligence agencies.

The third area of lessons involves the need to intensify our legal efforts. I have in mind here first of all tightening our immigration proceedings. It seems to me we ought to be able to find a way for summary exclusion.

There have been efforts, as Ambassador McNamara mentioned, to private expedited deportation for suspected terrorists. I remember being instrumental in trying to pull that policy together to introduce an act called the Terrorist Aliens Removal Act of 1988. It would have provided for expedited deportation proceedings for suspected terrorists. If that law had been in effect, we might well have been able to get some of these people out of the country before they conducted the attack.

Secondly, in this legal area, we have got to bring the full force of law to bear on terrorists. We have to pursue their extradition. We should be prepared to punish them in the United States. In my view, we should try to find ways to invoke the death penalty where possible, particularly when it involves Federal crimes.

This is not a gentleman's sport we are involved in here. It is a tough sport, and we ought to be prepared to be tough.

Thirdly, we ought to look into the wiretap rules which are involved. I don't know because I am not an investigator, but it is a question which I think the committee ought to look to when they talk to the Justice Department. Are there constraints which could be loosened, with due concern for citizens' rights, on wiretaps on people who are suspected terrorists in this country?

Next, we ought to push for the quick ratification of the various treaties, as Ambassador McNamara mentioned. Finally, we need to be careful that in our effort to bring the force of law to bear, we don't so hobble ourselves by saying only when we have an air-tight legal case can we act. Particularly in dealing with state sponsors, we have got to have a threshold of action that is lower than the proverbial "smoking gun."

Finally, Mr. Chairman, there are some organizational issues that I would like to mention to the committee that it seems to me this case points up.

First of all, a way must be found for timely and automatic access to the various databases on terrorists that agencies in this government have. This is an issue which again we started struggling with during my time. There has been some progress. But as the case of the Sheikh shows, we have not really solved the problem. We have got to figure that out.

Secondly, we have got to continue to fund fully and on a regular, predictable basis the interagency effort on research and development in counterterrorism. A lot of that effort, as you probably know, has been directed to the detection of chemical and other kinds of weapons and explosives, and that should be continued.

Thirdly, in the effort to downsize the American military as part of the administration's budget drive, we must take great care to preserve the forces and capabilities in our military for counterterrorism. These are some of the most dedicated men and women anywhere in our military. It is a very important capability to preserve because we are not always going to be able to succeed with diplomacy.

Finally, Mr. Chairman, if I may, it seems to me from my experience that the fight against terrorism, more than almost any other area in the U.S. Government, requires effective coordination between the various agencies of the U.S. Government. And it is in that respect that I am disappointed, indeed, dismayed by the administration's decision to downgrade the bureaucratic level of the State Department's office for combating terrorism.

It seems to me this will not only make interagency coordination more difficult and problematic in our Government, but it will make us much less effective when we go to our allies or to state sponsors and ask them for cooperation.

In my experience, other governments are not often persuaded by importuning deputy assistant secretaries. You simply have got to have bureaucratic power to be able to make things happen.

Thank you.

Mr. LANTOS. Thank you very much, Ambassador Bremer, for excellent and very substantive testimony.

Let me begin with the last item you raised. When you were Ambassador on counterterrorism, you reported directly to the Secretary of State; is that correct?

Mr. BREMER. That's correct.

Mr. LANTOS. And under the proposed reorganization of the State Department, your successor reports to a new position which is an Under Secretary position?

Mr. BREMER. Well, actually I think it depends a bit on how they organize the new bureau. It may be that my successor will be a Deputy Assistant Secretary reporting to an Assistant Secretary, reporting to the Under Secretary, who reports to the Secretary. I hope I have made it clear.

Mr. LANTOS. Yes, you made it very clear. Speaking for myself, I will raise this issue when the Secretary and others from the Department come and testify before us. I think your point is extremely well taken, particularly in view of the fact that the Coordinator for Counterterrorism needs to interact with his counterparts in other countries, and status appropriate to the importance of the task is mandatory.

My colleague made a request that we hear from Mr. Jenkins before we get into questions. So, Mr. Jenkins, we are delighted to have you and if you would proceed, we would appreciate it.

STATEMENT OF BRIAN JENKINS, SENIOR MANAGING DIRECTOR, KROLL ASSOCIATES

Mr. JENKINS. Mr. Chairman, thank you very much for inviting me here this morning. I have submitted a brief written statement.

Mr. LANTOS. It will be entered in the record in its entirety.

[The prepared statement of Mr. Jenkins appears in the appendix.]

Mr. JENKINS. I would like to underline several observations from that statement. Although we do not know where the investigation of the World Trade Center bombing will eventually lead, I think we can safely say now that it will have an effect on the conduct of American foreign policy, and specifically on our policies for combating terrorism.

We should keep in mind that the World Trade Center bombing is part of a broader terrorist trend toward large-scale indiscriminate violence. There were hundreds of car bombings in the last 20 years, 80 percent of these in the last 10 years, and indeed four car-bombing incidents this week alone, one in Northern Ireland, a small one in Berlin. In London, a car bomb of several hundred pounds was deactivated, and even earlier today in India, there were a series of bombings, including car bombs that resulted in the deaths of a hundred people. This is a worldwide trend.

As terrorists turn increasingly to this type of attack, these large-scale indiscriminate attacks, the problem that we face is that it is virtually impossible to prevent bombings in public places because they are public places. As Ambassador McNamara mentioned, American citizens and American facilities have always been the number one terrorist target in international terrorist incidents, and I think it is safe to say that we will continue to be targets.

Now, as the world's sole superpower, the United States bears the burden of leadership. The United States is blamed for many of the

world's problems, blamed that these problems remain unsolved, blamed for trying to solve them and blamed if the solutions do not satisfy everyone. Americans will continue to be targets.

Authorities and analysts have always conceded the possibility of a spectacular terrorist attack in the United States. The World Trade Center bombing demonstrates that vulnerability. I believe that terrorists have refrained from carrying out attacks here because of operational difficulties, as well as self-imposed constraints resulting from political calculations and ambivalent attitudes toward the American people as opposed to U.S. policies.

With this bombing, that taboo has been broken and this clearly has psychological significance. Others may be inspired to follow the example. Threats have already been received.

We also have to keep in mind looking ahead that we have entered an age in which there are no borders to business, finance, technology, information, or communication, and in which millions of persons move freely back and forth across national frontiers. We can no longer reasonably expect that armed conflicts occurring throughout the world will not also on occasion spill onto our shores.

For the United States, terrorism from the Middle East remains the greatest threat both in terms of lives lost and in terms of provoking the most serious crises for the U.S. Government.

I agree with Ambassador Bremer that we are witnessing a reconfiguration of Middle East extremism. The new galaxy is more religious, more ecumenical, less formally organized, tougher to penetrate, more difficult to predict and more unyielding.

Regrettably, the World Trade Center bombing has already thrust the United States back into the center of Middle East quarrels. Even without the demonstration, the formal links to known Middle East groups, the trial of those arrested will become a cause celebre among certain sectors in the Arab world and a possible occasion for further terrorist attacks.

At the same time, as we have even seen here this morning, opinions remain divided about how the United States should best deal with international terrorism. All agree it is a serious problem. But some will try to keep terrorism within the realm of law enforcement, thereby avoiding becoming involved in what they see as a futile tit-for-tat war for terrorists and their sponsors while others argue strenuously for a more muscular response that includes increased efforts to apprehend terrorist suspects abroad, military retaliation, and even assassinations.

Pressures to hit back will grow if the current investigation of the World Trade Center bombing points to foreign connections, as Americans come to fear even the most benevolent foe.

LEGAL VERSUS POLITICAL APPROACHES TO TERRORISM

Mr. LANTOS. Let me stop you there for just a second. You are outlining basically two different approaches to international terrorism.

Mr. JENKINS. Yes, sir.

Mr. LANTOS. One is the purely legalistic one where you deal with this matter as a violation of law and you deal with the perpetrators and pretend that they are functions in a vacuum. I mean, it is like a robbery.

Mr. JENKINS. Right.

Mr. LANTOS. The other way you call the more muscular approach, where you are looking for state sponsors and involve them in the punishment.

Mr. JENKINS. Even without state sponsors we are looking for organized groups. In a sense the first approach as you outline it is a traditional law enforcement approach. These are individual perpetrators that you identify one at a time and prosecute for individual crimes regardless of cause or membership or any other type of political context.

The second approach really is closer to a traditional war approach where you will take extreme measures, where you are not required to obtain the same levels of evidence, where intelligence reporting will suffice and where the United States will be willing to take unilateral action, including military action to go after those groups or their state sponsors.

Mr. LANTOS. Well, it seems to me—and I would be very anxious to have both of you react—since you are dealing with organized international groups, many of them supported by specific states, such as Libya, Syria, Iran or Iraq, to pretend that we are dealing with legal cases, individual, uncoordinated, unorganized, is absurd, isn't it?

Mr. JENKINS. Well, in some cases, I think, as Ambassador Bremer has mentioned, we do unnecessarily hobble ourselves by looking to apply courtroom standards to what, in fact, is a form of surrogate warfare.

On the other hand, there are certain risks to abandoning a law enforcement approach. Although international cooperation may be limited to cooperation among like-minded governments, the fact is that departing from the law enforcement approach and moving toward unilateral military action is going to imperil what little international cooperation we have now.

We also have to be careful that, in the course of combating terrorism, we not behave or even allow people to accuse us of behaving in an extra-legal and even, some would say, terrorist manner ourselves. So our response to fighting terrorist assassins ought not to be to readily resort to assassination itself. We cannot use the same tactics that they use against us.

Finally, it is not clearly demonstrated that even the more warlike response—and when I say warlike I am putting it in the context of traditional warfare—will necessarily serve as a deterrent.

Now, an exception to this: When there clearly is a state involved, I think that sanctions, the threat of force and even the use of force probably have a useful effect in at least introducing into the calculations of state sponsors that this activity is not entirely cost free, that they do run risks. They may choose to accept that risk. They may attempt to disguise their involvement, making it more difficult for us to identify and describe their role. But it does change the equation.

So the sanctions that have been levied in the past years against Syria, for example, or even our military action against Libya, while they did not completely alter the behavior of these nations, I think they did have some effect.

Mr. BREMER. Mr. Chairman, may I react and make some points?

Mr. LANTOS. Please.

Mr. BREMER. For analytical purposes it seems to me it is useful, as Mr. Jenkins has suggested, to talk about these as two different policies. Actually, the policy has to run across the whole spectrum, as I am sure he would agree.

Secondly, the rule of law was brought to bear on terrorists, at least analytically, back in the early 1970's and the late 1970's as an effort to make sure that people understood these were criminals; they were not heroes.

There was really a lot of intellectual confusion in the West when terrorism started in the 1960's and 1970's, confusion that these were latter-day day Robin Hoods or that they were good guys and somewhat acceptable. We had to make sure people understood they were not; that they were criminals.

When they assassinated somebody, they were conducting murder, and there are laws against that. When they blew up a bomb, that was arson, and we have laws against arson. When they took people hostages, they were conducting kidnapping, and we have laws against kidnapping. So it is a useful part of the spectrum to understand that we bring the law to bear.

The final point on which I would disagree with my friend, Mr. Jenkins. I think it is not correct to assert that the unilateral use of force will get in the way of cooperation. I was in government at the time and working on this problem when we took military action against Libya, and I can tell you for sure, from personal experience, that cooperation with our allies increased dramatically after that attack.

Mr. JENKINS. I will concede that, actually. And I think it did, because I think our allies, in many cases, became so alarmed by that action and so frightened at the consequences of further military action by the United States that they suddenly decided that it was in their interest to cooperate with us in lesser ventures to avoid the United States' taking actions that would, at least from their viewpoint, have serious consequences for them.

Mr. LANTOS. May I just pursue that in a somewhat different direction, Mr. Jenkins?

Although, clearly, Libya continues to be one of the states sponsoring terrorism, isn't it true, following our bombing of Libya, they have distinctly toned down their support of international terrorism?

Mr. JENKINS. I think they have, and I think that that was a useful result. Even if it only is a modification of the rhetoric, the fact is that Libya, in the mid-1980's, was not only sponsoring terrorist activities, but often came pretty close to openly boasting of that sponsorship and launching further ultimatums against the United States and other Western powers. The bombing certainly discouraged that type of rhetoric.

So, while Libya may still be correctly regarded as a state sponsor of terrorism in some respects, nonetheless, it did back away from that very bold and confrontational posture that it had assumed before the bombing.

Mr. LANTOS. What is your reaction to my comment?

Mr. BREMER. I agree entirely with his analysis.

Mr. LANTOS. Please go ahead, Mr. Jenkins.

Mr. JENKINS. The final two points are simply that, as Americans come to fear that even the most benevolent involvement abroad, such as the provision of aid to places in Africa or the Balkans or other parts of the world, may bring with it not only the increased risk of terrorism against Americans overseas, but also the spectre of terrorist attacks on American soil, I expect we will see isolationist sentiments in this country increase.

Finally, the World Trade Center bombing will also, inevitably, increase anti-immigration sentiments in this country. As a nation of immigrants, the United States historically has benefited from this influx of people, but, along with those seeking to make a new and better life, we have occasionally also welcomed those who refuse to leave the violent quarrels of their homeland behind them. There is nothing new about this. This has been going on for over a century.

Nonetheless, the World Trade Center bombing will increase public pressure to stay out of other people's problems and will increase demands here to keep foreigners out of the United States.

STATE SPONSOR IN WORLD TRADE CENTER BOMBING

Mr. LANTOS. Thank you very much, both of you.

I have a number of questions, if I may. I would like to begin with the World Trade Center outrage. I realize that the investigation is still in a fairly early stage, but we have now had a couple of arrests; we now have a bank account; funds followed in from overseas; a joint bank account by two individuals who are not tied by any family or business relationships, except their presumed implication in this terrorist episode.

What is your judgment at this early stage, Ambassador Bremer, as to whether this is likely to be an organized group, state-sponsored or not state-sponsored, which participated in perpetrating this act?

Very early on, you made a suggestion in Newsweek that this could be a disgruntled employee of the World Trade Center itself. Subsequent evidence has come in. Has that changed your initial inclination?

Mr. BREMER. Yes, I think it is clear now it is an organized attack, because there seems to have been more than one person involved. Whether it will lead back to a state or a known terrorist group, I think, is still an open question.

One of the most important things to remember, in this area, is this is never a surprise-free environment. Fighting terrorism has funny little turns in the road every time. But I must say, in particular, the apparent transfer of funds from a source overseas begins to look like an organized effort to me.

Mr. LANTOS. Mr. Jenkins.

Mr. JENKINS. Oh, I think the action itself, what we know about it from the investigation thus far, certainly indicates that this is an organized group. I mean, decisions had to be made about the movement of money, about the acquisition of explosives, expertise, the placement of the device itself. So there, clearly, is organization here. This is not just some spontaneous action by a few fellows.

I would agree with Ambassador Bremer that it is probably premature to state with any confidence whether this will lead back to a known terrorist group or a state sponsor. My own view is that,

given the emergence of this new milieu of terrorism in the Middle East, it will be, in fact, harder to make those sorts of connections in this event, potentially, and in other events in the future.

In the 1970's and early 1980's we dealt with groups that were primarily secular. We had learned a great deal about them. We knew the leadership; the order of battle. To a certain degree there were sources of intelligence about them. This new phenomenon, I think, is quite different, and we are going to be looking—because it is the nature of our legal system, and because we all are part of organizations ourselves—we are going to be looking to impose an organizational structure on this. We are going to look for hierarchy and a chain of command; an operation and instructions. And it may be something much less precise than that.

It may take the form of spiritual encouragement that leads different groupings of people to come up and put these actions together. It may be international. It may involve the transfer of funds. It will involve different individuals. But we are not going to get that sort of Western-style organizational structure that we look for and that, to a certain extent, was present in those traditional groups in the Middle East.

INTERNATIONAL COOPERATION

Mr. LANTOS. President Mubarak last week said, and I am quoting him, the World Trade Center bombing proves that terrorism is becoming a plague, spreading all over the world, and calls for international cooperation to resist this unhealthy phenomenon.

What is your reaction, Mr. Ambassador?

Mr. BREMER. I think he is pushing on an open door in the case of the U.S. Government. That is the position we have taken for at least the last 15 years. I certainly hope that one of the results of this will be to increase cooperation and, depending where the leads go, cooperation with states to put pressure on other states, if that is what it requires.

Mr. LANTOS. Mr. Jenkins.

Mr. JENKINS. I agree with Ambassador Bremer's comments entirely. Egypt, historically, has had, perhaps, more reasons to cooperate than some of the other Middle Eastern countries, primarily because of its signing an agreement with Israel back in 1978. This has exposed it for the last 15 years to terrorist attacks.

It is still an Arab country. It still operates in the context of the Arab world. And so what Egyptian leadership can always do publicly or openly may be somewhat constrained by that fact. But I think that both President Mubarak's statement and, indeed, the statements and the fate of his predecessor, Anwar Sadat, have indicated that Egypt is in a very exposed position historically, and has good reason.

The difference now is, I think, the willingness to perhaps more openly commit the country to that type of cooperation.

ISSUANCE OF VISAS TO SHEIKH RAHMAN

Mr. LANTOS. We will soon be having as witness the head of the Immigration and Naturalization Service, and on Monday we have the top State Department official who deals with consular affairs

and the issuance of visas. But I think enough is known of what happened here to ask each of you for a comment.

How do you explain, Ambassador Bremer, that Abdul Rahman was granted a visa by a U.S. consular official, despite his unique physical characteristics and his obvious notoriety, having been implicated in the assassination of President Anwar Sadat of Egypt?

Mr. BREMER. I think there was a screw-up on the first visa. I am less troubled by that than I am the fact he seems to have been able to enter and leave the country about a half a dozen times, by my count, after that and after his green card was issued.

And I think there are some very important questions about—I referred to it in my opening comments—how the data, which is in one of the terrorist data banks that are kept by many of our agencies, did not find its way in a timely and automatic fashion into the INS data bank and was not then acted upon. It seems to me that is a very important question that I would encourage the committee to push pretty hard on.

Mr. LANTOS. Mr. Jenkins.

Mr. JENKINS. I think we have to take a long-range view of this. Human traffic in the world has increased enormously. I was amazed to listen to Ambassador McNamara testify before the House Judiciary Committee on Tuesday of this week, that from my notes, if I recollect correctly here, there are over 7 million non-immigrant visa applications now being made every year to the United States.

With this volume of traffic I think we have to seriously take a look at the systems that we use and procedures that we follow to monitor this. It appears to me, without knowing the details—and here I would defer to the greater knowledge of Ambassador Bremer—that, in some cases, our procedures are simply not up to the standards required because of antiquated systems, databases that are not netted, things that don't show up on computers because they may be spelled or transliterated in a slightly different manner.

We do have computing power to deal with these sorts of problems. These are not unique problems. But because of budget limitations or just because government moves slower, I think our technology is behind.

Given that the human traffic is likely to increase in the world, I think we have to really take a good look at getting in place a comprehensive system that will allow us to prevent a first entry, but, as Ambassador Bremer points out, the alarming part of this is the ability to enter and exit and come back again on a number of occasions after that.

And, also, I think we have to look very much at the possibility of streamlining our procedures for deporting those who do come here to preach or promote violence.

Mr. BREMER. If I can add one point, Mr. Chairman.

Mr. LANTOS. Please.

Mr. BREMER. When we worked on this problem back 5 or 6 years ago there were two problems. There was the budgetary problem, to which Mr. Jenkins has referred, and where Congress, of course, can be helpful. There was also the bureaucratic problem—and there it is a little more difficult to get at. But, again, I would encourage you

to pursue it—wherein particular agencies sometimes find it difficult to share information they have with other agencies. I know this will shock you.

I think it is important to pursue the second of these as well as the first. Because no amount of money will solve the problem unless you can crack some heads together among these agencies and get them to find a way to share the information automatically, I stress, and in a timely way.

RESPONSIBILITY OF AIR CARRIERS

Mr. LANTOS. Let me ask both of you about the responsibility of international airlines in seeing to it that only individuals who have proper entry documents into the United States are allowed to board an international flight.

Is there very lax enforcement of this, which may be part of our problem? And, in this connection, would you comment on the proposal that was made to establish preinspection stations at various ports of entry abroad?

Mr. JENKINS. That is part of the problem. But that is the smaller part of the problem.

Airlines bringing people into the United States will take a look at a passport to see that—depending on which country you are coming in from, which passport it is—there is the appropriate visa stamp on it. But we are talking about, essentially, a clerk at an airline counter. That person has no responsibility for how the visa stamp got into the passport to begin with, and so, in the case that we were talking about here just a moment ago, the document was a perfectly valid document to enter the United States. So the airline check would not have revealed anything amiss.

Moreover, the airline operates, I think, under a reasonable presumption that documents will also be checked by officials at the port of entry who have access to computerized systems and who have far more experience in doing this. And that if there is something inappropriate in that document or even if it is a counterfeit document, which the airline official cannot be expected necessarily to identify, that it will be dealt with at that point.

So I think, while you are correct in saying that sometimes the procedures are not lax, we are talking about a travel document which is something issued by a government, and it is, therefore, in my view, primarily the government's responsibility to ensure that that document is appropriately granted and appropriately examined at the point of entry.

Mr. BREMER. I would make three points.

First, on this last point, I agree. It is not appropriate for us to make the airlines enforce our immigration laws. That is really the business of the U.S. Government.

Secondly, I am in favor of preinspection if it can be worked out in a way that is cost effective, because I think you can then deal with some of these cases before they reach our shores. I understand there was something like 100,000 requests for political asylum last year, for example. A lot of that maybe could be dealt with overseas.

And, thirdly, the FAA, as you are probably aware, Mr. Chairman, has done some interesting work, though I am not aware of the recent work in the area, on profiling terrorists, which can be used at

the check-in points on airlines. It doesn't require the airline clerk to become an expert in terrorism, but it gives him or her some access to the kinds of things they might be looking for.

POTENTIAL FOR NUCLEAR TERRORISM

Mr. LANTOS. With the collapse of the Soviet Union, there is a tremendous number of highly trained scientists and experts in nuclear technology who suddenly find themselves unemployed, and there is a great danger that these would be employed by states sponsoring terrorism. How effective has our approach to this potentially devastating problem been, Mr. Jenkins?

Mr. JENKINS. Well, it is a problem. I don't know that I am in a position to judge the overall effectiveness. The fundamental difficulty is that with the collapse of the Soviet Union has come a virtual collapse of the economies of many of the republics of the former Soviet Union, thereby really wiping out the employment of many people.

So the fundamental problem is addressing the overall issue of the economy, and that is going to be difficult and will take many years. In the meantime, people are scrambling, looking for work, and are not always, necessarily, going to be fussy about what type of job offers they get at home or abroad.

I think there is a real concern that this expertise will be dispersed throughout the world and that a portion of it will come to those countries about whom we have real concerns with regard to their nuclear programs.

I think there is a further concern that I would point out, and that is the vast amount of nuclear material, both in weapons and in the various stages of manufacture that is in some of the republics, at least, of the former Soviet Union. Given the extraordinarily high levels of corruption and crime that we have seen in some of those republics, we could potentially see the emergence of a black market, a true black market in not only nuclear expertise but in fissionable nuclear material.

Mr. LANTOS. Ambassador Bremer.

Mr. BREMER. I would only add that the problem of nonproliferation, or the proliferation of these kinds of technologies has to be one of the most important problems we face in this decade. And the problem, I think you rightly point out, Mr. Chairman, is less the proliferation of the hardware than the proliferation of the software—in effect, the minds that know how to make these things.

The antiterrorist community, for more than a decade, has been wrestling with the likelihood or not likelihood of NBC terrorism—nuclear-biological-chemical terrorism—and I think we have to keep at it. There are some programs to deal with those.

One of the more disturbing things about the World Trade Center bomb, so far as we know about it, is that it doesn't appear to have been a very sophisticated bomb. And how you are going to stop the manufacture, sale or manufacture of the kinds of things that went into this bomb is really problematic, since it seems to have been composed, in part at least, of common, garden-variety fertilizer.

PLASTIC EXPLOSIVES

Mr. LANTOS. Well, since you raise the question of the composition of this bomb, let me pursue this item in a rather ominous direction.

It seems that the device used at the World Trade Center was composed of readily available chemicals. It weighed about a thousand pounds. What would have been a similar impact had Semtex been used by the terrorists? How much would they have needed to provide the same degree of impact and damage?

Mr. BREMER. I don't know the amount. It would have been a lot less. Do you know?

Mr. JENKINS. It would have been less. I am right at the edge of my pasture here in terms of technical expertise and want to be very, very careful. But I think you have to keep in mind the real difference between Semtex or some of the other more sophisticated explosives and the lower explosives, such as dynamite, or even these concoctions based upon fertilizer, is the velocity of the explosion.

The higher-velocity explosives have the ability, a greater ability, to shear steel, to cut metal, because of the velocity, whereas the lower explosives have great moving force, which is why things like dynamite are used in construction projects, because there one is not trying to cut through steel but just move a lot of rock.

It is clear that one could achieve greater explosive effects with smaller amounts of a more sophisticated explosive. What actual effect the two different types of blasts—putting aside the issue of the ratio of weights—would have had on the actual physical structure of that building is beyond my technical knowledge.

I do know that that building was, in a sense, in its foundation and its construction, built like a virtual fortress, and there are probably other buildings around in New York and other cities that, sustaining that kind of a blast, would have been structurally imperiled. I don't just mean in the underground garage. I mean, really, the ability of the building to stand up. Even, in some cases, if the building stands up, it may nonetheless have to be abandoned subsequently because it is structurally unsound.

CONTROLS ON EXPORTS TO IRAN

Mr. LANTOS. One of the recurring issues in dealing with international terrorism relates to the coordination and cooperation of nations that are opposed to terrorism.

We recently sent a government delegation to various European allies with the purpose of persuading them to rationalize and coordinate export controls to Iran. This delegation really was not a very successful one, because many of our European allies see the Iranian terrorist danger in a very different light from us.

I have two questions. How do you explain this much more relaxed attitude that is clearly present on the part of several European countries? And, secondly, what, if any, techniques do we have to persuade them that Iran is pursuing the same path that Iraq pursued just a few years ago, leading to aggressive military action?

Mr. BREMER. I am afraid the question really goes to the heart of how international relations are conducted. Because the only way to persuade countries which are selling this much of their exports to

Iran that they should take Iran's terrorism seriously, is to show how that is going to impact directly on their national interests so that they draw a different balance.

For the time being, countries like Germany, Japan, and Italy have drawn the balance and decided that, whatever Iran's negative actions may be, they have a greater national interest in selling their products there. You have to change that equation in some fashion.

You can use persuasion, which is what we have tried to do. These are, after all, our allies, and you don't want to have the war on terrorism become a war on your allies. So there is a limit as to how far you can go. We have other issues we have to discuss with those countries.

What has happened is that, when the Iranians stopped conducting terrorism on their soil, in Germany, for example, the Germans no longer had the same balance of interests and decided to go back to business as usual. It is hard for us to say you are drawing the balance wrong. It is not hard to say; it is hard to be persuasive.

Mr. LANTOS. Mr. Jenkins.

Mr. JENKINS. Well, certainly, I think we and our allies can readily agree that combating terrorism is a mutual objective. But, as in the United States, in these other countries there are many policy objectives. And so the issue is not whether it is an objective but where on a list of competing objectives combating terrorism will stand.

These nations have decided that combating terrorism is not the paramount policy objective, that there are other issues, particularly those things that advance their own economies, that will take precedence.

Whether this is a rationalization; or whether they truly believe that by doing business with these countries they will eventually be able to modify their behavior by incorporating them into the economic system; or whether, more cynically, they believe that by doing business with them they can, at the very least, purchase immunity from their terrorism so that it will be directed against someone else, or, at the very minimum, that they can put up with a certain level of terrorism as a price for doing business, those are—I think the ultimate decision, whatever the rationalization, is that doing business will take precedence.

We can try to alter that behavior. We can try to adjust those interests. We can try to impose upon them greater economic costs. But then the danger that we confront is, given a certain weakness in our own economy, we can impose economic sanctions on so many countries throughout the world that we begin to more seriously imperil our own ability to do business even with friends of the United States. And that has great effect. That is where the leverage becomes a little bit more difficult to apply.

PROPOSALS TO STRENGTHEN U.S. ANTITERRORIST POLICY

Mr. LANTOS. Well, you both have been enormously helpful with both your analyses and suggestions.

If you had one or two items you were to recommend to the President of the United States to dramatically strengthen our antiterrorist policy, Ambassador Bremer, what would you tell him?

Mr. BREMER. I think I covered them in my opening statements, Mr. Chairman. It is important that our friends, and particularly the state sponsors, recognize that the President and his top officials take this problem seriously; that they are going to give attention to it; and that states which involve themselves in terrorism will pay a price in their bilateral relationships, because these groups will be chased down, sought after and brought to justice one way or the other.

Mr. LANTOS. Mr. Jenkins.

Mr. JENKINS. I, perhaps, would be somewhat less ambitious and retreat a little bit from your question as to what I could suggest that would dramatically strengthen our policy. I think there are some useful things that can be done that will assist. Whether they will dramatically strengthen or not is another thing.

First, I think that there has been a tendency to relax, as a result of the decline in the volume of international terrorism—which has declined but is not at such a low level that it is not a serious worldwide problem—but also because there has been—up until the World Trade Center bombing—no spectacular incident that has affected Americans, and our perceptions of problems are driven exclusively by spectacular incidents, not high volumes of worldwide violence.

But there has been a tendency, because terrorist activity is going down, that this is now a problem about which we can relax; that we can afford, perhaps, to defer some of the expenditures that we might make to strengthen our policy; that we can afford to organizationally alter the structure that drops it down a notch bureaucratically.

And I think I would remind—as this event has already done—the administration that this is a serious problem and will affect us in a very serious way, and this is not the time—we have no excuse for letting down our guard on this, is the first salutary message.

Second, within that message, although we cannot control the sale of fertilizer in this country, nonetheless, the ease with which one can buy commercial explosives and the enormous losses, tens of thousands of pounds every year of stolen explosives, suggests that we might revisit the issue of controls on at least explosives in this country.

And, third, I would go back to the issue that both Ambassador Bremer and I raised earlier. And that is, with the increase in human traffic in the world, we do have to get, without—and this is no argument against immigration, Lord knows—but we do have to get some better way of monitoring who is coming in and out of the United States, and, when they are clearly here doing things that are inimical to our interests, have procedures that allow us to get them out of here fast.

Mr. LANTOS. Are you suggesting that, in this very evenhanded approach, we are as concerned about the illegal baby sitter who comes in as we are about a potential terrorist who blows up the World Trade Center?

Mr. JENKINS. Well, you know, I have perhaps a radical view on immigration. I am the grandson of immigrants on both sides, married to an immigrant and completely in favor of immigration, and, indeed, not that terribly disturbed to a certain extent by, say, the

flow of even some of the illegal immigration that we in California receive from south of the border.

In many cases, these are people that have given up life in their little villages. They have traveled north a great distance. They have shown enormous initiatives. They take risks in running a border several times. And they come to get a job and, hopefully, become a tycoon or at least a small businessman and get their kids through school. That is not the target here.

So the issue is not preventing immigration or building reverse Berlin walls along the Rio Grande and the line between San Diego and Taiwan. The issue, to me, is, faced with this volume, this enormous volume of applications, of people coming here requesting asylum, coming from some very quarrelsome, turbulent parts of the world, that at least we have some knowledge of who is coming in.

And, more importantly, when we identify a person that has clearly fudged the documents, a person who is here preaching violence, or, as I say, in some way promoting things that are inimical to our interests, we do have the right to send them back. And that is the process that ought not to take years. It ought to be swift.

And it is no different from what our principle ought to be in the application of any justice, although I am not sure it always applies. Justice should be swift. And if individuals don't belong here and are doing things that are wrong, we should get them out fast.

Mr. LANTOS. Ambassador Bremer.

Mr. BREMER. I agree.

Mr. LANTOS. Well, let me thank both of you for very significant contributions of our understanding of this issue. We hope to have you back at a future date to pursue this matter.

This hearing is adjourned.

[Whereupon, at 12:30 p.m., the subcommittee was adjourned to reconvene at 10 a.m. on Monday, March 15, 1993.]

THE FUTURE OF U.S. ANTITERRORISM POLICY (PART II)—WORLD TRADE CENTER BOMBING

MONDAY, MARCH 15, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS,
Washington, DC.

The subcommittee met, pursuant to call, at 10 a.m. in room 2172, Rayburn House Office Building, Hon. Tom Lantos (chairman of the subcommittee) presiding.

Mr. LANTOS. The Subcommittee on International Security, International Organizations, and Human Rights will please come to order.

Today our subcommittee continues a series of hearings on the future of U.S. antiterrorism policy. We began the hearings last Friday with some outstanding specialists in the field of antiterrorism—Ambassador Thomas McNamara, Coordinator for Counterterrorism at the Department of State; Ambassador Paul Bremer, formerly Ambassador-at-Large for Counterterrorism at the State Department; and Mr. Brian Jenkins, one of the recognized experts on terrorism in this country.

Our review, unfortunately, is very timely and, of course, very important. The post-cold war world has created a climate that is in some ways more unstable and more demanding than the climate of the past. Terrorists are operating in a basically unchecked international environment. The recent bombing of the World Trade Center in New York City makes this review extremely timely.

Following the bombing at the World Trade Center in New York, a few days ago there was a series of bombings, I believe 11, in India, which resulted in over 250 dead, 1,000 injured, and enormous property damage.

Today, appearing before our subcommittee are two witnesses who will present expert testimony on these important issues. Our first witness is Acting Assistant Secretary for Consular Affairs in the Department of State, Mr. James Ward. Our second witness will be Judge William Webster, former Director of the Central Intelligence Agency and the Federal Bureau of Investigation.

Before calling on our first witness to present his testimony, I will call on my friend and colleague, the Ranking Republican Member of the subcommittee, Congressman Doug Bereuter of Nebraska.

Mr. BEREUTER. Thank you very much, Mr. Chairman, and good morning to you. It is a slim audience, but we have a larger one who is watching; and it is only a result of the weather, not a result of the testimony that we are expecting to hear. I am very pleased that we have Assistant Secretary Ward with us, who I think will be very valuable in his testimony and his responses to our questions. It is, unfortunately, a very timely subject, and I am anxious to proceed. I will yield back at this point, Mr. Chairman, so we may begin.

Mr. LANTOS. Before calling on you, Secretary Ward, let me thank Mrs. Toni Verstandig, Dr. Robert King, and Mike Ennis of the subcommittee bipartisan staff for making the preparations for this hearing.

Your testimony, Mr. Ward, will be entered in the record in its entirety. We are delighted to have you. I understand you worked your way back from California last night and you may proceed any way you choose.

STATEMENT OF JAMES L. WARD, ACTING ASSISTANT SECRETARY OF STATE, BUREAU OF CONSULAR AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. WARD. Thank you, Mr. Chairman. Actually, with your permission, I would propose to submit my written testimony and give a much abbreviated oral version, because I believe that the question and answer exchange is perhaps the most important on this particular issue.

Mr. LANTOS. Very well.

Mr. WARD. I am pleased to have the opportunity to appear before you today to discuss the Bureau of Consular Affairs's role in antiterrorism activities and in the nonimmigrant visa process. Our bureau takes its responsibility seriously in this area, and we recognize the concerns raised by the bombing at the World Trade Center and other recent events.

Apart from the visa-issuing authority, which I will discuss in a moment, we also work very closely with the Department's Coordinator for Counter-terrorism, who was here last week, our officers of Diplomatic Security, and our Federal intelligence and enforcement agencies as part of our responsibilities, through our travel advisory notices, to warn American citizens traveling and residing abroad of suspected or current threats from terrorist activities.

Mr. LANTOS. Mr. Ward, I just would like to stop you there for a second.

Mr. WARD. Certainly, sir.

Mr. LANTOS. Can you submit the names of the countries where we currently have travel advisories?

Mr. WARD. At the moment, sir—

Mr. LANTOS. Could you pull the mike a little closer to you?

Mr. WARD. At the moment, we have travel information on every country in the world, which includes basic information on crime, terrorism if it is existing and who it is targeted against.

In terms of travel warnings, there are now 15 countries listed, and I would be reluctant to try to name them all off the top of my head, sir. There are some very obvious ones: Libya, Lebanon, Peru at the moment, the former Yugoslavia. I would submit a list, cer-

tainly, for you; but I don't think I could recount all 15 of them at the moment.

Mr. LANTOS. Will you submit the list at your earliest convenience?

Mr. WARD. Certainly.

[The information follows:]

There are currently 17 Travel Warnings: Afghanistan, Angola, Bosnia and Herzegovina, Colombia, Iran, Iraq, Lebanon, Liberia, Libya, North Korea, Peru, Rwanda, Somalia, Sudan, Tajikistan, Togo, Zaire.

Mr. LANTOS. Is Egypt on the list?

Mr. WARD. No, sir, it is not.

Mr. LANTOS. How about Syria?

Mr. WARD. I don't believe so, no.

Mr. LANTOS. Go ahead.

Mr. WARD. Turning to the immigration process, the non-immigrant visa process, our bureau has fostered and actively supports the information-sharing imperative embodied in the Inter-agency Border Information System, better known as the IBIS "clearinghouse" concept, in a new budding mechanism to link border security namechecking databases. The concept supports implementation of requisite single unifying principle for border security data sharing in the U.S. Government.

Because of the visa requirement, the consular officer is the U.S. Government's initial contact and, hence, "first line of defense" with prospective foreign travelers to the United States. The visa issuance process requires at a minimum the screening of names against the Department of State's "lookout" database. Through IBIS, the screening is now extended to encompass information contained in databases maintained by other agencies.

The lookout system—the State Department lookout system contains some 3,500,000 records. The records include the names and aliases of all aliens refused visas worldwide, as well as the names of aliens provided from the records of Immigration and Naturalization Service and U.S. national security and law enforcement agencies.

It should be noted that in response to the Immigration Act of 1990 and Public Law 102-138, some 130,000 names of aliens out of 270,000 who were ineligible because of membership in proscribed organizations have been deleted from the lookout system.

By August 1993, we expect that no more than—

Mr. LANTOS. Am I right in assuming that the bulk of these people are individuals who were members of the Communist Party in the countries of Central and Eastern Europe?

Mr. WARD. Certainly the bulk of them were in there because of their membership in Communist Parties, and I would believe that between China and Eastern Europe that would be the majority of them, as well, sir.

Mr. LANTOS. And these people were deleted because of a nominal membership in the Communist Party?

Mr. WARD. That is correct.

Mr. LANTOS. And no affiliation with any terrorist organization, as such?

Mr. WARD. That is correct. In fact, this is what we have been doing, is going through each case and making sure that since those ineligibilities under the old law tend to overlap, that we are not deleting anyone who has these terrorist activities in their record in the process of deleting those who are in there solely because of their membership in the Communist Party.

Mr. LANTOS. This would include individuals such as Boris Yeltsin?

Mr. WARD. I couldn't say whether President Yeltsin was in the lookout file or not, sir, but very conceivably he would have been at that time.

Mr. LANTOS. Or the President of the Ukraine?

Mr. WARD. Also very possible.

Mr. LANTOS. OK. So there is really no diminution of protection with respect to terrorists as a result of this action?

Mr. WARD. No, sir, there is not. I simply raise this to explain why there has been a sudden drop in numbers in the size of the database; it is for that reason.

Mr. LANTOS. OK.

Mr. WARD. As I said, by August of 1993 when we finish the process, we will have about 10,000 of the names still in the system and certainly a percentage of those will be in there for terrorist-related activities.

The lookout list is available to 123 foreign service posts through the on-line automated Consular Lookout and Support System, known as CLASS, and to 88 other smaller posts, basically on microfiche cards. The automated system is updated on a real-time basis while the microfiche cards are updated monthly or bimonthly. The information in CLASS is also provided electronically to the INS lookout system and is now on-line to the IBIS program as of June this year.

In remote locations without adequate communication—Khartoum, Sudan, is an example of this—applicant names are checked manually against microfiche or stand-alone databases. At this time, State is transitioning from a manual visa-issuance process to a more fully automated one which includes automated name-checking by the IBIS clearing house.

Clearly, we must expand our automated lookout system to all visa issuing posts. No matter how effective your lookout system, it is impossible to include in it everyone who is potentially a danger to U.S. security. And we recognize, that unfortunately with 7 million visa applications a year, mistakes will be made, as in the case of Omar Ali Ahmed Abdel Rahman. Under present rules, it is difficult and time consuming to correct a mistake.

Currently, summary exclusion is permissible only on national security grounds, and even in these cases, an alien may apply for political asylum. A large number of aliens appear at ports of entry with no documents of any kind, or with fraudulent documents, and apply for asylum. The legal proceedings which result from that sometimes delay for years their departure from the United States, if at all.

Expanded use of summary exclusion would be faster and would prevent misuse of the asylum procedures.

At this point, sir, I would like to conclude my opening statement and would be happy to try to answer your questions.

[The prepared statement of Mr. Ward appears in the appendix.]

ISSUANCE OF VISAS TO SHEIKH RAHMAN

Mr. LANTOS. Thank you very much, Secretary Ward.

Extremist cleric Omar Abdel Rahman, as I understand it, was first granted a visa by your department to enter the United States in 1987 by our Embassy in Egypt, despite the fact that he was implicated in the assassination of former Egyptian President Anwar Sadat. Is that correct?

Mr. WARD. He was issued a nonimmigrant visa in Cairo early in 1987. That is correct, sir.

Mr. LANTOS. Is it correct that he had been implicated in the assassination of the former Egyptian President?

Mr. WARD. My understanding from the press that surrounds this article is that he was. However, the earliest record we have of having information that would cause us to place him in our lookout system was information generated by the American Embassy in Cairo later that year, approximately August of 1987.

Mr. LANTOS. Is it realistic to assume that members of the U.S. Embassy staff did not know of his identity despite the fact that there was a well-publicized trial following the assassination of the Egyptian President?

Mr. WARD. I am sure that they knew, Mr. Chairman. My only supposition, and it is very difficult to go back and reconstruct, is we are dealing with a case of one part of the Federal Government not clearly communicating with another in that, although there were various people in intelligence and enforcement circles working closely with this case, the information was not communicated through the immigration side, if you will. This is just a supposition on my part, sir.

In looking at the case, the only thing I have been able to find is that as far as immigration and consular records, similar records go, information integrated by the American Embassy in Cairo in late 1987 was the first data we had that resulted in his being entered into our lookout system.

Mr. LANTOS. Well, I am quite sure you are correct that coordination among the various government agencies is far from perfect, but that is not what I am asking.

Mr. WARD. Yes, sir.

Mr. LANTOS. I am asking whether staff members of the U.S. Embassy in Cairo who clearly were aware of the fact that President Anwar Sadat of Egypt had been assassinated—I mean, this was a matter of global import.

Mr. WARD. Certainly, sir.

Mr. LANTOS. There was a lengthy trial. Is it conceivable to you—as the responsible officer currently in charge of the consular bureau—is it conceivable to you that U.S. citizens working for our Embassy in Cairo—including I presume the Ambassador and including the head of the consular section—Cairo has a major consular department, doesn't it?

Mr. WARD. Yes, sir, it is one of our larger ones in that part of the world.

Mr. LANTOS. Is it conceivable to you that they did not know the identity of this man who had been publicly implicated in the assassination of the Egyptian President?

Mr. WARD. It is not conceivable to me that they did not know the facts surrounding the assassination.

Unfortunately, although I can't say this with great certainty, it is conceivable to me that different officers with different missions working in different directions did not make the connections that should have been made. As I said, I say this only because the records we have show that this connection did not seem to me to have been made until the American Embassy in Cairo in 1987, late in 1987, at that point, did put Sheikh Abdel Rahman into the CLASS system, the contra lookout system.

Mr. LANTOS. Am I correct in assuming, Mr. Secretary, that each of our Embassies abroad must have a coordinating council that deals with the question of terrorism?

Mr. WARD. I believe that each embassy has a facility to deal with that, for example, an emergency action committee that will deal with terrorism. There is certainly an officer designated either full-time or part-time to deal with terrorism threats, depending on the location of the country and its reputation, so to speak, in that particular area.

Mr. LANTOS. Would Cairo be one of those locations?

Mr. WARD. I would certainly assume so, sir.

AVAILABILITY OF VISA RECORDS

Mr. LANTOS. Has your office begun the investigation of the circumstances surrounding the issuance of the visa to Omar Abdel Rahman?

Mr. WARD. Unfortunately, we have no records left from that time. We know that the visa was issued, but that is the sum and substance of it. As near as we can tell, the information that caused the Sheikh to be eventually entered in the lookout system apparently some months after the visa was issued, was generated by the Embassy in Cairo's dealings with the Egyptian Government and their decision at that point in time to request that he be entered as a possible ineligible under the terrorism statute, section 27 of the INA. Actually, at that point it wasn't even terrorism.

Mr. LANTOS. I am somewhat puzzled, Mr. Secretary, because in an equally well-publicized case, President Bill Clinton's files were available to State Department officials who were engaged in a singularly inappropriate search of his records. Those records went back to the 1960's.

Now, why would the records from a sensitive embassy like Cairo be destroyed or discarded in 5 years while the records from the embassy in London should still be available three-and-a-half decades after this episode?

Mr. WARD. It is the nature of the records, Mr. Chairman.

Mr. LANTOS. That does not answer my question.

Mr. WARD. Well, if I could explain, sir. What I am referring to is—passport and citizenship records are permanent documents. They are kept indefinitely. Nonimmigrant visa applications—I want to emphasize here I am not talking about any internal documentation that the embassy may have had in its counterterrorism

role or in its intelligence role; I can not speak to that. But in terms of the nonimmigrant visa applications showing a visa was issued, those documents are kept for only 1 year.

Mr. LANTOS. Has there been any attempt by you or individuals working for you to ascertain who the person was who issued the visa to Omar Abdel Rahman?

Mr. WARD. That would almost invariably result in our needing the file, which is no longer available to us. The application, the nonimmigrant visa record, is a very brief record. It is basically one piece of paper, and that piece of paper is only retained for 1 year.

Mr. LANTOS. Well, Mr. Secretary, just judging by the size of the visa section in Cairo in 1987—you have been working for the Department for how many years?

Mr. WARD. More than 30, sir.

Mr. LANTOS. More than 30 years, much of it in this field?

Mr. WARD. That is correct.

Mr. LANTOS. You are currently the highest career official working in this field?

Mr. WARD. That is correct, sir.

Mr. LANTOS. On the basis of this knowledge, what would be your estimate of the number of individuals who were involved with issuing visas in Cairo at the U.S. Embassy in 1987?

Mr. WARD. I would have to go back and check for sure, but my best guess at this point in time, sir, would be somewhere between three and six vice consuls on the nonimmigrant visa.

Mr. LANTOS. That is a reasonable number. Have you made an attempt or have individuals working for you made an attempt to interview those three to six people?

Mr. WARD. No, sir, we have not.

Mr. LANTOS. And why not?

Mr. WARD. Primarily because of the length of time that has gone by and the number of visa cases that a vice consul would handle in a post the size of Cairo. It is difficult to imagine that an officer would remember such a case, sir, or any individual case.

Mr. LANTOS. Why do you think it would be so difficult when the individual involved has unique personal characteristics? His name had been in the Egyptian press and in the world press at the time of the trial involving the assassination of the former president of Egypt, Anwar Sadat. His name again has been in the press very prominently since the terrorist attack on the World Trade Center.

Mr. WARD. That would only be applicable if you make the assumption that the person handling that case out of however many hundred they handled that day made the connection with that name, sir.

Mr. LANTOS. Well, I am not making any assumption. I am just asking why nobody was asked. I mean, it reveals a very cavalier attitude at a time when we are dealing with the greatest terrorist attack in the history of this Nation on American soil, leading to the deaths of several American citizens, injury to a thousand American citizens, and property damage of horrendous proportions. I mean, it is not much to ask why you didn't ask the people, one of whom issued the visa.

Mr. WARD. I really have no explanation beyond what I have said, sir.

Mr. LANTOS. Well, will you do so now, Mr. Ward?

Mr. WARD. I will.

Mr. LANTOS. How soon?

Mr. WARD. As soon as I get back to the State Department, we will begin the process.

[The information follows:]

Yes, the Department's Inspector General has begun an inquiry.

Mr. LANTOS. Now, has the Inspector General at the State Department, to the best of your knowledge, begun his investigation of how an individual who is inciting to terrorism and murder was granted a visa to come to the United States 5 years ago?

Mr. WARD. No one from the Inspector General's office has indicated to me that they have undertaken such investigation. It does not mean that they have not, sir.

Mr. LANTOS. But as far as you know, the State Department has undertaken no investigation of this matter?

Mr. WARD. Of the individual?

Mr. LANTOS. Of the issuance of the visa to Omar Abdel Rahman.

Mr. WARD. Only to the extent of trying to go back and identify what records we have, sir, in the process, that we have gone that far with the investigation. What we have not done is what you have suggested, and that is to go back and try to find the individual vice consuls and see if any of them, by chance, remember anything about that particular case.

REASON FOR ISSUANCE OF VISA TO SHEIKH RAHMAN

Mr. LANTOS. Now, I find puzzling inconsistencies, Mr. Secretary, between your testimony and that of Assistant Secretary Djerejian. When I asked Secretary Djerejian a few days ago basically the same questions I am asking you, he said that the reason he slipped through, Omar Abdel Rahman, was because the spelling was different than the one which appears on our list of people to be excluded.

That would indicate to me that Mr. Djerejian or his staff had to have access to some documents.

Mr. WARD. The only thing I can offer, sir, is my explanation based on the documents that I have reviewed and the cases I have reviewed, which has been from the consular perspective and which I have every reason to believe is accurate.

If I could clarify two points, there were actually two visa issuances, as we know. There was a visa issued in Cairo and at that point in time there was no record of the Sheikh in any of our lookout systems. In other words, there would have been no hit on Cairo's automated computer system at the time that visa was issued.

The information that was placed in the computer system was placed by Embassy-Cairo in August of 1987, several months after the first visa was issued.

The second—

Mr. LANTOS. Before you leave that subject, we have had some confusing testimony earlier on whether the name was designated in terms of its Arabic or its English spelling. What is your understanding?

Mr. WARD. The process that we use, sir, on the automated side would be the English version, as it appeared in his passport or travel documents or the Roman alphabet version of his name.

The automated lookout system would be able to search at least 9 or 10 significant variations of that name because it has the capacity to do so.

The problem—and if I could just jump for a second from Cairo where we have the automated system—but the name was not in, to the second error, which was in Khartoum where the name was, by that time, in the lookout system; but that post has only a microfiche, in other words, a card that goes into a little reader, a bunch of names come up on the screen, and a foreign national has to match names with names of nonimmigrant visas and the name was missed.

Mr. LANTOS. Explain to me why there were two visas issued?

Mr. WARD. The first visa was issued for a single entry for a period of 3 months early in 1987. So it had long since expired when the second visa was issued in 1990.

Mr. LANTOS. Was the first visa used?

Mr. WARD. I have been unable to determine that, sir. The only people who would have that information would be the Immigration and Naturalization Service. And I am not sure whether it is a question of their records don't go back far enough or whether, in fact, the visa was not used.

My assumption is that it was used, but I do not have verification of that.

Mr. LANTOS. And do we know when that visa was issued?

Mr. WARD. We only know that it was issued early in 1987. We do not have an exact date, no, sir.

Mr. LANTOS. And that visa was issued in Cairo?

Mr. WARD. That is correct, sir.

Mr. LANTOS. I would appreciate it if you would begin as comprehensive an investigation as possible for the particular circumstances that led to the issuance of the visa.

Mr. WARD. Absolutely.

CIRCUMSTANCES SURROUNDING 1990 VISA

Mr. LANTOS. Now, let's go to the second visa. When was that issued?

Mr. WARD. That was issued on May 10th of 1990, and that was the visa that was issued in Khartoum, in the Sudan.

Mr. LANTOS. And that is the visa that Assistant Secretary Djerejian claims was issued in error.

Mr. WARD. The visa was certainly issued in error, that is absolutely correct, sir. The visa should not have been issued. By that time, the Sheikh's name was in the lookout system in what we call a quasi-refusal. At that time, it should have been stopped and the post should have queried the Department for further instructions in this case.

Mr. LANTOS. This was on May 10, 1990?

Mr. WARD. That is correct.

Mr. LANTOS. Less than 3 years ago?

Mr. WARD. That is correct.

Mr. LANTOS. Now, who issued that visa?

Mr. WARD. I do not have the name of the officer, sir.

Mr. LANTOS. How many individuals were engaged in issuing U.S. visas at the Khartoum Embassy in May 1990?

Mr. WARD. Again, my assumption would be, given the size of that post, one, possibly two.

Mr. LANTOS. Well, what stands in the way of finding out who that one or two people were?

Mr. WARD. That, I can certainly find out. I just don't know myself at this moment in time, sir. It is not that we would not be able to find out. I just do not have that record.

I want to—if I can clarify one point further, though, is that one of the many problems we have with the microfiche system I just described is the name checking since it is a rote clerical function in most posts, including Khartoum, done by a foreign service national. So although the officer would have issued the visa, the officer would have approved the visa operating on the belief that there was no derogatory information in the lookout system.

Mr. LANTOS. Do we know whether the officer who issued the visa interviewed Omar Abdel Rahman?

Mr. WARD. Yes. We are reasonably confident of that because of the circumstances of the case. The fact that he was not a normal resident of the Sudan, the fact that it is the Sudan, all of these would have precluded, in almost any case, anything but a personal interview.²

Mr. LANTOS. So you are testifying, Mr. Ward, that it is your judgment you don't know yet that whoever issued the visa to Omar Abdel Rahman interviewed him?

Mr. WARD. That is my judgment, yes, sir.

Mr. LANTOS. And you will find—

Mr. WARD. I will try to verify that. But from my knowledge of operations, at that point in time, I would be very much surprised if that was not done.

Mr. LANTOS. Congressman Bereuter.

VISAS ISSUED IN KHARTOUM

Mr. BEREUTER. Thank you, Mr. Chairman.

Just following this line just a bit further, Sudan is cited as a point of departure for terrorists and individuals with links to terrorism. Can you give us, at least for the record, how many visas today are granted in the course of a year in Khartoum? How many applications are submitted to Khartoum in that same period of time?

Mr. WARD. In 1990, there were roughly 6,000 nonimmigrant visas applied for at the American Embassy in Khartoum. Of that number, about 40 percent, around 2,500, were issued. The rest were denied.

Mr. BEREUTER. What would you think the trend is in 1992 for applications and approval?

Mr. WARD. I would think the refusal rate would be considerably higher, sir, because of what has happened in the Sudan in the en-

²The Department of State responded that the Department's Office of Inspector General has begun an inquiry into this case. A copy of the chronology of events and facts concerning the issuance of a nonimmigrant visa to Sheikh Abdel Rahman appears in appendix 1.

suing years, bearing in mind that the great bulk of these applications would, in fact, be Sudanese.

Mr. BEREUTER. Would the volume be much higher also?

Mr. WARD. I would have to go back and look at the record and see. I would suspect it wouldn't. The volume has been growing in that part of the world by several percentage points a year.

ENTERING INTO THE UNITED STATES OF INADMISSABLE ALIENS

Mr. BEREUTER. I would like to now pursue a more general subject but, I think, quite important to this committee and to the Judiciary Committee, and that is the matter of actual entry into this country of inadmissible aliens.

The syndicated columnist, Samuel Francis, in a March 12 editorial in the *Washington Times*, revealed that cables of the INS report, "Alien Smuggling through New York John F. Kennedy Airport has passed the crisis level with hundreds of aliens with bogus documents or no documents at all arriving and claiming asylum."

The author of that cable is said to be Benedict Ferro, F-E-R-R-O, the INS district director in Rome, Italy. Another INS officer confirmed that—he confirmed the cable's statement and the thrust of that statement by saying, "It is out of control, a disturbingly high percentage of people arriving by air with no legitimate documentation are people from areas where there is a terrorist environment. The chances of stopping any terrorist from entering the United States right now is nearly zero."

On March 9, on the floor of the Senate, the junior Senator from New York, Mr. D'Amato, had this to say: "In 1989, we had 600 inadmissible aliens coming through the JFK Airport by air. In 1990, about the same. In 1991, we began to see a change and move up to some 800. That is 800 a month. We then see almost doubling of that to 1,500 between the year 1991 and 1992. And, of course, Senator D'Amato is talking about 1,500 per month.

Senator D'Amato goes on to say, "That is 1,500 inadmissible aliens. This year it is estimated there will be close to 1,800 inadmissibles coming in on a monthly basis."

Later in his speech on the floor, he said, "There are more than 50,000 cases pending in New York alone as it relates to the deportable aliens. In 1990-91 we handled approximately 1,000 of those cases. We will handle this year 700 to 800. And so here is this huge number, 50,000-plus."

Later in his comments, D'Amato said, "According to the Justice Department, last year at New York John F. Kennedy Airport, for example, during the last 6 months of 1991, out of 3,100 aliens who were paroled into the community, 3,100 were paroled in that 6-month period of time, 1,855 never appeared for their appointments. They came in, they yelled, 'I want political asylum,' and, automatically, that gave them a pass into the country."

Now, last year Congressman McCollum was the lead sponsor of legislation entitled "The Port of Entry Inspections Improvement Act of 1992," which the Bush administration, I understand, supported. It would prohibit the granting of asylum to an alien who is found to be using fraudulent entry documents or who fails to produce entry related documents unless a specially trained immigration officer determined such actions were pursuant, due to a de-

parture from a country, (1) in which the alien had a credible, fair persecution or, (2) and there was a significant danger that the alien would be returned to a country which he or she would have a credible, fair persecution.

The legislation provides for port of entry exclusion and by deportation without administrative or judicial review except by a limited petition of habeas corpus for such admission document fraud. It would increase the penalties for certain alien smuggling offenses. This legislation, I understand, is going to be reintroduced shortly, perhaps, with the bipartisan lead sponsorship.

Last week, I was listening to National Public Radio, and I heard interviews of certain American immigration attorneys. Frankly, I was sickened by what I heard because it seems to me that, by their attitudes and by their comments, they are clearly putting their own financial interests above the national interests.

I think we need major reform, and U.S. immigration attorneys are standing in the way, at least these people being interviewed, of any legitimate judicious kind of reform that might be under way.

I would ask, first of all, Secretary Ward, what you think of the problem. What you think of the situation we have at our international points of entry today and what kind of legislation, McCollum variety or others, might be necessary?

As a part of that question, I would also ask you about, but hope you don't concentrate totally on it, the legislation introduced within the last 10 days by Congressman Schumer of New York which provides for preinspection at foreign airports for people coming into the United States. I understand we have such an effort under way in London. You might be able to comment about that and about the workability or satisfactory outcome of extending that concept to other airports around the world.

I will let you start on those series of questions. Perhaps I will have intervening questions.

Mr. WARD. Certainly, sir. I want to preface my remarks by emphasizing that the Immigration and Naturalization Service is, of course, a part of the Department of Justice not the Department of State.

I really can't speak officially for them, obviously. However, this is an area in which I am concerned.

Mr. BEREUTER. If you want to speak as an individual, Mr. Ward, at any time versus as an official of the Department of State, just describe when you are moving from one role to the other.

Mr. WARD. I don't think that will be necessary. I think if the committee would be willing to accept my testimony as that an informed observer, someone who has dealt with the immigration process for a large number of years, as someone who does have a large amount of concern for what we see happening—I want to emphasize that I certainly can't speak officially for the Immigration Service.

Having said that, I believe that your comments and the comments you have read are extremely accurate. I think we have a very difficult, delicate and dangerous situation at our ports of entry, simply because the ability to stop someone and evict someone, if you will, from the United States is almost nonexistent as a

result of years of laws, policy, regulations, social practice, what have you.

We have now come down to this. Where individuals, particularly those individuals who now smuggle aliens for a living—and it has become, in my opinion, a large international practice—take full advantage of the situation.

I mean—I think, unfortunately, I was still trying to get on board an airplane when the 60 Minutes show was on last night, but I have had people talk to me about it, and I believe what they have shown is a clear example of what happens.

An individual uses either—usually phoney documents or someone else's documents to get on a plane. Once he gets on the plane, either there is someone representing the smuggler who takes the documents back from him, hopefully to use them again in some other format, or he simply flushes them down the john on the plane, arrives at JFK. And, certainly, it is that prime target—and one of the reasons it is a prime target is there has been media coverage of the inability of Immigration Service to detain, their absolute lack of adequate detention facilities, and that they do have to turn people loose on the streets, on bond, or actually on a promise that they will show up for their hearings.

And it is like anything else in alien smuggling. Once you have a successful operation, it just grows. I mean, everyone takes advantage of it.

And I firmly believe—and, in fact, the Department of State 2 years ago went on record, with the Immigration Service supporting them, in coming up with what we term summary exclusion, some provision that makes allowances for legitimate refugees, legitimate political asylees, but basically says that this policy of getting on board the plane any which way you can, destroying your documents, showing up—you really can't even be identified. The Immigration Service can't look at you and tell what nationality you are, what your real name is, what your criminal background or criminal history is, whether or not you are HIV, any of these factors. You can't look at an individual and determine that.

So I think legislation—and I think Congressman McCollum's legislation in my, again, layman's opinion—I am not an attorney—fits the bill rather nicely. I would hope that both the Department of State and Department of Justice would be able to support a re-introduction of that bill.

If I can turn to the preinspection issue, again, I have to be very honest and say that the Immigration and Naturalization Service tends to be a little more positive about the preinspection concept than I am. The Department of State did agree to support them fully in establishing preinspection in London in the hopes it would give us some answers to many questions we had.

My understanding is that that project is not going particularly well, that there have been a lot of barriers that have come up to it, that it has become extremely expensive or potentially extremely expensive. And I am not sure that preinspection per se at Heathrow and Gatwick is actually going to take place. But, again, I would really have to refer you to the Immigration and Naturalization Service as the lead agency in that operation.

I think if we get away from preinspection and its benefits or potential benefits in expediting the entry process—in other words, sort of saving the legitimate traveler, the American citizen traveler, time at the port of entry, and we look at it from the potential of stopping would-be asylees, terrorists, what have you, I think, quite frankly, what you are saying is preinspection is a form of summary exclusion, but only at three airports according to the Schumer bill.

And what we have seen of particularly professional alien smugglers it is not going to be a problem for them to pick one of the hundreds of other airports around the world. You inspect—preinspect somewhere, and it makes it difficult for them to get their clients on board, they will simply put them on board somewhere else.

So I am reluctant to say that preinspection is an answer to this particular problem. It may have validity in its own right for other reasons, but I certainly would not put it forth as a panacea.

To me a panacea, if there is such a thing, would be more closely related to A, some sort of summary exclusion provision and, B, a better, more efficient lookout and visa issuance system abroad that, for one thing, allows us to identify individuals and transmit data on those individuals to appropriate law enforcement and immigration authorities in the states before the individual arrives.

You may be aware that we are doing this in some select cases in something called an Advanced Passenger Information System. Again, it is done primarily for facilitation purposes, but it does serve that advantage. You know, a plane is in the air from the Far East for 9 or 10 or 12 hours, and the law enforcement community has that time to massage that list and come up with information on the passengers. I think that, coupled with a form of summary exclusion, is a better overall deterrent to this kind of thing than preinspection at isolated locations.

Mr. BEREUTER. Well, Secretary Ward, you point out that even if very expensive preinspection stations can be established at a few airports, it is easy to pick another of the many airports around the world. It would be a shame, in this Member's judgment, if the preinspection initiatives, well-meaning as they are, deter us from taking more direct action to deal with summary exclusion at our international airports in this country which are, after all, a limited number where we could establish much less expensively an adequate kind of shield for the American public.

I do think that it is important that the interests of the immigration attorneys and related individuals not be allowed to influence the legislative process here sufficiently so that we fail to take action. I think the American public needs to understand that there is a major problem here and that a major part of the solution for that major problem lies with adequate exclusionary legislation.

There may be other elements, too, that I hope the Judiciary Committee will examine, but I hope we have done something of service here in this discussion by informing the American public what the genesis of the problem is today and the magnitude of the problem.

Mr. WARD. I would concur, sir.

Mr. BEREUTER. Thank you, Mr. Chairman.

Mr. LANTOS. Thank you very much, Congressman Bereuter. It was a very worthwhile exploration of an issue. Unfortunately, what

national terrorism, for all practical purposes we are in the process of losing control of our own borders. Is that what you are testifying to, Mr. Ward?

Mr. WARD. I am saying that, in my role as an informed observer, that I certainly believe that, yes, sir.

UPGRADES IN VISA ISSUANCE SYSTEM

Mr. LANTOS. Well, let me get back to the question of, as you put it, our first line of defense. People cannot get to the United States unless they get a visa from one of your people in the field; is that correct?

Mr. WARD. With the exception of the visa waiver program mainly in countries in Europe, that is correct, sir.

Mr. LANTOS. With the exception of that program.

Now, what is the cost of installing up-to-date, computerized systems at all of your offices?

Mr. WARD. The cost varies considerably, sir, because a lot—a huge amount of it depends on communications. If you are operating against a central database, which we are in the United States, you need equipment overseas, but you need to also be able to communicate back and forth in terms of checking the lookout file, for example, and getting a prompt reply. So it would be very difficult for me to give you a dollar figure at this point in time.

We are in the process of automating our Foreign Service posts. We have almost a hundred posts that have a reasonable communication facility and have automated capacity. In addition, we have about 41 posts that are now equipped with a new machine-readable visa which we think is a significant step forward in the security of the document as well as checking on the validity, if you will, of the applicant.

But we need to do much more. We need to be able to close the loop. We need to be able to know when someone applies for a visa. We need, hopefully, to know in advance before they arrive in the States. Most importantly, we need to know that they have left when they said they are going to leave.

And I think—again, that it is not my field—but I see it as someone who looks at immigration as one of the overall weaknesses in the system. That is, in the United States, as you know, as anyone who travels knows, when you leave this country, you do not talk to, see, or wave good-bye to any U.S. official. You simply get on the plane. You deal with the airlines. You deal with the airport security people and you leave.

Our process, the U.S. Government's process, for trying to track the departure of aliens is based primarily on a voluntary compliance system in which we enlist and in which the Immigration and Naturalization Service enlists the assistance of the international carriers. And, although the carriers, in my opinion, try to do a very good job because they are very concerned about this issue as well, like any other voluntary, uncontrolled system, it has significant flaws.

VISAS ISSUED TO FAMILY MEMBERS OF PABLO ESCOBAR

Mr. LANTOS. We learned last week that immediate family members of Pablo Escobar, the drug kingpin, had valid U.S. visas, and

were trying to leave Colombia to come to the United States. Colombian authorities stopped these family members from leaving Colombia and our people revoked those visas. Are you familiar with the case?

Mr. WARD. Yes, I am.

Mr. LANTOS. Tell us about it.

Mr. WARD. Basically, visas had been issued to the children some years before. Given the very common—again, the very common surname Escobar in Colombia, it is very possible that the visas were issued not knowing the direct relationship to Pablo Escobar. I can't speak to that because, again, the files do not exist.

The revocation of the visas took place because it became clear—

Mr. LANTOS. Was there a visa issued to his wife as well?

Mr. WARD. I don't know that, sir. I had tried to find that out just before I left to come here and was unable to do so. At the time that we dealt with this, a week ago, it was the children that were issued and it was the children who had visas.

Mr. LANTOS. Is it reasonable—

Mr. WARD. I certainly can find that out. I just don't know myself personally at this moment in time.

[The response follows:]

Question. Has Pablo Escobar's wife been issued a visa? Why, and when, were his children issued visas?

Answer. Pablo Escobar's wife, Martha Cecilia Escobar Henao, was issued a non-immigrant visa at the U.S. Embassy in Bogota, probably sometime in June 1991. The Embassy, however, has not been able to locate any information about that visa because nonimmigrant visa issuance records are only held for 1 year. The Embassy also issued the Escobar children visas. A son of Escobar, Juan Pablo Escobar Henao's nonimmigrant visa was revalidated on May 12, 1992. A personal appearance and interview were waived, since he had previously been issued a visa on June 18, 1987 and there was no derogatory information in the lookout system on him.

A daughter, Manuela Escobar Henao, was issued a nonimmigrant visa sometime in 1989. Information on this visa is sketchy, as the record no longer exists. The Embassy reports it was the revalidation of a previously issued visa, which means a personal appearance and interview were waived. All these visas were revoked on February 20, 1993.

Mr. LANTOS. Is it reasonable to assume that, since Pablo Escobar is the best-known name in the country, our Embassy personnel were fully aware of the possibility they were issuing visas to members of this drug kingpin's family?

Mr. WARD. The only thing I can say to that, sir, is it is a very common family name, and it is very possible they were not aware. I just don't know. Again, this is one of the things we are trying to find out, but, again, it is difficult because of the lack of the visa application itself. Those visas were issued, in my recollection, some 4 or 5 years ago.

Mr. LANTOS. Go ahead.

Mr. WARD. The revocation came about because, based on the information we received from the Colombian Government it became clear to us that, even disregarding any other issues, that these children were no longer valid nonimmigrants, that their intention was to leave Colombia, that their intention was to come to the United States.

And it was not clear that they would ever return to Colombia because their ties to Colombia were now in jeopardy. It was on this basis the visas were revoked.

MR. LANTOS. Are you aware of the fact that Pablo Escobar's wife serves as a front for many of his companies involved in laundering narcotics proceeds?

Mr. WARD. I am not aware of that. I suspect the officers dealing with narcotics matters are quite aware in the State Department.

Mr. LANTOS. How can the CIA and State Department do their job if the Department of State, which you call the first line of defense, the first point where individuals, terrorists, drug dealers, make contact with a U.S. Government agency is as lackadaisical and as relaxed in dealing with these issues as seems to be the case?

Mr. WARD. Obviously, sir, I am not willing to accept lackadaisical or relaxed, because I don't think that is the way our officers approach their job at all.

Mr. LANTOS. You just said that the Escobar name is a common name, therefore, there is no way for the Embassy of Bogota to find out whether these Escobars were related to the drug kingpin.

Mr. WARD. No, sir. I said that maybe the reason the visas were issued. I don't know.

Mr. LANTOS. But have you asked, Mr. Ward?

Mr. WARD. It has been asked.

Mr. LANTOS. How many years ago.

Mr. WARD. Back when this insurance incident happened. The answer is, there is no records. There is no way of knowing who issued the visas.

Mr. LANTOS. Given the size of the post, how many individuals do you think serve in that visa-issuing capacity?

Mr. WARD. It could be anywhere from eight to a dozen, I would think, sir.

MR. LANTOS. Has there been an attempt to explore with these people what happened?

Mr. WARD. The attempt has been to try and locate the record or a record. If the embassy has made an attempt to try to track down the officers, wherever they may be now, I am not aware of it.

Mr. LANTOS. Congressman Smith.

INTERCONNECTIVITY OF STATE AND INS LOOKOUT SYSTEMS

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Ward, on page 4, you point out that the information in CLASS is also provided electronically to the INS look-out system and is now on line to the IBIS program.

If the Sheikh left the United States, would INS catch his reentry based on the database?

Mr. WARD. Again, I am reluctant to answer for the Immigration Service. Based on what I know of the technology, when you have a look-out system, you have three things to be concerned with: One, getting accurate data in; two, getting it in on time; and three, to have the kind of up-front algorithmic software that you need to search variations of names, particularly names that come out of a non-Roman alphabet.

The system we are now using on the electronic side, the CLASS system, is one of the most sophisticated I am aware of on that

basis. I cannot speak to the Immigration and Naturalization Service's current system. I know that, in the past, they were somewhat handicapped as were we by the need for an exact match of names. That is one of the problems that needs to be overcome, biotechnology, but I just don't know. You would have to have one of their experts testify to that.

Mr. SMITH. Thank you very much. Mr. Chairman, I yield back.
Mr. LANTOS. Congressman Bereuter.

REORGANIZATION OF COUNTERTERRORISM FUNCTIONS AT THE
DEPARTMENT OF STATE

Mr. BEREUTER. Thank you, Mr. Chairman. I have one more question.

Mr. Secretary, previously I understand the Office of Counter-Terrorism reported directly to the Secretary. Under the State Department's reorganization proposal, the Office of Counter-Terrorism would be moved, some people would say downgraded, but at least it would be moved and would report to the new Under Secretary for Global Affairs.

Without asking you to make a judgment about that at all, which would be unfair to place you in that position, what can you tell me now about the rationale for that move? What is said to be the rationale, if you are aware of any rationale, for moving it to that location?

Mr. WARD. Again, this is not something I was involved in the planning of. In fact, I am more of a victim of the reorganization than anything, in that I have just finished signing the papers abolishing my own position. But I would say that the move is a wise one from my perspective, in the sense that it ties closer together issues of narcotics and terrorism.

As we are finding out, you have a lot of individuals, you have narcotrafficking going on in the world, alien smuggling and terrorism going on. We are finding the interconnections that tend to exist, the international patterns that are coming into focus, and I think for that reason, the decision to bring those two units of the Department closer together will probably pay benefits.

As I said, I was not part of the planning. I don't pretend to know what all the thinking was. This is just my outside observation, if you will.

Mr. BEREUTER. Do you know if the State Department has forwarded any description of its proposed reorganization efforts to the Foreign Affairs Committee?

Mr. WARD. No, sir, I do not know. That would be at a level somewhat higher than mine.

Mr. BEREUTER. I do think this subcommittee and the Berman subcommittee, where Mrs. Snowe is the Ranking Member, would be very interested in the rationale for the reorganization. It may or may not be a good decision.

Mr. WARD. I will certainly carry that back.³

Mr. BEREUTER. I wanted to observe further for the record, Mr. Chairman, that when I was pursuing the question of legislation for

³The Department of State provided a copy of a letter to the Senate Committee on Appropriations which appears in appendix 5.

summary exclusion, we are into it because of terrorism. That is our concern. But of course, it is a narcotics issue, a crime issue, generally, and it is an issue that relates to the cost of illegal aliens in this country on our whole governmental support system which is a very dramatic cost, going into tens of billions of dollars per year.

So there is a larger issue than the terrorism. We are focusing on it from the terrorist point of view and what it does, unfortunately, to enhance terrorism in this country.

Thank you.

TERRORIST PROFILE

Mr. LANTOS. Thank you. A final observation, Secretary Ward—and I would appreciate your coming back to us with the various items that we requested—it seems to me, not being an expert, that there is too much emphasis on names and not enough emphasis on getting a profile of likely terrorists or narcotics traffickers.

It seems to me that, with respect to this blind Egyptian cleric advocating large-scale assassination of tourists and others, to fall back on the notion that his name may have been misspelled looks to be a mighty weak excuse by the Department of State as to why he was not stopped.

Clearly the Department has capabilities and resources and analytical talents that go beyond looking at spelling. To have temporary duty people operate at Khartoum, which is clearly a highly dangerous point of issuing visas given the character of that government, raises some very profound questions as to how these assignments are made.

In the educational field, one would hope that the best teachers are in the most difficult classes. I would suspect that, in your field where you issue visas, the best Foreign Service Officers in terms of analytical ability of determining whether a visa should be issued or not ought to be in Khartoum, the Sudan, not in Oslo, Norway.

Why was there a temporary duty person engaged in this task, Mr. Secretary, and not a permanent, fully qualified individual?

Mr. WARD. I do not know the answer to that, sir. I was not aware that it was a temporary person until I heard Ambassador McNamara's testify myself. I really cannot answer that question. I would also point out that you are absolutely right. Profiling is a very important factor.

[The response follows:]

Because of staffing limitations in the Foreign Service, staffing gaps occur with some frequency at all posts. In order to maintain service to American citizens and foreign nationals seeking consular assistance, TDY officers are sent to fill positions temporarily when consular staffing gaps occur at small posts such as Khartoum which have no other officers available to provide consular services in the absence of the consular officer. TDY officers sent to do consular work are thoroughly trained consular officers, well-qualified to perform the work to which they are assigned.

Mr. WARD. Profiling and the ability to profile comes from closer working relationships among intelligence enforcement and immigration personnel, both Immigration Service personnel and our own consular officers.

I take that message, I accept it fully and believe in it. We are taking steps to try to address that. We have already had some suc-

cesses domestically, and we are looking at it overseas as well. To go back to name checks, I don't want to belabor the importance of name checks, but the fact remains, when you are dealing with 7 million visa applicants per year, you have to start the sorting process somewhere, particularly since individuals can go anywhere in the world to apply for visas.

So it should not be the only bright line used in making visa determination and it is not. In fact, it is still a very important concept in the immigration practice and it is very, very important in the whole counterterrorism and counternarcotics movement. It is a tool that we have which we need to refine and make better and more responsible, but it should not be our only tool, I agree.

Mr. LANTOS. We appreciate your comments, Mr. Ward. I think we will need to call the Inspector General of the State Department to testify before the committee, because we are very anxious to find out why, in fact, Assistant Secretary Djerejian is compelled to state in a public hearing that this so-called cleric whose prime function seems to be to incite violence and assassination was issued an American visa by mistake.

We need to know why this mistake was made, is it systemic, are there ways the Department can deal with it, and do you need additional legislation.

I want to thank you very much, Mr. Ward.

Mr. WARD. Thank you, Mr. Chairman.

Mr. LANTOS. Our next witness is the Honorable William H. Webster, former head of the Central Intelligence Agency and former head of the Federal Bureau of Investigation.

Judge Webster, we are deeply honored to have you with us. You are one of this Nation's distinguished public servants. It would take a long time for me to read all of your remarkable achievements on behalf of the American people. Let me say, you were presented the Distinguished Intelligence Medal, the Presidential Medal of Freedom and the National Security Medal which is an indication of the gratitude of this Nation for your dedicated public service.

Mr. WEBSTER. Thank you, Mr. Chairman.

Mr. LANTOS. If there is any opening statement you would like to make, we would be delighted to listen and then go to questions.

**STATEMENT OF THE HONORABLE WILLIAM H. WEBSTER,
FORMER DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY
AND FORMER DIRECTOR OF THE FEDERAL BUREAU OF
INVESTIGATION**

Mr. WEBSTER. Mr. Chairman, I did not prepare an opening statement. I have some thoughts that I am sure will come out in discussion. I might say that I have just come from the conference of the Conrad Adenour Foundation and the B'Nai B'Rith Association who are trying to confront the problems of violence and xenophobias in Germany at the present time.

I think this is indicative of some of the types of violence that have resulted from the end of the cold war. Of all the good things that have happened, people are now free to go back into some things that we had well under control in the past.

CHANGES IN COUNTERTERRORISM POLICY

Mr. LANTOS. Judge Webster, let me ask perhaps the basic question. You are in a unique position, having headed the CIA and the FBI, to look at the subject of counterterrorism. What overall changes in U.S. counterterrorism policy would you recommend to our Government?

Mr. WEBSTER. Mr. Chairman, I think that we have made successful progress in dealing with terrorism, certainly reducing the number of domestic terrorist incidents to a mere handful, notwithstanding the events in New York, and if one wants to include the situation in Waco, Texas.

In international terrorism, we are still the world's greatest potential victim. Attacks on American institutions, American citizens, and officials, government property, and private enterprise still account for roughly 40 or more percent of all the major terrorist incidents in other parts of the world.

While we must diligently guard our own security at home, we must look, I think, for ways to increase the level of cooperation with other countries around the world in order to deal with the problems of international terrorism. The best example that occurs to me of the potential of that cooperation came during Desert Storm.

While much of that information is still classified and not appropriate for a public hearing, it was one of the real triumphs of intelligence during that time. Countries in the past which had considered terrorism to be a political rather than a criminal issue, countries in the past that considered asylum as a vehicle for avoiding terrorist problems in their own lands, actively worked with us to defeat the teams that Saddam Hussein sent to various parts of the world as he had promised to do if we invaded.

We know that that cooperation can be extraordinarily effective. Terrorists, for all their reputation, for all their skill, often are not sure-footed when they are forced to go somewhere for which they are not trained. So that would be my first order of business.

I think that there are—I could expand my remarks a little—

Mr. LANTOS. Please go ahead.

Mr. WEBSTER. Thank you. The most important thing, it seems to me, is to follow the principle that Andrei Sakharov announced years ago. If I may, it is so brief, but it is so expressive that I wrote it down last night. "No matter how high the aims predicated by terrorists, their activities are always criminal, always destructive, throwing human kind back to a time of lawlessness and chaos, provoking internal and international complications, contradicting the goals of peace and progress."

I think we have to remind ourselves that the way to get at terrorism is to focus on the criminal aspects. Certainly there are political issues that need to be dealt with, but the tools for dealing with terrorism are found in the criminal arena. Terrorists violate laws.

When their attacks involve innocent victims far away from the area of conflicts, under circumstances that under any other set of norms would be considered criminal by any civilized nation in the world, then it is important for every country to recognize its obligation to bring those people to justice.

It was not too many years ago that we could not do this through the Interpol process because Article 3 of Interpol excused political activity from its responsibilities. We had to persuade Interpol that this was criminal, not political. Then we moved on to the United Nations through the Conference on Terrorism in Milan where similar resolutions resulted.

Because of just that progress, Mr. Chairman, we were able to obtain the arrests of Hammedi in Germany, the arrest of Rashid in Greece as well as in a number of other cases in which the red flash warnings and the duty of cooperation came into play where, in the past, they had been ignored.

I think by seeking bilateral agreement with countries which are not part of Interpol, we improved our ability to work together. I know the intelligence community through the Counter-Intelligence Center established at Langley has worked hard to improve liaison relationships with other countries to improve that ability.

Extradition treaties provide opportunities to bring people to justice who have brought harm to Americans whether in this country or abroad. They are more difficult, but they need to be part of the picture. And of course—and I can discuss this in more detail as you choose.

Mr. LANTOS. Please go ahead, Judge.

Mr. WEBSTER. I think it is important that we continue to improve our forensic capabilities, recognizing that having caught a terrorist is just the beginning, because you must then be able to bring them to justice. Improved databases, improved understanding of explosives—I have long been an advocate, although I realize there are cost factors involved—of authorizing taggents for explosives to help us track down people, to find out where it was first produced and to find out where it was sold, et cetera.

I think that keeping ourselves up to snuff on security points of various kinds is very important. I know during the hijackings to Cuba, a number of our airlines, in my opinion, became lax about the security checkpoints under the theory that it was cheaper to let them go to Cuba and bring the planes back than it was to have adequate security points.

You had testimony about visas, that is another security point. We need to tighten up at all places where we let people come into this country or where they are about to commit some kind of terrorist activities where we have the means of spotting them through aggressive profiling activity meeting all constitutional requirements.

We need to improve our databases on weapons, particularly those which came out of various wars and which can do more than the average rifle or pistol can do. There are a great many of them in this country. There are many that can be easily accessed abroad. That is an area that requires more attention.

I think it was as the outgrowth of such databases that we were able so quickly to track the serial number on the axle in New York and work back to the place where it had been rented. Those don't interfere, as far as I can tell, with anybody's civil liberties. But having those databases in place and knowing how to use them can make the difference in time and effectiveness once the break comes and the police or FBI know how to work.

It is important that our intelligence in this area not be shrunk but expanded as the need requirements. The use of informant and undercover agents has proved extremely valuable in this country. I can think back to a number of cases.

One comes to mind, because I took a certain satisfaction from it, was the interdiction of the planned assassination of Rajiv Gandhi in this country when he was visiting here. We used an FBI agent who had one eye because they were looking for someone to be the hit man. We introduced him into the discussion and, as a result, prevented the thing from happening.

I am pleased about this because, originally, people in the Bureau, when this man applied for admission to the Bureau, did not want him to go to Quantico and the FBI Academy because they were fearful that with one eye, he would maybe be more of a risk to citizens than the good he could do. But he had already had a track record.

He had been a paratrooper. He had won the Congressional Medal of Honor, and he had been restored to duty as a paratrooper. I said he has earned the right to try. He passed through Quantico with flying colors and became one of our most valuable undercover agents. And the last I heard, he was a member of the hostage rescue team which I will mention in a moment.

Those with the ability to be proactive and move into organization, particularly terrorists organizations, are very important. It is very difficult but it is very important. We have used closed-circuit TV to watch terrorists make their ammunition and then have gone in at night and neutralized it. Those capabilities need to be encouraged.

I don't know that any additional legislation is required. Certainly funding must continue and it must be clear that it be done according to the Attorney General's guidelines consistent with our sense of individual liberties. But once the threshold has been established, that they are conspiring to engage in unlawful activities, then we can up the surveillance and the necessary intelligence to stop the bomb from going off before it happens.

I think the hostage rescue team has been one of the real contributions made to law enforcement in this area in the last two decades, primarily because they are trained to save lives, not simply to end dangerous situations. Their skill at negotiation is well-known and well-recognized.

We will need that capability to deal with terrorist incidents when they do occur. All of these things that I have mentioned reflect a desire to do this work within the framework of the Constitution, consistent with its requirements.

Now to answer your basic question, the one thing that continues to disturb me is that most of these situations occur in different places where local law enforcement are first confronted with the problem. Then the Federal authorities move to do their work, and there continues to be a kind of uncertainty as to who has the responsibility and can call the shots.

We have tried to paper over this in the past in other types of situations saying well, we coordinate, we cooperate. Those are all meaningful words in law enforcement, but in situations like this, I think it does call for someone to be in charge. The Congress en-

acted legislation some years ago with respect to Presidential assassination or attempted assassinations. It made all the difference between the chaos and confusion following the assassination of President Kennedy and the effective investigation following the shooting of President Reagan just a few years ago.

So I would suggest that perhaps the Congress might want to consider designating, and I confess my bias here, designating the premier organization in this field, the FBI in situations where there are terrorist activities, to be the lead agency and to take charge.

Most of the law enforcement agencies around the country recognize and welcome the lead activity of the FBI. They always do it in full cooperation as they are doing in New York. But there are some cities where that has not been a given.

During the preparation for the Olympics in Los Angeles, I had a great deal of trouble getting Chief Gates to recognize that the President wanted the FBI to take the lead on this issue. There is no statutory authority for it. It may be that it would be wise to spell that out just as we did in the Presidential assassination statutes.

That is really all I have, Mr. Chairman.

INTERNATIONAL CONNECTIONS TO WORLD TRADE CENTER BOMBING

Mr. LANTOS. This was a fascinating opening statement. I know my friend Congressman Bereuter and I are very grateful to you.

Let me focus, if I may, on the World Trade Center episode. I realize you are looking at it from the outside but you are bringing to it a reservoir of experience, judgment, and wisdom that very few people have.

Is there any doubt in your mind, Judge Webster, at this stage, that the World Trade Center bombing was not an operation involving just the group of people living in the United States, but that it had significant international connections?

We now have evidence regarding the funds they transferred from Germany to a joint bank account to individuals whose sole tie, it seems to me, was their participation in this terrorist act. There are indications of Iranian support.

Is there any doubt in your mind that this is an internationally directed, probably state-sponsored activity rather than just a random action by disgruntled individuals?

Mr. WEBSTER. Well, I must confess, Mr. Chairman, that I still have a high level of uncertainty on this issue. As you point out, I am looking at it from the outside. I don't know what all has been developed. During the past weekend, with the power out and unable to travel, I have not even seen a newspaper for about 3 days.

Mr. LANTOS. Well, you could reflect.

Mr. WEBSTER. I could reflect. My first inclination when I listened to the facts emerging was that this was more probably the actions of local people with strong nationalist or ethnic ties to other parts of the world reflecting an unhappiness about an American policy. We have many people in this country in that category.

I think this may well be the situation with respect to the shooting of the people outside the CIA a few weeks ago, as it emerges, an act of an individual authorized to be in this country, still a Pakistani, and very unhappy about the treatment of Muslims under

our policy toward Bosnia and other situations of that kind, ready to believe the agency was responsible for many ills and picking the agency because it was there while he also considered other places to go as well.

Here we had, as it developed, people with Middle Eastern ties influenced by an Egyptian cleric with known views on violence, who was permitted to come into this country and with whom they apparently had some contact. That does not suggest any evidence that that particular cleric had any role other than incitement to do something.

The bank accounts, as I understand it, were not that large and while there are a number of people in the current law enforcement effort who believe that the bank accounts suggest a serious outside direction, they are still a little surprised, as I understand it, at how small the numbers are. They obviously kept those numbers below the amounts that would be required to be reported by the banks.

Mr. LANTOS. But it was a cheap bomb.

Mr. WEBSTER. Yes, it was a cheap bomb. It is indicative, Mr. Chairman, of the kind of bombs that can be built in this country with readily available supplies and not require anything extraordinary. It is remarkable that we have had so few of these in the past.

No one yet has claimed credit, as I understand it, in a credible way. The claims of credit all came substantially after the incidents occurred. This does suggest the possibility—and you are asking me only to speculate because I don't know—but it does suggest the possibility that it was outside direction or influence. It might likely have come from one of those groups who do not characteristically claim credit, drawing greater satisfaction by the confusion and ambiguity than if they had stated their reasons.

This typically is true of certain Middle Eastern terrorist organizations that have not claimed credit.

Mr. LANTOS. Would you care to list those that this would be typical of?

Mr. WEBSTER. I have no evidence, but I think that the groups of the Lebanese terrorist organizations, Hezbollah and others, characteristically do not claim credit. I think that over time, when you think about LaBelle Discotheque, Pan Am 103, Libyan terrorist groups have not claimed credit. Sometimes it is to avoid raising our level of angst and retaliation. But I think that has been generally true of those organizations.

Iran and Iraq have both supported other groups in the past rather than their own groups. So it would be difficult and perhaps premature to speculate on how these people got into the mode that they were in. If outside terrorists are directing this, it seems to me that they picked some awfully poor accomplices in terms of skill and technique. They did all the wrong things other than to put that bomb in place. So I think we should be careful about rushing to judgment.

Mr. LANTOS. Is it conceivable to you, Judge Webster, that perhaps the bomb went off prematurely? Perhaps the van was parked there merely as a holding pattern and incompetent execution resulted in a premature act. Perhaps the basic objective was to do far greater damage in terms of human life and property.

Mr. WEBSTER. That is entirely possible. It did go off in the middle of the rush of Friday. Conceivably it could have caused more deaths than it in fact did. It caused a great deal of damage.

I recall one much more minor circumstance out in southern Nevada some years back where an individual with no other reason than extortion put in a bomb about the same size in a Harvey's Hotel and Restaurant. It was crated to look like an IBM computer. Then he called in with a series of demands. Another interesting story which you don't want to hear the full details of here, but he put the FBI in a tough position by saying that unless they switched some electrical toggle switches, that the bomb would likely go off, and no one wanted to take the responsibility for switching those toggle switches. They tried unsuccessfully to separate the explosives from the starting mechanism, the laser instrument, and failed. It went up some three stories and down 30 to 60 feet into the ground.

TNT or TNT equivalent can do an awful lot of damage. This one could have been a rather crude device that acted prematurely. I don't think anyone knows.

In Beirut, the assault on our Marine barracks and also the embassy were remote control. They had drivers in the trucks, but the explosives were detonated by remote control. That is another possibility here, although I think it is just speculation for now. I don't want to speculate, but I do want to be as forthcoming as I can.

Mr. LANTOS. We appreciate this very much.

Congressman Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

I join Chairman Lantos in welcoming you to the subcommittee for your testimony because your experience, which the chairman has indicated, as Director of the FBI and the Central Intelligence Agency as well as your judicial experience and wisdom and integrity, are great in recommending you as a witness.

I want to say that in the many times that you appeared before the Intelligence Committee, where I continue to serve yet, I always felt that you attempted to answer our questions. You did not focus narrowly and interpret our questions narrowly, but attempted to give us the responses and information that we were seeking. I very much appreciated that attitude.

Mr. WEBSTER. Thank you, sir.

RESOURCES OF THE INTELLIGENCE COMMUNITY

Mr. BEREUTER. Last week your successor, Director Woolsey testified before the Intelligence Committee. It was well attended and well covered. He spoke about the current efforts underway, coordinated efforts between the intelligence community and the law enforcement community, to investigate the World Trade Center explosion.

I want to focus a little bit on the intelligence community and the resources of that community, and how they can be better brought to bear on subjects that include terrorism. I am wondering what you can tell us in open session about the DCI's Counterterrorism Center, about your expectations for it and about its current state of functioning.

Mr. WEBSTER. All right. I will certainly try. The Counterterrorism Center was established during the tenure of Director Casey primarily in an effort to locate American hostages in Lebanon. That was its principal purpose for origin.

It focused very hard on trying to get information out of Lebanon, and indeed from places around the world that would help us though locate and potentially rescue American hostages. This was an effort that was doomed in many respects from the beginning because it only answered the first half of the question, and that is, how do you find them? It did not answer the question of how do you get them out before they are killed by their captors.

Gradually, over time, this skill, however, was expanded into other parts of the world so that we could follow some of the movements of the international terrorist organizations. The FBI had an ongoing interest in international terrorism because of the potential that it would come ultimately to our shores, and participated as a working member in the Counterterrorist Center.

All the intelligence and law enforcement agencies that have responsibility in this area participate in the center. I mentioned the work in Desert Storm as a good example of what can be accomplished.

I think that what you are asking me is a very important question that needs to be addressed, and that is the interface between law enforcement needs and intelligence responsibilities. Very often the intelligence collector is focused on knowing what happened or is about to happen rather than gathering evidence for a criminal prosecution of someone who is doing something that violates our laws. More is needed in helping each side of that equation understand the needs that the other has.

I don't think that you can successfully turn the intelligence community into a law enforcement agency because of the inevitable problem of sources and methods. They learn things through people who can never be called as witnesses for various reasons that you can understand. They learn through methods that cannot be publicly disclosed in a courtroom.

So they have to look for switching mechanisms where they can get information to the law enforcement community on which they can act and develop their own case without having to bring into court at some future time people whose confidentiality has been promised to them. I have always felt this is possible. It is not easy, but if one goes into it in the beginning knowing that we have to make those arrangements, more can be done.

It is never an excuse just to say, Well, we are in the intelligence business and you are in the law enforcement business, because in dealing with terrorism both sides of the equation are very, very important. The law enforcement community can return the favor by understanding what is intelligence as they come upon it and making sure that it is applied.

A good analog for this is the important strides that we made in the 1980's in training CIA agents to recognize counterintelligence information that is important in the United States and giving it to the FBI and training the FBI to recognize positive intelligence that comes to them in the course of their counterintelligence responsibilities and passing that information forward to CIA. We did this by

putting people in each others's offices and working with them and training them.

I think that that same approach could be very, very useful here, and the counterterrorism center seems to be one of those places where those respective needs can be worked out and accommodated and both sides come out with an effective end product.

USE OF INTELLIGENCE INFORMATION IN JUDICIAL PROCEEDINGS

Mr. BEREUTER. Thank you very much.

There is a recurring problem, of course, of sources and method constraints on using potentially actionable intelligence for either law enforcement purposes or even diplomatic actions like demarches by other governments. How well do you think we are dealing with these constraints in bringing intelligence support to bear in the struggle against terrorism? How much progress can we make?

We know there will always be difficulty in assuring that sources and methods are not revealed. Do you see an effort underway or should we be making an effort to try to provide greater use of actionable information for our law enforcement agencies?

Mr. WEBSTER. I think a series of reviews would be useful to see what information of a terrorist nature was held and not disseminated. Did it influence the outcome? Was there a way to get that information through and still protect sources and methods?

One of the challenges for which I do not have an immediate answer but I am confident that there is one if people would sit down and work the problem, is the so-called third agency rule, in which a foreign intelligence service will tell, say, CIA, something which CIA is not privileged then to share outside its own agency without the permission of the other liaison. That works both ways. It protects our sources when we get information through friends and friendly intelligence sources. I think we need to work around that.

I know that I felt reasonably comfortable after several months of working with this issue with our Canadian counterparts who must provide information to oversight committees sometimes in a public way that our own oversight committees do not require. This gave everyone a lot of angst. I think we have basically solved that problem and I am not aware of anyone being harmed by continuing that cooperation.

NEED FOR UPGRADE OF CIA DATA STORAGE AND RETRIEVAL SYSTEM

Mr. BEREUTER. Thank you.

The Intelligence Committee and the Banking Committee, where I also serve, have been told that we had difficulties with the data storage and retrieval system of the Central Intelligence Agency related to the unlawful activity taking place in this regard related to the BNL banking scandal. We have been told there was no intent to conceal information from policymakers, executive and legislative, but there was simply a failure to find the information that could have been helpful.

There was a time, I am told, when the intelligence storage and retrieval system in the Central Intelligence Agency was the best in the world, certainly the best in our Government, in the 1950's and 1960's. Now we are told the system needs to be upgraded, it is no

longer the quality that would be demanded to assure those kinds of difficulties in the future.

I believe that in various interviews Director Gates and Director Woolsey said there needs to be resources directed in that way.

Is there anything you could contribute to that discussion that you care to share with us today?

Mr. Webster. Well, I certainly support all efforts to be sure that important facts are retrieved when they are searched for.

Two situations have complicated the issue, I think, over time. I don't know whether the FBI or CIA can claim preeminence in retrieval, but I always had this feeling that of all the agencies in government, those are the two agencies that will ultimately find that piece of information, whereas if it went into some other departments of government, it is gone forever. And it is not a question of concealing it, it is a question of not being able to find it, even though in the CIA there are two things that have exacerbated the problem.

The first is the enormous increase in the amount of information that is now coming into the agency as a result of the end of the cold war, and it is just being inundated with facts that were not previously available for storage.

Now we have a problem of sorting it out to be sure that your important information can be retrieved. This is a problem for people in that field and I think they can solve it.

The other one is a bit of a holdover from the days when to protect sources and methods there were many, many private channels which bypassed the normal filing situation and reduced the number of people who actually handled paper, to better protect those issues.

I don't know to what extent the old controls fell apart, but there is the problem of who puts things into the private channels and how do you be sure that you get them out. It seemed to me that every time there is a problem, such as an Iran-contra person with cables coming out of Portugal and so on, it is always a problem of digging them out and finding them.

I took some steps to try to keep basic recordkeeping as distinguished from intelligence reports into one central unit in the agency to reduce the risk of errors on those management issues which tended to be expenditures, receipts and that kind of thing.

I think that any study would say that there has to be some way to be sure that if you do short-circuit the system on purpose, that is, put it through a different system, that when you start looking for something, everything is tasked, not just the basic unit. And maybe those channels are needed, but maybe there are too many and they have built up over time and we ought to sunset them in some way and use only those that have real value and meaning.

I am absolutely satisfied the agency did not intend to cover anything. They just didn't find it soon enough.

I must say that I have, as I looked at it, I think the error was in the legal department in the way that they attempted to respond to the very first question by saying that they had only public source material. That was not the case. There was more information inside the agency.

How much better it would have been to have said that a careful search of their records was done and set forth what they had done and to say to date they have no real information other than public source material, that they would continue to search and if they found anything, they would promptly advise the Congress, which is what happened.

But that is not the way they put it to the Congress and it was an error in judgment and procedure that failed to recognize that there are lots of little pockets over there that have to be culled, and I think maybe some sunseting of those would be useful.

COOPERATION BETWEEN CIA AND LAW ENFORCEMENT COMMUNITY

Mr. BEREUTER. Thank you.

Judge Webster, just to make sure we have it for the record, your opinion, is there any doubt that the people working in the counterterrorism Center and the people working on counter-narcotics problems will have, do have, and are intended to have, full access to the information about illegal activities abroad that the CIA may develop. Is there any doubt that the information that the counterterrorism personnel develop are also fed fully into that central data storage and retrieval system by use by other parts of our Federal structure. Is that the case? Are these fully integrated?

Mr. WEBSTER. That is the case, as I understand it, although ordinarily just as the FBI is in the DEA headquarters in Texas, that had the—all the interdiction activity—I can't think of the name of it right now—their organized crime database there, but they put it at their own desk with their own agent there to control the dissemination.

There may be some requirements that don't give everybody across the government the authority to push a button and learn this data but that properly authorized people can by asking the system get the information.

Mr. BEREUTER. At least within the Central Intelligence Agency?

Mr. WEBSTER. Absolutely.

Mr. BEREUTER. It is intended to be fully operable between the Counterterrorism Center. If we have a problem, it could be because of the center in Texas where information is not being fully integrated across agency lines.

Mr. WEBSTER. It ought to be fully integrated, but I think you must make allowances for protection that the agency can control its data.

Mr. BEREUTER. Yes.

Mr. WEBSTER. To be sure it goes only to authorized people.

Mr. BEREUTER. Thank you. Your responses have been very helpful.

Thank you, Mr. Chairman.

SHEIK RAHMAN VISA

Mr. LANTOS. Judge Webster, you have served as head of the CIA and head of the FBI. You haven't yet served as head of our State Department, but nevertheless I hope you will be able to answer the question I am about to raise.

The CIA and the FBI really can't do their job unless other agencies do their jobs. Explain to me your understanding of how Omar

Abdel Rahman could have been granted a visa in Egypt after having been implicated in the assassination attempt on President Anwar Sadat.

I have now been pursuing this matter with various people from the Department of State. The Assistant Secretary for Near Eastern Affairs, Mr. Djerejian, in public session said, "Well, it was a mistake." Of course, we all make mistakes and one needs to accept that the State Department makes mistakes also. But this seems such an extraordinary mistake.

Here is a person of clearly unique physical characteristics. His name was very well known in Egypt because he was implicated in the Anwar Sadat assassination. Yet our embassy in Cairo issued a visa, and then a couple of years ago our embassy in Khartoum issued him a visa.

Knowing what you do about how visas are issued, what recommendations or suggestions would you make to tighten up that particular aspect of keeping potential terrorists or individuals who incite terrorism out of the country?

Mr. WEBSTER. I will give it a try, although I am not sure I have a clear-cut vision of it. I do understand he came in last time through Khartoum.

Mr. LANTOS. Yes, that is correct.

Mr. WEBSTER. And I don't know what the capabilities of the staff in Khartoum might be or how they attempted to check out the information either through Cairo or through the State Department.

In terms of—maybe another analogy that might be helpful as I search for a solution to this problem, besides being more alert and aggressive, I don't think anybody has a right to come to the United States until our standards are met.

Mr. LANTOS. Exactly.

Mr. WEBSTER. Once they are in the United States, then our Constitution operates to protect them just as it does an American citizen, so the vigilance has to be before they get here rather than after they have arrived.

Some years back when I was director of the FBI, we were operating under a procedure which I understand is still in effect, that if a visa was identified by the FBI as being proposed to be given to someone with an intelligence background—I am using an analog between someone we didn't really want over here and someone we did—and then the FBI would object based on known intelligence activities.

We discovered that the State Department was, at its pleasure, overruling the FBI's objection, even though the procedure really called for the FBI to have a veto on them coming in.

And this caused an interesting dialogue which resulted in an agreement between myself and then—Deputy Secretary of State Warren Christopher.

Mr. LANTOS. We have heard that name someplace.

Mr. WEBSTER. Under which the Associate Attorney General of the Department of Justice would act as the arbiter of those decisions, so that, first, you would have the proposed visa, then you would have the FBI objection, then the State Department either acquiesced or appealed to the Associate Attorney General, who then made a ruling that was binding on all the parties.

From time to time in that process, the FBI would recede, could be convinced of the very high level of importance of a particular visit, the damage to foreign relations if he was not allowed to come, and the ability of the FBI to keep him tightly under control, say, in New York with 25-mile moving privileges.

I had the view that that was a very workable relationship. I also later came to the conclusion that the State Department was not happy with it, questioned the binding nature of the agreement, couldn't seem to find support for it, although it was in writing and memorandized.

And I am not sure where that stands today but perhaps the committee might want to consider that methodology as a way of guarding against someone coming in over existing standards simply because they were either carelessly being allowed to come or were being allowed to come for some imagined reason of State.

I suspect that in the case of the Rahman, none of this really occurred, that his name wasn't given to the FBI or wasn't recognized by the FBI and so no objection was posed and no vigilance was exercised out there in Khartoum.

You have to say, does the system provide the means of recognizing somebody? Is it tested against available databases that already exist, and, then, if there is an objection, is there a means of adjudicating that or will the State Department simply proceed to override the objection of the person who said this is somebody who is going to cause us trouble?

ELEMENTS OF PROACTIVE COUNTERTERRORISM POLICY

Mr. LANTOS. I understand the FBI advocates a strong and proactive counterterrorism program. What are the key elements of such a program, Judge Webster?

Mr. WEBSTER. I am sure that Judge Sessions and others have their views by what it means by a strong and proactive program.

I simplify that by saying our objective should be to get there before the bomb goes off instead of afterwards.

Mr. LANTOS. Exactly.

Mr. WEBSTER. In my visits around the world I tried to excite interest in other countries in being more proactive. And in some countries they don't have any conspiracy statutes at all so, in their view, they can't act until some crime has taken place. And I urge them to consider either moving toward a conspiracy as a crime that gives you a basis for investigation and interdiction or to look for other ways to develop intelligence.

I found that was particularly troublesome to the Japanese authorities when I visited with them some years ago because most intelligence, such as it is, in Japan comes from the Japanese police force. It is their responsibility.

But the answer to getting there before the bomb goes off is intelligence at the law enforcement level or at the intelligence community level. It is understanding how organizations function through their key players, what they do and what their methodology is and wherever possible developing the means to track them.

In this country, for any form of electronic surveillance, it requires probable cause and the order of a Federal judge. And I have no problem with this because all of the FISA applications, with one

exception that I can recall were granted by the FISA court because we did our work properly, made our case for it, and were allowed to go forward. I think electronic surveillance where probable cause has been shown is an important tool.

Penetration is a major achievement and is very, very difficult with these cellular organizations. Often in the cells people only know one aspect and don't know who their superiors are and maybe only one member of the cell reports upstream.

But, from time to time, it is possible to recruit people who have been in terrorist organizations and are no longer associated with them, and our capabilities there ought to be enhanced.

I certainly would support continued funding for the FBI hostage rescue. It is a very important ingredient in dealing with terrorism when it does occur. And although it may not be as useful for getting there before the bomb goes off, it may keep other bombs from going off thereafter. And they have that important negotiating technique that I think is vital.

Intelligence is information. It is information that is contemporary sometimes, but it can be tied to databases that have already been collected in accordance with Attorney General guidelines and are available to match up a situation, to put a quick link in with what is going on. I think we saw some of that in the Pan Am 103 investigation.

It is difficult enough, particularly in Middle Eastern terrorist groups, to recognize the names of people, but if you have the backup information to work with and it is computerized, the chances of working speedily are very much more improved than trying to find and grope your way around in the dark when something is about to happen or has happened.

So training in this area, including language ability to listen to or participate in meetings where foreign languages are being discussed can be vital. We had a terrible time with Farsi speakers during the Iranian hostage situation. We didn't have enough. And I know that CIA is vigorously attempting to increase its language skills in Farsi.

You have 15 Russian Republics now or former parts of the Soviet Union, going back to their own languages. I think the potential for terrorism as an outgrowth of those disputes cannot be overlooked. Certainly in the former Warsaw Pact countries we are seeing these angry political issues. Germany is confronting people seeking asylum at an enormous rate and many are reacting to those people as threats to their jobs and so on.

So I guess, trying to summarize it: Good skills, good trade craft, increased intelligence, awareness, and a capacity to act when a threat occurs.

PAN AM 103

Mr. LANTOS. Judge Webster, the Pan Am 103 case is now almost 5 years old and not a single individual has been brought to justice and not a single country has been made to pay an appropriate price for its involvement. How do we move on this case?

Mr. WEBSTER. It is a difficult problem when expectations are raised. You know who you are looking for. The country that is hosting the suspect may not cooperate for reasons of sovereignty

and national pride and also often, in some cases, because the reaction inside if they yield up a terrorist suspect might be adverse and destabilizing to that government. All this compounds the problem.

Extradition treaties are useful, but I don't think we are going to get extradition treaties from the countries where we most could profit by it. I think continued exposure, continued pressure, continued use of sanctions and other devices of that kind all have value, although the result is by no means guaranteed.

The extraordinary effort to solve that problem has bonded many law enforcement and intelligence agencies around the world, and that will pay off in the future. But unless our country is prepared to take some form of military action, and I don't sense that it is—then I think we have to live with the fact that we have identified where the terrorism came from and the likelihood that it is state-sponsored unless the states who disavow the conduct bring them to justice, either here or in their own country.

That pressure needs to be applied. We must not forget about the victims of Pan Am 103 and we must keep working and working. This requires extraordinary levels of patience and perseverance. We must persevere.

Mr. LANTOS. What is your view of granting of visas to members of Pablo Escobar's family in view of his obviously critical involvement as one of the drug kingpins of this globe?

Mr. WEBSTER. Mr. Chairman, I am really not up to snuff on that particular issue. Escobar seems to be talking to his government about letting his family out of Colombia and finding their way into the United States as well as others who may have fled Colombia getting into United States. That is a foreign policy issue, one that I really am not competent to respond to. I guess I have to leave it there.

ROLE OF THE MEDIA

Mr. LANTOS. All right. Let me then ask a very critical issue that I know you are highly qualified to respond to. I am sure you have given a lot of thought to this. That is the role of the media in dealing with terrorist incidents.

Mr. WEBSTER. I guess I should start by quoting Winston Churchill as told to me by former Ambassador Peter Jay one time down in Atlanta when we were both down there for a meeting of one kind or another. Churchill said the man in public life who rails against the press is like the sea captain cursing the sea.

Mr. LANTOS. Yes.

Mr. WEBSTER. So we start with that. I have found, if you can avoid the feeding frenzy that sometimes occurs in competitive news gatherings, that the media is basically responsible. Nobody wants to see somebody killed. They do put a lot of pressure on people who are undertaking a slow, painstaking investigative effort to come up with quick solutions and make statements.

In actual terrorist situations, there is the problem of the terrorist who is basically interested in theater, wanting to go around the law enforcement people and talk directly to the media and see his message broadcast and use the media in some way as intermediaries, and I don't think that is constructive or helpful.

So if the investigators take steps to make the media not available to the terrorist, the media will, I think, have to understand that, although they have their own job to do. I think this may be what is happening out in Waco right now.

Mr. LANTOS. I was just going to ask you that. Do you think that is being handled well?

Mr. WEBSTER. I think it is being handled well now, and I would like to leave comment on how it began to a later date.

Mr. LANTOS. All right.

Mr. WEBSTER. The media has its own policing systems—particularly the salutary effect of fair comment by other members of the media when a particular group gets off the reservation and goes further than mere news gathering and becomes part of the situation and becomes a participant in the scene. I would encourage them to avoid that in every way possible. They have a right to develop the news and to publish it, but I think that they need to understand the possible consequences of what they do.

Whenever I explained that particular situation to the press, I found that most of them were very responsible. The one thing that always was a risk was what I mentioned earlier, this feeding frenzy. I rarely found they would say, I don't care what anybody else does. I am not going to do it. It was more, I won't do it until the others start to do it, and then it is fair competition from then on.

But if they do understand the risks involved to human life or the exposure of a plan to rescue people or to find those responsible, they don't have to back off. They can hold the information that they have and use it when the time is right. I found them most responsive to this kind of an argument in proactive work, particularly the undercover operations that they might discover.

I would ask, are we doing anything we should not be doing? Are we breaking the law? Are we doing anything that you regard as inappropriate or scandalous? If so, blow the whistle on us. But if you agree that what we are doing is lawful and intended to achieve an important and constructive result, then why make it impossible for us to achieve it simply because you were aware of it?

And I found that most of them would go along—as long as nobody else was going to publish the story.

Mr. LANTOS. Judge Webster, we are deeply grateful for your enormous and valuable insights. Is there any closing comment you would like to make as the American people are dealing with this new and major terrorist episode on our own soil?

Mr. WEBSTER. Thank you, Mr. Chairman. You have given me a wonderful opportunity to share some ideas with you.

The only thing that I have not heard advanced in various other discussions on this subject is the question of how to manage terrorist incidents. And I do have the uneasy feeling that it may not be enough to say we cooperate and we coordinate with each other, that it might very well be helpful to have, either by a declaration of the President or by some other method, a means of designating the premiere counterterrorist organization in the country to have the responsibility for calling the shots.

Mr. LANTOS. We hear you loud and clear. Speaking for myself, I fully share your view. We are deeply grateful to you.
This hearing is adjourned.
[Whereupon, at 12:15 p.m., the subcommittee was adjourned.]

THE FUTURE OF U.S. ANTITERRORISM POLICY

TUESDAY, JULY 13, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS,
Washington, DC.

The subcommittee met, pursuant to call, at 10:04 a.m. in room 2172, Rayburn House Office Building, Hon. Tom Lantos (chairman of the subcommittee) presiding.

Mr. LANTOS. The Subcommittee on International Security, International Organizations and Human Rights will please come to order.

Today we are holding our third hearing on U.S. antiterrorism and counterterrorism policy. Our two distinguished witnesses today are the Honorable Tim Wirth, Counselor to the Department of State and Mr. Harry B. Brandon III, Assistant Director in the Intelligence Division of the FBI. We are very pleased to have both of you gentlemen.

Mr. WIRTH. Thank you.

Mr. BRANDON. Thank you.

Mr. LANTOS. In 1992, there were 361 terrorist attacks, the lowest number since 1975. However Americans and American interests continue to be the top targets of terrorism. Some 40 percent of terrorist attacks were directed at U.S. citizens or U.S. property. There have been some spectacular terrorist attacks in recent months and there have been some spectacular successes in preventing terrorist attacks in the recent past.

Nevertheless, the American people for the first time in a decade have recognized that terrorism has come to the United States. There is a great deal of concern both about the World Trade Center outrage, the attempted assassination of Members of Congress, and attacks on important facilities in New York City and elsewhere. We have also seen a very well coordinated series of attacks by Kurdish terrorists against Turkish facilities in some 29 cities across Western Europe.

We are also very much concerned that in a number of instances where the fact of terrorism is beyond any doubt, such as the Pan Am 103 bombing which took place 4½ years ago, nothing has happened to bring the perpetrators to justice. Sanctions have been in effect against Libya for well over a year with little or no visible effect. Qaddafi has clearly decided he will not turn over the two suspects in the Pan Am 103 bombing and it is clear that some of our

allies, the French in particular, will never agree to an oil embargo within the highly politicized context of the U.N. The time has arrived when we may need to look at dealing with punishing terrorists no longer on a multilateral basis.

I would like to commend the FBI for its extraordinary success both in arresting people in the World Trade Center outrage—

Mr. WIRTH. Thank you.

Mr. LANTOS [continuing]. And in preventing what are reported to be potentially very serious terrorist plans in New York City and elsewhere. But there is a great deal of concern, as both of you gentlemen know, in the country about lack of coordination among our various law enforcement and intelligence agencies. There is a great deal of discussion and we have held some hearings and we will have one next week about how various individuals inciting to terrorism obtained entry into the United States. Clearly as a free and open society we are just feeling our way in this very new and complex and dangerous arena.

There is concern about the continuing failure to place a number of countries on the list of states that support terrorism. Cuba, Iran, Iraq, Libya, North Korea, and Syria are currently designated as states sponsoring terrorism. But many of my colleagues are intrigued as to why the Sudan is not on the list when the Sudan is clearly engaged in sponsoring terrorism and acts as a surrogate for Iran in many cases. There are also questions with respect to the placement of Pakistan on the terrorism list. We would like both of you gentlemen to address these issues.

Before I ask you to make your opening statements, I am very pleased to call on the Ranking Republican Member of the full committee who has been engaged in the subject of fighting terrorism for many years, Congress Gilman of New York.

Mr. GILMAN. Thank you, Mr. Chairman. I want to commend you for arranging this timely hearing on U.S. antiterrorism policy. It is something we must address squarely and promptly. I am particularly pleased to welcome our distinguished former colleague, Tim Wirth, in his new role as Counselor to the State Department and as a point man for global affairs. His portfolio now includes terrorism, but in this area I must say the administration to date has been out to lunch. Those arrested in the World Trade Center bombing and the plan to attack the U.N. headquarters and other targets in Manhattan are followers of Sheikh Abdul Rahman. He entered the country through a string of errors and failures that suggest that Abbott and Costello may have been in charge of our visas. Their equipment is obsolete. No one is assigned to make sure that these applicants are properly screened. The left hand apparently does not know what the right hand is doing and apparently did not seem to care. Legislation I cosponsored will fix many of these problems, but the State Department says it will take more than a year just to modernize the visa screening system.

This is more than an abstract issue for me. Many of my constituents work in Manhattan. One of them died in the World Trade Center bombing. More could easily have been victims if the FBI had not smashed the latest conspiracy.

Mr. Counselor, I do not want any more of my constituents blown up in New York any more than my colleagues want. For that mat-

ter, I do not want any more Americans at risk of terrorist attacks anywhere in our country.

I would like to read to you a letter I have just received in the mail and the text goes as follows: "As an American born and living in New York City for 38 years and now in Rockland County for 30 years, I no longer feel safe in this country. The latest incident of foreign terrorists in New York City has made me realize you must institute legislation that changes completely our immigration laws. We cannot continue to allow these people into our country. The laws are wrong. We have allowed our U.S. to become a dumping ground for hoodlums, terrorists and people who are not interested in any good; they merely wish to destroy the U.S. I demand changes be made and tomorrow will not be too soon."

I would venture to say that that is probably a feeling that is rampant amongst many of our constituents. I have spoken a number of times about this with administration officials. And Secretary Christopher says it will be fixed. I realize that you are just coming onto the scene and we cannot put the blame on your shoulders, but all we have been hearing about is talk and no action. No sense of urgency. A line of defense that should be keeping out terrorists has been riddled with holes and I do not think we can wait more than a year. I say it should be fixed now.

So today I am introducing legislation calling on the Secretary to submit to the Congress within 60 days following the enactment of that legislation an emergency plan to straighten out this mess in both the short and long term.

Counselor Wirth, you and Secretary Christopher are going to have to work together to personally drain this swamp or it will not happen. And we in the Congress will certainly do what we can to work with you to be of whatever assistance we can. The safety of all Americans here at home demands no less.

Thank you, Mr. Chairman.

Mr. LANTOS. Thank you very much, Congressman Gilman. And let me say before turning to my colleague from Nebraska that with the possible exception of the flood in the middle of our country, there really ought to be no subject less open to partisanship than the subject of antiterrorism and counterterrorism. And for the sake of accuracy, I would like to correct my good friend's statements as to who has been out to lunch.

Sheikh Rahman entered the United States under two Presidents—President Reagan and President Bush. I do not blame either President Reagan or President Bush for the entry of Sheikh Rahman into this country, but I think it is utterly unacceptable to blame an administration that took office on January 20 of this year for the entry of the Sheikh, which took place during the 1980's. I believe that my friend and colleague will want to make that correction. If Abbott and Costello were in charge, Abbott and Costello had different party affiliations than the one implied by my good friend.

Mr. GILMAN. If the gentleman will yield.

Mr. LANTOS. I will be happy to yield.

Mr. GILMAN. I think the focus of our attention is on the system and not who is to blame in the past, but to let us find the holes

in the system and correct it and not wait a year to do it. Thank you, Mr. Chairman.

Mr. LANTOS. That was precisely my point. The holes are in the system and the system failed during the two previous administrations. I think it is unfair and palpably inaccurate to blame this administration for those failures and I think my friend understands this just as clearly as I do.

Congressman Bereuter.

Mr. BEREUTER. Thank you, very much, Mr. Chairman, and I want to commend you for holding these hearings and say to our distinguished, to welcome all the witnesses, but to say to our distinguished former colleague in the House, Tim Wirth, welcome, a sincere welcome back to you. You had a great and very distinguished career here in the House and in the Senate. You have big sets of diverse responsibilities in the State Department and we wish you well, hope to work constructively and positively with you as you approach your responsibilities there for the country.

This, as many people know, is the third in a series of hearings on terrorism convened by the chairman. I recall when we had the first hearing of this series in March. At that time Judge William Webster made the point that the United States is not an easy target for terrorists, yet our sieve-like borders I would say and our openness to foreign visitors and our lifestyle makes us very vulnerable to those terrorist attacks.

The recent arrests of terrorists though in New York City caught in the very act of creating a bomb provides vivid proof of the extraordinary job done by the relevant U.S. agencies. As a rule, the public is not aware of the efforts of our law enforcement agencies in this area. They tend to do their job as they should attracting little public attention. It is only when something dramatic as in the case of the arrests of the would-be bomber terrorists that our counterterrorism efforts become clear. But there have in recent years been a number of equally impressive counterterrorist operations that have not received public attention.

Still, no one can be totally secure from the terrorist threat. Recently, Chairman Lantos and I were part of a U.S. congressional delegation that met with members of the European Parliament. At that meeting, British and Spanish parliamentarians spoke with great passion and great sadness about the destruction that terrorism has brought to their respective countries and they gave us some very graphic examples that I, for reasons of securities, am not going to reiterate here about the changes that would be necessary in our society in order to cope with what they are facing today in London, for example. They spoke about the ability of the IRA and the Basque guerrillas to bring the country to a standstill either by exploding a random bomb or by phoning in a phony bomb threat. They warned that if terrorists gain a serious foothold in the United States the kinds of disruption caused by the World Trade Center bombing will become all too commonplace.

While Americans thus far have been relatively effective in combating terrorism stateside, it is important to note that U.S. tourists and U.S. property throughout the world continue to be prime targets for terrorist organizations.

Our counterterrorist organizations and efforts are only as effective as the intelligence we receive. Our ability to work with our friends and our allies and the ability of our people to correctly interpret and respond to the information we receive.

Serving now as a member of the Select Committee on Intelligence, I have some appreciation of the job that our intelligence and counterterrorist forces perform. I hope my colleagues will remember that as we take up the authorization of appropriation for the intelligence community.

It is a thankless task that they pursue oftentimes with no public attention for all their successes. It is, however, these people doing their jobs correctly that causes us to have some successes that no one ever knows about. If there is a lapse, of course, they will be subject to microscopic examination.

There are a great many proposals designed to enhance the effectiveness of our counterterrorism efforts. I know my distinguished Republican leader on the full committee, Mr. Gilman, has a strong interest in preserving the organizational structure of the Counterterrorism Office in the State Department. And Mr. Gilman I think has been focusing on this subject of counterterrorism longer than any Member of the House.

I would say to our witnesses and my colleagues that I have a particular concern regarding the abuse of U.S. political asylum laws that have in some instances permitted would be terrorists to operate freely in the United States. For example, the person who killed the CIA employees while they were driving to work, Mr. Kanzi had claimed political asylum on what turned out to be a patently fraudulent basis. One of the Sudanese recently arrested, he was here claiming political asylum. We know, of course, that the blind Sheikh made claims for political asylum and that has presented great difficulty in dealing with him for that and other reasons.

My own view is that some form of summary exclusion to patently fraudulent political asylum claims is absolutely essential. We have 18,000 cases pending in New York City alone today. No hope that those people will ever show up for those hearings, they just fade into the fabric of American society. And I do not blame the executive branch for that problem. The blame belongs squarely on the Congress of the United States. The INS is pleading for summary exclusion authority and, yet, our judiciary committees will not address this issue. So that is one particular concern that I want to make known here today and hope that my colleagues here and the public listening to any proceedings will cause some action to be taken.

Again, Mr. Chairman, thank you for holding this hearing. It is quite timely and I look forward to hearing from our distinguished witnesses. Thank you.

Mr. LANTOS. Thank you very much, Congressman Bereuter.

Let me just mention, my colleagues know, just a short while ago we held a closed hearing on Sheikh Rahman and the series of events that led to his repeated entry into the United States. Next week on Thursday, this subcommittee will hold an open hearing on that entire issue and while obviously we cannot discuss that matter fully today, we have set aside an entire hearing for that purpose.

I would also like to associate myself with the comments of my friend from Nebraska concerning summary exclusion. I think the time is long past that the United States can expose itself to terrorist threats by misguided policies in this field of political asylum and related matters.

Probably no Member of this body has done more to point to state sponsored terrorism in the former Yugoslavia than my good friend from Indiana. I am happy to call on Congressman McCloskey.

Mr. MCCLOSKEY. Thank you very much, Mr. Chairman. I have no questions.

Mr. LANTOS. Secretary Wirth, we are delighted to hear from you. I am sorry. Congresswoman Snowe, will you not at least welcome our distinguished guests.

Ms. SNOWE. Thank you, Mr. Chairman.

Mr. LANTOS. Secretary Wirth.

**STATEMENT OF THE HONORABLE TIMOTHY E. WIRTH,
COUNSELOR, DEPARTMENT OF STATE**

Mr. WIRTH. Thank you very much, Mr. Chairman. I am delighted to be here with my colleagues and I want to begin by thanking you and the committee for holding these hearings. As a new member of the executive branch, I can assure you that the preparation for a hearing does cause a good deal of focus and coordination, exactly the kinds of things that you all have been talking about. So I just want to assure you how constructive we believe these hearings are and how helpful they are in helping to pull together data downtown. Also, we greatly appreciate and respect the bipartisan or nonpartisan approach that you and Congressman Gilman have taken to this, both this year and in the past. We greatly appreciate it. That is precisely the way that we have to approach this.

As you pointed out in your opening statement, probably no issue is less partisan perhaps only the flood issue. So let me just draw out a little bit more the metaphor that you raised related to the floods and the problems that we have there.

During flood conditions, if you do not repair the levies and keep them constructed, if you do not have a roof that works, you are going to get wet and run into significant problems. Parallel to that are the information systems that the State Department has had. And, unfortunately, looking back on this, we have not kept the levies repaired or kept the roof repaired. We have not kept the information systems up and this has been, in fact, a major, major problem. We are dealing with, as you have heard in previous testimony and will hear next week, extraordinarily antiquated information systems in an area that is not rocket science anymore. I mean all of us deal with information systems. For example, in our own personal lives, with credit cards and credit checks. There are very broad computer systems that allow us with great ease to check on millions and millions, tens of millions of Americans and we have such an antiquated system dealing with 2½ million people who are on the various lists around the world we cannot keep track of them.

We have, as you know, made requests to the Congress in the coming appropriations requesting funds to sharply update this. As pointed out, it does take time to put in these new systems, but we

really appreciate the support that we have gotten from the Congress in helping us to repair the levies, so to speak, to put in the new systems that are absolutely imperative so that we at least have the information necessary at all of our consular offices spread around the world to do a better job, to catch individuals before that water or those thugs seep into the country. So we appreciate that and I just wanted to carry out your metaphor as a start because I think it is an appropriate way of beginning.

The past several months have brought more than their share of dramatic terrorism-related events. Even since the Department's last testimony on this issue before your committee in March, we have seen: Iraq's attempt to kill former President Bush; the arrests of suspects planning to blow up the U.N. headquarters and other facilities in New York City; coordinated incidents by Kurds in European cities; the burning of a Turkish hotel with the loss of 40 lives; and continuing violence by groups such as the P-IRA in the United Kingdom and the ETA in Spain.

This spate of domestic and international terrorist attacks has raised terrorism concerns in many countries. More directly, the World Trade Center bombing and the threat of attacks against the United Nations headquarters; against tunnels leading to New York; and against Senator D'Amato personally, have brought the terrorist threat home to us in the United States, a point so clearly made in Congressman Gilman's opening statement.

Naturally, these developments cannot help but make us wonder about what may happen next. As a government and people we also have to consider what else can be done against the terrorist threat: How best can we protect our society without generating a sense of panic that may well further the terrorists' goals of disrupting and sapping confidence in our institutions.

The terrorist threat will not go away. It takes too many forms; there are too many potential criminals seeking publicity for their views; and, their weapons are often rudimentary and widely available. This should not, however, be a cause for despair. There are steps we and other governments can take together to counter the threat posed by terrorists, steps that we are taking and steps that we are augmenting week by week.

I look forward to discussing the administration's counterterrorism policies and programs with you, today, and I would suggest that perhaps we might first examine emerging trends in terrorism and our strategies to combat those threats and then discuss areas in which the essential partnership between the Congress and the executive branch to counterterrorism can be strengthened.

In 1992, as you pointed out in your opening remarks, Mr. Chairman, there were a total of 361 of international terrorism, the lowest level in 17 years.

Through May of this year, our preliminary figures show that there have been 115 incidents of international terrorism, as compared to 144 for the similar period in 1992. These statistics are subject to revision and do not include the spate of anti-Turkish incidents undertaken by the Kurdish Workers Party in late June. Casualties of terrorism have increased dramatically, however, because of the number of persons injured in the World Trade Center

bombing. That number will go up approximately 1,000 people injured, as Congress Gilman, again, pointed out in his remarks.

American citizens and property remain the principal targets of terrorists throughout the world. Nearly 40 percent of last year's incidents were directed at U.S. targets, U.S. individuals, U.S. institutions, U.S. firms. We expect that trend to continue this year and into the future. The U.S. influence in economic, cultural, political and military terms is so much greater than any other nation that we inevitably represent a high-profile target to terrorists around the world.

Regrettably, while the number of overall terrorist incidents is down, the first 6 months of 1993 have seen a surge in terrorist "spectaculars." Terrorists, as we all know, seek publicity. Those behind the World Trade Center bombing, Iraq's attempt to kill former President Bush, and the recent and chilling coordinated wave of Kurdish attacks across Europe sought the headlines. We condemn such heinous attacks and the resort to violence against innocent people.

Making accurate predictions about future trends in terrorism is, of course, difficult. Terrorism is often cyclical in nature; as old passions and groups fade, often we see new factors, new groups, new causes emerge to produce deadly terrorist attacks. Assessing where terrorism will come from in the future is difficult and experts disagree; but there is little dispute that we will be dealing with terrorists and their crimes for years to come.

Terrorism, at its most basic, is an attempt to change through violence and intimidation the practices and policies of people and governments. We are not going to yield to this. To do so only encourages future terrorism.

The Clinton administration is committed to exerting strong and steady leadership in a rapidly changing world. History has taught us that the United States and all nations can meet that challenge by maintaining a commitment to democratic institutions and the rule of law. Promoting democratic governments and institutions that are fully accountable to their citizens is our most basic tool for advancing free markets and our long-term national security, and addressing the great and complex global issues of our time. Democracy does not sponsor terrorism. It is no accident that states that do—Iraq, Iran, Libya, Cuba—are also among the most repressive for their own citizens.

Mr. Chairman, let me assure you that the Clinton administration will remain vigilant in countering whatever threats may be posed by international terrorists to U.S. interests.

Working in close consultation with the Congress, successive administrations have developed a set of principles which continue to guide us as we counter the threat posed by terrorists. These include making no concessions to terrorists; continuing to apply increasing pressure to state sponsors of terrorism; forcefully applying the rule of law to international terrorists; and, helping other governments improve their capabilities to counter the threats posed by international terrorists.

Countering terrorism is, of course, more than a matter of policies. It is the effective day-to-day implementation of these policies that is so important. The Clinton administration is committed to

an effective and interagency approach to combating terrorism. Every day officials at State, Justice, Defense, the CIA and FBI cooperate closely in an ongoing effort against the threats posed by international terrorists. Indicative of these close working relationships is the presence here today of the good witness from the FBI, Mr. Harry Brandon.

We clearly recognize that countering the threat of terrorism does not consist solely of applying the rule of law, or bringing intelligence or diplomacy to bear on the problem, or resorting to military might. Instead, our approach is and will be an interagency one. This ensures that all our efforts are coordinated and bring to bear the best capability of our Government and its people as we jointly deal with that threat.

The post-cold war international environment is simultaneously less and more hospitable for terrorists. Terrorists no longer enjoy safe haven or receive support in Eastern Europe. Moscow has reduced the flow of arms to several of the six nations—Cuba, Iran, Iraq, North Korea and Syria—that we identify as state sponsors of terrorism. At the same time, however, state sponsorship of terrorism remains a significant growing threat to American interests and nationals. Iran continues to sponsor international terrorism, maintains its unacceptable fatwah against Salman Rushdie and represents a significant terrorist threat to American interests. Iraq, despite the requirements imposed by the United Nations, regularly engages in terrorism against U.N. relief operations and most dramatically tried to kill former President Bush. Libya refuses to comply with the requirements imposed by the U.N. Security Council in light of its clear responsibility for the bombings of Pan Am Flight 103 and UTA 772. Syria continues to allow terrorist groups to maintain offices and training sites in the territory it controls.

As we look toward emerging threats, we must also recognize the long-suppressed ethnic and religious-based conflicts may lead to new violent expressions such as we are already seeing in the Balkans. We need to be alert to the possible emergence of international terrorism from such ethnic conflicts.

In the Middle East and North Africa, new and radical groups such as Hamas and the Palestine Islamic Jihad and the FIS in Algeria have emerged in recent years, invoking Islamic ideology but using terrorist tactics to advance their extremist agendas.

In Egypt, the Islamic Group, the group with whom Sheikh Omar Abdurrahman is so closely involved, has undertaken violent attacks on Egyptian officials, secular intellectuals and foreign tourists in an effort to destabilize the Mubarak government. I would like to take this opportunity to congratulate Egypt on its forthright decision to seek the extradition of the Sheikh to stand trial for attacks that he inspired while still in Egypt. Tough decisions such as that made by Egypt demonstrate the worldwide recognition that applying the rule of law is one of the most effective means possible to confront the threat posed by terrorism.

The misuse of Islamic political rhetoric by these groups should not cause us to confuse in our own minds terrorism and Islam. Our problem is not, of course, with Islam or with the people who practice that religion. It is, instead, with the use of violence and terror-

ism by any person, regardless of religion, national origin or ethnicity.

Even with Iran, the most active state sponsor of terrorism, we have made clear that it is unacceptable behavior—not the religious nature of the regime—that is the source of our concerns. Drawing a distinction between behavior and religion also helps defeat the Iranian desire to lead Islamic opinion and draw lines of confrontation between Islam and the West.

Our counterterrorism strategy has three key elements—to implement our policy of “no concessions,” to keep pressure on state sponsors and to apply the rule of law. These basic policies have served us well in the past and will do so in the future. Our strategy applies equally well to groups such as the Abu Nidal organization, or a small and unnamed group which may come together to undertake only a single attack.

Terrorists, whether from the Provisional Irish Republican Army, Sendero Luminoso or a more loosely organized group such as the group that appears responsible for the World Trade Center bombing, always have had the advantage of being able to take the initiative in selecting the timing and choice of targets. It is unfortunately true that terrorists have to be successful or lucky only occasionally to gain international attention. That is one reason that gathering intelligence is so essential to frustrating the work of terrorists. In this regard, the efforts by the FBI to infiltrate the group planning to undertake a savage series of attacks in New York will serve as a landmark example of the importance of intelligence in interdicting terrorist operations.

Improving our intelligence capabilities is a major part of our response. Another major element of our counterterrorism policy is a firm response.

When President Clinton ordered the cruise missile strike against the headquarters of Iraq’s intelligence service, he delivered a firm, proportional and necessary response to the continuing threat against the United States posed by Iraq, as shown by the outrageous Iraqi attempt against the life of former President Bush. The strike demonstrated that the Clinton administration will respond vigorously, decisively and effectively to the terrorist threat around the world.

Increasingly, governments are willing to join in steps against state sponsors of terrorism and the groups they support.

An outstanding example of international cooperation is the United Nations Security Council condemnation of Libya for the Pan Am 103 and UTA 772 bombings. The passage of landmark U.N. Security Council Resolutions 731 and 748 is a significant indication of this changed attitude.

Until Libya complies fully with the requirements imposed by the Security Council, these sanctions will remain in place. Indeed, the sanctions may be strengthened if that nation continues to refuse to comply with the legitimate conditions imposed by the Security Council.

Let me assure you that I personally continue to work closely with our British and French allies on this issue. I met in Paris just 2 weeks ago with my counterparts from these nations to discuss additional sanctions on Libya. All three governments have gone on

record that new and tougher sanctions should be considered if Libya does not comply with the Council's demands. Libya would be well advised not to misjudge our resolve.

Mr. Chairman, the State Department has the lead role in dealing with international terrorism overseas and does so through an inter-agency coordinating mechanism. The Justice Department has a similar lead role in terrorism issues occurring within the United States.

In confronting international terrorism, we recognize that terrorist do not just engage in acts that are purely political; there are criminal aspects to their activities. Hijacking or bombing an aircraft, or planting a bomb in a marketplace is a crime no matter what the motivation. Furthermore, some terrorist groups which do not enjoy state sponsorship have tried to develop independent means of support. Some groups have resorted to crimes such as bank robbery or extortion, while others, particularly in the Andean region, have developed close working relationships with drug dealers.

When the transition team began to work at the State Department, it was struck by the number of small independent offices and bureaus that had been established to deal with problems such as narcotics and terrorism. Many of these offices enjoy direct access to the Secretary but were part of a complex and ineffective management structure. One step toward rationalizing this process was the recommendation that we form a new Bureau for Narcotics, Terrorism and Crime. Under the reorganization plan, this new bureau will be under my direction as the Under Secretary for Global Affairs. The reorganization will ensure that the range of issues associated with terrorism, including narcotics and international crime will have my personal attention. I strongly believe that this synergistic approach will make our counterterrorism policies and programs more effective, particularly in this hemisphere where a combination of criminal activity, narcotics trafficking, and terrorism threatens the growth of fragile, democratic institutions, particularly in Central American and the Andean region.

I recognize that there have been concerns expressed about the reorganization. Mr. Chairman, I would like to assure you and your colleagues that there will be no diminution of the U.S. Government's commitment to countering terrorism. I can and do bring counterterrorism matters directly to the Secretary and to others in the administration. I am and will remain available to the Congress on this important issue and I will continue to provide that leadership under the proposed reorganization. Besides offering management rationality, this reorganization also offers significant benefits by improving coordination in our international efforts to train personnel in antiterrorism and counternarcotics capabilities, a leadership role which we in the United States are increasingly playing around the world. In addition, this reorganization allows us to apply the "lessons learned" from one strategy to counter similar problems in another type of criminal activity.

Finally, Mr. Chairman, let me touch briefly on congressional activity that we hope to work with you to pass through the Congress. At the beginning of my testimony, I mentioned the need to strengthen further the partnership between the executive and leg-

islative branches. There are a number of legislative initiatives which need action during this session and I would hope that you and your colleagues could help us in the executive branch by providing for prompt congressional action on these important, yet relatively noncontroversial initiatives. Our counterterrorism priorities include the following: the President last month signed documents transmitting to the Congress, the Convention on the Marking of Plastic Explosives for the Purpose of Detection, a new international convention dealing with detecting and controlling plastic explosives.

After the December 1988 destruction of Pan Am 103 by a plastic explosives bomb, the United States and other nations agreed to identify chemical marking agents which could be incorporated into plastic explosives during the manufacturing stage in order to make these explosives detectable. Our aim was to develop an international agreement which would help prevent bombings using plastic explosives. As a result, this international agreement was completed in Montreal in 1991. It has been signed by the United States and 50 other nations. The administration is seeking urgent Senate action on this agreement.

We also seek congressional action this year on implementing legislation for two important counterterrorism treaties: The Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, and The Convention for the Suppression of Unlawful Attacks Against the Safety of Maritime Navigation.

These treaties extend the "prosecute or extradite" principle embodied in previous multilateral antiterrorism treaties to attacks on airports serving civilian aviation and to attacks on civilian shipping and offshore platforms. These treaties were prompted in part by the 1985 Rome and Vienna Airport attacks and by the hijacking of the *Achille Lauro* passenger liner.

The Senate gave its advice and consent to these international conventions in 1989, but approval of the implementing legislation was delayed because it was incorporated into the Omnibus Crime bill. The Clinton administration included the counterterrorism legislation in its proposed State Department Authorization bill for fiscal years 1994 and 1995.

I understand that during its markup last month your full committee felt it could not act on the treaty legislation and the other counterterrorism provisions because of jurisdictional issues with the Judiciary Committee. I hope your committee, and perhaps those who also serve on the Judiciary Committee, can be helpful in securing final approval for this implementing legislation—the absence of which prevents U.S. accession to these important international agreements. Perhaps these can best be dealt with in conference.

Mr. Chairman and members of the committee, before turning to your questions, I would like to emphasize again our commitment to the long-term struggle against terrorism. As both President Clinton and Secretary Christopher have made clear, the issue of domestic and international terrorism is a high priority for this administration. Obviously, there are no magic solutions or silver bullets for this problem. Instead, working in a close relationship with the Con-

gress, we must and will maintain our vigilance, increase and adjust our capabilities and further develop cooperation to help ensure the safety of Americans and American interests throughout the world. We need and appreciate your continued support and we thank you for your help. Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Wirth appears at the conclusion of the hearings.]

Mr. LANTOS. Thank you very much, Mr. Secretary.

I also want to welcome Ms. Barbara Bodine who is Acting Coordinator for Counterterrorism at the State Department.

Mr. WIRTH. Thank you, Mr. Chairman.

Mr. LANTOS. If it is all right with you, Mr. Brandon, since Secretary Wirth will have to leave before noon, we would like to get to questions with him now so all of my colleagues will have a full opportunity to question him. Is that all right with you, sir?

Mr. BRANDON. Perfectly all right.

Mr. LANTOS. I appreciate your courtesy.

Before beginning the questions, let me express my appreciation to the full committee's specialist on terrorism, Ms. Beth Ford, to Ms. Maryanne Murray, our outstanding summer intern, Frank Cilluto, the Republican staff specialist, Mike Ennis, the staff director, Dr. Bob King, and John Mackey of the minority staff for preparation of this hearing.

COMPARISON OF U.S. RESPONSES TO BUSH ASSASSINATION ATTEMPT AND PAN AM 103 BOMBING

Mr. Secretary, you said a great deal that I agree with, but there are a number of issues that disturb me and, perhaps, where the Department and I have differing points of view. Let me begin by focusing on the dramatically different reaction we have had to the attempted assassination of President Bush and the Pan Am 103 tragedy.

Now, President Bush visited Kuwait this spring, and after a thorough investigation—and there is no doubt in my mind that the investigation was thorough and the evidence conclusive—President Clinton—and I am quoting from your testimony—“. . . ordered the cruise missile strike against the headquarters of Iraq's intelligence service. He delivered a firm, proportional, and necessary response to the continuing threat against the United States posed by Iraq as shown by the outrageous Iraqi attempt against the life of former President Bush. The strike demonstrated the Clinton administration will respond vigorously, decisively, and effectively to the terrorist threat around the world.”

Let me first to clear the record tell you what I said the moment I was advised of this attack by our forces—that I fully supported the President's action. I think it was absolutely necessary. It was firm, and, unfortunately, it was proportional. I have grave doubts about the proportionality of response to terrorist attacks. This gives the terrorist entity the opportunity to determine tit for tat what will take place. I would like to first ask you to respond to the wisdom of this proportionality issue and then indicate whether you will take back to the Secretary and the President the concern that many of us have that the proportionality of response is not an effective way of dealing with terrorism. The response has to be dis-

proportionate. The response has to be so punishing and so severe that the terrorists will think twice before repeating this attack or similar attacks.

But be that as it may, President Bush visited Kuwait this spring and a couple of months later, the United States firmly, and in my judgment appropriately responded. Now there is clearly no doubt about the terrorist attack perpetrated against Pan Am 103. If my memory serves me right, that outrage occurred 4½ years ago. And what the failure of response to me indicates is an internationally advertised impotence by the civilized world to deal with such an outrage.

I was stunned by your prepared testimony, Mr. Secretary. This is what you said, "Increasingly governments are willing to join in steps against state sponsors of terrorism and the groups they support. An outstanding example of international cooperation is the United Nations Security Council condemnation of Libya for the Pan Am 103 and the UT 772 bombings."

Well, presumably the two people who have been identified as the perpetrators of this outrage which resulted in the death of scores of innocent people with their families still crying out for justice, has been nothing. Two weeks ago you met in Paris with your counterparts as you say and you may ratchet up the sanctions. Well, you may ratchet up the sanctions if you succeed in persuading our allies, but that also will result in nothing. And I would like to ask you to engage in some introspection on the part of this administration in this appalling double standard in responding to international terrorism. When the terrorist attack is aimed at a former President, we respond practically instantaneously and forcefully. When the terrorist attack results in the death of large numbers of innocent civilians, years ago by a country that we have defined as a state sponsor of terrorism for years under the Reagan, Bush and now the Clinton administrations, we are still dithering with diplomatic niceties and there is no penalty and no punishment. I for one cannot comprehend the totally different intensity and speed with which a response was forthcoming.

I realize that most of this occurred before your tenure. I think retaliation should have taken place long before now, certainly under the Bush administration, but this administration has been in office now for 5 or 6 months and we are still talking about ratcheting up sanctions against Libya. The people responsible have still not been extradited. There is still no visible punishment of the perpetrators and I would be grateful if you would try to respond.

Mr. WIRTH. Well, thank you very much, Mr. Chairman, and I appreciate your question and it is one that on the surface poses a dilemma, but I think looking underneath it there are two very, very different situations, different timing, and two, as you point out, very different administrations.

First, focusing on Iraq, it was a carefully considered response by this administration. As you know, after the proof became clear that the group had attempted the assassination of President Bush, and that there was also State sponsorship of that group and all of the evidence was in, we considered a number of options, as you can imagine. The chosen option was to operate over the weekend, and to go after the headquarters of Iraqi intelligence. We did so in a

manner that we thought was proportionate and we thought would also cause the least loss of innocent civilian life. That was the decision made by this administration to (1) demonstrate the fact that we were clearly willing and able and were committed to a fast response, but also wanted to do so without killing a number of innocent people. We are trying to demonstrate that kind of humanity regardless of what terrorists might do.

Related to the comparison with Pan Am 103—

Mr. LANTOS. Mr. Secretary, no one is advocating the killing of innocent people. So let us get that clear. The question I have is whether the action which you again appropriately describe as proportional shows good judgment. It seems to me at least that Saddam Hussein's ability to plan and carry out further terrorist attacks may have been slightly impaired, but has certainly not been eliminated. I very much doubt that this will have any long-term effect on Saddam's propensity for terrorism and as many have indicated there may be a counter retaliation because clearly the impact was so minimal. It was minimal. We did some damage to one of their many intelligence headquarters. There are plenty of other intelligence organizations that Saddam has planning terrorism, supporting terrorism, participating in terrorism. So the response while it may have been effective symbolically, and it certainly enjoyed the overwhelming support of the Congress—including mine—and the American people, it does not answer the question as to why the response was not more effective in crippling Saddam's capabilities.

Mr. WIRTH. Mr. Chairman, again it was the judgment of the administration at looking at all the alternatives that were available and once it became clear that this was an act of attempted state sponsored terrorism as to what the response ought to be and the response that was chosen was the one that was executed. One can, I am sure, disagree on what the level of response ought to be. As I pointed out, one of the variables in our thinking was what impact this would have and how we could identify and isolate various targets with minimum loss of the lives of innocent individuals. It was clearly one of the variables that we at this point were concerned about.

Mr. LANTOS. Speaking of loss of innocent lives, what is your answer to the families of the Pan Am 103 victims whose innocent lives were lost 4½ years ago. Now 4 years of that period was not under this administration, but a half-a-year has been.

Mr. WIRTH. Well, Mr. Chairman, we share exactly your exasperation, your frustration and your reaction to the appalling bombing of Pan Am 103. I have met on a number of occasions with the families of the victims, as has Secretary Christopher, as have any number of other high level officials in this administration, and they are a remarkable, patient and persistent group of Americans who deserve not only our understanding, but our enormous admiration.

The Pan Am 103 situation as you pointed out occurred 4-plus years ago. The forensics, the tracing of the bomb that blew up Pan Am 103 was really quite a remarkable, but very time consuming achievement, as you know. Once it was very clear where the bomb had come from and who had made it and it was traced back, then

the previous administration chose the route that they chose to take.

I do not want to second guess the decisions made at that point. They were made and that is history. When I said that there was in my testimony a quite remarkable coming together of nations on this, this is the first time that this had happened. Most nations have viewed the issues of terrorism and like the issues of narcotics as, "Well, those are American problems. You know, we do not have those. Those are yours, Uncle Sam. You take care of those."

Now, increasingly, countries are coming to understand that terrorism like narcotics is resting in their backyards as well and that it is absolutely imperative that we as a community of civilized nations under the rule of law attempt to act together forcefully and do not provide safe havens. Attempt to act together forcefully through international bodies where appropriate and the previous administration chose to go through the United Nations. The French, the British and the United States got together and led the resolution that passed through the Security Council and then passed the United Nations to apply sanctions against Libya. Those were economic sanctions.

Now, Mr. Chairman, to suggest that those have had no impact whatsoever I think is perhaps not to give them the credit that they deserve. The Libyans economy is in significant problems. The Libyans have not to my best knowledge become active on the world scene as they were before. We have through this set of sanctions been able to isolate the Libyans and been able to demonstrate to them that the world was very concerned about their activities—

Mr. LANTOS. Is Libya still able to sell its oil?

Mr. WIRTH. Excuse me?

Mr. LANTOS. Is Libya selling oil at the moment?

Mr. WIRTH. The next step is what sanctions ought to be carried out. Libya is still selling oil. Oil provides about 90 to 95 percent of Libya's foreign exchange and is 25 to 30 percent of the Libyan economic base. While the Libyans are hurting as a result of the first set of sanctions, we would like in the United States to ratchet those sanctions up to the next level. That is what I was meeting with our French and British colleagues about. There is a difference of opinion between the allies about what sanctions ought to be undertaken—

Mr. LANTOS. Who is opposing placing an oil embargo on Libya?

Mr. WIRTH. Well, the French have been less enthusiastic about an oil embargo than an assets freeze. The British have been less enthusiastic about an asset freeze than an embargo on oil or oil equipment. What we are attempting to do is to work through a kind of brokerage arrangement so that the three of us can be in agreement and that is, as you probably know, a difficult negotiation. We would like to be able to ratchet up those sanctions. We believe that that is the appropriate response by the United States of America and by the United Nations.

SUDAN AND PAKISTAN

Mr. LANTOS. Mr. Secretary, we have six countries on the list of states currently sponsoring terrorism: Cuba, Iran, Iraq, Libya, North Korea and Syria. Is that correct?

Mr. WIRTH. That is correct, Mr. Chairman.

Mr. LANTOS. Is there any intention on the part of the administration to remove any of these six nations from that list?

Mr. WIRTH. I know of no intent to remove any of those six nations from the list, Mr. Chairman.

Mr. LANTOS. Is there any intention on the part of this administration, Mr. Secretary, to add any countries to this list? I particularly have in mind the possibility of Sudan, which in the view of some of us should have been placed on the list a long time ago, and Pakistan.

Mr. WIRTH. The Sudanese situation is currently under review, Mr. Chairman. The previous administration had determined that there was not sufficient evidence of state sponsored terrorism from Sudan. It is not individual acts of terrorism, but state sponsored terrorism. We are almost completed with our own review of the Sudanese situation. Similarly, ahead of that was a review of Pakistan and that decision will be forthcoming in the next few days.⁴

Mr. LANTOS. Speaking of Pakistan, a Pakistani citizen was charged with killing two CIA employees earlier this year. Is that correct?

Mr. WIRTH. I believe that is correct, Mr. Chairman.

Mr. LANTOS. What degree of cooperation have we received from the Government of Pakistan in pursuing this matter?

Mr. WIRTH. We are in extensive negotiations and discussions with the country of Pakistan and have made it very clear to them—they are very aware of the fact that if the country of Pakistan is placed on the terrorism list that then has significant economic repercussions for Pakistan and for the relationships between our two countries, and as a consequence we have found increasing cooperation from the Pakistanis.

Mr. LANTOS. Are you satisfied at the moment, Mr. Secretary, that Pakistan is giving us full cooperation in apprehending the killer of two of our CIA employees?

Mr. WIRTH. Yes, Mr. Chairman, the Pakistanis have been very forthcoming and cooperative on this. But again I would point out that the procedures established by the Congress and implemented by the State Department in terms of listing countries for state sponsored terrorism and that is in the report that we put out annually, and, you know, is an enormously important tool that is available and countries are absolutely aware of the fact that this tool is there and that we are willing to use it.

Mr. LANTOS. Now it is the information of some of us that Sudan is acting as a surrogate for Iran. What is the State Department's view of the degree of cooperation between Iran and Sudan, both in the field of perpetrating state sponsored terrorism and in other areas?

Mr. WIRTH. These appear to us, Mr. Chairman, to be a number of suggestions that there is that linkage and we are in the process of examining that right now. It is no mystery that the airport in Khartoum is a conduit out of which and into which fly all kinds of contraband, whether those are individuals or narcotics activities

⁴The administration decided not to add Pakistan to the list of state sponsors of terrorism on July 14, 1993.

or others and we are very, very concerned about that. And, as I pointed out earlier, we are right in the middle of our reexamination of the U.S. position toward the Government of Sudan.

U.S. CONTACTS WITH RADICAL ISLAMIC GROUPS

Mr. LANTOS. A number of us in the Congress have been disturbed by official U.S. contacts with various terrorist radical Islamic organizations that have been involved in violent terrorist acts such as Hamas or the Islamic Group in Egypt. What did we gain from such contacts, Mr. Secretary?

Mr. WIRTH. You would have to refresh my memory. I cannot comment on that. I will do that for the record, Mr. Chairman. I cannot tell you about those specific contacts. Let me review that and get back to you if I might.

Mr. LANTOS. That is very good. Congressman Gilman.
[The Department of State response follows:]

The USG does not have a dialogue with Hamas or the Islamic Group.

Officers in our embassies and consulates around the world routinely meet with a wide range of contacts in the countries to which they are assigned. The purpose of these contacts is to ensure that the USG is abreast of trends affecting our interests. One of the most important of these trends in the Middle East in recent years has been the growth of political Islam. In that context, lower-level officers at our embassies in Tel Aviv and Amman and at our consulate general in Jerusalem have on occasion met in the past with persons who may have been associated with Hamas. Similarly, while we cannot rule out the possibility that working-level persons had contact with persons associated with the Islamic Group, we have had no contact with that group as an organization. Given both Hamas and the Islamic Group's resort to violence, we are now not maintaining such contacts with the groups and U.S. officials have been instructed accordingly.

DEFICIENCIES IN PREVENTIVE COUNTERTERRORISM PROGRAM

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Wirth, first let me say that nobody is attempting to put blame on your responsibilities in this office, this administration or prior administrations, it is just that all of the prior administrations have left something to be desired with regard to the effective approach to counterterrorism. And particularly now with what has happened in the last few months, a greater amount of emphasis is due with regard to finding some more effective ways of dealing with this.

Now our enforcement people tell us that the most important part of their prevention program is to get intelligence, to be able to spotlight groups and persons who are intent on doing harm to our Nation. And that is why we have concentrated most recently in trying to close the loopholes on our immigration areas in trying to make certain that we provide the kind of information that is needed at our ports of entry with regard to potential terrorists and criminals. I know that we cannot talk about the specifics of the recent IG report on the visa to Sheikh Rahman at this point until the confidentiality is removed. However, that report at the end of June pointed out some very serious flaws in the visa system, serious flaws which we knew about, which your office knows about. So tell us, what is the Department and your office particularly charged with the antiterrorism portfolio doing now and immediately to try to close these gaping holes in our house of defenses against terrorism?

Mr. WIRTH. Well, I think, Mr. Gilman, your initial description of Abbott and Costello is probably pretty accurate. In exploring the situation of the blind sheikh getting into the country, I came to the very simple conclusion: Everything that could have gone wrong, did. And it happened over a significant period of time. We have a tendency in our Government to neglect the basic bricks and mortar, to neglect the basic foundation, to neglect the processes that make government work. I mean I can tell you, you know, going to the State Department after being in the Congress, the State Department makes the Congress look like a Swiss watch. And I know that may come as a surprise because you and I were probably frustrated in the same way, but it is remarkable.

Mr. LANTOS. Let the record show it is not an expensive Swiss watch. It is an inexpensive Swiss watch.

Mr. WIRTH. I will leave that unattended, Mr. Chairman.

But just to give you an example, the computer system in the State Department was installed in the late 1970's. The computer system at OMB effectively does not exist. And the same thing happened in the White House. I mean how you can get along with a telephone system surrounding the President that is effectively the same kind of plug in the telephones that we all saw on Saturday Night Live 25 years ago, you know, it is as much a joke looking at this, but it is a tragedy as well.

The State Department simply does not have the capability to do the job that it is being asked to do in the simple matter of processing information. And if we cannot do this in our backyard, then we certainly cannot do it around the world. Where we have consular posts, hundreds of consular offices around the world that are not linked together with any kind of a modern information system. I mean as I pointed out earlier, the easiest parallel to think about is our own credit ratings. If you move from New York to Colorado to California to Nebraska, you can have information on Gilman or Wirth or Lantos or Bereuter within a matter of minutes. And that information is very thorough, very complete and very simple to obtain with the technology of 1993. That does not exist in the State Department.

The State Department Consular Affairs operation is still heavily dependent on an old microfiche operation which is enormously awkward to work, which is extremely old fashioned, takes a great deal of time and is not capable of taking the spelling, the transliteration of an Arab name to English and looking at all the permutations of that kind of a name. You just cannot do it.

The Consular Office in Khartoum, the Consular Office in Cairo both were dependent upon that old microfiche system. We are, as you know, and as you have helped us to do trying to rapidly put new technology in so that in effect our consular system can operate as a credit system does in the United States. And, again, that parallel is an easy one to come to understand. So that is one problem that exists. We have come to the Congress and asked for funds to do this. The Congress has committed so far through the appropriations process most of the money to do this. And it is essential that we do it. It is the kind of very small investment that pays off enormously.

Mr. GILMAN. Counselor Wirth, how long will it take us to attack the priority areas, the areas where there is the most danger of having terrorists come to our Nation? What are we doing to prioritize that kind of a reform of their systems?

Mr. WIRTH. The current operation is upgrading in particular those consular offices and embassies through which the greatest number of individuals come. Therefore, we are talking about the largest embassies in the world are the ones that are being upgraded first because they are the ones where you have got the greatest return and have the greatest need for that kind of upgrade.

Mr. GILMAN. Is that underway at the present time?

Mr. WIRTH. That is currently underway. We are also requesting funds for the much smaller posts of which we have a large number and, unfortunately, included in those is the post in Khartoum, are a whole variety of new embassies in the former Soviet Union, other areas around the world that from our perspective are very high priority, but until we have the funds to do it, we will not be able to. It will not happen until the next year.

Mr. GILMAN. We are ready to help you out in any way we can to close up those problems.

Mr. WIRTH. We appreciate that and we are in complete agreement with your sort of Abbott and Costello description earlier. Dealing with this technology that is effectively 30 years old made it extremely difficult for consular officers to do the job that they are trained to do.

Mr. GILMAN. Well, I welcome your thrust.

Mr. WIRTH. Thank you, Mr. Gilman.

FBI RECORD CHECKS

Mr. GILMAN. In 1991, Counselor Wirth, the State Department stopped checking the FBI criminal record histories of these applicants. That occurred, we have been advised, because of an inter-agency dispute with the FBI over whether or not the State Department would have to pay a fee for those checks on possible known criminals. Can you tell us when the State Department will get back into the FBI criminal records system so that we can get some sense that there are government agencies working together to try to thwart terrorists and other criminal elements from getting visas to travel to our Nation and that threatens our very safety. And if you need to pay the FBI a little more, we can try to negotiate with them.

Mr. WIRTH. Mr. Gilman, during the late 1980's and early 1990's in the Congress, we were all fascinated with user charges. And one of the mandates for user fees came from the Congress that user fees be charged by the FBI and so, therefore, the State Department was required by law to pay user fees to the FBI for gaining access to their information. I have met with the Attorney General Sirino no more than 2 weeks ago and we are putting together a long list of areas where we believe the State Department and the Justice Department have got to increase and better coordinate activities. She has been absolutely terrific on this and I will defer to Mr. Brandon on this, but I will say her first question of me was, "What

do you need from us?" One of our first responses is, "Lower prices for access to your data."

Let me ask Mr. Brandon if he might want to comment on this.

Mr. GILMAN. I welcome that. Mr. Brandon.

Mr. BRANDON. This was mandated. The user fee was mandated. We did not think it was a very good idea. We do not think it is a very good idea today.

Mr. GILMAN. Could you move the mike a little closer, please.

Mr. BRANDON. Yes. These fees are mandated and we did not think it was a very good idea at the time. We do not think it is a very good idea today, because it can unfortunately restrict the flow of information.

Mr. GILMAN. What are we talking about? How much are we talking about to provide this kind of information to the State Department?

Mr. BRANDON. I tend to think it is in the record of \$6 or \$7 a record check. I am not sure of the accuracy of that fee.

Ms. BODINE. Probably somewhere in that neighborhood and when you get into the thousands of record check names, you start getting into some serious money.

Mr. GILMAN. Could you move that mike a little closer, too. It is hard to hear you.

Mr. WIRTH. Mr. Gilman, this is Barbara Bodine, who is Acting Coordinator of the Office of Counterterrorism.

Mr. GILMAN. Yes. Could you repeat that response?

Ms. BODINE. Even though the individual fee may only be about \$5 a name, when you think of the thousands of names that we will often run through, it can be quite a burden on our Consular Affairs budget.

Mr. GILMAN. It is a bit embarrassing for us as Members of Congress to have to go out to the public and say, "Well, you know, we have trouble in finding out who these terrorists are because we cannot afford to pay the fee to the FBI to get that information."

Mr. LANTOS. Would the gentleman yield?

Mr. GILMAN. I will be pleased to yield.

Mr. LANTOS. Has either the Department of State or the Department of Justice requested Congress to have this fee waived?

Mr. WIRTH. Mr. Chairman, we are working with the Senate on a whole package of activities. When the legislation came through in the House of Representatives, we were recently arrived and had not got our whole perspective together. We have a whole package related to this and other activities for the legislation currently going through the Senate.

Mr. LANTOS. Mr. Brandon, has the Department of Justice requested that this fee be waived?

Mr. BRANDON. I am not certain of that answer, sir.

Mr. LANTOS. Well, I think both Departments have a responsibility of advising the Congress how they think this could be better worked. I think we find it absurd that we have a World Trade Center bombing with a damage of—

Mr. GILMAN. \$600 million.

Mr. LANTOS. Of over \$600 million, and we are haggling over \$5 fees for finding out FBI information. I think this is an absurdity which needs to come to an end and it needs to come to an end with—

out delay. I mean the FBI will either stop charging you or we will give you the money so you can pay them, but this absurd lack of cooperation cannot continue.

I thank my friend for yielding.

Mr. MARTINEZ. Mr. Chairman, would the gentleman yield?

Mr. GILMAN. I would be pleased to yield to the gentleman.

Mr. MARTINEZ. You know, I could see where a user fee to outside agencies—not agencies, but outside individuals might be appropriate, but not between government agencies, but the FBI now provides for all of the banks, every individual that goes to work for a bank there is an FBI check run on them and it costs \$42 per check. And I am wondering if in some of the fees that you charge outside people because you have to set up a department for doing that and personnel and equipment and everything else, that somewhere in that fee structure is included enough for the operation of that division or department to cover the cost of that interagency—I am not sure that when the Congress passed that, if you were talking about, Mr. Wirth, that they were thinking so much about interagency as they were from outside sources because I know at the time they were thinking primarily about the number of employees that were being screened by the FBI for banks.

Mr. GILMAN. Did you want to comment?

Mr. WIRTH. I am just saying that we have attempted on the cost of this to pass it through to the applicants, of course, as much as possible, but it does create an awkwardness in the situation, but I think it is fair to point out, Mr. Gilman, that the fee issue is not the key issue in this. I mean it is a troublesome noise in the background. More important is the fact that we have an information system that is so obsolete that it cannot be used efficiently and effectively and that once we have the new information system and have fed into that information the 2.5 million, 2.5 to 3 million names that are currently on various watch lists, both of the State Department and the FBI, that this problem will be alleviated very significantly.

Mr. GILMAN. Well, of course, it is more than troublesome, Counselor Wirth. Here is one agency within the government, the FBI, that has the information we need, but is not passing it over to the State Department because State felt it was too expensive at one time and, yet, here we have a \$600 million property damage and a cost of lives at the World Trade Center, some 200 lives in the Pan Am loss of life. It is abominable that we do not have a transfer of intelligence and information based upon cost. Does the CIA charge your agency for providing information to you or to the White House? Does the FBI charge the White House for information? I think it is high time we correct this abominable situation and I would hope that we could get to that immediately. And, of course, the Congress as the chairman has indicated is willing to take a look at any statutory need in revising this system. I would welcome any comment.

Mr. WIRTH. Again, we will be in looking at the possibility of this in terms of the Senate legislation which will be the companion bill to the bill that has already gone through the House. Again, I would say, Mr. Gilman, that while this has been awkward and not as easy as possible and somewhat expensive, this has not been a fun-

damental problem. I think our system includes all the information from the FBI. I think that there was—I was just checking with Mr. Brandon—I do not know of situations where we have been limited in our access to information. It is more difficult to get, it is more expensive to get, but we have gotten it all. There has been very good cooperation with the FBI. Their information is in our system, our information system and theirs can work together. It is just that they are not as easily compatible as modern systems would be. And let me again go back to the fact that the basic fundamental reform in streamlining of our information system is the key to this.

Mr. GILMAN. Well, I understood that in 1991 State stopped checking with the FBI because of the user fee problem. Is that now been eliminated?

Mr. WIRTH. Mr. Brandon is telling me that there was a momentary slowdown in 1991, but it did not stop.

Mr. GILMAN. So we are back on track despite the user fee.

Mr. WIRTH. Yes.

Mr. GILMAN. Thank you. Thank you, Mr. Chairman.

Mr. LANTOS. Congressman McCloskey.

BOSNIA

Mr. MCCLOSKEY. Thank you very much, Mr. Chairman. I commend you for holding these hearings. They are most helpful and educational. It is very good to see Mr. Wirth again.

Tim, as we talked before, I truly am in awe and I am not envious at all of the complexity and difficulty of your jurisdiction. I wish you well, but I think the difficulty and the scope of your issues are probably as large, about as large as anyone's in the Federal Government that has to be accountable in any particular way. So I guess I might weave a question or a concern together that brings quite basically two of your major areas together, terrorism and refugees.

I was almost awesomely saddened by a report about 10 days ago in the *New York Times* interviewing a 20-year old Sarajevian-Bosnian soldier who said quite matter of factly—he was not romanticizing or exaggerating, he said, “I am a member of a lost generation.”

In essence, as we all know, the whole world has walked out on young Sarajevians and young Bosnians. What can we say to them? Most interestingly he said if somehow he lives through this, he plans to be a terrorist.

Mr. Chairman, to me, the Bosnian Sarajevian situation, Bosnia overall and Sarajevo specifically right now is the biggest pressure cooker for the present and the future generating terrorism that we can possibly imagine. In the meantime, as you know, the partition plan goes on and whatever, in essence telling the Bosnians with a gun to their head, “Take this or leave it.” We see in the last 4 or 5 days the word coming from Owen and others that indeed the U.N. could be out within a matter of weeks both militarily and as far as refugee aid resources. UNHCR is talking about getting out. There are fuel trucks, as you know, Tim, that would help generate the water now stranded at the Sarajevo airport. All our resources, all our governments, all our words somehow cannot keep these peo-

ple from dying from thirst and being most malevolently slaughtered as they are lining up for water.

I guess on a positive note I guess I would like to ask you is there any hope maybe more objectively? Is there any slaughter, is there any abomination, is there any travesty, is there any genocide that would generate the administration to break from the fold and generate the leadership on this issue and stop this slaughter?

Mr. WIRTH. Well, Mr. McCloskey, you describe the situation I think very accurately. And it is an enormous tragedy. We are building to a time of a real watershed moment I think in the history of Sarajevo. There are currently in terms of my portfolio responsibility for the humanitarian side of this. We have got two problems. One is one of access as you point out. The siege of Sarajevo goes on. The airport in Sarajevo, there is 6 miles from town approximately as you point out, a good deal of activity and I think were the siege to be broken, if in fact that happened in some way, then we would see the flowing in to Sarajevo of supplies not only from countries, but from PVO's and NGO's from all over the world, both from the West and from the countries, Islamic countries.

Do we have the funds to do that? In the United States, people have said we are not doing anything. The taxpayers of the United States, the citizens of United States have been extraordinarily generous. It should be pointed out that in the last year citizens of the United States have spent approximately \$340 million in humanitarian aid to Bosnia alone, \$95 million in the last month alone. I regret to say that the contributions from our allies have not kept pace with what they had done last year or with what we expect of them. Ambassador Zimmerman whom you know, Warren Zimmerman who was our last Ambassador to Yugoslavia, has been appointed by Secretary Christopher as his special envoy, recent was in capitals of Europe talking to everyone of the European governments asking them to up their contributions. We will be meeting with Mrs. Ogada in Geneva at a specially called UNHCR meeting this Friday, and we are hoping that we can increase that pressure, Mr. McCloskey.

Mr. MCCLOSKEY. Tim, I was in Zagreb talking to President Tudja about 2 weeks ago, and while there had a chance to drop by the headquarters. General Gudreau, the second in command in the Balkan region there basically said that the one thing that could generate concerted Western action would be the total slaughter and dismantling of Sarajevo. I was heartened that he said that, but quite frankly I was skeptical and a little bit disbelieving at the time. Can you tell me any thought, is there any thinking or any policy in the administration that would not allow that? I mean they are a starving and endangered people, probably worse in Gorazde, but are we going to allow 350,000 people to be slaughtered in Sarajevo? To be starved? To be shot? Without water for days at a time?

Mr. WIRTH. Well, there are two responses to that. Of course, the political/military options are under constant review, as you know. On the humanitarian side, we are doing everything we can to increase the contributions coming from sources, political, governmental sources and nongovernmental sources. But that, as you know, is extremely difficult as long as the siege of Sarajevo goes

on. Without access, no matter how many supplies we have, it does not do any good.

Mr. MCCLOSKEY. Thank you, Mr. Wirth.

Thank you, Mr. Chairman.

Mr. LANTOS. Thank you very much.

Congressman Bereuter.

PROPORTIONALITY OF RESPONSE

Mr. BEREUTER. Thank you very much, Mr. Chairman.

Mr. Wirth, you are sitting down there and the recipient of some expressed frustrations on the part of Members of the House.

Mr. WIRTH. They are not shared by any of us in the State Department, I can assure, Mr. Bereuter.

Mr. BEREUTER. I am sure they are and they are not aimed at you personally as I am sure you understand. You as a former Member of the House know that Members of House are in better contact with the American people routinely every weekend, in the course of the week, than any other segment of this society. We are in much better contact day to day than the people who cover the Congress and national events. We are in much better contact than the people that are in the bureaucracies with the American attitude and opinion. And that level of frustration pent up for a number of years is coming forth here.

Let me tell you, going back to the comments about the strike against the intelligence service building in Iraq that I agree with Chairman Lantos that the response must be overwhelming. That is the kind of statement, that is the kind of action that Saddam Hussein understands. It is the only one he respects.

And I disapprove very much of this constant use of the term, "proportionality." I see no proportionality in what happened there. I see indisputedly the Iraqi Government attempting to assassinate President Bush and we respond by knocking out a building, damaging a building. A former President, a building. And I look at that building, multiwinged building, six stories high, steel, reinforced steel and concrete, and I wondered why was that not taken out in the war? Well, it was. It has been built since the war along with the palaces that we destroyed. They have been built in larger and grander scale than ever. And we take great pains to avoid any loss of life within the building by going for a weekend.

Now do I have a better idea? Yes, I have a better idea. We take on the weapons of mass destructions and the missiles that are being constructed in Iraq and we take on the weapons of mass destruction that are being built and rebuilt and the facilities for them in Libya. We not only send a direct and telling message to them, but we try to keep those kinds of weapons of mass destruction and means of delivery from reaching the operation stage that they can be used against us and against the neighbors of those countries. That is the kind of proportional response I think that is understood.

We looked weak and it was a weak response.

IMMIGRATION REFORM

Mr. Wirth, counselor, I do hope that you will have a chance to try to impress once again, if you have not already, on our Judiciary

Committee the kind of actions that they need to take over there. I am quite concerned if we have an incident of mass terrorism which involves illegal aliens or people here under political asylum, there will be a kind of xenophobia already falling on fertile ground, already seeing the signs of it in this country that will bring us the kinds of actions that we will not want to see in the United States. So it is important that we take these actions to avoid that kind of xenophobia in this country and I just think it is quite important that you add the weight of the administration to the plea for action from our Judiciary Committees so that the personnel that we have in the INS and the various law enforcement agencies have the tools that they need.

I think it is important you would understand this that we listen to the people who are on the front lines and we do not let it get filtered through a permanent bureaucracy in some of the agencies that are accustomed to doing things one way and not down there at Dulles Airport, not down there at JFK, not there off the coast of California. Those are the people who we ought to listen to, I would say.

Can you tell me if you had, in conclusion, any kind of opportunity at this point to appear before a Judiciary Committee, or have any of your colleagues in State or Treasury had that opportunity?

Mr. WIRTH. I can tell you I have not personally testified. This is the issue of asylum and the summary or expeditious exclusion are both issues in the Justice Department and I would defer to Mr. Brandon or to other testimony, but I do know that as we look at making our whole system better, we talked earlier about our responsibilities and the information system. Our Department is strongly in support of the expeditious exclusion or the summary exclusion provision that I believe you mentioned in your opening comments. That was passed as you remember last year by the Congress and was part of the Omnibus Crime bill that ultimately got vetoed. And that is currently being reviewed by our new agency working group in this administration. So is the reforming and streamlining of our asylum system which requires major changes of law and I think you are absolutely correct in all of my contacts, less intense than they used to be, I think the bond between citizens and their government, not only from citizens' sense of the military security or the defense that is given to them, but also a sense that their borders are secure and they are not being overwhelmed. And I think that we see in California and in Texas and in Florida in particular a sense of institutions just being overwhelmed and the system not being able to respond to that. This administration is extremely sensitive to and aware of that and President Clinton, himself, has spoken to that on a number of occasions.

Mr. BEREUTER. Counselor Wirth, I want to just say in conclusion that I am impressed with the incredible array of responsibilities that you have, but I believe you have the right kind of experience, the right intent and the right kind of integrity to pursue it successfully. I wish you well on that effort.

Mr. WIRTH. Thank you very much, Mr. Bereuter, and it is a great pleasure to be back here. When I earlier in response to Mr. McCloskey's last comment about frustration reflecting my own and I think

yours as well, there are so many things that you would like to have done immediately. My frustration comes from that it does not happen as fast as you would like it to, but I think that we are making some significant progress. At least I hope so. Thank you.

Mr. LANTOS. Thank you very much.

Congressman Martinez.

Mr. MARTINEZ. Thank you, Mr. Chairman.

I guess like my colleagues I think that—well, maybe I have a slightly different view in retaliation for the attempted assassination of George Bush. Where maybe a building was not sufficient, I think timing and everything else was not what it should have been in response to that, but I am not too sure that we want to go out and declare war against Iraq. Of course, we might do that. We did that with Granada without declaring war, wiped out a government there. Went into Panama and pulled a government leader out of Panama. So I guess we can do just about anything we want, unless we are going to abide by our membership in the U.N. And then I think we are limited in what our response would be. So I am not sure I want to at this time say that the adequate response would have been to declare war on Iraq. It almost sounds as if some of my colleagues' statements border on that.

What I am more interested in is, you know, you talked earlier about how easy it was for someone, an undesirable or someone who has been affiliated with terrorism or a known terrorist to get into the country because of the checks and everything else. I am wondering if it's not more important to stop them before they ever get in here because we have seemed to have allowed people to come in a lot of different ways, visas, visitor's visas and everything else. While on the other hand, for the average person that is coming from one of these countries, you make it so difficult for them to get in to visit a loved one or to even come to a funeral of a loved one here. I have had countless number of cases in my district office arguing with the State Department and the U.S. Embassies abroad on behalf of allowing relatives and friends of my constituents to visit them. I remember one case where a young man wanted to come to visit his mother because she was desperately ill and the State Department said, "Well, she is desperately ill and if death is imminent as you suggest, why do you not just wait until she dies and come to the funeral?" Smart. And she did die. And then they told him, "Well, it is too late. She is dead. Why do you want to come and visit now?"

I cannot understand the State Department's mentality in some cases like that and their other mentality when they make it possible for people who are, in my own personal opinion, undesirable in this country, would cause us problems. But more than that, after they are here and we discover who they are, the process for getting them out is too time consuming. I think it takes too long. I think there are too many appeals before we can deport someone who has entered America under false pretenses. We give them the same system of justice that every American citizen has and they are not American citizens and they came here for dubious reasons, to commit foul play against us.

Have you or the administration or the State Department thought about submitting legislation to us to try to correct this process so

that we can get these people out as quickly as possible? Or if they have already committed a crime, bring them to trial as quickly as possible and take appropriate action against them?

Mr. WIRTH. Well, Mr. Martinez, first, the answer to that is yes. First, we are respectful as the Congress is of the balance between civil liberties and the respect for individual rights which is at the fundamentals of the United States of America and everything that we have stood for. You know, that basis as your earlier part of your statement reflects is absolutely imperative for us to continue to respect.

Understanding that framework, right now there is a very high priority in our agency working group looking at the reform and streamlining of our asylum system in particular and also what we used to call summary exclusion. I think it is now called expeditious exclusion. But we are looking to get that legislation back and passed as it was by the Congress last year, although part of the Omnibus Crime bill which was vetoed, that did not become law and we would like to move that back up to the Congress I believe after the current review as rapidly as possible.

EXCHANGE OF INTELLIGENCE WITH OTHER GOVERNMENTS

Mr. MARTINEZ. I think it is long overdue. Let me ask you another question on the subject of terrorism. I was awhile back, I cannot remember how long ago, in Israel and it was kind of a lunch conversation with one of the Israelis who had been briefing us on terrorism and his comment was that they are so much more advanced in their intelligence against terrorism than we are in this country because they have had years and years of training agents to infiltrate and et cetera. And I asked him at the time if there was—and I guess at that time there was not—an exchange of information with the appropriate agencies here in the United States. And his answer was no. And I am wondering has that changed?

Mr. WIRTH. We have very, very good contacts with Israeli intelligence. I am very surprised to hear that.

Mr. MARTINEZ. Well, it was a couple of years ago. At that time, evidently, it was the opinion of this gentleman that there was not the kind of cooperation there should be.

Mr. WIRTH. We have with them and increasingly we have contacts and cooperation around the world on the Iran alone. The Secretary has asked that we really highlight the attention given by other countries as we give it to Iran to try to lift up people's awareness of Iran as a real center of state sponsored terrorism. It was 2 weeks ago the first meeting of this group, Ms. Bodine was there representing the United States of America and really leading our efforts to get everybody's awareness increased on this. We are exercising the leadership we should exercise. So the sharing of intelligence is going on in a number of fronts and we have accelerated that in the last 4 months.

STATE SPONSORED VERSUS INDEPENDENT ACTS OF TERRORISM

Mr. MARTINEZ. The retaliation afterwards is probably an appropriate response, but, you know, you try to stay ahead of them and stop them before it actually happens is I think the best way to go

and it is awfully difficult. You do not know when they are going to sprout up and where they are going to sprout up.

That brings to mind, you were talking earlier about state sponsored terrorism versus I guess independent terrorism. Do we have any statistics or do we have any knowledge of how much of this is just spontaneous in some little group that they decide, hey, they have a cause and they want to make a statement and they go out and plan and carry out some act of terrorism? Do we have any information, is our intelligence information providing us with a definite division either percentage-wise or numbers between state sponsored and independent actions?

Mr. WIRTH. Well, as I pointed out in the start of my testimony, Mr. Martinez, on the one hand our efforts in the overall level of terrorism has gone down. The world is much more attuned to this. Our cooperation with other countries is much better. Our inter-agency cooperation is much better, our intelligence is much better and we have seen the overall trend of terrorism decline.

While I say that, there are alarming trends on the other side. While what we have done in the past seems to be working, we are seeing new phenomena growing. One of those is what one would call sort of the self-starter, the free lancers, the ones that you refer to, which may be a new and growing phenomena. And we have got to be better at that, be more vigilant at that. We may have seen—we do not know yet, but we may have seen that in New York in the World Trade Center or in the other threats targeted on the Fourth of July. We do not know yet enough about those events to tie them to a state or whether those are free lancers. There are some other items that are alarming. One of those was the ability of the PKK to in 29 different locations around Europe to stage terrorist events on one day. That was a very coordinated and I would say impressively coordinate set of events. I mean that is a major undertaking to have that happen in 29 different places. And, you know, that was to gain attention. That was not a terrorist act as the World Trade Center. It was a different sort of thing for the purposes of publicity and that is a different kind of phenomena that we are seeing. It is a little bit like, "Whack-em-All." You know, you put in a quarter and you have so much time and you have the thing and you are whacking down and the things pop up, you know. You are whacking over here and they pop up over here, well, we have to continue to play whack-em-all on this and there are these new phenomena that are coming up and your question points out that we have to change, be more adaptable and be increasingly vigilant and increasingly well coordinated in taking this on.

COORDINATION BETWEEN U.S. AGENCIES

Mr. MARTINEZ. The last statement, well coordinated, indeed is my next question, last question. It seems to me and it only seems to me and I could not really state this as a fact, but that there is not the kind of cooperation or coordination between, let us say the FBI, the State Department and the Immigration and Naturalization Service. It almost seems much like in the old neighborhoods that I lived in there were the gang wars and the turf wars and this is mine and this is yours. And, boy, you try to cross over and you get into a heck of a battle. Is there and if there is, is there a way

of extending that so that the INS is able to work with the FBI and the State Department identifying people that need to be removed from our society?

Mr. WIRTH. I came at this with the same skepticism that you had. I expected when I came into this new job, Mr. Martinez, to have the kind of fragmentation or noncooperation or turf battles that your question suggests. And I would say that I found just the opposite. This may have existed 10 years ago, this fragmentation, but, again, the previous administration set up a much broader cooperative effort between State and CIA and the FBI in particular, and that has worked remarkably well. I mean this is a very well coordinated group that works together on a steady basis. They are in touch on a daily basis and I would say that if there were ever an example—if I have ever seen an example of real interagency cooperation, government working the way it ought to work, this was a base to me. We are strengthening that, we are building upon that very good base. I will give you some examples of that. I mentioned our increased efforts with Justice across the board. We are doing the same thing with the CIA. We have a new border security working group that is operating out of the counterterrorism office at the State Department. We have a group called "Trevi" which is a European Community group in which the United States is playing an increasing role. We are working with the European Community as I pointed out on Iran trying to say, "OK, what lessons did we learn about this sort of cooperation? How can we help other countries to get this kind of a cooperative effort? How do we better share information with them?" And the sense of urgency that countries feel and the agencies feel is very real indeed.

Mr. MARTINEZ. I thank you very much, it is gratifying to hear that because there is a sense of urgency among the citizens. They see things like the bombing more recently and the destruction in that building and the billions of dollars of disruption and they are concerned. And they have no way of knowing just what our Government is doing exactly and your giving us information like this, we are able to carry it back to our constituents. Thank you.

Mr. WIRTH. Thank you, Mr. Martinez.

Mr. LANTOS. Thank you, Mr. Martinez.

Congresswoman SNOWE.

FUNDING PRIORITIES

Ms. SNOWE. Thank you, Mr. Chairman.

I want to welcome you, Mr. Wirth, a former colleague here in the House. I appreciate your testimony here this morning. On several of the issues that have been brought up here during the question period I have addressed in legislation that I have introduced with Congressman Gilman, one that would require the State Department have access to the FBI files with respect to the background of individuals in criminal activities. The second part of that also would require an update by the State Department of the computer system and the updated microfiche system that led to the serious bureaucratic bungling that ultimately led to the Sheikh's admission to the United States. And I will get back to those issues in a moment.

In the discussion here this morning with respect to the access by the State Department to the FBI files and the surcharge or the user fee that is required in order to have access to that information seems to me to typify the problem and the mindset that we have in this country or perhaps the inability to shift our mindsets from the fact that terrorism always occurred abroad and not on domestic territory. And I know that that is also going to be difficult I think for the various agencies including the State Department, the FBI, and the Immigration Office to deal with this in a cooperative fashion. And I know there is cooperation now as you say, but I think this illustrates the problem. The State Department does not get access to FBI information because it has to pay a user fee of only about \$600,000 which is the equivalent of three State Department officials abroad, out of 20,000 employees out of the State Department. So we are talking about a fraction amount of money compared to the overall budget of the State Department. And then on the other hand we have the FBI who has defined the fact that we are only going to provide this information to law enforcement agencies so, of course, that does not include the State Department. Rather than looking at the overall issue of "What are we trying to achieve here?" Which is, of course, to save not only money in this country but also to save human lives. And that the ultimate goal was to have access to that information so that people are best equipped to make the kind of decisions and judgments that do not allow people to come to the United States who are dangerous individuals.

So we not only have that kind of problem, which we do have, which in my opinion does represent the kind of problems that I think we have now in trying to shift and trying to do what we need to do in changing the laws, whatever they may require, and that includes immigration laws to address the problems that exist here in this country.

There was an article in the *New York Times* recently talking about this very fact and I think it is very good and it is realistic. And in that article it says, "America is better equipped to bomb Baghdad than to thwart attacks on its own soil." And I think it is true. We have not come to grips with this notion and it is a difficult one to come to grips with, but I think that that problem with access to FBI files is sort of an illustration of the problem that we are dealing with.

SUGGESTIONS FOR RATIONALIZATION OF VISA/IMMIGRATION SYSTEM

The second part of the issue in terms of admitting the Sheikh to this country, it not only was a failed system in terms of technology and updates, but it also was because of human failure. The individual involved did not follow through in all the prescribed procedures in looking for that information. And the information was in the Cairo system. So it is unfortunate that on the one hand so that we do have a computer failure in terms of not having the up-to-date information, but on the other hand we also have the human failure. And my legislation would also include the requirement of personal accountability. We do that now with the ambassadors and I think that we also should do that with individuals who work in these embassies and consulate offices when they fail to do what they are

supposed to be doing because this does, unfortunately, translate into human tragedy as we have seen here in the United States and may continue to occur, unfortunately. And so I think that we have to sort of shift gears here and I think that that does require as well among the agencies in trying to depart from how we have dealt with these issues from the past.

Now you look at the Sheikh in terms of deportation and extradition. It defies logic to suggest it has taken years. We have been trying to extradite him and deport him since 1991 because he was issued a green card. While one office in New York City was trying to deport him, the immigration office, in New Jersey they were issuing him a green card simultaneously. So we are talking worse than Abbott and Costello in my estimation, but the point is that it does defy imagination here that it could take so long to deport a known dangerous individual. And so I would hope that all the agencies including the two that you represent here today will do everything that you can to change the immigration laws so that we come back to a situation that is far more reasonable than currently exists today.

And that is what I would like to ask you, Mr. Wirth, exactly what would you suggest for changes that would make this system far more logical and more safe than it is today for Americans and what we can anticipate for the future with respect to terrorists' activities committed on American soil?

Mr. WIRTH. Well, Congresswoman Snowe, we share your sense of urgency about this and I can assure you that that is felt not only in the international part of this, but I have felt the same concerns in my discussions with the Justice Department. I do not know if you were here earlier when I met with Ms. Reno. The first thing she said was, "What do you want me to do?" I mean that is the same things, "We are here. We will do whatever you want us to do." It was a very forthcoming and terrific discussion.

Going through your points, first, I think that we may be barking up something of a blind alley on the issue of the user fees. There really has not been a stoppage of information as a result of this. It is awkward. It is more difficult than it ought to be, but it has not resulted as far as I know in any stoppage of information, but since this has come up so intensely, Mr. Chairman, what I would like to do is to go back and have a look at this and maybe I will give you a formal response to this whole question of the user fee and how that has interfered and so on. I think we all ought to really examine that more closely and let me commit to doing that by the end of the month if I might. And I think that would be helpful for all of us. If I cannot get it by that time and it is more complicated, I will let you know.

Mr. LANTOS. We appreciate that.

Mr. WIRTH. Let us see if we can resolve this once and for all.

Second, the information system is a significant problem. We have talked about that. Perhaps we ought to, Mr. Chairman, be going back to the Appropriations Committee and asking for more money to more rapidly upgrade that issue. We are determined to do that within the next year to have the new information system in place and maybe it should be more rapid than that. We thought that this is what the current system could bear.

Third, Congresswoman Snowe makes a very good point about human error and what goes into the system. I mean this goes back to what we all learned first dealing with computers: garbage in, garbage out. You know, if you do not put the right information into the system, you are not going to get reasonable information coming out of the system. And we are aware of that and have augmented and increased the communiques going out to our embassies and all of our consular offices on this. Their own frustration is reflected in having to operate often with an extraordinarily understaffed area with a system that does not work very well. But, that is no excuse for the errors that were made related to the incidents that we have been discussing which, again, the Abbott and Costello nature of it. If errors could be made, they were all made—and some of those were human errors. I would hope that we would not be criminalizing human error. I think rather it goes to the point of really much better training and a much better sense of accountability and a much better leadership in each one of our consular offices. And I know that that is currently underway by the new Assistant Secretary for Consular Affairs.

Finally, on the change of immigration laws, this really is not our bailiwick in the State Department and I would defer to Mr. Brandon's questions later. We have made it very clear that we believe that reform and streamlining of our asylum system is absolutely imperative. We see the problems with that in so many different places whether we are dealing with the Chinese coming in illegally and sitting off the coast of Mexico today, to the problems of the blind Sheikh. The issue of summary or expeditious exclusion is another one that has to be taken care of right away. On both of those, this administration I know is moving rapidly, but I would leave that to Mr. Brandon and to the Justice Department since that does fall very specifically into their bailiwick. We are supporting their efforts in every way that we can from the State Department providing both testimony, anecdotal evidence and a push to get this to happen.

Ms. SNOWE. A couple of points. We did include, you should know, in the State Department authorization the requirement that you have access to the FBI files and also an updated computer system so that those two issues have been included.

Another point is my legislation has to go before the Judiciary Committee and I am in hopes that they will address this issue this year and that is to go back to the immigration law prior to 1990 where it says if somebody was a member of a terrorist organization, they would not be allowed to be admitted to the United States. The law was changed, unfortunately, in 1990, that required a greater burden of proof upon the United States' Government to prevent an individual from entering the United States. Now you would have to prove that they were about to be personally part of the terrorist activity or were personally part of a terrorist activity. So that is a greater burden to prevent an individual from coming to the United States. And, certainly, we ought to go back to the 1990 law. That would certainly have meant that the Sheikh would not have been admissible, although he came in under, as we know, other circumstances. But we would not have been able to deny him

admission to the United States on that basis even though he was and is a member of a terrorist organization.

Finally, one other point, you mentioned earlier in your remarks that the State Department has access to all the criminal activity files of an individual of crimes committed in the United States. It is my understanding the State Department does not have access to such information of crimes committed in the United States.

Mr. WIRTH. I am not sure that I said that we had access to all the criminal files of crimes committed in the United States. We do have access to the relevant FBI information and I do not know of a problem on that. I would ask Mr. Brandon, would you like to comment on any of that?

Mr. BRANDON. There is not an open interface between the FBI and State Department with regard to all criminal files, but upon request we furnish them any information that we have that is identifiable. When I say not an open system, the State Department is not designated as a law enforcement agency so they do not have their own access. That is the only caveat, though. Anytime they make an inquiry, if we have the record, they get it.

Ms. SNOWE. In conjunction with this issue, when I was developing this legislation I came across I thought a startling statistic. It said there was a 45 percent drop in denial of visas for individuals with past criminal activities. And I do not know if this has any bearing or any relationship, but it certainly is disconcerting to say the least.

Mr. WIRTH. Well, again, your sense of urgency is I can guarantee you reflected both in the State Department and in the Justice Department of looking at this whole system. This again goes fundamentally back to the point made by Congressman Bereuter about the absolute imperative to assure to all of our constituencies, the citizens of the United States that in fact our Government is working effectively to protect them and this is a very, very significant threat which they perceive which is very real and which we have a responsibility to execute.

Ms. SNOWE. I appreciate it. Thank you very much.

Mr. WIRTH. Thank you very much.

Mr. LANTOS. Thank you very much.

I know, Mr. Secretary, that you have to leave shortly, but Congressman Smith has a couple of questions.

Mr. WIRTH. I wanted to wait for Congressman Smith before leaving.

Mr. LANTOS. Very good.

NICARAGUA

Mr. SMITH. I appreciate that, Tim.

Mr. Chairman, thank you for yielding.

Mr. Brandon, I would like to direct my first question to you. Last March 24, Mr. Gilman and I wrote Secretary Christopher asking for a full and thorough investigation concerning the five fraudulent Nicaraguan passports that were found on March 8 at the home of one of the suspects arrested in connection with the bombings at the World Trade Center. We received back correspondence on April 14 advising us that there would be a full investigation by the FBI and by the Department of State's Diplomatic Security Service. As you

know, as members of this committee know, there have been some people convicted of fraud in Nicaragua as a result of that investigation. As a matter of fact, one of those who was sentenced to 6 years in prison in mid-April, Adolpho Ibarra, has stated that he was scapegoated. A couple of weeks ago he was given a stay of his sentence for, "health reasons," and apparently he will be leaving the country very shortly.

Could you advise the committee about the status of that investigation? That investigation is very important, especially as we proceed in our bilateral relations with Nicaragua. Even people like Ibarra who made some very substantial allegations, true or untrue, raised some very serious questions especially when his information perhaps circumstantially corroborates with some of the other facts of this case. If you could respond to that. Thank you for your response.

Mr. BRANDON. I do not like to really have to answer this way, but those—there is investigative activity that is ongoing. There have been Federal charges filed in the United States involving one individual in connection with those passports. So, unfortunately, I am basically going to have to say that it is not really appropriate for me to go into the status of the investigation. But it is ongoing.

Mr. SMITH. Hopefully, it is aggressive and no doubt thorough. As soon as this committee whether it be privately or otherwise so could be informed, it would be very, very helpful.

Mr. BRANDON. We certainly will do so.

Mr. SMITH. I appreciate that.

[The Department of State subsequently submitted the following response:]

Question. What is the status of the investigation concerning the five fraudulent Nicaraguan passports found on March 8 in the home of one of the suspects arrested in connection with the World Trade Center bombing?

Answer. The fraudulently obtained, but legitimate passports, were found in the possession of one of the suspects arrested in New York in connection with the bombing. Three Nicaraguan nationals have been arrested and convicted in Nicaragua for producing the forged documents which were used to acquire the passports. The Department of State's Diplomatic Security Service has the matter of the five Nicaraguan passports under active and vigorous investigation. U.S. investigators say that the Nicaraguan civilian authorities have been forthcoming with information that is available to them.

Mr. SMITH. One very brief second question, Mr. Chairman.

Mr. LANTOS. Could you direct whatever questions you have to Counselor Wirth, first, Mr. Smith, because he has to leave.

Mr. SMITH. I have no questions for Mr. Wirth at this time.

Mr. LANTOS. Well, then, if I may just intrude for a second. Counselor Wirth, we are all in your debt for your very comprehensive and extremely informative testimony. We hope Ms. Bodine will be able to stay with us for the balance of the hearing and we look forward to having you back again.

Mr. WIRTH. Thank you, Mr. Chairman. I will ask Ms. Bodine to stay and again I want to thank you two ways. One, having this kind of hearing does make agencies focus more clearly than they might and to pull things together and that is a very useful contribution all by itself.

Second, I think the dialogue that we have had and continue to have, you know, is extremely useful and positive and we greatly

appreciate the support of you and Congressman Gilman and members of the committee. We are deeply indebted. I met with Secretary Christopher related to issues surrounding this hearing and he wanted me to again convey his thanks to both of you and particularly for your great support for the efforts which he is undertaking at the State Department.

Mr. LANTOS. We appreciate this very much and I understand Ms. Snowe has a farewell comment to you.

REWARD PROGRAM

Ms. SNOWE. Just a quick question. Is the State Department, the FBI issuing rewards to seek these international terrorists?

Mr. WIRTH. What we are attempting to do is we have authority in the State Department which the FBI does not have and what we are attempting to do is to rationalize that reward structure so that the FBI can use much of the authority that we currently have.

Mr. BRANDON. That is correct. We do have authority. I will bring it up later if I get the opportunity. We just do not have the money.

Mr. SMITH. If the gentlelady will yield?

Ms. SNOWE. Yes.

Mr. SMITH. Was the dispute resolved that I understand existed between the State Department and the FBI on this, with regards to the World Trade Center, as to offering rewards for the finding and capture of these perpetrators.

Mr. WIRTH. There was no dispute.

Mr. BRANDON. There was no dispute.

Mr. WIRTH. I think that was probably an erroneous interpretation.

Ms. SNOWE. As to whether or not there was enough international connections?

Mr. WIRTH. That is correct.

Ms. SNOWE. So there is no dispute between the agencies on that one.

Mr. WIRTH. No.

Ms. SNOWE. So the question is one of monetary.

Mr. BRANDON. From our perspective it is. We got authority in 1984 to have a reward system which is similar for acts within the United States. We have just never been able to get any money to back that up.

Ms. SNOWE. Does not State have—

Mr. BRANDON. Their authority is for acts abroad or acts that specifically come from abroad.

Mr. WIRTH. And what we are attempting to do is to broaden that for information abroad as well as actions abroad which would help it seems to me the flow of information and the intelligence and cooperation between the two agencies.

Ms. SNOWE. Thank you.

Mr. GILMAN. Mr. Chairman, just before Mr. Wirth departs, I would like to comment on how fortunate you are to have a career diplomat like Ms. Bodine working with you on counterterrorism who has had so many years of experience in that office. Thank you, Mr. Chairman.

Mr. WIRTH. Thank you very much. Thank you, Mr. Chairman.

Mr. LANTOS. Thank you very much.

If my colleague from New Jersey agrees, we would like to have Mr. Brandon make his opening statement and then we will begin the questioning with you. Is that all right?

Mr. SMITH. If I could ask one brief question, because I do have to leave.

Mr. LANTOS. If that is all you have, then please go ahead.

PREPARATIONS FOR THE WORLD CUP

Mr. SMITH. Mr. Brandon, if you could speak to the issue, I think in previous years we have all been very gratified by the kind of coordination and protection that has been afforded U.S. citizens and those visiting major sporting events. And, as we all know, the World Cup is coming to the United States. My sons and I had the opportunity of joining that overflow crowd at RFK recently to see Brazil and England square off in an excellent soccer match. Could you speak to the kinds of—without obviously revealing anything that could compromise your work, the kinds of preparations that are being made since this is the truest form—when we talk about the World Series, it is really a U.S. series. When we talk about other than the Olympic Games, the World Cup is a truly international event, the kind of special preparations that are being made to mitigate terrorism events.

Mr. BRANDON. We are very much aware that the World Cup is coming and starting about 18 months ago we began meeting with various law enforcement services from abroad, people who have had experience in dealing with the World Cup and the tremendous problems that have to date gone along with this. We have also had four meetings now with law enforcement authorities and which have gotten all the U.S. cities who will host these games involved. They have come to meetings where we have all come together, along with some of the authorities from abroad, so that everybody is sharing the same information and so they have the same understanding of what may face us.

Along with that, we have other government agencies working in the same working groups. We are also setting up—in fact, it is actually operating now, partially operating, an electronic system for movement of intelligence information from abroad into the United States and then to be funneled out to all the venues and this will be done instantly as information comes up. We have also worked very closely with the World Cup officials with regard to physical security at all the sites and how they are going to handle the various checks, the crowd checks, that sort of thing. I think that we are very much involved with that. We hope that it goes off without incident. That goes without saying. I think that the systems are in place to give us the best chance of having that happen.

Mr. SMITH. You do have sufficient resources to get the job done?

Mr. BRANDON. Yes, I believe we do have at this point.

Mr. SMITH. Thank you very much.

Mr. LANTOS. Mr. Brandon, let me first thank you for being so patient and understanding. Your prepared statement will be entered in the record in its entirety. You may summarize anyway you choose and then we will move on to questions.

STATEMENT OF HARRY B. BRANDON III, INSPECTOR-DEPUTY ASSISTANT DIRECTOR, ADMINISTRATION/INTERNATIONAL TERRORISM, INTELLIGENCE DIVISION, FEDERAL BUREAU OF INVESTIGATION

Mr. BRANDON. I appreciate that because my prepared statement was probably too long.

Mr. LANTOS. All prepared statements are too long.

Mr. BRANDON. I would like to make a few brief remarks if I might, Mr. Chairman. In 1982, by executive order, the FBI was assigned specific lead agency responsibility for combating terrorism inside the United States. And at the same time, the State Department was given responsibility for combating terrorism abroad. We believe we have a twofold mission. The first and primary mission that we have is to prevent acts of terrorism. If we are not able to do that, then the secondary mission that we have which becomes our primary mission if there is an act of terrorism is to immediately respond to an act of terrorism using all of our resources.

Throughout the 1980's and 1990's, the United States has remained a major target for international terrorist groups. The Department of State keeps these statistics according to their statistics. The overall number of incidents worldwide has declined, however, the United States does continue to be clearly the primary target abroad. At the same time within the United States, international terrorism has been very limited. That does not mean that we have not suffered in the United States from terrorism because when you combine domestic and international terrorism, we have had since 1982, 166 separate incidents of terrorism in the United States that has resulted in 21 deaths, hundreds and now with the World Trade Center, thousands of injuries. And during the same period, a fact that a lot of people do not know about because maybe we cannot talk about it a lot, the FBI and local law enforcement authorities have prevented 74 potential acts of terrorism.

PREVENTION OF TERRORIST ACTS IN THE UNITED STATES

Mr. LANTOS. I want to stop you right there, Mr. Brandon, because you are making an extremely important point. In all of our antiterrorism/counterterrorism efforts we need the support of the American public. I do not want this phrase just to slip by because this is really at the core of the issue we are discussing.

Just a short while ago, a few weeks ago, the FBI made public attempted acts of terrorism in New York City involving the United Nations headquarters, a major Federal building that houses the FBI, two tunnels and attempts at assassinating a Member of Congress. Now you are saying to us and I accept this, that there were 74 attempted acts of terrorism that were prevented by your actions.

Mr. BRANDON. By the FBI or a combination or by other law enforcement agencies since 1982.

Mr. LANTOS. Since 1982. That is a decade.

Mr. BRANDON. Yes, sir.

Mr. LANTOS. I will not ask you, obviously, to itemize each of those 74 attempted acts of terrorism that were prevented by our alert law enforcement agencies. I want to tip my hat to you and to your colleagues, but I do want to ask you to give us some infor-

mation about those without in any sense interfering with confidentiality of sources and other such matters.

So let me sort of help you by asking a few questions.

Mr. BRANDON. Yes.

Mr. LANTOS. What proportion of the 74 attempted acts of terrorism that were prevented by your actions were state sponsored?

Mr. BRANDON. I am hesitant to try to answer that off the top of my head.

Mr. LANTOS. Well, just give me a ball park figure. Was it 90 percent, 50 percent, 10 percent?

Mr. BRANDON. I would say probably 15 to 20 percent.

Mr. LANTOS. Fifteen to 20 percent were state sponsored acts of terrorism. What states were involved in those attempted acts of terrorism? We are certainly not revealing any intelligence secrets because they know that they were involved. So it is high time the American people know.

Mr. BRANDON. Specifically to name three; Iran, Iraq and Libya.

Mr. LANTOS. Iran, Iraq and Libya.

Were there any other states involved in attempted acts of terrorism on American soil during the course of the last decade?

Mr. BRANDON. I do not believe so. I would like the opportunity to respond further to you in writing.⁵

Mr. LANTOS. That is fair enough.

Can you describe in general terms the basic outlines of the attempted acts of terrorism that were sponsored by Iran? We are not revealing any secrets to them because they knew what they were doing.

Mr. BRANDON. In very general terms, I would say Iranian potential acts of terrorism have been directed against individuals who were antiregime where state organs or representatives of the government were used, intended to carry out acts directed against individuals who were considered to be antiregime.

Mr. LANTOS. How about Iraq sponsored acts of terrorism? Can you describe those to us in general terms?

Mr. BRANDON. Yes. And I can give you a very specific example in this case.

Mr. LANTOS. Please.

Mr. BRANDON. In 1990 an individual was arrested in California and charged with attempted murder or planning to attempt to murder an Iraqi dissident residing in the United States. His name is Andre Koshabi. He has subsequently entered a plea and been found guilty of this. This was at the direction of the Government of Iraq.

Mr. LANTOS. Can you give us some additional information on Iraq's sponsored terrorist acts within the United States?

Mr. BRANDON. I think probably other than that one example, we would be better served if I were to say in general they have been directed against antiregime—people who are viewed as being antiregime.

Mr. LANTOS. How about Libyan sponsored acts of terrorism within the United States?

⁵ Responses to all questions which were promised to be received in writing appear in an October 21 letter from the FBI which appears in appendix 6.

Mr. BRANDON. In 1988, we arrested six Libyans who were actually charged with various fraud violations in an attempt to finance, what we believe to finance activities on behalf of the Government of Libya in the United States. They were also involved in violating the trade embargo between the United States and Libya.

We have also had similar incidents where Libyan nationals or people acting on behalf of the Government of Libya were searching out people who were considered to be against Qaddafi, against the Government of Libya with an intent to do harm to them. So it is a fairly similar pattern with Libya.

Mr. LANTOS. This is very helpful. Is there anything else you would be able to reveal to this committee in connection with the 74 attempted terrorist acts?

Mr. BRANDON. I think that probably I would prefer to answer that in writing for the committee to have in writing.

Mr. LANTOS. That is fine. Please go ahead with your comments. I thought this was very helpful.

CONTINUATION OF OPENING STATEMENT

Mr. BRANDON. Yes, sir.

While we have had 166 acts of terrorism and 74 potential acts stopped, I do think we need to look at it and say that, in fact, even with this number, compared to many countries around the world, the United States has had a relatively low rate of terrorism, both domestic and certainly international within the United States.

Congress has played a major role in our efforts in counterterrorism by passing statutes which have enabled us to investigate acts of terrorism in the United States and also particularly important legislation in 1984 and 1986 which resulted in a rather major expansion of FBI jurisdiction and enabled the FBI or charged the FBI with going abroad to investigate acts of terrorism directed against U.S. citizens.

We believe that the relatively low level of terrorist activity over the past decade is simply because I think our Government, our law enforcement intelligence agencies have been most active in this area. There has been a great deal of attention paid to this area and this is known. We have also had successes in terms of law enforcement activity in this area. I think a way to characterize this is that I think that it is fairly well known that the United States is a pretty hard operating area for a terrorist. This is due to a lot of cooperation including citizen cooperation which you just mentioned. That is vital, absolutely vital. We should not, however—I think we are foolish if we become overly confident. We have just had a couple of recent incidents which I think serves to focus attention upon this area. Certainly, the bombing in New York, although I feel that what has occurred since then is something that sends a clear message to terrorists who would come to the United States. We have been successful in making arrests.

The plan to commit acts of violence in New York which was just stopped a couple of weeks ago also serves, I think, to remind us that we are vulnerable. There is no question about that.

Mr. LANTOS. We have arrested nine people in connection with that attempted act or acts of terrorism.

Mr. BRANDON. Yes, sir.

Mr. LANTOS. My understanding is that a 10th individual is at large.

Mr. BRANDON. That is correct.

Mr. LANTOS. And has not yet been arrested.

Mr. BRANDON. That is correct, yes, sir.

Mr. LANTOS. Is he actively being pursued and is it our information that he is still in the country?

Mr. BRANDON. He is very, very actively being pursued.

Mr. LANTOS. Please go ahead.

Mr. BRANDON. I will, I think you understand because of pending prosecution, any comments that I would make in these two cases are extremely limited.

You have expressed an interest earlier this morning and you have previously expressed an interest in what our assessment is of the terrorist threat. Speaking of the terrorist threat in the United States, it is our position after looking at all of our sources of information which we do on a daily, literally hourly basis, here and abroad that in fact in spite of the two recent incidents, if you will, that we do not believe that we are about to see a wave of terrorism sweeping the United States. We just do not see the indicators at present that indicate that. We are not unaware of it at all. We are looking at it very hard, but we do not believe that we see that today, that this is the precursor of a wave of terrorism.

During the past several years, we have seen and adapted I think to various forms of terrorism. Terrorism has evolved over the last 20 years. I think that we have dealt with them as a government in a fairly well informed manner and it has been successful. I say it again, the value of cooperation cannot be overstated. This is cooperation within the U.S. Government, with state and local law enforcement within the United States and very vital cooperation around the world with intelligence and law enforcement agencies from around the world. Terrorism truly with very few exceptions is an area in which politics are not a factor. It is one of the few common bonds that we find worldwide. People have a concern about this. So we are—we do have this and we push cooperation around the world. We have challenges ahead, there is no question about that. We need to continue our effort and we will continue our effort.

I think I will just really say that I want to assure you and I hope you know this that the women and men of the FBI are firmly committed in this area. There should be no doubt about this. We will undertake any and all measures necessary to insure that we can effectively combat this menace in the United States and abroad.

At this point, I would like to stop and respond to questions.

Mr. LANTOS. Thank you very much. We certainly appreciate the enormous work done by the men and women of the FBI. Congressman Gilman has to leave so I will yield the first chance to questioning to him.

Mr. GILMAN. I thank you, Mr. Chairman, for permitting me to go out of order and I want to first compliment our Bureau for its recent arrests in New York of those terrorists who would have targeted our U.N. complex and other facilities in New York City. It would have been dreadful if they had been able to complete their mission and I have already expressed that to Director Sessions. I

think our entire nation and citizens in New York are most grateful for the good enforcement work the Bureau has undertaken.

Mr. BRANDON. Thank you, sir.

PERSONNEL ASSIGNED TO COUNTERTERRORISM ACTIVITIES

Mr. GILMAN. Can you tell me how many personnel are assigned to your day-to-day counterterrorism work?

Mr. BRANDON. We generally do not give out that figure publicly. I would be very happy to respond to that in writing certainly.

Mr. GILMAN. I think our committee would welcome knowing.

Mr. BRANDON. Yes. A side comment and I will just very quickly add to that is that the FBI is a rather unique organization. We do have the ability to move resources very, very quickly. Trained criminal investigators can be moved from one area to another. In the area of terrorism, I can assure you when we have an incident such as the World Trade Center or the investigation, the more recent investigation where the people have been charged with conspiring to commit an act of terrorism, the resources committed have been enormous and without question. We have shifted them from other areas and then as we can we will move them back.

Mr. GILMAN. Your work, though, is essentially involved in counterterrorism.

Mr. BRANDON. Yes, sir.

Mr. GILMAN. That is full time?

Mr. BRANDON. Yes, sir.

Mr. GILMAN. I assume then you have some other full time personnel working on counterterrorism with you.

Mr. BRANDON. Yes, sir.

Mr. GILMAN. That is the information that I would hope you would provide.

Mr. BRANDON. Absolutely.

INTERAGENCY TASK FORCE

Mr. GILMAN. Counselor Wirth indicated there was some interagency task force at work and I might pursue that with Ms. Bodine as well. Is that underway now? Do you meet on a regular basis? Can you tell me a little bit about that interagency task force?

Mr. BRANDON. We have for a number of years actually been meeting with the various parts of the U.S. Government that have an involvement and interest in counterterrorism. This is done quite often, sometimes almost on a daily basis if events dictate. Lacking that, I would say the minimum, at least every 2 weeks we formally get together and meet to discuss issues of common interest. I think that it is an extremely effective way to do business. It really does ensure that maybe we do not let the bureaucratic problems that sometimes crop up get in our way because we work together very well.

Mr. GILMAN. That is encouraging.

Ms. Bodine, what agencies are involved in this interagency task force that meets on a regular basis?

Ms. BODINE. It is known as the Coordinating Subgroup and it includes the NSC, the Director for Global Affairs, Coordinator for Counterterrorism, FBI, Justice, the CIA, JCS, OSD, Special Oper-

ations Low Intensity Conflict Office, and on occasion as needed FAA, MARAD, Department of Energy, Treasury.

Mr. GILMAN. Do you meet regularly?

Ms. BODINE. We meet at least every 2 weeks and more often as necessary.

Mr. GILMAN. Do you chair that task group?

Ms. BODINE. It is chaired by the NSC, but it is very much of an open meeting.

Mr. GILMAN. Have you found it to be effective and beneficial?

Ms. BODINE. I found it to be extraordinarily effective and beneficial. As Counselor Wirth said, it is a model I think for how other issues could be handled. We know each other. We can deal with each other very casually on the phone. We can make things happen very quickly when we have to because we already know each other and we know the issues.

HAMAS

Mr. GILMAN. Well, that is an encouraging aspect of this whole problem.

Mr. Brandon, has the FBI completed its review of the Israeli arrest earlier this year of several Americans who were involved in terrorist activities on behalf of Hamas in the Middle East?

Mr. BRANDON. We have to the extent—yes, we have.

Mr. GILMAN. Can you tell us anything about your conclusions at all?

Mr. BRANDON. I do not believe that I can in this forum, sir. I would be glad to respond separately.

Mr. GILMAN. Can you tell us at least whether these people were definitely involved with HAMAS in their activities?

Mr. BRANDON. I would rather respond in writing to you, sir.

Mr. GILMAN. Would you do that for the committee?

Mr. BRANDON. Yes, sir, absolutely.

[The response follows:]

The FBI's investigative efforts related to HAMAS are classified, as is the staffing level of the Counterterrorism Program. A separate classified briefing can be arranged upon request.

PAN AM 103 INVESTIGATION

Mr. GILMAN. Mr. Chairman, with your consent, I would like to make a request.

Can you tell us also has the FBI concluded its work on Pan Am 103 or is that still an ongoing investigation?

Mr. BRANDON. That is an ongoing investigation. Obviously, there have been indictments that have been brought, but there are aspects of the investigation that are continuing, yes, sir.

Mr. GILMAN. Is there some thought that there are more people involved than you have initially found?

Mr. BRANDON. It would not really be appropriate for me to comment on that.

Mr. GILMAN. Can you comment in writing to the committee with regard to the extent of your activity in Pan Am 103?

Mr. BRANDON. Yes, sir, I will be glad to do so.

[The response follows:]

On November 14, 1991, two Libyan nationals were indicted by the U.S. Government for their involvement in the bombing. Since the indictment, the FBI has continued its intense investigation to obtain additional evidence of the crime.

Mr. GILMAN. And, again, just to reiterate what we discussed earlier, there is no longer any problem then of your providing information in your files to the State Department's agency on counterterrorism, that there is a free flow of information now to the State Department. Am I correct?

Mr. BRANDON. Yes, sir.

Mr. GILMAN. But you are still charging them for—

Mr. BRANDON. In certain categories and I am going to have to beg the question a little bit because I am I guess what we call an operator and I am not entirely familiar with the information management aspect. I am aware of the issue, but my understanding, very clear understanding is at this point that I know from an operational standpoint the information flow is complete and thorough. I believe the other technical aspects have been overcome, although the State Department still does not like to have to pay for certain kinds of information.

Mr. GILMAN. I would hope that both your office and Ms. Bodine's office could provide us with some recommendations to try to overcome this glitch, so to speak, in getting information flowing freely and any cost problems that might be involved. It seems incredulous that we should have that happening in a very critical problem.

Ms. BODINE. Yes, we will do that.

Mr. BRANDON. We will visit that again, but I can state unequivocally in the area of counterterrorism there is no problem with the flow of information.

Mr. GILMAN. Well, we thank both of you for your input and we thank both of you for your continued involvement in this very critical problem.

Thank you, Mr. Chairman.

CONNECTIONS BETWEEN TERRORISM AND NARCOTICS TRAFFICKING

Mr. LANTOS. Thank you very much.

I just have a couple of questions before I conclude. Ms. Bodine, what is the extent of the connection between narcotics trafficking and terrorist activities in various spots of the world that you deal with? For instance, is it true that in the Bekaa Valley under Syrian control the various terrorist groups obtain much of their funding or most of their funding from narcotics activities?

Ms. BODINE. There is an intertwining of narcotics and terrorism in a number of places. Lebanon is one. Certainly, Colombia, the Andean region is another. In most cases, the narcotics is used, as you mentioned with Lebanon, as a source of revenue. The other way that it will sometimes come up is that the terrorists will in a sense become mercenaries to the narcotraffickers. It is always a mercantile kind of arrangement. We are aware of and we do speak with the Syrians on the question of drug eradication. We are aware of that link and it is a particularly bothersome one.

One of the reasons that we are putting narcotics, terrorism, and crime together in one bureau is that there is this intertwining of these three groups of despicable people. And it makes it much easier

er to deal with them in a coordinated fashion if we are in one bureau.

Mr. LANTOS. Mr. Brandon, would you care to comment on this issue of the intertwining of terrorism and narcotics trades?

Mr. BRANDON. I think what Ms. Bodine has stated is we are in complete agreement with that. Of course, our role being primarily domestic is one where we are more on the receiving end so we are not quite as involved internationally, but we are very much aware of that.

RISE IN ETHNICALLY-BASED TERRORISM

Mr. LANTOS. Let me ask one final question of both the two of you. With the end of the cold war and the breakdown of the very peculiar discipline that the cold war provided, there are some indications that ethnically-based terrorist organizations are proliferating. I wonder if you would care to comment on this issue, Ms. Bodine.

Ms. BODINE. We have seen the same trends. Ethnicity has long been a basis of terrorist groups. You can look at the Irish Republican Army and ETA, the Corsicans. That is quite often a basis. They dispossess the disenfranchised within a particular society and they seek to redress their grievances through terrorism.

As you said, taking the lid off a lot of longstanding sometimes century old animosities has erupted in violence all around the rim of the former Soviet Union. It is quite possible that this will develop into terrorism. We are watching it very closely. We are working with some other very concerned states. For example, the Austrians who sit next to Yugoslavia are particularly concerned about this.

So far, the issue of new ethnic terrorism is a theory looking for evidence. We have not seen any infrastructure. We have not seen any of the buildup that would lead to some kind of organized ethnic terrorism, but certainly all the pieces are there. The grounds are there and, unfortunately, there are groups who will in a sense rent themselves out as technical advisors. So it is a phenomena that we are watching very carefully.

Mr. LANTOS. Mr. Brandon.

Mr. BRANDON. Well, I would just like to add that while it is something that we do have to watch and be aware of is that I think we have to be equally careful with this concept. We have to be extremely careful that we are not viewing groups of people as being law breakers or terrorists simply because they happen to come from a country or from an ethnic group. And I think that is very, very important. What we are seeing—I will go ahead and say it, the question comes up continually with regard to Islam. The question can be posed, "Are Moslems terrorists?" The answer is no. It is clearly, clearly no. There are people who advocate and use violence, very small groups on the fringes as there are in many groups around the world. But it is something that I think we all have to stress and be careful about in the way we provide information to the public and the way it is characterized because we just cannot get involved in that. It is not right.

Mr. LANTOS. I fully agree with you and I think the whole Congress shares that view. Is there any final comment that either of

you would like to make. It has been an extremely valuable and useful hearing.

Ms. Bodine.

Ms. BODINE. I would just like to thank the committee for the time. I think the fact that we have all been here for this long dealing with an issue that does not go away and it will not go away but needs quite clearly in the comments that joint cooperation, not only interagency, but between the executive and the legislative branch. I thank you very much for your time and interest.

Mr. LANTOS. Thank you. Mr. Brandon.

Mr. BRANDON. I would just simply echo that I hope we can continue to have the interchange that is necessary, the area is of such concern that we cannot afford not to be talking and working with each other.

Mr. LANTOS. Well, on behalf of the subcommittee, I want to thank both of you for a very valuable morning.

This hearing is adjourned.

[Whereupon, at 12:40 p.m., the subcommittee was adjourned.]

THE FUTURE OF U.S. ANTITERRORISM POLICY

THURSDAY, JULY 22, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS,
Washington, DC.

The subcommittee met, pursuant to call, at 10:15 a.m. in room 2172, Rayburn House Office Building, Hon. Tom Lantos (chairman of the subcommittee) presiding.

Mr. LANTOS. The Subcommittee on International Security, International Organizations, and Human Rights will please come to order.

Today, this subcommittee holds the fourth in a series of hearings on U.S. antiterrorism policy. The matter before us today is the issuance of U.S. visas to Sheikh Omar Abdel Rahman, the blind Muslim cleric who has been tied to the tragic bombing of the World Trade Center earlier this year.

The sheikh has also been tied to those charged with plotting to bomb two major tunnels and the headquarters of both the United Nations and the FBI in New York City, and to the assassination of a U.S. Senator.

In March, I requested a thorough investigation of the circumstances surrounding the issuance of visas to Sheikh Rahman in both Cairo and Khartoum during the period 1986 to 1990. Since that request, we have learned that a series of blunders by a variety of government agencies enabled the sheikh to enter and then reenter repeatedly the United States on three perhaps four separate U.S. visas, despite his known affiliation with terrorist organizations.

We have learned that breakdowns in communications, obsolete equipment, and a series of human errors have punched holes in what should be an airtight consular and immigration service system. It has become clear that we need to upgrade our visa lookout system, improve interagency information sharing, and create measures to detect and correct human mistakes.

The comprehensive report on visa controls worldwide, which is part two of the State Department Inspector General's review, will be done sometime this fall. This review should be carried out most expeditiously, as visa controls are crucial to protecting our national security and these issues warrant immediate attention.

Today, we will be hearing from the Honorable Sherman Funk, Inspector General of the Department of State; the Honorable Mary

Ryan, Assistant Secretary of State for Consular Affairs; and Mr. Michael Cronin, Assistant Commissioner for Operations at the Immigration and Naturalization Service.

I should also say, before I call on my Republican friends for any opening comments they would care to make, is that this is the second hearing we are holding on this subject. The first hearing was a closed hearing during the course of which I specifically requested that Members not discuss any information obtained during the course of that hearing. There is no way to maintain the integrity of closed hearings if leaks occur. Leaks did occur, which I am extremely sorry to have to note. There is no way responsible officials of the executive branch will feel free to testify at closed hearings unless they get full assurance from every member of every congressional committee and their staffs that information obtained in closed hearings will be kept confidential.

It is extremely disconcerting to read in the *New York Times*, or other publications, materials made public during the course of closed hearings. Today's *New York Times* has information, some of which, clearly, was obtained through leaks.

Since these statements deal with questions of the role played by CIA officers in the granting of the sheikh's visa, the Chair wishes to state for the record that it is my judgment that there was no CIA complicity in a deliberate manner in getting the sheikh into this country. The actions by individual officers are actions taken through erroneous judgment of the individuals involved and not through a matter of CIA policy.

I would like to now call on my good friend, the Ranking Republican of the committee, Congressman Ben Gilman.

Mr. GILMAN. Thank you, Mr. Chairman, and I want to thank, along with you, our good friend and distinguished colleague from Nebraska, the Ranking Republican, Mr. Bereuter, for scheduling this hearing today on how and why our State Department issued a visa to Sheikh Omar Abdel Rahman. It is not just this case we are looking at, we are looking at the whole process.

This hearing is particularly important in light of the World Trade Center bombing and the plot to bomb the U.N. and other targets in New York. Many of the people implicated in those incidents were found to be followers of Sheikh Rahman.

The American people certainly have a right to know what the State Department's Inspector General has found. Our system for keeping terrorists and others who would do us harm at home has more holes in it than the levees on the Mississippi River. It is a hopeless mess that certainly needs a thorough housecleaning.

The American people will demand no less after they hear the mistakes and miscues that enabled the sheikh to enter the United States, which is no more than business-as-usual at the State Department, and I understand that he came back and forth at least seven times without being stopped at our ports of entry.

The IG report reveals a system that demands the personal attention of the Secretary of State, who must drain this swamp himself. The sense of urgency to correct this dangerous situation must come from the very top of the Department.

We will hear much from the IG today about what is wrong with the visa system at the State Department, but sadly, much of it is

already well-known to the IG and the State Department. It was in January of 1991, more than 2 years ago, that the IG did a study of our visa system. The shortcomings it found are distressingly familiar, and here are a few of their prior findings.

Information regarding foreign nationals with serious grounds for visa ineligibility was not always in the visa lookout system, even though government agencies had that information available. At one post, the IG found the visa lookout system didn't include all convicted drug traffickers, even though they were all in the local database of the DEA.

The IG said, "The absence of this information poses a serious problem to the nonimmigrant visa process since it can result in the issuance of visas to dangerous and undesirable individuals."

That was more than 2 years ago and nothing has changed. One consequence so far is a bomb blast in New York, a blast that killed 6 people, including one of my own constituents and injured 1,000 more.

Secretary Christopher says the problem is going to be fixed, but we are going to have to remind him we need prompt action.

Last week, I introduced House Concurrent Resolution 119 that calls on the Secretary of State to submit to Congress within 60 days an emergency plan to close these gaping holes in the fences of our visa system, and I trust the House will give that resolution early and favorable consideration.

If any of our witnesses today can explain why that action that we are calling for is unnecessary, we would certainly like to hear them. But I am coming to believe that more than repair work is going to be needed. I think we have reached the point where we must consider drastic changes in the way we process and issue visas.

In the current issue of the *Foreign Service Journal*, there is an article by two consular affairs officers and they recommend we should combine the State Department's visa function and Immigration and Naturalization Service into a single Foreign Immigration Service. That article is certainly food for thought, and I commend it to my colleagues and ask that it be included in this hearing record.⁶

Again, I thank the witnesses for appearing and I thank our chairman and the Ranking Member for arranging this prompt hearing.

Thank you, Mr. Chairman.

Mr. LANTOS. Thank you, very much.

I am very pleased to call on the Ranking Republican Member of the subcommittee, my good friend from Nebraska, Congressman Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

I have no opening comment on this very important subject, but I do look forward to the testimony of the witnesses at this oversight hearing. I do believe my colleague from Maine has a statement she would like to make.

Mr. LANTOS. I am very pleased to call on the distinguished Ranking Republican Member of the International Operations Sub-

⁶The article appears in appendix 4.

committee, and a member of this subcommittee, Congresswoman Snowe of Maine.

Ms. SNOWE. I thank the chairman for yielding, and I also want to thank you and Mr. Bereuter for scheduling this very important hearing on visa operations in the State Department. I think that we certainly should emphasize the importance of consular activities in operations abroad. I think too often Americans feel the State Department activities are removed from them, but in fact that is not the case.

The consular operations in the State Department embassies and consular offices are on the front lines in protecting Americans, either when they are abroad and facing some difficult situations or trying to prevent dangerous criminal aliens from coming into the United States who are attempting to advance their own dangerous agenda.

I also want to compliment Mr. Funk for the work that he has done with respect to this issue, and I know that we can rely on him for substantive investigation and also reform with respect to this system. I just want to thank him personally for the work that he has done in this regard.

It is inconceivable to me that the system failed as well as individuals failed in so many instances with respect to Sheikh Abdel Rahman and yet it did. It clearly is a dysfunctional system in the very dangerous world in which we live, and especially so for Americans.

Counselor Tim Wirth testified before this committee last week and indicated that 40 percent of the terrorist incidents which occurred last year occurred against American targets. So Americans are the principal targets of terrorism activity around the world.

I think that is why this issue becomes so important, because we have now discovered that it just does not occur on international territory, in fact, it occurs right here in the United States. During the course of the hearing last week, Counselor Tim Wirth also indicated that everything that did go wrong with Sheikh Abdel Rahman in fact did. But I am not so sanguine to suggest that this is an isolated incident. In fact, it is not. And to illustrate this point, another example of what has gone wrong with the visa operation system came to my attention several days ago and it is about another individual, a Mr. Petrossov, who is alleged to be a notorious member of the Russian mafia, is listed on the Russian's most wanted list, in July and August of last year he sought a visa in Moscow and was twice rejected. He then went to Riga, Latvia, a small diplomatic post, and there he was able to obtain a 6-month visa and he came to the United States.

On March 23 of this year, more than a month after his visa had expired, Mr. Petrossov traveled to Toronto from the United States to get a renewal of his visa and there because his name was on the quasi-refusal list of the lookout system that required the embassy officials in Toronto to seek guidance from Washington, D.C., which they did. But during that time, Mr. Petrossov became nervous about the delay so he decided to get his passport and documents back, and he did, and they were not stamped in any way, and he returned to the United States with an expired visa.

What is even more amazing than that, he not only came back into the United States with an expired visa, but he was also able to obtain, somehow, permanent residency with an expired visa. So I think it is another illustration of the problem that we are facing.

Mr. Petrossov now lives in Denver, Colorado. He has businesses in this country, a restaurant and bakery in Denver, Colorado. So I think clearly this is a systemic problem in the system. I think Sheikh Abdel Rahman is not just a series of bizarre coincidences; that, in fact, I think this runs rampant in the entire system.

I guess the questions I have is how many more World Trade Tower bombings does it take to indicate that we do have serious problems in our system; how many more Americans have to die before we take note of the fundamental flaws that exist in our system? These are more than hypothetical questions, I might suggest. The fact is the cost for an illegal—expelling an illegal alien in this country is \$30,000.

We have a backlog of 300,000 in terms of deportation proceedings and the delays in deportation proceedings means we have also incarcerated illegal aliens and that costs Americans, per illegal alien incarcerated, \$60,000.

Now, also what came to our attention in the course of our joint hearings last week was the fact that we are still having disputes between the FBI and the State Department; that we are still, since the Trade Tower bombing, which occurred back in February, no reward has still been offered for the indicted individual that we are still seeking, because the FBI says it does not have the money and the State Department says we don't have the legal authority. So, therefore, we have not issued a reward, monetary reward to try to seek this individual.

And then, of course, we have the dispute between the INS and the State Department. The State Department—I mean between the FBI and the State Department, because the State Department is required to spend \$5 per name to get access to the criminal records of the FBI with respect to individuals, but they don't want to spend the money; and the FBI will not turn over this information to the State Department because they don't consider the State Department a law enforcement agency.

So what we have are two situations here that is another example of the institutional problems that we face, and in spite of all that, we have had all these serious problems and yet we are not able to achieve the goals of trying not only, one, to get the individual that remains at large, but secondly, to resolve these jurisdictional disputes.

It seems to me our consular operations and the FBI and the INS could get together overseas, where they are joint—in many embassies they are—or in close proximity, to share this information so that the State Department has this information as up-to-date as possible.

It costs \$600,000 every year for the State Department to get this information from the FBI. That is a cost of three State Department employees, or it can be looked at as 10 illegal aliens incarcerated. So, anyway you look at it, it is clear to me that we still have some serious problems.

And again I thank Mr. Funk for being here and our other witnesses, and I hope that you can help us to try to correct this situation.

I have introduced legislation, and several of those provisions are included, the State Department authorization, we are hoping Judiciary Committee will take care of the rest. Thank you.

Mr. LANTOS. Thank you very much.

I am pleased to call on my distinguished colleague and friend from Kansas, Congresswoman Meyers.

Mrs. MEYERS. Thank you, Mr. Chairman. I have no opening statement. I would like to associate myself with the remarks of the gentlelady from Maine and I would like to ask permission to enter a statement in the record at a later time.

Mr. LANTOS. Without objection.⁷

Before calling on our witnesses, I want to express my appreciation to the staff members who helped with the preparation of this hearing, particularly Beth Ford, Maryanne Murray of the subcommittee staff, and the Chief of Staff of the subcommittee, Dr. Robert King and Mike Ennis of the Republican staff.

Before introducing the witnesses, I would like to share with my colleagues an episode which happened this morning, which I can only describe as the theatre of the absurd. It relates to the granting of visas and it puts in sharp relief a totally dysfunctional and absurd system.

We will be spending time this morning discussing how an individual implicated in the assassination of the former President of Egypt and who clearly played a powerful inspirational role in the World Trade Center bombing, and the attempted bombing of major facilities in New York. He repeatedly succeeded in obtaining U.S. visas at various places and came in and out of the country almost at will.

It is difficult to argue that he cannot be easily identified. He walks with a cane, he is blind, he is always accompanied by someone, his name is well-known globally. He had no trouble getting into this country. The State Department kept issuing him visas and the Immigration and Naturalization Service, in its New York office, tried to have him excluded and while its New Jersey office gave him a green card.

Now, a highly respected former member of the California State legislature—a constituent of mine, and a very respected member of the Greek-American community—was planning a wedding in his family and they invited a member of their family, a 23-year-old young lady from Athens to attend the wedding. Our consular general in Athens refused to issue the visitors visa. My constituent came to me and requested my help.

I called Athens, expressed my confidence in my constituent, a highly respected member of the community, and indicated that I find it unconscionable that a 23-year-old woman from a friendly country like Greece should not be allowed to come here to attend a family wedding. I got a written response, a cable to the State Department with a copy to me, saying, no, they would not give her the visa.

⁷The prepared statement of Ms. Meyers appears at the conclusion of the hearings.

I called again and indicated that I would go, if necessary, to the Secretary of State to obtain a visa for this young woman of fine reputation coming from a decent family to attend a wedding here. This morning I called again and I was told that they would not issue a visa, and finally I insisted and indicated that the issue would be taken to the highest levels. Then I reluctantly got a commitment that the visa will be issued.

Well, Mr. Funk, Ms. Ryan, this is worse than a theatre of the absurd. It is simply unacceptable to the American people that individuals with solid credentials in this country attempting to bring in a family member for a wedding have to go through this circus of having their Congressman intervene repeatedly with a post, in this case in Athens, to get a visitors visa for a 23-year-old young woman of impeccable reputation coming to visit the family of a distinguished public servant, while the sheikh comes in and out of this country as if it were his own kitchen.

We are dealing with a collapse of the system and I am sick and tired—as are the American people—of telling you that you have got to deal with it. If you need additional funds to upgrade the computers, ask for it. But the INS cannot tell me that it is functioning properly if its New York office wants to deport the sheikh while its New Jersey office is giving him a green card so he can stay here forever.

The INS ends up with egg on its face and so does the State Department, Ms. Ryan. It simply is unacceptable to have this level of nonperformance, this degree of dysfunctionality in the agencies that theoretically control and guard the entrance of aliens into the United States.

Now, before calling on you, Mr. Funk, let me say that I know my colleagues share my high respect for your extraordinary intelligence and integrity in performing your function as the Inspector General of the Department of State. We are very grateful to you for the work you have done in the past on so many issues and we are anxious and eager to listen to you.

**STATEMENT OF SHERMAN M. FUNK, INSPECTOR GENERAL,
DEPARTMENT OF STATE**

Mr. FUNK. Thank you, sir.

I am a bit perplexed, because I have never been quite in a situation where I have to address the same Members in an open session where I previously met in closed session and I am reluctant to repeat too much of what I reported on earlier.

Mr. LANTOS. Could you pull the mike very close to you, sir.

Mr. FUNK. So with the permission of the subcommittee, sir, I would like to cover some new material which was not covered earlier and go through the other stuff quite sporadically and just hit the highlights.

Mr. LANTOS. That will be fine.

Mr. FUNK. Let me begin by saying that the account I am about to relate is very deeply troubling. What is even more troubling is that the same errors which occurred between 1986 and 1990, permitting Sheikh Rahman to enter this country illegally, when he should have been excluded, can happen today with visa applicants whose interests are inimical to the United States.

Every sovereign nation is responsible for protecting its borders, for safeguarding them against intrusion by individuals who would do harm to that nation. Given the size of our land borders and our coastlines, the volume of international air traffic which arrives here daily, the magnetic appeal of our economy and open society, such protection, such safeguarding, become an extraordinarily difficult task. Extraordinarily difficult, but, assuming that the job is done with sufficient will, competence, imagination and resources, not impossible.

Unfortunately, none of these elements were present in the case of the visas issued to Sheikh Omar Ali Abdel Rahman.

As you noted, Mr. Chairman, I initiated my review in response to a request by you and by the Ranking Members Gilman and Snowe, also Congressman Galleghy and others.

Phase I of the review, which is now complete, focused on how the sheikh obtained nonimmigrant visas to enter the United States when he was known to be affiliated with at least one terrorist organization. Phase II of the review is now under way. We hope to complete it in the late fall. It is focusing on the systemic problems of the worldwide visa lookout system and the adequacy of internal controls over the issuance of nonimmigrant visas.

When I say internal controls, everybody's eyes tend to glaze over. It is considered an audit term, an accounting term not very meaningful to most people. But the fact of the matter is it is the internal controls which protect the integrity of any system.

My review team interviewed 32 former and current officials of the embassies in Cairo and Khartoum, where the visas were issued to the sheikh. We also interviewed the Foreign Service Nationals—the FSN's—who were employed by the embassies at the time the visas were issued. Our team's efforts were hampered by the absence of key documents which had been destroyed either routinely, because most visa records are destroyed at the end of 1 year, or in the case of Khartoum, destroyed during the Desert Storm evacuation. And, of course, we were hindered also by the need to rely on the memories of key individuals about events which occurred 3 to 7 years ago. Their recollections were sometimes unclear, sometimes mutually conflicting.

Sheikh Rahman, the high profile opponent of secular Egyptian regimes was born 55 years ago on May 3, 1938, in Egypt. He became blind at the age of 10 months. In 1981, the Egyptian Government accused him of being the spiritual leader of Al-Jihad, the group responsible for the assassination of President Anwar Sadat.

He was specifically accused of issuing the fatwa, or the Islamic sanction for assassination. Acquittal of the charges in 1984, after the courts confirmed he had been tortured by security officials, enhanced his reputation. His repeated arrests later for such activities as inciting violence and riots and attacking police officers enhanced his reputation further.

In the United States, as was mentioned earlier, it is alleged that he has regularly preached jihad, or Muslim holy war, at mosques in Brooklyn and New Jersey sites of worship for at least six of the persons accused of bombing the World Trade Center. It appears also that a number of the individuals arrested by the FBI on June 24, 1993, as they were preparing explosives for what might well

have been far more terrible accidents of terrorism, had close ties to the sheikh and worshipped at his mosques.

Sheikh Rahman received what we believe to be his first non-immigrant visa on December 15, 1986, at the embassy in Khartoum. Because of staffing gaps created by the late appointment and early departure of consuls from Khartoum, an officer on his first tour in consular operations was in charge of the consular section when this visa was issued. Two key points—

Mr. LANTOS. May I stop you on that matter?

Mr. FUNK. Yes, sir.⁸

TRAINING

Mr. LANTOS. When I read and reread your testimony, Mr. Funk, this sentence jumped out at me, that the officer was on his first tour.

Well, by definition, every officer at one time in his career is on his first tour, and it seems to me that it is incumbent upon the Department of State to train its officers, whether they are consular officers, political officers, or economic officers so that they are functional on their first tour.

I must say that I am unimpressed by the fact that this individual was on his first tour. Because if we are to understand that being on the first tour means that they are incompetent, then there is something profoundly wrong with the training program.

I fully understand that somebody on his third tour is more experienced than someone on his first tour, but the Department of State should not put anybody in charge of a consular section—an office which is in charge of deciding who gets a visa or who does not get a visa—unless that individual is qualified to perform his functions.

This is like telling a university that the reason people are illiterate in economics is because the elementary course was taught by somebody who was just beginning to teach economics. This is an absurdity. It is like telling the military that people who finish their officer training cannot perform their functions.

I mean the standards of performance must be such that the individual is qualified to perform his responsibilities.

I don't know if you would care to comment on this.

Mr. FUNK. Mr. Chairman, each consular officer, before taking his or her first post, receives the standard 26 days of training at what we call Consul General in Roslyn at the Foreign Service Institute. That is a requirement. And, to my knowledge, nobody ever gets in without that.

We have about 330 first tour officers overseas right now and that is about normal for the Department. We have about 470 professional consular officers. We do not have sufficient manpower—and I will really defer to Ms. Ryan next to me on this—to my knowledge, we do not have sufficient manpower without relying on first tour officers.

The specific problem at Khartoum was that Khartoum is not a post that most people would care to go to. It is a difficult post. I have been there. And, as a result, because we have an open bidding system in the Department of State, and even though the Depart-

⁸The prepared statement of Mr. Funk appears at the conclusion of the hearings.]

ment says that every Foreign Service officer should have worldwide availability, and that is ground into everybody as part of the Foreign Service culture, the fact is that people voluntarily bid on posts. It is very rarely mandatory. And, therefore, an assignment to Khartoum is not treasured, it is not sought after, and there tend to be gaps, and this is what happened in the case of 1986 in Khartoum.

There were gaps and therefore a younger, first tour consular officer in his first tour of consular operations was there. I don't know if you would care to comment.

**STATEMENT OF MARY A. RYAN, ASSISTANT SECRETARY FOR
CONSULAR AFFAIRS, DEPARTMENT OF STATE**

Ms. RYAN. No, except that first tour officers are assigned to posts—they have some input into their assignment but basically the Department makes the assignment and they are not able to refuse or to negotiate on that assignment.

Mr. LANTOS. But you would expect a first tour officer to be fully competent to handle the responsibilities which are within the purview of that office, would you not?

Ms. RYAN. Yes, Mr. Chairman, I would.

Mr. LANTOS. Thank you, Ms. Ryan.

Mr. FUNK. I have seen, in my own travels, I have seen first tour officers performing under incredibly difficult conditions and performing very well. It is amazing to me it works as well as it does. Not so well sometimes.

Let me make two key points about the 1986 visa in Khartoum. If the embassy in Cairo or the Department, for that matter, had entered the sheikh's name into the visa lookout system before 1986, as should have been done, and if the embassy in Khartoum had performed the required name check of the lookout system, then the visa might not have been issued to the sheikh.

That is important because consular officers give considerable weight in subsequent applications to evidence that a person has received the previous visa and has not abused that by overstaying the authorized visit in the United States. The sheikh did not do that.

Therefore, his receipt of a 1986 visa in Khartoum helped the sheikh to get future visas downstream.

In April of 1987, two visa applications from the sheikh at our Embassy in Cairo were refused because he was unable to persuade the consular officer that he was not intending to immigrate to the United States. On April 26, 1987, however, a second visa was issued by that same officer after the sheikh produced not only a return airline ticket but letters from U.S. religious groups requesting he be allowed to preach at various mosques throughout the United States during Ramadan.⁹

REASONS FOR REFUSAL OR ISSUANCE OF VISAS

Mr. LANTOS. When you interviewed that officer, Mr. Funk—

Mr. FUNK. Yes, sir.

⁹The prepared statement of Ms. Ryan appears at the conclusion of the hearings.

Mr. LANTOS [continuing]. What was his answer to the question, which I presume you or your folks must have asked, having refused the visa twice, you must have had some reasons for refusing the visa twice.

Mr. FUNK. He was refused before because he did not have documentation to show that he had a return airline ticket for one thing, that he had any letters or any documents from the United States backing up his claim that he was going over to preach temporarily, and when the consular officer met with my team, the then-consular officer, he explained that in point of fact the sheikh now had a return airline ticket to show he was coming back and that he had letters from these various religious, Islamic religious groups in the States soliciting his preaching during Ramadan.

Mr. LANTOS. Well, what is meant by these various religious groups? In my understanding, the head of one of these religious groups is currently in prison in connection with the World Trade Center bombing; is that correct?

Mr. FUNK. I don't know if he is the head of a religious group. I don't know that. I know he is affiliated.

But this would be a normal concern. And given the pressures that affect a consular officer, and assuming that the consular officer did not know—which is another problem, of course, of the sheikh's affiliation and his past record, which, of course, bothers me considerably. He should have known that, and I will come to that later. But assuming he did not know, if I were a consular officer and I have an airline ticket shown to me, a valid airline ticket, and I have letters saying he is being invited for a short period of time to preach at such-and-such a location at such-and-such a mosque and, therefore, be located, I would probably go along and give the visa.

But that presupposes I was not aware of the background of the individual, which, of course, to me, is the major problem.

Mr. LANTOS. Well, there is a further problem which arises in my mind. It is not very costly to print a letterhead purporting to represent a "religious group."

Mr. FUNK. You can buy them in businesses all over the Middle East.

Mr. LANTOS. Precisely. So to have a typewriter testify that an individual has a job waiting for him in the United States without any check, without any verification merely underscores the absurdity of the system. I mean, you can concoct any number of leaderheads indicating that this individual will perform X, Y, Z functions, but if there is doubt, as there obviously was doubt, because he was twice refused a visa, there would need to be some attempt at verification, and, presumably, none took place. Is that correct, Mr. Inspector General?

Mr. FUNK. Presumably. He did—I stand corrected, he did recognize the sheikh. He told our team he did recognize the sheikh. He was one of the only ones who did.

He said he issued the visa after he overcame the 214(b), which is the part of the old immigration law which requires sufficient evidence, a presumption that the person is going to return, and because he had not been convicted of any crimes. I repeat, he had not been "convicted" of any crimes.

I will also come back to that, which is a very serious issue in my mind. I will come back to that at the end of my statement.

Mr. LANTOS. I also have concerns in my mind about this return airline ticket business. That is refundable, and if it is not refundable, that is the cost of doing business. So you would clearly not expect anyone who attempts to engage in illegal or dangerous, even deadly activities in the United States, to go to your consular section, Ms. Ryan, with a one-way ticket.

I mean, you don't have to be a rocket scientist to buy a round-trip ticket. And if the round-trip ticket is, in fact, to be viewed as evidence that the individual intends to return to wherever he came from, you have relied on something which, clearly, has no substantive validity of any kind.

As a matter of fact, given current airline rates and structures, a round-trip ticket is often cheaper or at least no more expensive than a one-way ticket. So to rely on a round-trip ticket as proof of anything in 1993, given the fact that round-trip tickets are typically cheaper than one-way tickets, is absurd.

And I am wondering, Ms. Ryan, whether you have thought about it and whether you intend to put out an appropriate advisory to all of those 300 or how many posts where they issue visas and tell them this. I mean, if people rely on something which has no, no substantive validity in terms of indicating a desire to return.

Ms. RYAN. Mr. Chairman, you are absolutely correct on that. A round-trip ticket would be one of the things that a consular officer would look at.

Mr. LANTOS. But that is my question. I mean a round trip ticket proves nothing. It merely proves that the person was either intelligent enough in financial terms—a round-trip ticket is the way to go because it is cheaper—or he knew that the consular officer is relying on the round-trip ticket and he got a round-trip ticket although he has no intention of coming back.

Ms. RYAN. Yes, sir, that is correct. I don't think there is any consular officer around the world who would rely solely on a round-trip airline ticket and issue a visa.

Mr. LANTOS. But the distinguished Inspector General just told us that the visa was declined twice because the fellow didn't have a round-trip ticket and the third time he went back with a round-trip ticket plus a letter—plus a letter—and then he got the visa.

I realize you have just assumed your position and none of my comments, you know, are directed at you personally, but they are directed at the system. I mean how can a system rely on an index which has no fundamental validity of any kind?

Ms. RYAN. But, you know, when you are presented with this kind of evidence, the applicant is trying to overcome the presumption that he is an intending immigrant.

Mr. LANTOS. Unless he is an idiot, he shows a round-trip ticket, isn't that true? Whether he plans to come back or never intends to return, if he knows that the consular official is looking at the round-trip ticket as one index of his veracity, then, clearly, he will have that index.

It is like saying if the consular officer were to consider a blue handkerchief as an index of a desire to return, then I would wave my blue handkerchief, wouldn't I? Well, they wave their round-trip

ticket and that presumably gives some consular official a modicum of security, a feeling that they have done their job because the applicant has a round-trip ticket when, in fact, you have just admitted, and I agree with you, it has no substantive relevance.

Ms. RYAN. There are bona fide nonimmigrants who do have round-trip tickets, too, though, sir. The problem that the consular officers have is that they have to gauge the intent of the applicant at the time of the interview. Does he or she intend to stay in the United States or do they intend to come back?

Mr. LANTOS. And my point is having a round-trip ticket does not prove anything along those lines.

Ms. RYAN. Granted, that is true, but it is like one thing.

Mr. LANTOS. But if it doesn't prove anything then it is not one thing, then it is a nothing.

Mr. Funk.

Mr. FUNK. Just one little comment to that. I think there probably are differences between a large visa-issuing post like Manila, Seoul, Korea, and a place like Khartoum.

In a place like Khartoum, you are not going to have the enormous pressure you have in a visa mill like Mexico City where you have a matter of 10, 15 seconds to spend on each applicant. So there is even less excuse in a place like Khartoum, where you have time to spend with somebody. You don't have a line around the block every morning. So there is that difference.

The fact that the sheikh's name had been omitted from the lookout system at this point has been attributed to a variety of possible causes. These included higher priority concerns with other terrorist groups, frequent changes in the staffing posts, the fact that the sheikh was never formally convicted of any terrorist activity—and we just learned that that was one of the causes for the sheikh receiving the visa in Khartoum, that he had never been convicted of a crime—and that someone else in the embassy or in Washington would enter his name into the system.

None of these excuses is convincing. The sheikh's name should have been put into the lookout system as early as 1981, when he was accused of involvement in the Sadat murder, and before he applied for a visa in either Khartoum or Cairo.

On July 27, 1987, the sheikh applied for another visa in Cairo and was refused. Three days later the Department sent a cable to Cairo and London asking for information about him. Following up on this inquiry, the Consul General in Cairo found the embassy's political section had sufficient data on the sheikh to justify entering his name in the lookout system as a quasi-refusal.

QUASI-REFUSALS

Let me explain this business of a quasi-refusal. Department procedures permit the name of potentially ineligible applicants to be entered into the lookout system by posts as quasi-refusals, rather than actual refusals, when a formal application has not been submitted or the individual is not available for an interview at a post.

A quasi-refusal, under Code 77, which Cairo used for the sheikh, represented an alien presumed to be ineligible under that section of the then-Immigration and Nationality Act, which stated that: "Aliens who the consular officer or the Attorney General knows or

has reason to believe seek to enter the United States solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety or security of the United States" are excluded from admission.

A Code 77 does not mandate that a visa application be denied. It does require that the post with information about that applicant be queried before a decision is reached about whether a visa should be issued. If the decision is made to deny the visa, the Department of State in Washington must approve the denial.

POSSIBLE 1988 VISA

We have a kind of baffling case in Cairo in 1988. The sheikh may have been issued another visa on May 5, 1988. As I noted earlier, posts do not normally maintain records of visa applications beyond 1 year. To compound the problem, they typically maintain cumulative listings of visas issued by date, not by name. In other words, chronologically rather than alphabetically.

The lack of readily name-retrievable data and the lapses in conflicts in the memories of key officials in this matter prevented the team from determining conclusively whether an application was previously approved and subsequently canceled. Available evidence did lead the team to believe that the application was probably approved and the visa issued by the embassy in Cairo, at least initially. A detailed account of this is in my full statement. I will be happy, of course, to answer questions about that.

Some disturbing questions remain unanswered, though, about the 1988 possible visa. The application bears a batch number that indicates that the system was checked and that the response was negative. But by then the sheikh's name had been in the lookout system for 6 months.

Why was this not discovered during the name check? And we have no way of coming up with an answer to that. Why did the sheikh use a 1984 passport when applying for the visa when another passport had been issued to him in 1987? We don't know the answer to that either.

As a consequence of the mishandling of the May 5 application, the lookout system continued to show the sheikh only as a quasi-refusal and quasi-refusals are not included in the INS lookout system at ports of entry.

The Department had been supplying data to INS on both quasi-refusals and actual refusals since the early 1980's. However, it was not until July 1988 that INS had the capability of receiving large systemic exchanges of data from the State Department. Only then did INS begin to include visa refusals but not quasi-refusals in its lookout system.

The decision by INS to exclude quasi-refusals from its lookout database was based on the different requirements of the Department and INS. In essence, a consular officer's refusal can only be appealed at the post where the refusal is made. That assumes, of course, he cannot get a Congressman interested.

Once an alien reaches the United States, however, the moment he or she sets foot off an airplane—

Mr. LANTOS. I take it there was no congressional intervention on behalf of the sheikh, was there? I just wanted the record to show that.

Mr. FUNK. I don't think so. But the point here is that at the very moment an alien sets foot off an airplane on American soil, due process begins to take over and kicks in. Thus, a decision by an immigration officer at the port of entry to refuse admission on a presumed ground of ineligibility can be appealed administratively through an immigration judge, but appeals do not have to stop there. Once having exhausted administrative appeals within the INS, an alien may take an appeal to the civil courts. Because of all this, the quality of evidence needed to support a refusal by an immigration officer is substantially higher than that required by a consul officer.

MAY 1990 VISA

Let us turn now to May 10, 1990, when our Embassy in Khartoum issued a visa to the sheikh. This should not have been done without at least touching base with Cairo which entered the Code 77 into the lookout system 2½ years earlier. The FSN responsible for conducting the name check admitted that he had not performed it even though he indicated on the form that he had done so, using the visa microfiche lookout file. There was simply no controls in place by which American consular personnel could ensure that the system in fact had been checked.

The consular lookout system on microfiche is antiquated, time-consuming, and difficult to use. The FSN who was delegated the responsibility for checking the microfiche said he decided not to use it because of the sheikh's age, his physical appearance, and the fact that he had received previous U.S. nonimmigrant visas led him to think it would not be in the system. We do not know, frankly, to what extent this decision reflected or was influenced by his reluctance to use the difficult system.

We reviewed the process of looking at the microfiche and confirmed that it is indeed cumbersome and time-consuming to look for specific names, especially Arabic names which may have different spellings and numerous variations in the order of surnames. Because of this, and because of information obtained through inspections of posts by my office, we believe the failure to collect the microfiche in Khartoum is not an isolated case and there are probably numerous occasions of posts throughout the world where the microfiche is not being checked.

Within a week to 10 days after issuing a visa to the sheikh, Embassy Khartoum realized its mistake and began the process of revoking the visa. This led to another comedy, or shall I say tragedy, of errors. It was badly mishandled between the posts and the Department's Bureau of Consular Affairs.

Despite clear guidance from the Foreign Affairs Manual, the FAMO we will call it, on procedures for revoking a visa, confusion and disagreement existed between the post and the bureau on who should do the revocation and who should inform INS. As a result, it was not until November 26, 1990, 6 months after the visa was issued, that the Department finally revoked it and arranged for INS to enter the sheikh's name in its own lookout system.

RESPONSIBILITY FOR INFORMING INS OF REVOCATION

Mr. LANTOS. Mr. Funk, you are very familiar with the manual. Who should have processed this revocation, the post or the Department?

Mr. FUNK. I would turn to my expert here. Lewis?

Mr. MCCALL. Mr. Chairman.

Mr. LANTOS. If you would pull up a chair at the end of the table, you will be more comfortable, and we will give you a mike. If you will be kind enough to identify yourself.

Mr. MCCALL. I am Lewis McCall, a career consular officer.

Mr. LANTOS. We are pleased to have you, Mr. McCall.

Mr. MCCALL. Thank you, sir.

Initially, the responsibilities lie with the post that issued the visa to try to physically get the visa and cancel that. Once that is done, there is no need to revoke because it is physically canceled. Failing that, either the post or the Department can take steps to revoke the visa.

Mr. LANTOS. Well, they both can, but the Inspector General testifies that there was a dispute between the post and the Department, with the consequence that for months nothing happened.

Mr. FUNK. The Bureau in Washington was under the impression that the cables, the three cables they received on the matter from Khartoum, led them to believe that Khartoum was getting its physical hands on the visa and canceling it. It took some time because no cable back and forth between Washington and the Khartoum Embassy was explicit. They all assumed something.

And there is a wonderful bit of advice in the *Caine Mutiny*, one of the, I think, very good novels of our time, in which the departing commander used some advice to Ensign Willie Keith: "In this man's Navy, never assume a damn thing." That applies to the State Department in spades.

What happened here is that the post was assuming that Washington was doing something, Washington was assuming that the post was doing something, and, as a result, neither did anything.

Mr. LANTOS. Well, in what language were they communicating? I mean, I am asking this question seriously. I simply don't understand why the Bureau of Consular Affairs is sending three cables to the post in the Sudan, which apparently are so nebulous and vague that the post does not know what these three cables mean, and Khartoum, in turn, sends cables to Washington which Washington does not understand.

Have you reviewed these cables, Mr. Funk?

Mr. FUNK. I have seen one of them. My staff has seen them all. I have only seen one.

Mr. LANTOS. And how would you describe them? What is the problem?

Mr. FUNK. It is elliptical is the best way I can describe it.

Mr. LANTOS. Ms. Ryan.

Mr. FUNK. Foreign Service cables are generally written with magnificent English. This is a very literate department, I assure you, sir, but sometimes that very literacy tends to obscure the point.

Mr. LANTOS. Will you submit all relevant cables, both from Washington to Khartoum and from Khartoum to Washington on this matter to the subcommittee, Mr. Funk?

Mr. FUNK. Oh, here we are. On May 21, Khartoum asked the Department if they should revoke the visa? An official and formal message from Egypt to the DCM in Cairo says the Bureau of Consular Affairs has prepared a revocation.

On May 24, 1990, Khartoum said, by cable, that Sheikh Rahman has a booking on British Airways from London to Khartoum on May 26, and it is uncertain whether this is a standby reservation or the subject plans to retransit to Sudan on the way to Great Britain.

The cable also states that the British Embassy issued a visitor visa to Sheikh Rahman on May 1, with the statement that he wanted to stay in London for 10 days. The cable also states that unless instructed otherwise, the post will issue a letter of visa revocation to British Airways on May 24.

The point here, you give the letter of revocation to the airline. When the passenger comes to pick up his ticket, he must show the passport and that takes care of it.

But all these, if you get the picture here, there is a lot of back and forth and to and fro but there is very little explicit, explicit statements about who should do what.

Mr. LANTOS. Let me just pursue what you just read. Khartoum says they will send a visa revocation letter to British Airways so when the sheikh presents himself to board the plane, British Airways presumably will have that letter and will not let him board.

Mr. FUNK. That is correct.

Mr. LANTOS. Was that letter, in fact, issued?

Mr. FUNK. I don't think he took British Air. That is right, I am sorry. He had already left by the time this already happened. He was long gone out of the Sudan.

They realized on May 20, 10 days after the visa was granted, 10 days afterward they realized they had blown it. It had been a mistake. And the one reason they found that out is because on May 2, this is about 8 days before the visa was granted, Cairo sent a cable to Washington with an information copy to Khartoum—not to Khartoum, it was addressed to Washington, info copy to Khartoum—and it said basically the sheikh is planning to move somewhere, we are not sure where, but we would appreciate your keeping an eye out for him, and let us know what happens.

That went to the political section in the embassy in Khartoum. But the political section—it didn't say anywhere in the cable that the sheikh planned to seek a visa in Khartoum, just to keep an eye out for him. This guy is important; we want to know what happens. A very normal piece of cabling. The political section got that, didn't do anything with it, never said anything to the consular people, not thinking there would be a visa involved.

The officer in the consular section who gave the visa happened, some days afterwards, to go through the cable traffic and he came across this message, from an information copy of a message to the States from Cairo. At that point they realized they had blown it. That is when they, by the 20th, then they sent a cable to Washing-

ton saying, hey, we goofed, we want this guy, he should not have received the visa.

Mr. LANTOS. Was the cable which indicated that they goofed also elliptical or was that a straightforward—

Mr. FUNK. Yes, it was elliptical. We think we can get our hands on him, we think we can cancel the visa, and Washington thought that was in the process of happening but it did not. It was a comedy all around.

By the time the Department did revoke the visa on November 26, 1990, 6 months after it had been issued, our information indicates that the sheikh had entered and departed the United States several times on the May 10 visa—it was a multiple entry visa—and departed the United States on that visa. Two entries were on July 18 and November 15. The third entry, by the way, was on December 16, after the INS had been notified.

ROLE OF INS IN ENTRY OF SHEIKH INTO THE UNITED STATES

We did not perform a comprehensive review of the INS role. It was not my job to get into the pockets of another agency, but we did review the INS files on the sheikh and we did consult with INS officials, who were very helpful. This much is known.

INS initially failed to intersect the sheikh after Khartoum issued the May 10 visa because the Department's Bureau of Consular Affairs did not alert INS that the visa had been revoked. The bureau believed the embassy in Khartoum was going to physically cancel the sheikh's visa obviating the need for the bureau to inform INS of its revocation.

Witnesses in the INS lookout system and apparent human errors such as not comparing the name on the INS arrival departure card, the I-94, with the name on the sheikh's passport, this also contributed to missing the sheikh when he arrived. Although I must say, as you noted earlier, this is not somebody who hid his light under a bushel. He was very easily recognized. No matter how big the line at JFK, and I came in the other day from Moscow and it was very big, when somebody is blind, has a cane, Arab headdress, and has somebody helping him, it still sticks out.

Part of the difficulty with the processing through the Immigration offices was that the Egyptian passports do not specify a format for the bearer's name. As a result, Sheikh Rahman's passport listed his name as Omar Ahmed Ali Abdel Rahman, with Rahman on the second line, separate line from the rest of the name, so the immigration officer presumably was looking for another name altogether.

He entered the United States one time with the name Ahmed Omar on his 94 card and later, when he addressed his status, he did so under the name of Omar Ali.

You mentioned earlier that while the INS officers in New York was seeking information to deport the sheikh he applied for permanent residence status at the INS office in Newark, and that was approved on April 8 and he was given permanent status and a green card.

I think you know the rest of it, but briefly, on March 6, 1992, the Department of Justice rescinded the sheikh's permanent resident status. On April 30, at an exclusion hearing, the sheikh re-

requested political asylum. On March 16, this is all this year, an immigration judge denied this request and ordered he be deported. The sheikh promptly appealed that order.

Earlier this month on July 2—

BASIS FOR ADJUSTMENT OF STATUS

Mr. LANTOS. What was the basis of the sheikh requesting political asylum in the United States?

Mr. FUNK. I do not know.

Mr. LANTOS. Apart from the palpable absurdity of the concept that an individual who comports others to blow up facilities and kill people in this country can request political asylum in this country.

Mr. FUNK. I really would defer to Mr. Cronin on this.

Mr. LANTOS. Mr. Cronin, what was the basis of the political asylum request.

Mr. CRONIN. Not sure of the specific basis, Mr. Chairman.

Mr. LANTOS. I am asking for the specific.

Mr. CRONIN. I will get you that information. Of course, normally a claim to asylum is based on a representation that the person would be subject to persecution for race, religion, political grounds, something of that nature in his country of nationality or habitual residence.

Mr. LANTOS. I understand that is the general reason but we have been dealing with this issue for a long time, so you or someone on your staff must have the information as to what specific basis he claimed for requesting political asylum.

Mr. CRONIN. This was just provided, Mr. Chairman, my apologies. The sheikh indicates—

Mr. LANTOS. Could you pull the mike closer.

Mr. CRONIN. Surely. It is indicated that he fears for his life if he returns to Egypt based on his opposition to the Egyptian Government.

Mr. FUNK. There is a rather lengthy history in the State Department files of information on the sheikh, and most of it had to do with the human rights aspect of it. This person was being persecuted by the Egyptian Government.

Finally, on July 9, the Board of Immigration Appeals rejected his previous appeal freeing him for possible deportation and earlier, of course, he had been taken into custody by INS and the FBI where he remains now in Otisville, New York.

RETRIEVAL OF DATA FROM LOOKOUT SYSTEM

Let me discuss this business of retrieval of information because it is critical. As I noted, there are problems in retrieving data from the lookout system. One is the way the system handles Arabic names. This is something I mentioned earlier but it is a great difficulty. These involve translation of names, variations on the order of names, and the fact that some 20 to 30 names are widely used in common throughout the Arab world.

The Departments's new Consular Lookout And Support System or CLASS, which is our automated lookout system, has sophisticated algorithmic procedures for handling the first two difficulties. If you were to go and pull a system for the name, say, of Sheikh

Rahman, within a matter of seconds it would spit out a page, or at least more than a page, of variations on the spelling and order of the name of Rahman. The microfiche system, of course, does not have this capability.

The wide use of identical names poses a different problem. Here the only way entry into CLASS can be useful, the only way, is if we have accurate date and place of birth identifiers attached to the name, because when you have one name which appears thousands of times, unless you have birth dates and, preferably, place of births, it is hard to do anything with it.

Mr. LANTOS. This, is not a unique phenomenon. With respect to the Sikh community, we have a similar situation, don't we?

Mr. FUNK. We have that with Chinese and Hispanic, yes, we do.

Mr. LANTOS. Exactly.

Mr. FUNK. Yes, we do. But not quite as severe as in Arabic. More than 100 of our 235 visa-issuing posts still rely exclusively on the antiquated very user-unfriendly microfiche. These posts rely on FSN's to conduct the name checks, usually with no good controls in place to ensure that the function is being performed properly. To be sure, these posts issue a relatively small percentage of visas but they nevertheless represent a significant vulnerability.

Recent inspections by my office of several Middle East and other posts where terrorists are a concern reveal some are totally dependent on microfiche to conduct name checks. A related problem is the timeliness of microfiche data. When our team was in Khartoum, information on the microfiche there was more than 4 months old. In Cairo, it was even older.

In any case, I should emphasize that all of our posts must rely on the microfiche when CLASS is down, the automated system is down. Currently, CLASS is down for maintenance worldwide every Sunday, which is a workday, normal workday in the Muslim world.

Ms. RYAN. If I may, Mr. Chairman.

Mr. LANTOS. Please.

Ms. RYAN. A decision has been made to change that, and we are going to back up the system at times when posts are not operating. In other words, it won't be done on Sunday any more.

Mr. LANTOS. I am glad to hear that. Thank you, Ms. Ryan.

Mr. FUNK. Yes, I am very pleased.

And also we have many posts where we get power outages and there are software glitches, and the system is down for that, too. But maybe more important over the long scheme of things is that there is—

Mr. LANTOS. But, you know, the question arises, if there is a power outage, the post has one of two options. It either proceeds along—

Mr. FUNK. Stop it.

Mr. LANTOS [continuing]. Along an unacceptable line or it waits until power gets back on. It is quite clear that certainly my wish, and I suspect most of my colleagues in the Congress, would be to put security ahead of convenience, and when there is a power outage, we wait until the power outage comes to an end before we issue visas.

Mr. FUNK. That is what happens, in effect. Exactly what does happen. But more important, I think, is that there is inadequate interconnectivity between CLASS and the INS data systems.

For example, our machine-readable visas, which are an enormous step forward, have a coding strip which can be used to transmit information of value to the INS immigration inspectors, if INS had equipment capable of reading these strips, which it does not. The situation cries out for more effective interagency coordination up front before each agency is locked into incompatible data retrieval systems.

And, finally, because our fully automated system requires quick and direct access to a central database, it depends on the reliable communications capability, which is simply not available at every post. In these cases, the Department is beginning to install a stand-alone PC-based system using a CD-ROM version of the CLASS database. This does not operate on a real time basis and, thus, is less timely than CLASS, but it is a substantial improvement over microfiche.

INTERNAL COMMUNICATION AT POST

Mr. FUNK. I think one major breakdown in the handling of the sheikh's application reflected poor internal communications within foreign service posts. Specifically, there is a bifurcation within posts between knowledge of local people and conditions held by political intelligence resource and technical expertise about visa matters held by consular officials. The post elements involved normally do not communicate very well with each other, nor do they get involved in each other's affairs.

In Cairo, our review team was told that while a formal system does not exist, names of undesirable officials indeed are passed by political intelligence resources to the consular section, and that internal communications problems within the embassy, which in part were responsible for the sheikh's getting earlier visas, had been corrected.

We were told again specifically that the names of terrorists known to the political section are being given to the consular section. Our team tested this assertion. They selected the names of 4 individuals from the list of 39 who had been convicted of terrorist acts in Egypt 5 months earlier, ample time for the names to have been entered into CLASS, and asked the consular section to conduct a routine check of the system for these names. Not one of the four names was in the system, even as a quasi-refusal.

The team brought this information to the attention of people at the post.

Mr. LANTOS. Let me be sure I understand you. When was this test conducted, Mr. Inspector?

Mr. FUNK. The first test was in May, this past May.

Mr. LANTOS. This past May?

Mr. FUNK. Yes, sir.

Mr. LANTOS. That was long after—

Mr. FUNK. Oh, yes, sir.

Mr. LANTOS [continuing]. The bombing, the high visibility and so on. And what you did was you put—you checked whether four individuals—

Mr. FUNK. From a list of 39.

Mr. LANTOS [continuing]. Who had been convicted of terrorist acts in Egypt were in the lookout system in Cairo; is that correct?

Mr. FUNK. That is correct.

Mr. LANTOS. So we are now dealing with one town, Cairo. There are individuals convicted of terrorist acts. And the post apparently is not efficient enough to put the names of convicted terrorists into the lookout system so they won't gain entry into the United States.

Is that what you are saying?

Mr. FUNK. Yes, sir.

Mr. LANTOS. Ms. Ryan, do you have any comment?

Ms. RYAN. As I understand it, in this case, the information in fact was not passed from the political section to the consular section.

Mr. LANTOS. Let me ask you a question, and if you don't have the answer, I would be grateful if you would find out and get back to us.

Was it secret that these individuals were convicted of terrorist acts by Egyptian authorities? Was this a secret trial with secret results? Or was this something which appeared in the newspapers and on radio and television?

Ms. RYAN. I will have to get that answer for you.

[The response follows:]

Question. Was it secret that these individuals were convicted of terrorist acts by Egyptian authorities? Was this a secret trial with secret results? Or was this something which appeared in the newspapers and on radio and television?

Answer. The fact that the trials were held, the names of the defendants, and the verdicts in the 39 cases were all thoroughly covered by the news media, and were public knowledge.

Mr. LANTOS. Mr. Funk, do you know the answer?

Mr. FUNK. It was published.

Mr. LANTOS. It was published.

Mr. FUNK. Yes, sir.

Mr. LANTOS. So the equivalent of the *New York Times* in Cairo—there is no equivalent, let's call it Al Ahram—published the names of these four people.

Mr. FUNK. I believe it was in Al Ahram.

Mr. LANTOS. Of course it was in Al Ahram. The names appear in Al Ahram. These people are convicted after, I presume, a lengthy trial of terrorist activities. Well, why does the consular section need to wait until somebody tells them to put these names into the lookout system?

Mr. FUNK. I would have to say, sir, in all candor, that I do not think that is the job of the consular section, because we have political officers, we have political intelligence resources at the post who are trained for this kind of thing. It is the staff of life for them to keep abreast of what is happening.

Mr. LANTOS. I accept that.

Mr. FUNK. And the consular officers in most posts are grossly overworked. If you throw other requirements at them it is going to delay the entire operation of the visa system and American citizen services.

Mr. LANTOS. So what the political officer should have done, or someone from the political section should have done—

Mr. FUNK. And we were told it had been done. We were told—the team was told specifically that this information was being passed on to the consular section.

Mr. LANTOS. It was passed on?

Mr. FUNK. That is right. That is why we wanted to test it. It gets worse, if you want me to go on.

Mr. LANTOS. I don't know if I can take it, but proceed.

PROACTIVE INFORMATION-SHARING

Mr. FUNK. On returning to Washington, the team checked CLASS again on June 10, 1993. In fact, I was there in Rosslyn when we did that. They checked two of the original 4 names and 7 others from the list of 39. None of the original names were in the system, and only one of the other seven had been entered.

We checked again on July 8. The original 4 names still had not been added, and only 5 of the other 39 were then in the lookout system. And I suspect that the reason is that there is no clear and explicit guidance from the Department for proactively—proactively identifying and preemptively placing the names of ineligible persons or persons thought to be ineligible into the lookout system before applications are submitted.

Mr. LANTOS. That sounds very elegant, Mr. Funk, but it doesn't make much sense to me. It seems to me that the political section, all they had to do was to take the appropriate issue of the newspaper and say, hey, these are these 39 people convicted of terrorist acts; it would be wise not to give them a visa. So why don't you guys put this into this lookout system?

INTERPRETATION OF 1990 IMMIGRATION ACT

Mr. FUNK. I must go to my next point, then. When I say "a need for guidance," my answer is, is there really a need for such guidance?

We received a cable yesterday morning from Cairo which answers this question explicitly and disturbingly. The cable says, "None of the names on the list," that is the list of 39 convicted terrorists, "merit entry as excludable, because, one, the verdicts were suspended pending appeal," and in fact the relevant sections are in the Foreign Affairs Manual, "two, many of the defendants"—including those who are supposedly the most dangerous—"were tried in absentia. A conviction in absentia does not constitute a conviction."

What this means, of course, is that it is precisely those people who may pose the greatest potential danger because, number one, they are convicted of terrorism, and number two, they are smart enough to have evaded arrest and they are free to apply for a visa, unlike their colleagues who are in prison.

The cable goes on to say that the Foreign Affairs Manual—it gives the citation—stipulates that "Mere membership in or affiliation with a terrorist organization, except in the case of the PLO, does not constitute a ground of ineligibility. Since the passage of the Immigration and Naturalization Act of 1990, neither establishment nor belonging to terrorist groups is a ground for exclusion."

The apparent rationalization—

Mr. LANTOS. Will you submit this cable for the record to the subcommittee?

Mr. FUNK. Yes, sir.¹⁰

Mr. LANTOS. At what level was it signed?

Mr. FUNK. It was prepared by the Consul General in Cairo who, as I was just about to say, I regard as one of the best and brightest people in the consular service. I am not finding fault with that officer. I am finding fault with the system, which takes this interpretation of the Immigration Act of 1990, which I totally disagree with.

Mr. LANTOS. What is the basis on which the Consul General relies for this totally insane interpretation that if you organize a terrorist group, that does not constitute a basis for denying a visa to enter the United States?

Mr. FUNK. There is a disagreement—I frankly find it difficult to think that the only person who can be barred is somebody who has actually pulled the trigger or set the bomb off in a terrorist incident.

Let me read the pertinent section of the 1990 act which governs, to my mind—and I hasten to add I am not an attorney.

Mr. LANTOS. We did not accuse you of that.

Mr. FUNK. I thank you, sir. It says simply, this is from the Act of 1990, "Any alien who a consular officer knows or has reasonable ground to believe is likely to engage after entry in any terrorist activity is excludable."

And terrorist activity is further defined in the Act in ways that clearly—clearly would include and encompass such things as preaching jihad, as soliciting terrorist acts, even if they don't personally participate in that.

Ms. SNOWE. May I ask a question? The State Department made the interpretation of the 1990 act as saying that conviction in absentia does not constitute being part of a terrorist activity?

Mr. FUNK. To the best of my knowledge, Ms. Snowe, to the very best of my knowledge that is the official position of the Department, yes, ma'am—in writing.

Ms. SNOWE. Just to explain, is there—prior to 1990, if an individual is a member of a terrorist organization, they were excludable from the United States, but the language of 1990 changed it. The U.S. Government has to prove they are about to commit or have been personally part of a terrorist activity?

Mr. FUNK. I don't want to get into philosophy, but what apparently has happened, the Immigration Act of 1990 in effect tried to repeal some of the excesses of the McCarran Act, the predecessor legislation; and in doing so, the pendulum swung quite a ways over. And there is language in the INA which could be construed in some cases to say that we want so carefully to avoid guilt by association as a vehicle for preventing people getting visas that it went to the other extreme.

But in the case of terrorism, I don't think that applies. To me—as I say, I am not an attorney, but I think I know something about the English language, and if link has any meaning at all it doesn't mean what this interpretation says. I simply cannot accept that.

Ms. RYAN. Mr. Chairman, I apologize for not being as knowledgeable as I ought to be, but I am told by one of the people I brought

¹⁰ The information, which is classified, is retained in the committee file.

with me that he believes that all the names that Mr. Funk was talking about could have been entered into the system by the Department of State as double zeros, which means that before a visa could be issued to those people, the post at which they were applying would have to inquire of the Department. The Department would have to make that decision. And perhaps Mr. Scully from the visa office—

Ms. SNOWE. Isn't that a quasi-refusal? Is that a quasi-refusal?

Ms. RYAN. I don't think so.

STATEMENT OF CORNELIUS SCULLY, DIRECTOR, OFFICE OF LEGISLATION AND REGULATIONS, VISA OFFICE, BUREAU OF CONSULAR AFFAIRS

Mr. SCULLY. With your permission, my name is Cornelius D. Scully. I am Director of the Office of Legislation and Regulations in the Visa Office in the Bureau of Consular Affairs.

Mr. LANTOS. Glad to have you, Mr. Scully.

Mr. SCULLY. Thank you, Mr. Chairman.

The list of names to which reference is made, based on my reading of the information, all of those names certainly could have been entered into the system with what I would characterize as the double-zero entry.

Now, a double-zero entry is a peculiar type of entry. It does not necessarily presuppose that the alien will be found ineligible. But what it does mandate is that any application by the alien with that entry code be referred to Washington for review here.

Now, the primary purpose of that review is to vet the name through the intelligence community, whether that be on a counterterrorism basis or another situation, the counterintelligence, because it can apply in both circumstances.

The fundamental problem that I would see with the list of names is one that the Inspector General commented upon earlier, and that is the question of having enough identifying data, biographic data, to distinguish this Abdul or this Mohammed from all other people having that name—you know, this problem that the Inspector General mentioned.

That, it seems to me, would have been a fundamental problem. Conceptually they certainly could have been entered into the system for vetting purposes, and might well have resulted in refusals.

Mr. LANTOS. But, Mr. Scully, that doesn't satisfy me at all. If someone is convicted of terrorism in Cairo, you don't have to be that ambivalent as to whether that person should or should not be given a visa to enter the United States.

It seems nonsense to me to argue that they could have been put on what you call the double-zero list that then makes their application one that should be referred to the Department of State.

The Department of State is here. We have the post in Cairo, and that post read in the daily paper that this person was convicted of terrorism. Now, that ought to be enough for the post to say, we will not issue a visa to him.

Mr. FUNK. There is another point, sir, if I may. We are not at war with the Government of Egypt. In fact, we give the Government of Egypt many billions of dollars every year, and we work in close support of each other. And I find it difficult to believe that

somebody in our Embassy cannot call up the police authorities and say, here are the names; can you give me the dates and places of birth? It would be a matter of a simple telephone call.

Mr. SCULLY. Mr. Chairman, if I might comment, I would certainly agree with the Inspector General. I am simply suggesting that the cable that was transmitted to the Department did not contain that information. I am not arguing that it could not have been obtained. I would like to make a comment, though, Mr. Chairman, about entering names into the lookout system.

We are under a statutory mandate not to enter into the system the name of any alien as being formally excludable from the United States until we have made a finding of fact to that effect.

Mr. LANTOS. A finding of—

Mr. SCULLY. The problem is, Mr. Chairman, absent a visa application from the individual, we are not in a position to make the formal determination according to the procedures in the immigration law.

Mr. FUNK. That is the beauty of a double zero.

Mr. SCULLY. That is the beauty of the double zero. It allows you to make the lookout entries that are necessary to be made without violating the statutory mandate that you do not label someone as having been formally found excludable from the United States until that has actually occurred.

So the system attempts to reconcile a statutory mandate—

Mr. LANTOS. Let me ask you this—

Mr. SCULLY [continuing]. With the operational needs.

Mr. LANTOS [continuing]. Has the Department requested a change in that statutory mandate? If the statutory mandate is idiotic or nonworkable, it is incumbent upon the appropriate agency to request a change. Has that been made, Ms. Ryan?

Ms. RYAN. I don't know, sir.

Mr. LANTOS. Mr. Scully.

Mr. SCULLY. Not to my knowledge, Mr. Chairman.

Mr. LANTOS. That is your answer.

Mr. SCULLY. I would suggest to you though, if I may, that it is not really an unworkable system as long as the names that need to be in the system are in the system, even with this double-zero identification or even with the special identification that we also use of possible ineligibility. It is the system the Inspector General mentioned of the quasi-refusal. As long as the name is in there, detection of the name will allow for proper processing of the application if it is ever made; and then presumably it would ripen into a formal refusal of the applicant when the applicant formally makes the application.

So I am not sure that the system is defective in that respect, as long as the names that need to be in there are in fact there.

Mr. FUNK. But let me just say, I rest my case, because now, after all this time, there are still only 5 of the 39 names in the system. And should any of the other individuals, the other 34, come to a U.S. Embassy seeking a visa, they would be treated exactly like any other legitimate applicant. There would be no reason for treating them differently.

I am inclined to say that the best protection we could have would probably be their assumption that no government would be silly enough, naive enough, to give visas to terrorists.

Ms. SNOWE. Can I just ask a question? If an individual was on this double-zero list and then they applied for a visa, would they be automatically rejected?

Mr. SCULLY. If I may, Ms. Snowe, the answer to that is you would have to look at the facts of the case. No.

Many names are put in as double-zeros solely to ensure that they are properly vetted through either the counterterrorism process or the counterintelligence process, or in some cases, that they are vetted for foreign policy reasons.

There are a variety of reasons why names are entered as double-zeros. I would say that in a fair percentage of the cases, the ultimate outcome of the visa application that is made by the alien will be a refusal. But it is not a foregone conclusion that automatically—and indeed, in some cases, even though the alien may be found to be ineligible, depending upon the facts and circumstances, there may well be a legitimate basis for recommending a waiver of that ineligibility—

Mr. LANTOS. Give me a legitimate reason for a convicted terrorist in Cairo. Just give me one reason.

Mr. SCULLY. I am not making that statement with respect to the aliens in question here, Mr. Chairman. I am just trying to answer Ms. Snowe's question in a broader based way.

Mr. LANTOS. By the way, were these people put on the list as double-zeros or is this just a hypothetical that they could have been?

Mr. SCULLY. I have to defer to the Inspector General's statements on that. He, I think, has explained to you what he has found to date on that matter, Mr. Chairman. So I will defer to him, if I may.

Mr. FUNK. They are not—except for 5 names of the 39, they are still not on the list.

Mr. LANTOS. Will you conclude your statement, Mr. Funk?

Mr. FUNK. That is really—I have just concluded it.

Mr. LANTOS. I appreciate it.

Now we will go to Ms. Ryan.

Mr. MARTINEZ. Mr. Chairman, before you do that, could I inquire of Mr. Scully how he identified himself when he originally sat down, of what section?

Mr. SCULLY. Mr. Martinez, I am Director of the Office of Legislation and Regulations in the Visa Office, which is an element of the Bureau of Consular Affairs. I am, therefore, one of Ms. Ryan's subordinates.

Mr. LANTOS. Since I am very anxious to give my colleagues a chance to ask questions before we get a vote, or they need to leave for some other reason before you make your statement, I will call on Ms. Snowe to ask whatever questions she has of Mr. Funk.

Ms. SNOWE. Thank you, Mr. Chairman. Just a few questions.

Mr. Scully, what you are saying is that—to get back to the end of this question here, what I am understanding is that if somebody like a convicted terrorist is placed on the double-zero list, they can apply for a visa without any kind of prejudice in their application?

Mr. SCULLY. I am not sure I said that, Ms. Snowe. What I said was that the double-zero entry is used to require referral of the application for review in Washington, largely to permit appropriate vetting of it throughout the intelligence, counterintelligence and counterterrorism communities. There may also be political implications in a particular case.

Now, if the facts, as in these cases, reflect a conviction for terrorist activity, then it seems to me that you are going to have pretty much as a foregone conclusion that the alien is going to be excludable by reason of that conviction. Even if the conviction has been sustained, suspended, or it is on appeal, it is still an outstanding conviction.

Moreover, the statutory standard for visa refusal is "reason to believe." That is a very different standard from the standard required for a conviction, so it is conceptually possible that even where an alien had been acquitted of charges of having committed a terrorist act—assuming that the standard for conviction in that court was proof beyond a reasonable doubt, as it is in our courts—you could still have enough evidence to support reason to believe that the alien committed that act, even though a jury did not find that there was proof beyond a reasonable doubt that the alien had committed that act.

That gets a little bit tricky, because if someone has been acquitted, there is generally a popular belief of complete innocence, and so making a refusal on that basis in a case where there had been an acquittal would be a little tricky.

Ms. SNOWE. I guess the point is here—what I am hearing from Mr. Funk is that a convicted terrorist in this case, many were not placed on the double-zero list. And I guess I wouldn't be led to the same conclusion or assumption that you are, Mr. Scully, that somehow it is a foregone conclusion that they, you know, would be admitted.

I mean, I agree with that.

Mr. SCULLY. You mean that they would be denied on those facts?

PROBLEMS WITH VISA ISSUANCE SYSTEM

Ms. SNOWE. That is exactly right. Given the fact it is very difficult to place them on this other list.

So that is my concern. And it just seems to me the whole system is broken. I think it is worse than I even thought.

A couple of questions of Mr. Funk, because I am trying to understand exactly what the nature of the problem is.

We understand the system is the problem, but it is beyond the system. It is individual failure. And I am not so sure that—even if we had the state-of-the-art technology and updated the microfiche system, that we are taking care of the problems; because all along the way it required human failure in order to reach the point that we are at today—and, certainly, with the sheikh. I mean, it was human failure.

Yes, the system is outdated in a lot of instances, but it wasn't the system that ultimately crippled this process; it was individuals. And that is my concern. And I think it is from the top down.

I mean, it seems to me that in Khartoum, obviously the political affairs department didn't share anything with consular affairs with

respect to the warning they received from Cairo. And I don't understand how someone who has been denied a visa on several occasions is all of a sudden granted a visa when he has explicit omissions on his application with respect to whether or not he has been previously arrested.

Do you understand that, Mr. Funk?

Mr. FUNK. I agree with you, Ms. Snowe. That is why I said, and say, in my report—in the full statement that poor performance is one of the major problems we encountered, not just inadequate controls—although, God knows, they were there also—but poor performance by the individuals in the consular sections.

There is no excuse—I don't care how pressed you are—when you get an application which leaves the arrest column blank, which leaves other important data blank, this should cry out to heaven. I understand you have not much time for each applicant, but Cairo has only 23,000 applications a year, compared to Seoul, 270,000. And it is a big post. We should be able to pick these things up in Cairo, and we certainly should be able to pick it up in Khartoum, where we get many, many fewer visas than that.

Ms. SNOWE. It seems to me in Khartoum, for example, it wasn't just a first tour of duty for a consular officer. That begs other questions, frankly, in a place like Sudan, that we are not placing an emphasis on those areas to get highly experienced, highly qualified individuals. It seems like the opposite is true.

This is the situation we raised several years ago in the subcommittee with respect to addressing the issue of terrorism. It seems to me, the highest-risk place, the least-experienced, least-qualified individuals are placed there because it is not luxurious, or whatever the case may be.

It seems to me we should place a greater standard on those places and more of a premium within the Foreign Service and within the Department that when you are willing to seek these posts, that you are going to be highly rewarded, not downgrade the fact that they go into higher-risk locations.

Now, the State Department not following up is also beyond me. Once he was issued the visa, it took 14 days for Khartoum to realize they had made a mistake; is that right?

Mr. FUNK. Ten days.

Ms. SNOWE. We have the chronology, May 10, May 24, but in any event—so then the State Department is informed they are going to seek to physically cancel his visa. How does that happen? Is that something—

Mr. FUNK. They tried to locate the individual and get the passport and cancel the visa, physically cancel it.

Ms. SNOWE. And then the State Department, obviously the Bureau of Consular Affairs never followed up, is that right, they never really followed up?

Mr. FUNK. That is basically correct.

Ms. SNOWE. You know how they find out that the sheikh was in this country? The *Los Angeles Times* story, November of 1990, which indicated that he had been erroneously issued a visa.

But do you think that that promptly forced the State Department to look at it? No.

On the chronology, it was November 10, there was an article in the *Los Angeles Times* on the subject, that mentioned that the sheikh was issued a visa by Khartoum due to a failure to check lookout records.

He reenters the United States 5 days after that story, and it wasn't until November 26 the Department issues a certificate of revocation and asks the INS to refuse entry. Unfortunately, the INS gets the certificate of revocation from the Department of State, but a week later he reenters the United States erroneously even after the INS was informed he shouldn't be in the United States.

So I don't know where the system failed. I think it is all individuals that failed. And that is what concerns me, that something else has got to happen.

Mr. FUNK. Ms. Snowe, yes and no. Sometimes it is very helpful if you have a system which has kind of a fail-safe mechanism built in.

For example, one of the advantages of the machine-readable visa is that you literally cannot give anybody a visa without checking the name in the data system, because it is part of the process. Unless do you that, it is not going to function. So it forces, it actually, literally forces the consular officer to check the lookout system; otherwise can you not issue a visa. That is one of the things where technology can help.

Ms. SNOWE. It makes it easier for the consular officer to look up his name, but it doesn't mean he cannot. The information is on the microfiche system. It is a little more cumbersome, but the fact is we have got state-of-the-art technology; if the individual doesn't push the buttons, then it is not going to happen.

Mr. FUNK. I still can't work my VCR.

Ms. SNOWE. In any event, the point is that this is much beyond the system that is involved here. And you have really, I think, done a great service to us in analyzing this process, because clearly a whole lot more has to be done.

Now, I have introduced legislation to reverse the 1990 law, and I think that is, among other things—because I think that is absolutely necessary, because we are getting—you know, I think that this system is so bad now that I think we are going to have to do a whole lot more than just revising the system.

Mr. FUNK. I think the pendulum has swung too far.

Ms. SNOWE. Thank you.

Mr. LANTOS. Thank you very much. Congressman Martinez.

Mr. MARTINEZ. Thank you. I don't know what question I would ask without getting an excuse, but I was sitting here, and I am finding it hard not to break out in real laughter. Shades of Keystone Kops, cops spelled K-O-P-S.

You know, I agree with you that a mechanized system or a computerized system might help to some degree, but if the 39 names you say are still not in there were not in there, the system would not help at all.

Mr. FUNK. Absolutely.

Mr. MARTINEZ. Any computer, any system, is junk in, junk out. So it goes back to what my colleague Ms. Snowe was saying, it is the quality of the people that you put in place to do the job that it really falls back on.

I am surprised, really, because the way that my constituents get interrogated and their relatives get interrogated when they want to come for a wedding or a funeral or a sickness or some other reason, and one of the reasons, as you described the assemblyman from California calling you, I would have thought, hey, nobody gets in that we don't want in. That is completely untrue. Everybody who we don't want in gets in.

SUMMARY EXCLUSION

Now, you said earlier that the minute they step off a plane, due process takes place. They have every right. I agree, that is the way it should be with people who enter legally.

We have a debate going on on the floor right now with every piece of legislation we are passing, about the illegals that are in this country. And some of them are here for better reasons than the sheikh came. Yet we want to deny them.

Now, the one thing that I have is, even after you have issued a visa and it was issued on bad information, I would think that due process was not kicking in automatically. The fact that the person lied to get in and did something illegal to get in should have nullified any due process for that person and immediate expulsion. But we are so concerned with due process for people that we don't do that, while those same people weren't concerned for the due process of living for the people in the World Trade Center who got killed.

I have no sympathy for the due process for people who violated our laws, number one.

INTERPRETATION OF THE 1990 ACT

Number two, you were talking about a cable that you read that came to you this morning, I believe—

Mr. FUNK. Yesterday.

Mr. MARTINEZ [continuing]. That established a policy, and that was from the Cairo office?

Mr. FUNK. It was reflecting policy, not establishing policy.

Mr. MARTINEZ. That is what I am trying to get at, is where did that policy originate?

Mr. FUNK. I assume it originated in the Bureau of Consular Affairs.

Mr. MARTINEZ. Could anybody else give me a higher level that that might have originated from? Because I have always been under the impression that in the State Department the Office of the President sets the policy.

Mr. FUNK. The office of what?

Mr. MARTINEZ. The Office of the Presidency sets policy, at least through the State Department, the Secretary of State. And that policy, as you described it, is an interpretation of the law that you disagree with; isn't that right?

Mr. FUNK. That doesn't mean I am right, but I think I am right.

Mr. MARTINEZ. I think you are, too. I am trying to trace back where it originated, because one of the problems that Ms. Snowe alludes to, the kinds of the people doing the job and the quality of that person, it is like two little kids letting Mikey do it. They are not going to experiment, they are not going to chance, they are not

going to enter those double-zero numbers. If the action is going to fall, it won't fall on them. That seems to be the policy.

Mr. FUNK. If I could be so bold, Mr. Martinez, I would suggest, I think, that it would pay to have this guidance clear and explicit. It is not now. The very fact that people can differ, as is going on in the Department, is evidence of that.

If you are a consular officer faced with a workload that is staggering, under appalling working conditions in most cases—very often in languages you don't understand, you have to rely upon interpreters to tell you what is going on—you are very reluctant to make a mistake. You are a bureaucrat. Bureaucrats are worried about their careers. If I give somebody a visa, I am going to get clobbered for it. If I don't give somebody a visa, I am going to get clobbered for it.

So I think it would clear the air enormously if—I don't care where it came from. It could be the Department, it could be the Hill, it could be GAO. I don't really care. But there should be some way of articulating what the meaning of the INA is in terms of who is eligible, who is not eligible. Because right now there is some considerable disagreement.

Mr. MARTINEZ. That is what I am trying to get at. If we can determine where it originated, this policy or this interpretation, at least we could have a dialogue, so at the highest level a clear and concise determination can be made and pushed on down. The other thing I would say is, somewhere in the State Department they are going to have to start realizing that these offices in different countries are not autonomous. They are part of a total system and they must answer to that system. They must be trained to carry out the mandate of that system.

Mr. FUNK. I think that is not in dispute. I think they feel that way strongly—in my opinion, anyway.

Mr. MARTINEZ. I yield back my time.

Mr. LANTOS. Thank you very much.

Congressman Schumer.

COULD IT HAPPEN AGAIN?

Mr. SCHUMER. Thank you, Mr. Chairman. I appreciate very much your holding these hearings and inviting other Members of the full committee to sit in.

As you know, I have been very interested in this issue, in the sheikh; and as chairman of the Crime Subcommittee, I have been pursuing things from that end, but I am very interested in this as well.

I have to tell you, Mr. Funk, I read your classified report before and now I am reading this, and you don't know when you read it whether to laugh or cry.

Mr. FUNK. When I wrote it I didn't know whether to laugh or cry.

Mr. SCHUMER. It is just unbelievable. The question was not one mistake or two mistakes. It is mistake piled on top of mistake piled on top of mistake. One wonders if either the State Department or the INS, in the matter of the sheikh, ever did anything right. They did things wrong time and time and time again. No one talks to anybody; after everyone knows he is a terrorist he gets a green card.

We are working on tightening up the asylum process, as Mr. Cronin knows, on the Immigration Subcommittee on which I also sit. But if these kinds of mistakes are going on, no tightening up of the law is going to change things.

So I guess my first question to you, Mr. Funk, is if today, before all these changes are going to be made, the microfiche and everything else happens—if today someone just like the sheikh went to Khartoum or one of our other offices, one of our other consular offices, wouldn't it seem pretty likely that certainly, if that person persisted, they would get into this country?

Mr. LANTOS. Only if they had a round-trip ticket.

Mr. FUNK. Mr. Schumer, when I started, I began with that very point. I said the most deeply troubling thing about this whole business is that I have zero confidence that we would not have the same thing happen again.

Mr. SCHUMER. Exactly. So I guess what that means from a counterterrorism point of view, there could well be other people like the sheikh in the United States right now, with the INS giving them a green card, and them coming in and out of the country and being allowed in and out of the country. That is sobering, I guess, is a mild way to put it.

INVOLVEMENT OF THE CIA

Let me ask you this. In today's *New York Times*, a lot of the information that was originally in your first report has come out; and when I read the first report—

Mr. FUNK. Although not necessarily—

Mr. SCHUMER. Not all of it. It has come out of dribbles and now it has come out in seven dribbles, I guess.

It just strikes me, the average person, that there was so much involvement of CIA officials—now I don't know, and of course you can't say how often a CIA official is using a consular position as a cover; and I saw that the CIA issued a statement today that no way did they facilitate the entry of the sheikh into the United States.

But let me just ask you, without compromising anything, how typical would this be, that so many instances when someone goes in and out of a country, the person who let's—and shunting, going in and out of the country—the person who let's them in and let's them out ends up being an official of the CIA who is not performing official CIA duties?

Mr. FUNK. At the risk of seeming idiotic in view of what has been in the press, I am under constraints, Mr. Schumer, and—

Mr. SCHUMER. You can't talk about that, even though it is in the newspaper? OK.

Mr. FUNK. I testified yesterday in the Intelligence Committee under a different format, but I simply cannot do that here.

Mr. SCHUMER. Then I don't want you to do that. All I can say is, to me, it seems it is disconcerting, to say the least, and I think it bears further investigation, other than leaving it a statement of flat denial; and maybe that has to be done in a different setting, and I may ask you to do that.

INTERPRETATION OF TERRORIST EXCLUSION

Let me ask you this. It seems to me, to sum up what you have said about the pendulum swinging too far in the 1990 Act, which Olympia Snowe alluded to as well, do we treat every unpopular group, terrorist or not, the same? Is that an overstatement? In other words, because the group is unpopular, we give them certain safeguards, even if we know they are or might well be committing acts of terrorism? Legally.

Mr. FUNK. The only group which is barred as a group is the PLO. No one else.

Mr. SCHUMER. The Abu Nidal organization is not barred?

Mr. FUNK. No, sir. The only group under law is the Palestine Liberation Organization. Ironically, that may become unbarred soon.

Mr. SCHUMER. If somebody comes up to the embassy and says I am a member of the Abu Nidal organization, we check if they are on some type of list, and if not, we let them in?

Mr. FUNK. A cable I received yesterday morning used almost that same language. Let me get it again, because it is extremely interesting.

Mr. SCHUMER. Interesting?

Mr. FUNK. Hair raising. Mere membership in a terrorist organization—mere membership in a terrorist organization is not, per se, reason for being excluded.

Mr. SCHUMER. Now, you have stated before I came in that you don't believe that is what the 1990 law said.

Mr. FUNK. No, sir, not at all.

Mr. SCHUMER. But that is how the State Department is interpreting it?

Mr. FUNK. Yes, sir.

Mr. SCHUMER. Maybe we ought to ask Ms. Ryan, what were they smoking over there in the State Department when they came up with this interpretation?

Ms. RYAN. There is disagreement on how to interpret it. I would agree with Mr. Funk, but I am not a professional consular officer. I think you can keep them out, but very good consular officers disagree with that and believe that the way the law is written, simply being a member of a group like Abu Nidal, like the IRA, is not sufficient to bar them.

They think that they are interpreting the law the way—

Mr. SCHUMER. Aren't there some guidelines that come from Washington that give them guidance on how to interpret them? It is not each consular office for him or herself, I presume.

Ms. RYAN. I am too new to this job to be able to answer. If I could ask Mr. Scully—

Mr. SCULLY. Yes, Mr. Chairman. I wrote them.

Mr. SCHUMER. Can you tell us about the interpretations—

Mr. SCULLY. The interpretation that we have adopted, that we understood to be that which the Congress intended, was that mere membership in a terrorist organization was no longer a ground of exclusion.

Mr. SCHUMER. Do the words of the statute explicitly state that?

Mr. SCULLY. The statute specifically omits membership. The prior statute explicitly included it. The prior statute included membership in any organization which advocates or teaches; and then it used specific words of acts which are under the old statute. They are, in effect, terrorist acts.

Mr. SCHUMER. Because it omits it doesn't mean—and I agree with you, the law ought to be changed and that is an absurdity, but because it simply omits language from previously doesn't, to my way of thinking—my guess is, if you asked every Member who voted on that, they didn't intend that at all.

And Mr. Funk said he doesn't read it that way. And you are sort of tying yourself in your own straightjacket to the detriment of the United States. Because a legislative language was in one bill and not in the other bill doesn't mean you have to then interpret it the exact opposite as if the "not" was added.

Mr. SCULLY. Mr. Schumer, all I can tell you is, I wrote an interpretive document. I cleared it within the Department, including within the Office of the Legal Adviser. I cleared with the Department of Justice. It was run informally by certain staff members over on the Hill who had been much involved in the 1990 act. All persons to whom it was given either formally cleared it, if they were asked for formal written clearance, or informally expressed their agreement with it at the time.

Mr. Martinez, if I might, just one further comment. The Department has taken the position that there are certain organizations, membership in which equates to participation. In other words, they are small activist organizations—

Mr. SCHUMER. You wouldn't consider the Abu Nidal organization one of those?

Mr. SCULLY. Precisely; that is one of those in which membership equates to participation.

Mr. SCHUMER. So if someone comes up who is a member—

Mr. SCULLY. He is excludable by reason of that membership, period.

Mr. SCHUMER. But if they are a member of Hamas, there would be a different interpretation?

Mr. SCULLY. That is correct. If the organization is broad based enough—

Mr. SCHUMER. A big terrorist organization you can get in, but a little terrorist organization, you can't.

Mr. MARTINEZ [presiding]. I want to clarify this because I asked the question before and it wasn't really answered. I was trying to find the origination of that interpretation of the law, and it sounds like just a minute ago you said that you wrote the interpretation of it.

Mr. SCULLY. I drafted the document and I cleared it.

Mr. MARTINEZ. And you checked it with certain staff on the Hill, et cetera, et cetera. Did you check it with the Secretary of State?

Mr. SCULLY. No, sir. It was submitted to my superiors for approval, and it was approved at the bureau level.

Mr. MARTINEZ. Did anybody in the Department check it with the Foreign Affairs Committee chairman? You see what I am getting at here is that—

Mr. SCULLY. No, Mr. Martinez.

Mr. MARTINEZ. You checked it with people who would probably say, oh, yes, this is fine, and not with the people responsible for passing the law and for their interpretation of what they meant by the law. That is where the problem comes in. So if this goes out to all of the offices, then this is the established policy. But you established the policy.

Mr. SCHUMER. If the gentleman will yield, it is something that happens like this that gives bureaucracy a bad name, because the law, as you read it, does not require that interpretation, it just doesn't. Because language is not in—and it was in last time—does not yield to an inexorable conclusion, the way you have drawn it up, and it just marches on. It is bad. It is very bad. I can't think of another word.

Let me ask you this. Couldn't you tomorrow, Ms. Ryan, reexamine the law and come up with a different interpretation and get it out to the consular officials right away? And why isn't that happening? Being new doesn't mean you ought not to—

Ms. RYAN. No, indeed, Mr. Schumer. Certainly after this morning, I certainly intend to—

[The State Department's response follows:]

The Immigration and Nationality Act, as amended by the Immigration Act of 1990, is quite clear that except for officers, officials, representatives or spokesmen of the PLO, an alien must have engaged in, or be likely to engage in, a terrorist act as defined in the act in order to be found ineligible for a visa. We have been exploring whether mere membership in certain activist organizations would equate to engaging in terrorist activity as defined in the statute.

There have been working-level consultations between State and the Department of Justice on whether to seek statutory amendment to make mere membership in any terrorist organization grounds for a finding of ineligibility. I note that Ms. Snowe has introduced H.R. 2730 to that effect, but the administration has not taken a position with regard to that bill.

Mr. SCHUMER. My guess is if you went to the counsel's office in the State Department and said, does the statute require this interpretation in Mr. Scully's memo, they would say by all means not.

I would strongly urge you to do that ASAP, so that the change—we could change the interpretation of the law. It seems to me that any organization that has the slightest amount of terrorism, that should be grounds enough to exclude and, at the very least, put the burden of proof on the applicant, not—on the applicant to come in, not on our Government to exclude him or her. Do you agree with that?

Ms. RYAN. I do indeed.

Mr. SCHUMER. Thank you.

Mr. MARTINEZ. At this time, Mr. Smith, you will be next. Did you intend to go over and vote? Then we will take a recess and go over to vote. We will make that 5-minute vote and then return.

[Whereupon a short recess was taken.]

AUTOMATION UPGRADE

Mr. LANTOS. The subcommittee will resume.

I would be pleased to have either Mr. Funk or Ms. Ryan answer my next question, because we really need to look ahead.

What is the current status of the program to upgrade all posts to the automated lookout system; when is the program expected to be completed; what is the total cost of the program; and have there

been any requests made of the Congress to expedite the funding of this operation?

Ms. RYAN. Mr. Chairman, we have plans to replace the microfiche either by CLASS, which is our automated consular lookout system, or by the DNC, which is the distributed name check, at more than 50 posts in fiscal year 1994.

We expect and intend that all remaining microfiche systems would be replaced by automated systems by the end of fiscal year 1995 and we are of course continuing the expansion of the machine-readable visa with its superior controls to reach an additional 16 posts next year.

We have estimated the cost of properly automating, in other words with the machine-readable visa, the world, if you will, to be about \$70 or \$75 million. In the authorization bill, there is language which would allow us to place a surcharge to be paid by the applicant on the machine-readable visa, and that that money would come to the State Department.

If we are allowed to do that, if we are allowed to get that money and to keep it, we could automate with the machine-readable visa much more quickly.

Mr. LANTOS. How quickly, Ms. Ryan?

Ms. RYAN. Realistically, I think probably 3 to 4 years. We would—

Mr. LANTOS. What would it take if you had a mandate to fully automate within a year?

Ms. RYAN. I don't know how we could do it. In 2 years we would be doing three posts a week. It would take us 2 years. We have looked at that. I mean, that could be something that we would use as a goal, but I don't really know if it is, frankly, humanly possible to do it in that short time, because we have to train people in the use of the machine-readable visa. The installation of the high speed lines that we would need, all of that—I am not really competent to answer how fast we could do it. I don't really believe that it is realistic to think we could do it in a year.

Mr. LANTOS. Well, this is not a State Department function, is it? You would need to have it done by appropriate outside business firms; isn't that true?

Ms. RYAN. That is right, sir.

Mr. LANTOS. Well, is there a feasibility study that gives you these answers?

Ms. RYAN. It is something we are working on right now, sir. Because of this situation with the sheikh we have been looking very closely at how to do it faster, better. It comes down to a need for resources, the money.

Mr. LANTOS. I am leaving the money question outside for a moment. I don't want you to fall back on that. My question is have you asked IBM or somebody to give you a feasibility study of what it would take to get this done as fast as possible? How much time and how much money?

Ms. RYAN. Not yet, sir, no.

Mr. LANTOS. Why not?

Ms. RYAN. I guess because I am only in the job 2 months and I am doing everything as fast as I can.

Mr. LANTOS. I am not asking you personally. I mean why has the Department not, in view of this preposterous series of events, why is it not moving more rapidly? Are you saying this is above your pay grade?

Ms. RYAN. No, sir, I would never say that.

Mr. LANTOS. So this is at your level?

Ms. RYAN. I can get a feasibility study done, yes, sir. I don't know—

Mr. LANTOS. Well, is that not the first step?

Ms. RYAN. I guess I made a mistake. I thought the first step was to figure out how much it was going to cost and whether we had the money to do it.

Mr. LANTOS. Congress cannot make a decision to help you get the job done unless we know how much it costs and how long it takes to get it done on an expedited basis. And you are telling us, Ms. Ryan, you do not now have that information.

Ms. RYAN. Not yet, sir, no.

Mr. LANTOS. You have not requested any outside feasibility study?

Ms. RYAN. I personally have not. I don't know whether—

Mr. LANTOS. Would anybody else have? This is in your shop, isn't it?

Ms. RYAN. It is in my shop, yes, sir.

Mr. LANTOS. Will you proceed with a request for an expedited feasibility study this week?

Ms. RYAN. Absolutely.

[Further response from the Department of State follows:]

Question. Will you proceed with a request for an expedited feasibility study this week?

Answer. On August 6, 1993 we met with Statistica, our contractor for Machine Readable Visa installation and implementation, and worked out parameters for the feasibility study. Statistica was chosen because it was the industry source most knowledgeable about the program and will not need lengthy orientation. We are now awaiting an estimate of the cost and time required to complete the study.

Mr. LANTOS. Congressman Smith.

NICARAGUA AND INTERNATIONAL COOPERATION

Mr. SMITH. Thank you, very much, Mr. Chairman. Let me apologize for being late for this hearing. I was meeting with Nicaraguan Minister Alfredo Mendieta, who, at the cabinet level, is responsible for the police and security matters. Most of my questions to him focused on the issues related to the May 23 explosion of an arms cache in Managua. The explosion also revealed more than 300 passports from about 20 countries.

As we discuss the flaws of the system which identifies those undesirables—terrorists and the like—who ought not to be coming here, there is another issue. We must also concern ourselves with governments, terrorist organizations or certain political parties within countries which issue illegal or fraudulent passports that look every bit as good as the real thing.

According to the Nicaraguan Minister, he has repeatedly asked the FBI to assist him, as well as INTERPOL. The explosion and all of the issues associated with it could be a tip of the iceberg. Where are these passports are being produced? Mr. Funk, you

might want to focus on this, how do we determine to what extent we will work with governments? The Nicaraguan Minister was desperately in search of expertise for the investigation they are conducting now.

It seems to me there are a number of governments that would want to work with us in a cooperative way so that their countries are not endangered.

Mr. FUNK. As you know, sir, the Nicaraguan question is particularly dicey because there have been one heck of a lot of Nicaraguan passports turning up.

Mr. SMITH. Right. In New York at the World Trade Center bombing.

Mr. FUNK. It is causing enormous concern both to the police community, law enforcement community and the intelligence community. And these are not, I am not talking about fakes. I am talking about real Nicaraguan passports. If we have a hemorrhage on passports like that, there will be a convulsion in the State Department.

I am trying to think, I don't know of any other case, where a host government has been involved as to the extent of the case of Nicaragua. We have an awful lot of counterfeiting going on. We are getting now visas and we get developing passports which are becoming very difficult to counterfeit. We don't have that problem as much as we used to have it. What we have is an enormous amount of visa fraud which is giving everybody in the Department fits.

An American visa is one of the most valuable documents in the world. An American passport is worth, there is no limit. My investigator has been offered in our various sting operations \$40,000, \$50,000 for a passport. Though that is on the high end.

As long as you have the pressure to come into the United States the way it is, and if you can do it with a Nicaraguan passport, that is fine, they will love it. It makes it somewhat easier if you can pass as Nicaraguan.

My own feeling is that the pressure is going to tighten up on visa fraud in the United States because it is not that difficult if you want to cough up \$1,000 to get a visa. We have had 153 visa case investigations that we have handled in the past 3 years; about 25 of them have been substantial cases involving fraud in places like Tel Aviv, New Delhi, Athens, where we have brokers in the United States working with Foreign Service nationals in our embassies in the consul sections.

These are very sophisticated operations requiring immense labor on our part to penetrate them. We have to almost always use an undercover person to do that and we have to bring the FSN back here. Because I am a firm believer when something is—and by back, I don't mean to just fire the FSN; I want to prosecute. So we try to get the Foreign Service national back into the United States, through sometimes devious means. But it sends a much more clear signal that we are serious about this kind of thing.

Most of the host governments we work with, certainly the Israelis, the Indians, the Pakistanis, where they have very severe problems in Pakistan on visa fraud, have all been very cooperative. They are willing to pitch in. We have had outstanding cooperation from the police authorities and from the diplomatic authorities.

I was afraid—we thought bringing FSN's back would create a diplomatic fire storm. But we clear it with the Ambassador, the Ambassador speaks with the host government and there has never been a problem. Ms. Ryan's bureau has been very helpful.

In an embassy where you have people selling visas, and when you have an American broker, it is typically someone who came from the host country, came here, looks around and tries to get relatives willing to cough up \$4,000, \$5,000, \$6,000 for a visa, and he keeps the lion's share of it. Maybe \$500 goes to the FSN, if that, and he comes back with a bandit. It is a very profitable operation.

We have made a dent, and we have had some very successful cases, but, as I say, it is very labor intensive, it is slow, and it is frustrating because no matter what we do, it is like trying to hold back the tide. And it is going to get worse, not better.

Mr. SMITH. Have you identified any governments, in addition to Nicaragua, that warrant close attention? In this case, legal, authentic passports are being fraudulently facilitated and provided to terrorist organizations and others? For example, is there a group of six nations that might be focused on, as a start?

Mr. FUNK. Wherever you have intensive, narrow but intensive amounts of money, you are going to have laundering operations which rely, to a considerable extent, upon access to passports. Not just a matter of sending it by wire, but a matter of sometimes carrying it by cash. You need mules who are willing to come under phony I.D.

This raises the whole problem, which I don't want to get into, but is something sooner or later this country will have to face—Mr. Schumer, I understand, has already introduced legislation toward it—and that is some kind of national I.D., positive I.D.

We have always been rearing back in this country from having a positive I.D. We regard it as almost totalitarian. And in a better world, I would feel the same way.

I treasure the liberties that we have, and I begrudge every one we have to give up or weaken, but I must tell you that the advantages in today's world of having a positive I.D. arrangement, to me, are very great, and I think it is only a matter of time before it will become imperative.

That speaks more for the quality of the world than for the problem, I guess, but that is the way I feel.

Mr. SMITH. I thank you for your interest.

Mr. LANTOS. Ms. Snowe.

WORLD TRADE CENTER

Ms. SNOWE. Thank you, Mr. Chairman.

Out of curiosity, and ordinarily I would not ask this question, but under the circumstances, given what we know now about the question, two tries is too stupid. The remaining individual who is connected with the World Center bombing still remains at large. Now, would he be on the lookout system?

Mr. FUNK. Yes, I believe they are, ma'am.

Ms. SNOWE. You do?

Mr. FUNK. I wouldn't swear to it, but I believe so.

Ms. SNOWE. I understand that we have no record, as yet, as to how we entered this country. Do you have any idea?

Mr. FUNK. No, we do not.

Ms. SNOWE. So there are no available records?

Mr. FUNK. Presumably, it was some time ago. Many of the characters involved both in the initial World Trade Center bombing and in the subsequent FBI bust, came from very good families in the Sudan. They had records that would be very difficult for a consular officer to reject when the person applied for a visa. They had every semblance of having a vested interest in the home country, which is one of the things you need to see; that they are not going to get the heck over here and overstay.

They were college graduates. They had sources of income in the Sudan, and these are very difficult people. This is why it becomes not an easy job if you are a consul officer.

Mr. LANTOS. Will my colleague yield?

Ms. SNOWE. Be glad to yield, Mr. Chairman.

Mr. LANTOS. Well, wouldn't that be the profile we would expect to be coming for purposes of this kind? I mean illiterate and destitute people from the Sudan would not be able to blend into this society so easily. You would expect people coming from comfortable financial backgrounds, good educational levels, people who, in fact, can function in this society.

Mr. FUNK. That doesn't mean they are going to come over here when they have a vested, ostensibly a vested interest in the home country.

Mr. LANTOS. I just thought you were making the point that these are people that we would not have——

Mr. FUNK. Not because of that alone, no, of course not, sir.

Mr. LANTOS. All right, thank you.

STATE DEPARTMENT ASSIGNMENT SYSTEM

Ms. SNOWE. Ms. Ryan, I guess the whole point here is that, obviously, everything has to be restructured, but I think it is also important in terms of the mind-set that is established within the Department, and certainly within your agency, as to how this change is going to transpire to make a difference.

As I said earlier, the whole issue is whether or not we try to reward individuals for assuming challenging posts. Now, I understand there is an open bidding process to get individuals to serve in consular positions.

Ms. RYAN. No, it is department-wide in the Foreign Service.

Ms. SNOWE. Department-wide. So, really, that is sort of downgrading, the idea of working in a challenging post at a time in which, I think, that we need to place an emphasis, an importance on these posts and to assign the most qualified, the most experienced individuals within these positions at these embassies in consulate offices.

I really hope you will take that into consideration, because I think with this open bidding process, it sounds to me like, obviously, it is the dregs of the posts, and whoever is interested in going, great, that is wonderful, but, regardless of the security risk it might represent to the United States.

I, frankly, think what happened in this instance, and we know there are going to be isolated incidents, but I think this is very prevalent and, frankly, from an individual I spoke to, a very con-

cerned State Department employee as well, told me that this is sort of the tip of the iceberg; that it is amazing these sort of incidents have not happened sooner and they will continue to happen.

So we have a very serious problem. I am still amazed that this Mr. Petrossov—do you know anything about him, by chance?

Ms. RYAN. No, I am sorry, I don't know anything about that case at all.

ADJUSTMENT OF STATUS

Ms. SNOWE. Can you give me a clue here, because I am curious. This happened with the sheikh, as the chairman indicated earlier. He was receiving a green card from one INS office in New York and he was at the same time—no, a green card in New Jersey; is that right, and in the New York immigration office they were proceeding with deportation.

Mr. CRONIN. No proceedings had started against him at that point.

Ms. SNOWE. It was within the same time period.

Mr. CRONIN. He was under investigation at that point, but no formal proceedings had been opened.

Ms. SNOWE. The technical part is the clock has to start ticking at some point when they file a form. I am beginning to understand this process very well. It is a question of judgment, and whether it was not happening precisely at the same time because they were not filing the exact form, I think really misses the point here on what exactly was happening with the sheikh, and the fact is obviously one office had given him a green card. If I can look at the chronology here, someplace I have it, it would suggest that it was within the same timeframe.

Mr. CRONIN. That is correct.

Ms. SNOWE. It was. So he applied for it. He applied in New Jersey for adjustment in January of 1991. When did he get it in 1991?

Mr. CRONIN. He was adjusted in April. His status was adjusted.

Ms. SNOWE. In April?

Mr. CRONIN. Yes.

Ms. SNOWE. He applied in April, so when did they begin the deportation? Just thinking about it—

Mr. CRONIN. He was apprehended by immigration inspectors at Kennedy in July of 1991, at which point he was placed on exclusion proceedings, or at which point excision proceedings—

Ms. SNOWE. So, basically, within the same timeframe. But, obviously, the system failed and individuals failed in the process.

Mr. CRONIN. There were certainly deficiencies in the system, there is no question about that.

In relation to what happened with New York and New Jersey, when a person becomes the subject of law enforcement interest, under investigation, until an agent or a prosecutor decides to take action on the case, there is not necessarily a specific flag placed on the case.

In the sheikh's case, he was obviously in the system. He certainly benefited from the cavalier, if not design use, of several variations of his name throughout his interaction with INS.

Ms. SNOWE. You don't have the transliteration capabilities in your system on different names?

Mr. CRONIN. Not in the lookout system, we don't. We have investigated that possibility. It would not technologically be difficult to employ a transliteration mechanism in the system, as I understand it. The problem is, at ports of entry, we have a standard of 3 seconds or less response time for name checks because of the sheer volume of traffic coming through the ports. And at this point, the transliteration algorithm that could be employed would degrade the response time on the system to the point of making it almost unusable.

Ms. SNOWE. So if, in his instance, when he came in this country on a visa with one name, and the passport said another, that does not raise a question.

Mr. CRONIN. It raises a question, but I think Mr. Funk mentioned the difficulty with Arabic names in terms of usage. From my own experience, certainly Egyptian names especially, because of lack of a standard format in the passport, usage of the English or the Roman transliteration of the Arabic characters tend to be particularly chaotic.

At no point did any name he used or at no point was any name he used completely inconsistent with the name on the passport.

Ms. SNOWE. Now, how would a Mr. Petrossov be granted a permanent residency if he had an expired visa?

Mr. CRONIN. Quite frankly, I don't know. That should not have occurred. To the best of my knowledge, that should not have occurred. I will know a lot more about it in several hours, I assure you.

[A response from INS follows:]

Question. How would a Mr. Petrossov be granted a permanent residency if he had an expired visa?

Answer. Mr. Petrossov has not been granted permanent residency. His status is L-1, a nonimmigrant visa classification which enables executives, managers or persons with specialized skills who work for an international firm to temporarily work in the United States. Mr. Petrossov's L-1 status is valid to February 12, 1994.

Mr. Petrossov was admitted as a visitor for business (B-1) to the United States in February 1992 for 1 month. He requested and obtained an extension of stay until December 1992.

He apparently returned to Moscow in July 1992 to apply for an L-1 visa. After having twice been denied an L-1 visa in Moscow, Mr. Petrossov was granted a B-1 visa in Latvia on August 18, 1992 and a few days later reentered the U.S. through the Toronto preclearance.

He then applied for and was granted on February 12, 1993, a change of status to that of L-1. In March 1993 he entered Canada to apply for an L-1 visa, which was denied. He was readmitted in Toronto pursuant to 22 CFR 41.112(d), automatic extension of validity at ports of entry.

But, normally, when a person's stay is expired, they are not eligible to adjust status in the United States, unless he was the spouse of a citizen.

Ms. SNOWE. Ms. Ryan, one other question on the whole issue of quasi-refusal and firm refusal. Why is there a distinction? Why not just have firm refusal?

Ms. RYAN. A quasi-refusal is entered when we think we have a reason, should the person apply, to refuse him. Once he did apply, we would have to examine the case to see whether our assumption, our information, whatever, was correct.

We may be doing people a disservice by putting their names in as refusals even though we don't have all the information we need.

APPLICATION OF DUE PROCESS

Ms. SNOWE. Well, it just seems to me, I guess given the 1990 law change and all else that has been discussed here this morning, it seems to me we are going to this notion that somehow we grant people the same rights that are accorded to American citizens just by virtue of the fact they are interested in coming to this country without thinking about what is in our best interest in terms of evaluating an individual, and that does concern me.

Now, I know I was reading someplace where there was criticism of my legislation about restoring the law to the pre-1990 status as to whether or not somebody is a member of a terrorist organization. I would hope that the Attorney General, in conjunction with the Secretary of State, would be able to determine what is inimical to our interest and what is not in terms of who is a member of what association.

And I know there are some organizations in this country that would like to rescind consular sovereignty. So, in other words, if somebody is granted a visa in another country and is denied, they would be able to go through the same proceedings that we have with deportation proceedings. So that is according people certainly legal status even though they are not citizens in our country and are not even allowed to be admitted in this country.

We are saying now you will have the same rights as those who are American citizens, and I think we have everything sort of distorted here that has sort of gotten this system all upside down, in addition to everything else that has happened that failed with individuals as well as the process.

So I hope that we can work together to make sure that we can correct the system, but I think it is going to take a whole lot more within the Department and among the agencies to restore some semblance and reasonableness to this process to more than anything else.

The whole issue is protecting American lives. That is what we are talking about. That is the bottom line. It is not expressing an ideology or a belief or an idea, it is saying we are trying now to protect American lives because terrorism is now occurring on American territory. That is the issue now. It is not talking about some theoretical notion. It is happening, it will continue to happen, and so we have to be much more vigilant about this whole process.

Ms. RYAN. I agree with you, absolutely. I think this hearing is a good way to start beginning to work together. I think we have been, as a nation, extremely naive in the way we have approached all of this, and I hope that we can make some changes.

Ms. SNOWE. Thank you. Thank you, Mr. Chairman.

Mr. LANTOS. Thank you.

If I may pick up on that last comment. I don't think it is the nation that is naive, I think it is the agencies dealing with these problems that are naive. It is not the amorphous nation of 250 million people, with all due respect, Ms. Ryan, who is supposed to fix this problem. You folks have to fix this problem. Your bureau and the INS have to fix this problem.

This is a very, to me, unattractive attempt to escape responsibility. The nation is not dealing with issuing visas, the nation is not

dealing with issuing green cards, the INS is doing it and your people are doing it.

So don't take that thing that it is society that is to blame. It is the people charged with that responsibility who are to blame. This hearing presents an abysmal picture, a truly abysmal picture, and I for one will not let that comment go by. It is not the nation that has this responsibility, it is the Consular Bureau which has the responsibility of denying visas and that is where the Consular Bureau has failed; and it is the INS which has the responsibility not to issue green cards to people who encourage others to terrorism, not the nation. It is not a national responsibility, it is an agency responsibility.

People make mistakes; horrible, stupid, inexcusable mistakes, one after another. That is what we are dealing with.

Ms. RYAN. Mr. Chairman, I am sorry, I did not intend to try to avoid responsibility, and I accept what you say; that serious errors were made. Many, many human failings. What I meant by the nation being naive is that we have not confronted the problem of terrorism in this country until—well, first, the Lockerbie bombing and now the World Trade Center bombing.

And what I meant only was that we are naive in that we think that everybody is like us and people are telling us the truth and people would not think like that. I certainly didn't mean to shift the responsibility for issuing visas or the vigilance required to keep people out to the nation. I understand that. I was not trying to do that.

I was trying to say, as Mr. Funk pointed out, we don't like the idea of giving up any of our liberties, but maybe we are going to have to go to something I find personally repugnant, and that is a national I.D. card.

Mr. LANTOS. We are not giving up any of our liberties, we are just being more careful about who gets a visa. That has nothing to do with our liberties, and that is the point my colleague from Maine was attempting to make.

Ms. RYAN. Well, I am sorry, Ms. Snowe, I misunderstood you.

Mr. LANTOS. This is not a personal dialogue. It is just very important for government agencies and heads of those agencies to accept responsibility for colossal failures within those agencies. That is what we are dealing with here.

Ms. RYAN. I do accept responsibility.

ADJUSTMENT OF STATUS

Mr. LANTOS. Let me ask you a question, Mr. Cronin, because I want to be sure I understand what happened with that green card, which is the right to permanently stay in this country.

Did the INS issue that green card after the INS was notified that the sheikh's visa was issued by mistake?

Mr. CRONIN. Yes, sir.

Mr. LANTOS. What is your explanation for that?

Mr. CRONIN. What occurred, sir, was, again, as I referred to earlier, the presentation by the sheikh of his name in the application. He adjusted status, I believe, as Omar Ali. The name, the control name on the lookout in the system, was Abdel Rahman. As a re-

sult, the name check against the system did not reveal that he was the individual we were seeking.

Mr. LANTOS. And did he have all his documents with the name under which he applied?

Mr. CRONIN. Yes, sir.

Mr. LANTOS. I mean if you just change your name and the INS blithely swallows that and proceeds to issue a green card, we are not in a very good position, are we?

Mr. CRONIN. No, sir, you are not. In fact, as I indicated, he did have his passport which indicated his name was Omar Ali Ahmed Abdel Rahman. He presented, and I have reviewed the file cursorily, I couldn't describe everything in there, he presented a number of different types of documentation with various iterations of his name.

Mr. LANTOS. Ms. Ryan, is there any comment you would like to offer the subcommittee on this whole matter?

Ms. RYAN. Well, the hearing has been, for me at least, a revelation. We will now go back to the bureau and try to come up with ways of ensuring more security to the whole visa process.

Mr. LANTOS. You will have the full support of this subcommittee and I am sure all of our colleagues. We certainly want to move in the direction, as expeditiously, as technologically possible, to put a foolproof system in place. When you finish your feasibility study, which I take it will be done by an appropriate and qualified entity, you will advise this subcommittee as to what the results are and submit that study to us?

Ms. RYAN. Yes, sir.¹¹

Mr. LANTOS. Mr. Cronin, is there any comment you would care to make on behalf of the INS?

Mr. CRONIN. I would simply echo Ms. Ryan's comments, Mr. Chairman. I would be remiss, I think, if I didn't speak to the diligence of many of the immigration officers in the past in seeking to play a role in the counterterrorism efforts. Clearly, this points out weaknesses in the system from which we will learn.

Mr. LANTOS. Well, I would be the first one to pay tribute to the many unsung heroes of the Department of State as well. Obviously, most people are doing their job very well, but it doesn't take too many mistakes to create a World Trade Center crisis.

Mr. Funk, any closing comments?

VISA FEES

Mr. FUNK. It sounds like a digression but it is not. I received a telephone call from my sister-in-law in Sao Paulo, who is Brazilian, and she had gone to our consulate in Sao Paulo with her son to get a visa for him because he is coming here for a year to go to school. And she said to me, she said, what kind of idiocy do you people have in the State Department? I waited in the line 3 hours. I don't mind that, but you only had so few people, why didn't you have more officers to handle the line?

I said we could not afford it. We have not got the money. She said, for heaven's sake, charge a fee. Charge a fee. Everybody in

¹¹The Department of State agreed to inform the subcommittee of the results and provide a copy of the study as soon as it is completed.

that line can afford to go to the United States; they can afford to pay a fee. It is ridiculous for you not to do that.

I took great pleasure in telling her, though she knows little about the appropriations process and could care less about it, that the authorization bill has now, from both the House side and the Senate side, has, in fact, called for a fee structure.

The reason it is relevant is because the question you asked Ms. Ryan is not just a matter of feasibility, it is a matter of funding for it. We can buy time. We can always buy time. I came out of the Defense Department. We spent a hell of a lot of money buying time in that place. Billions. We have not got billions. But I think it is long overdo that we backed up our people with decent data systems.

But I also stress that, and this was said by two of three of you up on the subcommittee, no matter how good our systems are, no matter how modern they are, no matter how state-of-the-art they are, human beings have to operate them, and human beings are fallible and have frailties, and it is our job to make sure that those are kept to a minimum.

I must tell you that our current bidding system in the State Department, the total voluntary nature of the way State Foreign Service officers bid on assignments, is not conducive to the kind of overall management that you are talking about and I think you and I have a right to expect. Because so long as you have that system, there are places that will be considered either unpleasant or not career enhancing and the best people are not going to bid on those places. I think that is a vulnerability in our system which is basic to it and that has to be addressed over time.

But I think it is something that is bigger than this hearing, sir.

Mr. LANTOS. Let me just say, Ms. Ryan, on this fee system. People who apply for a visa to the United States, I take it, need to provide evidence that they will not become a public charge; is that correct?

Ms. RYAN. Yes, sir.

Mr. LANTOS. So they either must have resources of their own or they must have a sponsor in the United States who guarantees, on a credible basis, that he or she will take care of their housing, food, if they are at an academic institution, tuition, and what have you; isn't that true?

Ms. RYAN. Yes, sir.

Mr. LANTOS. We are talking about guarantees of resources running into the thousands or tens of thousands of dollars; is that true?

Ms. RYAN. Yes, it can be, yes, sir.

Mr. LANTOS. Would it not then be reasonable to establish a user fee for the issuing of visas which would enable you to automate on the most technically rapid basis at no cost to the American taxpayer?

Ms. RYAN. Yes, sir, that is what we are trying to do. That language is in the fiscal year 1994 authorization bill.

Mr. LANTOS. I know it is, but you folks have to move on it so we can approve it.

I am very grateful to all four of you. This was an eye opener in more ways than one. We are going to continue our series of hear-

ings on the general question of terrorism and all its ramifications, and all four of you have been very helpful in our exploration of this issue.

This hearing is adjourned.

[Whereupon, at 1:10 p.m., the subcommittee was adjourned to reconvene at the call of the Chair.]

PREPARED STATEMENTS

TESTIMONY BY
AMBASSADOR THOMAS E. MCNAMARA
TO
THE SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS
COMMITTEE ON FOREIGN AFFAIRS
OF THE
HOUSE OF REPRESENTATIVES

MARCH 12, 1993

Mr. Chairman and Members of the Committee:

Thank you for providing me this opportunity to share with you the Department of State's views on trends in international terrorism.

I am Ambassador Thomas E. McNamara, currently serving as the Coordinator for Counterterrorism at the Department of State.

1992 in Review

I will turn later in my statement to the World Trade Center bombing which is uppermost in all our minds. Before doing so, however, let me review the overall trends in international terrorism, trends which are broadly favorable.

1992 saw one of the largest one-year decreases in the number of international terrorist incidents since the U.S. began keeping such statistics in 1968. International terrorist attacks declined during 1992 to 362, the lowest level in 17 years. This is 40 percent fewer than the 557 incidents recorded in 1991, a figure that was inflated by a spate of low-level incidents at the time of the Persian Gulf war. More importantly, the number of incidents in 1992 was far below the range of 650-700 incidents per year during the mid-1980s.

Despite the decline in the number of overall incidents, however, U.S. citizens and property remain the principal targets of terrorists throughout the world. Nearly 40 percent of last year's incidents were directed at U.S. targets.

Fortunately, U.S. casualties were the lowest ever. Two Americans were killed, and one was wounded during 1992, as opposed to seven dead and 16 wounded the previous year.

-- On January 8, 1992 naturalized U.S. citizen Jose Lopez was kidnapped by members of the National Liberation Army in Colombia and subsequently killed.

-- On June 10, Sergeant Owell Hernandez was killed in Panama when the U.S. Army vehicle he was driving was raked by automatic gunfire from a passing car. Another American serviceman in the vehicle was wounded. No group claimed responsibility. This attack occurred just prior to the visit of President Bush to Panama.

The deadliest international terrorist attack during the year occurred on March 17 when a powerful truck bomb destroyed the Israeli Embassy in Buenos Aires, Argentina. The blast leveled the embassy and severely damaged a nearby church, school, and retirement home. Twenty-nine persons were killed and 242 wounded. Islamic Jihad, a cover name for the Iranian-sponsored group Hizballah, subsequently claimed responsibility for the attack, and authenticated its claim by releasing a videotape of the embassy taken during surveillance prior to the bombing. This is another in an all-too-long list of criminal involvement by Iran, either directly or through surrogates, in terrorism.

As during the preceding three years, Latin America saw more international terrorism in 1992 than any other region. Anti-foreign attacks in that region were predominantly against American targets, although more Israelis and Argentines died as a result of the embassy bombing. Leftwing terrorism, particularly in Europe, is in decline. Ethnic and separatist groups in Europe, Latin America, South Asia, and the Middle East were active last year, however, and are a continuing concern.

The Future

The massive changes in the last several years in Eastern Europe and the former Soviet Union are among the most important in this century. As is so often the case, however, change -- no matter how positive on balance -- often has some undesired consequences. Such is the case in this instance. Violence and long-suppressed ethnic conflicts have risen in a number of areas of Eastern Europe and the former Soviet Union, causing massive human suffering.

Unfortunately, terrorism is often a by-product of such conflicts. We need to monitor them carefully in the future to be prepared to deal with any terrorist consequences.

In this regard, I can report that we are working with several governments in the region to counter the threat potentially posed by terrorism. In a number of nations, laws and domestic security services have been democratized. Many of them are cooperating with Western governments, including the United States, to improve their antiterrorism capabilities.

Another area of great concern is North Africa and the Middle East. There has been a disturbing, recent emergence of new, radical groups that engage in terror to enhance their political agenda. Such groups present new challenges to both national governments and the international community. Many have adopted extremist Islamic ideologies. Let me state what should be obvious to all: Our problem is not with Islam. It is with those who use violence and terror to advance their political objectives.

While terrorist incidents are fewer than several years ago, the threat continues to be significant. We cannot drop our guard. Just as we are facing the contemporary threat, we must continue to be vigilant to detect and counter emerging threats before they pose a major risk to U.S. national interests.

U.S. Policy

I believe strongly that the main reason for this steady decline has been the growth of international cooperation in recent years. States are more and more willing to cooperate, and less tempted to make separate deals with terrorist organizations. The U.S. has been the leader in urging such cooperation, and in fighting separate deals. We have succeeded in focusing attention on those aspects of the issue that are critical to success: the ending of state sponsorship, the strengthening of the rule of law, the refusal to reward terrorists through concessions, and the strengthening of measures to thwart terrorist acts.

The central pillar of our policy is pressuring state sponsors of terrorism to end their support. State sponsorship of terrorism occurs when a government provides weapons, training and training sites, intelligence support, funding, travel documents, safe havens from prosecution, and similar assistance. This enhances the threat and lethality of international terrorist groups. In the end, without a territory to operate from, and the facilities that only a state can provide, terrorists are vulnerable to effective law enforcement.

We have been successful in putting greater pressure on these states -- most notably on Iraq and Libya. We have also benefited from the collapse of communist regimes in Eastern Europe and the Soviet Union. Recent revelations from the files of those regimes demonstrate what we suspected for many years: Some of these states were sponsoring terrorism against the West.

In our recently completed review of state sponsorship we determined that six nations--Cuba, Iran, Iraq, Libya, North Korea and Syria--continue to qualify as state sponsors. Two other nations--Pakistan and Sudan--remain under review as possible additions to the list of state sponsors.

None of these state sponsors has completely abandoned the terrorist option, nor severed ties to terrorist surrogates. The Iranian regime has practiced state terrorism since it took power in 1979; it is currently the deadliest state sponsor and has achieved a worldwide reach. Syria retains close ties to several groups that have engaged in international terrorism, and allows them to train in territory it controls and have offices in Damascus. Saddam has exercised the terrorism option against

regime opponents and U.N. officials and Western relief workers in Iraq. Libya continues to allow terrorist groups to operate in its territory, and Cuba and North Korea have not yet cut all links to terrorists.

Increasingly, governments have been willing to stand up and be counted as opponents of terrorism and, importantly, to assist in countering terrorism. We saw this clearly during Operation Desert Storm when Iraq's terrorist infrastructure was disrupted by aggressive action by many nations. The United Nations Security Council condemnation of Libya for the Pan Am 103 and UTA 772 bombings, and the passage of landmark U.N. Security Council resolutions 731 and 748, are the latest and most significant indication of this changed attitude.

UNSC Resolution 748 imposed sanctions which include a complete cut-off of air service to and from Libya, an embargo on the provision of aviation spare parts and a similar provision concerning military equipment, spare parts and services to Libya and a requirement that nations reduce the number of Libyan diplomats serving at overseas missions. These sanctions are effective in almost all cases and potential violations are acted upon quickly by the U.S. Until Libya complies fully with the requirements imposed by the Security Council, these sanctions will remain in place. We are considering with our allies, Britain and France, how the current sanctions can best be strengthened to force Libyan compliance.

The efforts of the United States and other nations to strengthen the rule of law and to apply the law to terrorists

is another key element of our policy. Increasingly, terrorists have been identified, tracked, apprehended, prosecuted, and punished for their crimes. The United States, for example, cooperated successfully with Greece in the trial of Mohammed Rashid, who was accused of the 1982 bombing of a Pan Am aircraft. Ten years after this bombing, Rashid was convicted and sentenced to a lengthy jail term in Athens, Greece.

We also strengthen the rule of law by helping improve the judicial and law enforcement capabilities of other nations that may be victims of terrorist acts. Through training provided under the Department of State's antiterrorism assistance program, we have improved the ability of other governments to preempt, to investigate, and to prosecute terrorists. In 1992, more than 1,125 senior officials from 25 countries received such training, bringing the total number of persons trained in the program to about 14,000 from 75 nations.

World Trade Center

Before discussing the State Department's role in the investigation of the World Trade Center bombing, I want to express my condolences to the families of the victims, and assure them of the commitment of all of us at the Department of State to bring those guilty to justice. Even though our role in domestic terrorist incidents is limited, I will comment briefly on what we do in such cases to assist the investigators.

All embassies have been tasked to report aggressively any information they may acquire concerning the bombing so the Joint Terrorism Task Force in New York can have the benefit of whatever information or ideas may be available overseas. The

Department is also responding to specific taskings from the Task Force concerning investigative leads that require action overseas.

The Department has experience in investigating car bombings and we are sharing that knowledge with the on-scene investigators in New York. Representatives of the Department are participating in the investigation, and the Bureau of Diplomatic Security has provided the Task Force specialized vapor detection equipment that can help identify explosive compounds.

In addition, the Intelligence Community is undertaking an intensive, retrospective review of U.S. intelligence to find any information that is potentially useful to the investigation.

Mr. Chairman, the investigation is still in its early stages and is centering on the collection of forensic evidence. Furthermore, lead responsibility for this investigation rest with the FBI and the New York Police Department, working through their Joint Terrorism Task Force. As this is an on-going criminal investigation, I cannot comment further on it, or to speculate as to whether this bombing may represent an act of international terrorism. The same is true regarding the possible role of various international terrorists.

Mr. Chairman, at the same time, let me be clear: If a foreign terrorist group or state is determined to have been involved in any fashion in the World Trade Center bombing, we will not rest or be satisfied until those responsible are brought to justice. There is no higher obligation of government than the protection of its citizens. I can assure

you that this is the view of the President, the Secretary, and all of us in the Department.

Next Steps

Before ending my testimony, however, I would like to discuss next steps for which we seek Congressional support.

After the December 1988 destruction of Pan Am 103 by a plastic explosive bomb, the U.S. and key European nations agreed to identify chemical marking agents which could be incorporated into plastic explosives during the manufacturing stage in order to make these explosives detectable. Our aim was to develop an international agreement which would help deter terrorists and help prevent bombings using plastic explosives. Emerging from this effort is the Convention on the Marking of Plastic Explosives for Purposes of Detection which was completed in Montreal in 1991, and which has been signed by the U.S. and 45 other nations.

The U.S. Army has completed technical testing, much of which was initially funded by the State Department's Counterterrorism Research and Development fund, to ensure that the required changes to U.S. plastic explosives will have no adverse environmental, occupational health or national security implications. Based on these tests, the Army is prepared to begin producing plastic explosives incorporating the marking chemical as of January 1994.

The Executive Branch will be submitting the Convention for Senate ratification in the near future. We will also be seeking Congressional approval for related implementing legislation. We hope that we can work closely with you and the Committee for expedited approval of implementing legislation.

In addition, the Department will again seek Congressional passage of implementing legislation for two important counter-terrorism treaties: The 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation and The 1988 Convention for the Suppression of Unlawful Attacks Against the Safety of Maritime Navigation. These treaties extended the "prosecute or extradite" principle to attacks on airports or maritime targets to help prevent repetitions of incidents such as the 1985 Rome and Vienna airport attacks and the 1986 hijacking of the Achille Lauro passenger liner.

The Senate gave its advice and consent to the treaties in 1989, but approval of the implementing legislation was delayed since it was incorporated into the Omnibus Crime Bill. I hope your committee can help obtain passage this year and, thus, permit us to comply with our international legal obligations.

Let me address another matter which I understand may be of concern. The State Department will be submitting in the near future legislation and a reprogramming notification to reorganize the Department. One of the proposals is to merge the policy bureaus and offices currently dealing with narcotics and terrorism into a single bureau, and to add responsibility for international law enforcement and judicial matters.

This reorganization will achieve a certain, long sought synergy in the management of the Department. It is a change that I have long advocated, and one that in no way diminishes the importance of, or the attention to, countering terrorism.

The Assistant Secretary for Narcotics, Terrorism and Crime (NTC) will have among his or her functions the role of Coordinator for Counterterrorism. He or she will continue to be ably served by a dedicated and professional staff, which will report through a Deputy Assistant Secretary, and which will be responsible solely for international terrorism matters.

The Department will also move the Anti-terrorism Assistance program out of the Bureau of Diplomatic Security into this new bureau. This change will help ensure a close linkage between our policy initiatives to counter terrorism, and our operational programs designed to improve the antiterrorism capabilities of host governments.

Mr. Chairman, despite progress and successes the threat of terrorism, particularly state-sponsored terrorism, is still serious. Our response must and will be to maintain our vigilance, increase our capabilities, and further develop cooperation to help ensure the safety of Americans and American interests throughout the world.

I will be pleased to answer your questions.

United States Department of State

Washington, D.C. 20520

THOMAS E. McNAMARA

Coordinator for Counterterrorism
Department of State

On December 7, 1992, Thomas E. McNamara was named U.S. Coordinator for Counterterrorism, replacing Ambassador A. Peter Burleigh.

Ambassador McNamara had previously served as Special Assistant to the President for National Security Affairs and Senior Director for International Programs and African Affairs. He joined the National Security Council after serving three years as U.S. Ambassador to Colombia.

A career diplomat, Ambassador McNamara has served in Paris, Lubumbashi, Bukavu, Moscow, and as Deputy Chief of Mission in Kinshasa, Zaire. In Washington, he has worked in the Department of State, the Arms Control and Disarmament Agency, and on the staff of the National Security Council. At State he was Deputy Assistant Secretary for Politico-Military Affairs, 1983-86, and then moved to the NSC staff as Director of Counterterrorism and Narcotics before going to Colombia as Ambassador.

Thomas Edmund McNamara was born in New Haven, Connecticut. He received his B.A. from Manhattan College and his M.A. from the University of Notre Dame. He is married to the former Emma Julia Fonseca. They have two children.

TESTIMONY OF BRIAN MICHAEL JENKINS
 BEFORE THE HOUSE COMMITTEE ON FOREIGN AFFAIRS
 (SUBCOMMITTEE ON INTERNATIONAL SECURITY,
 INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS)

March 12, 1993

THE KEY QUESTIONS Was this attack instigated, directed, or assisted from abroad? Will there be more terrorist attacks, and will they take place here? These are the critical questions raised by the World Trade Center bombing. Although we don't yet have enough information to answer them with any confidence, we can identify some of the issues that will arise, especially if the current investigation points to foreign connections.

TOWARD MORE INDISCRIMINATE VIOLENCE First, tactics. Car bombs became a widespread terror tactic in the 1980s, reflecting a broader terrorist trend toward large-scale indiscriminate violence. Terrorists increasingly set off car bombs on city streets and planted bombs aboard airlines and in airports, train stations and other public places. These attacks are intended to kill in quantity or to cause massive damage without regard to human life. A car bomb is not technically demanding; the issue is quantity, not quality. There have been several hundred car bombings in the last 20 years, 80 percent of them in the last decade. At least 35 countries have experienced car bombings.

PREVENTION IS IMPOSSIBLE It is virtually impossible to prevent bombings in public places. The United Kingdom has faced this problem for more than 20 years. Its intelligence services and police are mobilized and the public is constantly reminded of the need to be vigilant--bombs still go off in London. We should, nevertheless, avoid overreaction, hysteria and paranoia. The greatest threat to the physical security of Americans comes not from the remote threat of terrorism but the everyday reality of ordinary crime. Despite this, the widespread fear, anger, and frustration caused by this spectacular event will manifest itself in a variety of ways that affect the conduct of American foreign policy.

AMERICANS AT PERIL American citizens and facilities have always been the number one target in international terrorist incidents abroad. It is the price we pay for the often exaggerated perceptions of U.S. influence and for the fact that Americans can be found almost everywhere in the world. We bear the burden of world leadership. The United States is blamed for many of the world's problems, blamed if these problems remain unsolved, blamed for trying to solve them, and blamed if the solutions do not satisfy everyone. Americans will continue to be terrorist targets.

A TABOO BROKEN Authorities and analysts have always conceded the possibility of a spectacular terrorist incident in the United States. The World Trade Center bombing demonstrates that

vulnerability. Terrorists have refrained from carrying out attacks here because of operational difficulties as well as self-imposed constraints resulting from political calculations and ambivalent attitudes toward the American people, as opposed to U.S. policies. With this bombing, the taboo has been broken--and this clearly has psychological significance. Others may be inspired to follow the example. Threats have already been received.

DISSOLVING BORDERS We have entered an age in which there are no borders to business, finance, technology, information, or communications, and in which in millions of persons move freely back and forth across national frontiers. We can no longer reasonably expect that armed conflicts and other forms of political violence occurring throughout the world will not also, on occasion, spill onto our shores, but Americans will not easily accept this.

MIDDLE EAST TERRORISM REMAINS THE GREATEST THREAT Terrorism from the Middle East remains the greatest terrorist threat to the United States. Historically, 20 percent of all international terrorism incidents result from Middle East quarrels but since Middle East groups operate with greater lethality, these incidents account for 35 percent of all fatalities. Middle East terrorists are more inclined to carry their campaigns beyond their own region. The Middle East has also been the focus of U.S. concerns regarding state-sponsored terrorism, and Middle East terrorist incidents have provoked the most serious crises for the United States. The United States contemplated or used military force in the majority of these episodes.

A RECONFIGURATION OF FORCES Although the picture is still murky, we are witnessing a reconfiguration of Middle East extremism. Set aside the tidy order of battle analysis of the established and secular Palestinian groups and the sharp divide between Shia and Sunni. The new galaxy is more religious, more ecumenical, less formally organized, tougher to penetrate, more difficult to predict, and more unyielding. It is hostile to the West and will perpetuate the East-West antagonisms that go back to the battle of Marathon.

BACK INTO MIDDLE EAST QUARRELS The World Trade Center bombing and the identification and arrests of suspected perpetrators thrust the U.S. back into the center of Middle East quarrels, and the involvement will increase if international connections or state-sponsorship are suspected. Even without such links, the trial of those arrested and its outcome will become a cause celebre in the Arab world and a possible occasion for terrorism attacks. It also will expose the Arab community in this country to suspicion, prejudice, and harassment. This event, and how to deal with the Middle East, as well as with terrorism in general will be domestically divisive.

A DIVIDED PUBLIC Opinions are deeply divided in this country about how the United States should deal with international terrorism. While many would try to keep terrorism within the realm

of law enforcement--thereby avoiding becoming involved in what they see as a futile tit-for-tat war with terrorists and their sponsors--others argue strenuously for a more muscular response that includes increased efforts to apprehend terrorist suspects abroad, military retaliation, and even assassination. Pressures to hit back will grow if the current investigation points to foreign connections. Polls suggest that these differences of opinion derive from profound philosophical differences that resist change.

A MILITARY RESPONSE? If the World Trade Center bombing is shown to have foreign involvement, the debate on how to respond will reignite the debate on whether and how to use military force in this domain. This will affect the broader discussion on future missions and force structure.

RENEWED ISOLATIONISM As Americans come to fear that even the most benevolent involvement abroad may bring with it not only the increased risk of terrorism against Americans overseas but also the spectre of terrorist attacks on American soil, and with it, the potential for major casualties, the diversion of precious resources to security, and divisive debates on how to counter the threat, isolationist sentiments will increase. The administration will face new obstacles to mobilizing public support for any foreign enterprise.

ANTI-IMMIGRATION SENTIMENTS The World Trade Center bombing will inevitably increase anti-immigration sentiments in this country. As a nation of immigrants, the United States historically has benefitted from this influx of people, but along with those seeking to make a new and better life we have occasionally also welcomed those who refuse to leave the violent quarrels of their homeland behind them. Although there is nothing new about this, the World Trade Center bombing will increase public pressure to stay out of other peoples' problems and will increase demands to keep foreigners out of the United States.

KROLL ASSOCIATES

Founded in 1972, Kroll Associates is a worldwide investigations and corporate security firm. Headquartered in New York, Kroll maintains offices in nine business and financial centers in the United States, Europe and Asia. Kroll's staff of 250 professionals is drawn from a wide variety of backgrounds in law, finance, business, law enforcement, journalism and academia. Kroll specializes in providing confidential, timely information to business and professional leaders facing strategic decisions. Services include corporate due diligence, litigation support, business intelligence and analysis, financial and corporate fraud investigations, corporate security, crisis management, asset searches and environmental investigation.

BRIAN MICHAEL JENKINS

Brian Jenkins is Senior Managing Director of Kroll Associates, and one of the world's leading authorities on international terrorism. From 1986 to 1989, Mr. Jenkins was Chairman of the RAND Corporation's Political Science Department and also directed RAND's research on political violence. A former captain in the elite Green Beret, Mr. Jenkins served in the Dominican Republic during the American intervention, and later in Vietnam (1966-1967) where he was decorated on several occasions for valor in combat. He returned to Vietnam in 1968 as a member of General Creighton Abrams' Long-Range Planning Task Group, and was honored with the Department of the Army's highest award for his work there. Mr. Jenkins is the author of International Terrorism: A New Mode of Conflict, the editor and co-author of Terrorism and Personal Protection, a co-author of The Fall of South Vietnam. He is also the editor-in-chief of TVI Report, a quarterly journal dealing with terrorism, violence, and insurgency.



United States Department of State

Washington, D.C. 20520

Testimony of

JAMES L. WARD

Acting Assistant Secretary of State
U.S. Department of State
Bureau of Consular Affairs

Before the

House Subcommittee on International Security,
International Organizations and Human Rights

TESTIMONY

Mr. Chairman, Members of the Subcommittee, I am pleased to have the opportunity to appear before you today to discuss the Bureau of Consular Affairs' (CA) role in anti-terrorism activities.

CA takes its responsibilities seriously in this area and, we recognize the concerns raised by the bombing at the World Trade Center. Apart from the visa issuing authority, which I will discuss later, we also work very closely with the Department's Coordinator for Counter-Terrorism, Diplomatic Security and other Federal Intelligence and Enforcement Agencies as part of our responsibilities, through our travel advisory notices, to warn Americans citizens traveling and residing abroad of expected or current threats from terrorist activity.

The Assistant Secretary for Consular Affairs is the Department's designated representative on the White House-chaired Border Security Working Group (BSWG). Under the auspices of the National Security Council (NSC), CA actively participates in this interagency program to coordinate our efforts with U.S. Customs, the Immigration and Naturalization Service and other agencies having a direct responsibility in protecting our borders.

CA has fostered and actively supports the information sharing imperative embodied in the Interagency Border Information System's (IBIS) "clearinghouse" concept. This is an existing mechanism for linking border security namecheck databases. This concept supports implementation of the requisite single unifying principle for border security data sharing in the USG.

Because of the visa requirement, the Consular Officer is the USG's initial contact and, hence, "first line of defense" with prospective foreign travelers to the U.S. The visa issuance process requires, at a minimum, the screening of names against State's "lookout" database. Through IBIS, the screening is extended to encompass information contained in databases maintained by other agencies.

At this point, I would like to explain the process for obtaining a nonimmigrant visa, and the systems we have in place throughout the world.

Nonimmigrant visa processing procedures are governed by the provisions of the Immigration and Nationality Act, Department of State Regulations, and the Foreign Affairs Manual. The INA provides the eligibility and ineligibility criteria, and the nonimmigrant visa classifications, while the regulations and Visa Manual provide specific procedures followed by consular officers in visa processing.

Though nonimmigrant visa processing procedures may vary somewhat from post to post, the essential elements are the same. An alien applies for a visa by completing a Form OF-156 Nonimmigrant Visa Application. The application can be submitted in person, by mail, or travel agent, depending upon circumstances at each post. All applications are reviewed by a consular officer, either by a personal interview or document check, and name checked in our lookout system, either automatically or manually.

The lookout system contains some 3,582,000 records. These records include names and aliases of all aliens refused visas worldwide, as well as the names of aliens provided from records of the Immigration and Naturalization Service and U.S. national security and law enforcement agencies. It should be noted that in response to the Immigration Act of 1990 and Public Law 102-138, some 130,000 names of aliens out of 270,000 who were ineligible because of membership in proscribed organizations have been deleted from the lookout system. By August 1993, we expect that no more than 10,000 of these names will remain in the system. In this connection, the purged names of individuals who were ineligible in more than one category were reviewed on a case by case basis and no names of any known terrorist were purged. We are still involved in this process, so I can

assure you that we will continue to review similar individuals very carefully to ensure no known terrorist is purged from our lookout database.

The lookout list is available to 123 posts through the on-line automated Consular Lookout and Support System, known as CLASS (formerly called AVLOS), and to 88 other smaller posts on microfiche cards. The automated system is updated on a real time basis, while the microfiche cards are updated bimonthly. The information in CLASS is also provided electronically to the INS lookout system and is now on line to the IBIS program.

In remote locations without adequate communications facilities (e.g. Khartoum, Sudan), applicant names are checked manually against microfiche or stand-alone databases. At this time State is transitioning from a manual visa issuance process to a more fully automated one, which includes automated namechecking via the IBIS clearinghouse. Posts without this capability unfortunately include some with potentially high-risk applicants. CA is giving this project high priority recognizing its importance in our overall visa issuance responsibilities.

Clearly we must expand our automated lookout system to all visa issuing posts. However, no matter how effective our lookout system, it is impossible to include in it everyone who is potentially a danger to U.S. security. And we recognize, that unfortunately with 7 million visa applications a year, mistakes will be made, as in the case of Omar Ali Ahmed Abdel Rahman. Under present rules it is difficult and time consuming to correct a mistake. Currently, summary exclusion is permissible only on national security grounds. But even in these cases an alien may apply for political asylum. A large number of aliens appear at ports of entry with no documents of any kind and apply for asylum. The legal proceedings which result from asylum requests sometimes delay for years. Expanded use of summary exclusion would be faster and prevent misuse of the asylum procedure. However, one must not forget that the existing rules and procedures were developed after the tragic incident in the early 1970s when Simas Kudirka, a Soviet sailor, was returned to his ship after seeking asylum on a U.S. Coast Guard vessel. Whatever might be done in this regard would have to be done in such a way as to guard against a similar incident. I expect that the Department of Justice will be studying this matter carefully.

This concludes my opening statement. I would be happy to take your questions.

TESTIMONY BY
TIMOTHY E. WIRTH
COUNSELOR OF THE DEPARTMENT OF STATE
TO THE
HOUSE FOREIGN AFFAIRS SUBCOMMITTEE
ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS
AND HUMAN RIGHTS
July 13, 1993

Mr. Chairman and Members of the Committee:

Thank you for inviting me to testify today on the terrorism threat facing us. I appreciate this opportunity to continue the dialogue the State Department has had with this Committee concerning the vexing problem of international terrorism.

The past several months have brought more than their share of dramatic terrorism-related events. Even since the Department's last testimony on this issue before your Committee in March, we have seen: Iraq's attempt to kill former President Bush; the arrests of suspects planning to blow up the UN headquarters and other facilities in New York City; coordinated incidents by Kurds in European cities; the burning of a Turkish hotel with the loss of 40 lives; and, continuing violence by groups such as the PIRA in the United Kingdom and the ETA in Spain.

This spate of domestic and international terrorist attacks has raised terrorism concerns to the forefront in many countries. More directly, the World Trade Center bombing and the threat of attacks against the United Nations headquarters; against tunnels leading to New York; and against Senator D'Amato and others, have brought the terrorist threat home to us in the United States. Naturally these developments cannot help but make us wonder about what may happen next. As a government and people, we also have to consider what else can be done against the terrorist threat: How best can we protect our society without generating a sense of panic that may well further the terrorists' goals of disrupting and sapping confidence in our institutions.

The terrorist threat will not go away. It takes too many forms; there are too many potential criminals seeking publicity for their views; and, their weapons are often rudimentary and widely available. This should not, however, be a cause for despair. There are steps we and other governments can take together to counter the threat posed by terrorists.

I look forward to discussing the Administration's counterterrorism policies and programs with you in my testimony

and in responding to your questions. I propose to first examine emerging trends in terrorism, and our strategies to combat those threats, and then to discuss areas in which the essential partnership between the Congress and the Executive Branch to counter terrorism can be strengthened.

The Present and Future

In 1992 there were a total of 361 acts of international terrorism - the lowest level in 17 years.

Through May of this year our preliminary figures show that there have been 115 incidents of international terrorism, as compared to 144 for the similar period in 1992. These statistics are subject to revision and do not include the spate of anti-Turkish incidents undertaken by the Kurdish Workers Party (PKK) in late June. Casualties of terrorism have increased dramatically, however, because of the number of persons injured in the World Trade Center bombing.

American citizens and property remain the principal targets of terrorists throughout the world. Nearly 40 percent of last year's incidents were directed at U.S. targets. We expect that trend to continue this year and into the future. The U.S. influence in economic, cultural, political and military terms is so much greater than any other nation that we inevitably represent a high-profile target to terrorists around the world.

Regrettably, while the number of overall terrorist incidents is down, the first six months of 1993 have seen a surge in terrorist "spectaculars." Terrorists, as we all know, seek publicity. Those behind the World Trade Center bombing, Iraq's attempt to kill former President Bush, and the recent and chillingly coordinated wave of Kurdish attacks across Europe sought the headlines. We condemn such heinous attacks and the resort to violence against innocent people.

Making accurate predictions about future trends in terrorism is difficult. Terrorism is often cyclical in nature; as old passions and groups fade, often we see new factors, new groups, and new "causes" emerge to produce deadly terrorist attacks. Assessing where terrorism will come from in the future is difficult, and experts disagree, but there is little dispute that we will be dealing with terrorists and their crimes for years to come.

Terrorism, at its most basic, is an attempt to change through violence and intimidation the practices and policies of people and governments. We are not going to yield to this. To do so only encourages future terrorism.

The Clinton Administration is committed to exerting strong and steady leadership in a rapidly changing world. History has taught us that the United States and all nations can meet that

challenge by maintaining a commitment to democratic institutions and the rule of law. Promoting democratic governments and institutions that are fully accountable to their citizens is our most basic tool for advancing free markets, and our long-term national security, and addressing the great and complex global issues of our time. Democracy does not sponsor terrorism. It is no accident that states that do -- Iraq, Iran, Libya -- are also among the most repressive for their own citizens.

Mr. Chairman, let me assure you that the Clinton Administration will remain vigilant in countering whatever threats may be posed by international terrorists to U.S. interests.

Working in close consultation with the Congress, successive Administrations have developed a set of principles which continue to guide us as we counter the threat posed by terrorists. I can assure you that the Clinton Administration:

- Will make no concessions to terrorists;
- Will continue to apply increasing pressure to state sponsors of terrorism;
- Will forcefully apply the rule of law to international terrorists; and,
- Will help other governments improve their capabilities to counter the threats posed by international terrorists.

Countering terrorism is, of course, more than a matter of policies. It is the effective day-to-day implementation of those policies that is so important. The Clinton Administration is committed to an effective and interagency approach to combatting terrorism. Every day officials at State, Justice, Defense, the CIA and FBI cooperate closely in an ongoing effort against the threats posed by international terrorists. Indicative of these close working relationships is the presence here today of the witness from the FBI, Mr. Harry Brandon.

We clearly recognize that countering the threat of terrorism does not consist solely of applying the rule of law, or bringing intelligence or diplomacy to bear on the problem, or resorting to military might. Instead, our approach is and will be an interagency one. This ensures that all of our efforts are coordinated, and brings to bear the best capabilities of our government and its people as we jointly deal with the threat.

EMERGING THREATS

The post-Cold War international environment is simultaneously less and more hospitable for terrorists.

Terrorists no longer enjoy safehaven or receive support in Eastern Europe. Moscow has reduced the flow of arms to several of the six nations -- Cuba, Iran, Iraq, Libya, North Korea and Syria -- that we identify as state sponsors of terrorism.

At the same time, however, state sponsorship of terrorism remains a significant growing threat to American interests and nationals. Iran continues to sponsor international terrorism, maintains its unacceptable fatwa against Salman Rushdie and represents a significant terrorist threat to American interests. Iraq, despite the requirements imposed by the United Nations, regularly engages in terrorism against UN relief operations and, most dramatically, tried to kill former President Bush. Libya refuses to comply with the requirements imposed by the UN Security Council in light of its clear responsibility for the bombings of Pan Am flight 103 and UTA 772. Syria continues to allow terrorist groups to maintain offices and training sites in territory it controls.

As we look towards emerging threats, we must also recognize that long-suppressed ethnic and religious-based conflicts may lead to new violent expressions, such as we are already seeing in the Balkans. We need to be alert to the possible emergence of international terrorism from such ethnic conflicts.

In the Middle East and North Africa, new and radical groups such as HAMAS and the Palestine Islamic Jihad and the FIS in Algeria have emerged in recent years, invoking Islamic ideology but using terrorist tactics to advance their extremist agendas.

In Egypt, the Islamic Group, the group with whom Sheikh Omar Abdurrahman is so closely involved, has undertaken violent attacks on Egyptian officials, secular intellectuals and foreign tourists in an effort to destabilize the Mubarak government. I would like to take this opportunity to congratulate Egypt on its forthright decision to seek the extradition of the Sheikh to stand trial for attacks he inspired while still in Egypt. Tough decisions such as that made by Egypt demonstrate the worldwide recognition that applying the rule of law is one of the most effective means possible to confront the threat posed by terrorism.

The misuse of Islamic political rhetoric by these groups should not cause us to confuse in our own minds terrorism and Islam. Our problem is not, of course, with Islam or with people who practice that religion. It is, instead, with the use of violence and terrorism by any person, regardless of religion, national origin or ethnicity.

Even with Iran, the most active state sponsor of terrorism, we have made clear that it is unacceptable behavior--not the religious nature of the regime--that is the source of our concerns. Drawing a distinction between behavior and religion

also helps defeat the Iranian desire to lead Islamic opinion and draw lines of confrontation between Islam and the West.

COUNTERING THE THREAT

Our counterterrorism strategy has three key elements -- to implement our policy of "no concessions", to keep pressure on state sponsors and to apply the rule of law. These basic policies have served us well in the past, and will do so in the future. Our strategy applies equally well to groups such as the Abu Nidal Organization, or a small and unnamed group which may come together to undertake only a single attack.

Terrorists, whether from the Provisional Irish Republic Army (PIRA), Sendero Luminoso or a more loosely organized group such as the group that appears responsible for the World Trade Center bombing, always have had the advantage of being able to take the initiative in selecting the timing and choice of targets. It is unfortunately true that terrorists have to be successful or lucky only occasionally to gain international attention. That is one reason that gathering intelligence is so essential to frustrating the work of terrorists. In this regard, the efforts by the FBI to infiltrate the group planning to undertake a savage series of attacks in New York will serve as a landmark example of the importance of intelligence in interdicting terrorist operations.

Improving our intelligence capabilities is a major part of our response. Another major element of our counterterrorism policy is a firm response.

When President Clinton ordered the cruise missile strike against the headquarters of Iraq's intelligence service, he delivered a firm, proportional and necessary response to the continuing threat against the United States posed by Iraq, as shown by the outrageous Iraqi attempt against the life of former President Bush. The strike demonstrated that the Clinton Administration will respond vigorously, decisively, and effectively to the terrorist threat around the world.

INTERNATIONAL COOPERATION

Increasingly, governments are willing to join in steps against state sponsors of terrorism and the groups they support.

An outstanding example of international cooperation is the United Nations Security Council condemnation of Libya for the Pan Am 103 and UTA 772 bombings. The passage of landmark U.N. Security Council resolutions 731 and 748 is a significant indication of this changed attitude.

Until Libya complies fully with the requirements imposed by the Security Council, these sanctions will remain in place. Indeed, the sanctions may be strengthened if that nation

continues to refuse to comply with the legitimate conditions imposed by the Security Council.

Let me assure you that I personally continue to work closely with our British and French allies on this issue. I met in Paris just two weeks ago with my counterparts from these nations to discuss additional sanctions on Libya. All three governments have gone on record that new and tougher sanctions should be considered if Libya does not comply with the Council's demands. Libya would be well advised not to misjudge our resolve.

DEPARTMENT OF STATE ORGANIZATION

Mr. Chairman, the State Department has the lead role in dealing with international terrorism overseas and does so through an interagency coordinating mechanism. The Justice Department has a similar lead role in terrorism issues occurring within the United States.

In confronting international terrorism overseas, we recognize that terrorists do not just engage in acts that are purely political; there are criminal aspects to their activities. Hijacking or bombing an aircraft, or planting a bomb in a market place is a crime no matter what the motivation. Furthermore, some terrorist groups which do not enjoy state sponsorship have tried to develop independent means of support. Some groups have resorted to crimes such as bank robbery or extortion, while others, particularly in the Andean region, have developed close working relationships with drug dealers.

When the transition team began to work at the State Department, it was struck by the number of small, independent offices and bureaus that had been established to deal with problems such as narcotics and terrorism. Many of these offices enjoyed direct access to the Secretary, but were part of a complex and ineffective management structure. One step towards rationalizing this process is to form a new Bureau for Narcotics, Terrorism and Crime (NTC).

Under the reorganization plan, the NTC bureau will be under my direction as the Under Secretary for Global Affairs. The reorganization will ensure that the range of issues associated with terrorism, including narcotics and international crime, will have my personal attention. I strongly believe that this synergistic approach will make our counterterrorism policies and programs more effective, particularly in this hemisphere where a combination of criminal activity, narcotics trafficking, and terrorism threatens the growth of fragile, democratic institutions.

I recognize that there have been concerns expressed about the reorganization. Mr. Chairman, I would like assure you and your colleagues that there will be no diminution of the U.S.

government's commitment to countering terrorism. I can and do bring counterterrorism matters directly to the Secretary and others in the Administration. I am and will remain available to the Congress on this important issue. I will continue to provide that leadership under the proposed reorganization. Besides offering management rationality, this reorganization also offers significant benefits by improving coordination in our international efforts to train personnel in antiterrorism and counternarcotics capabilities. In addition, this reorganization allows us to apply the "lessons learned" from one strategy to counter similar problems in another type of criminal activity.

CONGRESSIONAL ACTION

Mr. Chairman, at the beginning of my testimony, I mentioned the need to strengthen further the partnership between the Executive and Legislative branches as we jointly combat terrorism. There are a number of legislative initiatives which need action during this session, and I would hope that you and your colleagues could help us in the Executive Branch by providing for prompt Congressional action on these important, yet relatively non-controversial, initiatives. Our counterterrorism priorities include the following:

- The President last month signed documents transmitting to Congress the Convention on the Marking of Plastic Explosives for the Purpose of Detection, a new international convention dealing with detecting and controlling plastic explosives.

After the December 1988 destruction of Pan Am flight 103 by a plastic explosives bomb, the United States and other nations agreed to identify chemical marking agents which could be incorporated into plastic explosives during the manufacturing stage in order to make these explosives detectable. Our aim was to develop an international agreement which would help prevent bombings using plastic explosives. As a result, this international agreement was completed in Montreal in 1991. It has been signed by the United States and 50 other nations. The Administration is seeking urgent Senate action on this agreement.

- We also seek Congressional action this year on implementing legislation for two important counterterrorism treaties: The Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, and The Convention for the Suppression of Unlawful Attacks Against the Safety of Maritime Navigation.

These treaties extend the "prosecute or extradite" principle, embodied in previous multilateral antiterrorism treaties, to attacks on airports serving civilian aviation and to attacks on civilian shipping and offshore platforms. These treaties were prompted by the 1985 Rome and Vienna airport attacks and the hijacking of the Achille Lauro passenger liner.

The Senate gave its advice and consent to these international conventions in 1989, but approval of the implementing legislation was delayed because it was incorporated into the Omnibus Crime Bill. The Clinton Administration included the counterterrorism legislation in its proposed State Department Authorization Bill for Fiscal Years 1994-95.

I understand that during its markup last month your full committee felt it could not act on the treaty legislation and the other counterterrorism provisions because of jurisdictional issues with the Judiciary Committee. I hope your committee, and perhaps those who also serve on the Judiciary Committee, can be helpful in securing final approval for this implementing legislation - the absence of which prevents U.S. accession to these important international agreements.

Mr. Chairman and Members of the Committee, before turning to your questions, I would like to emphasize our commitment to the long-term struggle against terrorism. As both President Clinton and Secretary Christopher have made clear, the issue of domestic and international terrorism is a high priority for this Administration. Obviously, there are no magic solutions to this problem. Instead, working in a close partnership with the Congress, we must and will maintain our vigilance, increase and adjust our capabilities, and further develop cooperation to help ensure the safety of Americans and American interests throughout the world.

We need and appreciate your continued support.

Thank you.

DEPARTMENT OF STATE
Office of the Spokesman

For Immediate Release

May 10, 1993

TIMOTHY E. WIRTH
COUNSELOR OF THE DEPARTMENT OF STATE

Timothy E. Wirth was sworn in as Counselor of the Department of State on April 23, 1993. He was announced for this position on January 19 by then President-elect Clinton and Secretary of State designate Christopher and confirmed by the Senate on April 21, 1993.

Mr. Wirth was elected U.S. Senator from Colorado in 1986 and served until 1992. His Senate Committee assignments included Armed Services; Budget; Banking, Housing and Urban Affairs; and Energy and Natural Resources. Prior to his election to the Senate Mr. Wirth represented the Second Congressional District of Colorado for twelve years. As a Congressman, he was Chairman of the Subcommittee on Telecommunications, Consumer Protection and Finance of the Energy and Commerce Committee. In 1992 he served as national co-chair of the Clinton-Gore presidential campaign.

In 1969-70, Mr. Wirth served as Deputy Assistant Secretary of Education at the Department of Health, Education and Welfare (HEW). He was awarded a White House fellowship in 1967-68 and served as special assistant to Secretary of HEW John Gardner. Mr. Wirth served in the U.S. Army Reserve from 1961-1967.

Mr. Wirth has served on the board of Denver Planned Parenthood, was a founding board member of Denver Head Start, and served on the board of Visitors of the United States Air Force Academy. He is a member of the Colorado Black Chamber of Commerce and serves on the Advisory Board for the Colorado Hispanic Agenda.

Born on September 22, 1939, in New Mexico, Mr. Wirth grew up in Denver and Jefferson Counties in Colorado. As a scholarship student, he earned his Bachelor degree (1961) and Master's degree (1964) at Harvard University and his Doctorate (1973) at Stanford. He and his wife, the former Wren Winslow, have a son, Christopher, and a daughter, Kelsey.

TESTIMONY OF
HARRY B. BRANDON, III
INSPECTOR - DEPUTY ASSISTANT DIRECTOR,
ADMINISTRATION/INTERNATIONAL TERRORISM
INTELLIGENCE DIVISION
FEDERAL BUREAU OF INVESTIGATION
BEFORE THE
SUBCOMMITTEE ON INTERNATIONAL SECURITY, INTERNATIONAL
ORGANIZATIONS AND HUMAN RIGHTS
HOUSE FOREIGN AFFAIRS COMMITTEE
JULY 13, 1993

GOOD MORNING MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE COMMITTEE. AT THE REQUEST OF THE COMMITTEE, I AM PLEASED TO HAVE THIS OPPORTUNITY TO APPEAR BEFORE YOU TODAY TO DISCUSS THE CURRENT THREAT OF TERRORISM AND THE FBI'S ROLE IN COMBATTING THIS THREAT INSIDE THE UNITED STATES.

IN APRIL, 1982, BY EXECUTIVE ORDER, THE FBI WAS ASSIGNED SPECIFIC LEAD AGENCY RESPONSIBILITY FOR COMBATTING TERRORISM INSIDE THE UNITED STATES. AT THE SAME TIME, THE U.S. DEPARTMENT OF STATE WAS GIVEN RESPONSIBILITY FOR COORDINATION OF U.S. COUNTERTERRORISM POLICY ABROAD. IN RESPONSE TO THE THEN MUSHROOMING PROBLEM OF TERRORISM AND BECAUSE OF OUR NEWLY ACQUIRED LEAD AGENCY RESPONSIBILITY, IN OCTOBER, 1982, THE FBI ELEVATED COUNTERTERRORISM TO A NATIONAL PRIORITY PROGRAM. DUE TO THIS RESPONSE AND THE EXTENSIVE COUNTERTERRORISM EXPERIENCE AND TRAINING THAT FOLLOWED WE ARE PREPARED TO MEET THE CHALLENGES THAT WE FACE IN THE COUNTERTERRORISM ARENA.

WHEN TERRORIST ACTS ARE CONDUCTED WITHIN THE UNITED STATES, THE FBI UTILIZES ALL THE RESOURCES AT OUR DISPOSAL TO ENSURE A SUCCESSFUL INVESTIGATION. FOR EXAMPLE, WE IMMEDIATELY CALL UPON A VAST ARRAY OF INVESTIGATIVE RESOURCES AND EXPERTISE TO INCLUDE THE FORENSIC CAPABILITIES OF THE FBI LABORATORY; OUR CRISIS MANAGEMENT AND SPECIAL EVENTS MANAGEMENT EXPERTISE; AND SOPHISTICATED TECHNICAL EQUIPMENT AND SUPPORT. WE ARE ALSO ABLE TO CALL UPON A HIGHLY DEDICATED AND EXPERIENCED INVESTIGATIVE FORCE.

AS THE LEAD FEDERAL AGENCY FOR COMBATTING TERRORISM INSIDE THE UNITED STATES, THE FBI HAS A TWO-FOLD MISSION. FIRST AND MOST IMPORTANTLY, TO PREVENT TERRORIST ACTS BEFORE THEY OCCUR, AND SECOND, SHOULD AN ACT OF TERRORISM OCCUR, TO MOUNT AN IMMEDIATE AND EFFECTIVE INVESTIGATIVE RESPONSE.

THE PREVENTION PHASE INVOLVES ACQUIRING, THROUGH LEGAL MEANS, INTELLIGENCE INFORMATION RELATING TO GROUPS OR INDIVIDUALS WHOSE PRESENCE THREATENS U.S. PERSONS OR INTERESTS. THE INFORMATION ACQUIRED MUST FIRST BE CAREFULLY ANALYZED, THEN APPROPRIATELY DISSEMINATED, AND ULTIMATELY USED EFFECTIVELY TO PREVENT ACTS OF TERRORISM BEFORE THEY OCCUR. NUMEROUS TIMES OVER THE LAST SEVERAL YEARS, WE HAVE BEEN SUCCESSFUL IN PREVENTING SUCH PLANNED ACTS OF TERRORISM.

THE RESPONSE PHASE INVOLVES PROMPT AND THOROUGH INVESTIGATION OF CRIMINAL ACTS COMMITTED BY INDIVIDUAL TERRORISTS OR TERRORIST GROUPS. IT IS THE FBI'S VIEW THAT THE SWIFT AND EFFECTIVE INVESTIGATION OF TERRORIST ACTS, CULMINATING IN ARRESTS, CONVICTIONS, AND INCARCERATIONS, SENDS A POWERFUL MESSAGE TO TERRORISTS THAT DETERS FUTURE ACTS OF TERRORISM. WE IN THE FBI ALSO BELIEVE THAT THE U.S. GOVERNMENT MUST CONTINUE TO MAKE IT CLEAR THAT WE WILL INCREASINGLY PURSUE TERRORISTS WORLDWIDE TO BRING THEM TO JUSTICE FOR ACTS OF TERRORISM AGAINST THE UNITED STATES AND OUR CITIZENS WHEREVER THEY MAY BE LOCATED.

THROUGHOUT THE 1980'S AND 1990'S, THE UNITED STATES AND ITS INTERESTS HAVE REMAINED A MAJOR TARGET FOR INTERNATIONAL TERRORIST GROUPS. ACCORDING TO STATISTICS COMPILED BY THE U.S. DEPARTMENT OF STATE, WHILE THE OVERALL NUMBER OF WORLDWIDE INCIDENTS HAS SIGNIFICANTLY DECLINED, THE UNITED STATES CONTINUES TO BE A PRIMARY TARGET OVERSEAS. AT THE SAME TIME, WITHIN THE UNITED STATES, INTERNATIONAL TERRORISM HAS BEEN LIMITED. THIS IS NOT TO IMPLY THAT THE UNITED STATES IS IMPERVIOUS TO TERRORISM. SINCE 1982, DOMESTIC AND INTERNATIONAL TERRORISTS HAVE BEEN RESPONSIBLE FOR 166 ACTS OF TERRORISM IN THE UNITED STATES, RESULTING IN 21 DEATHS AND HUNDREDS OF INJURIES. A LARGE NUMBER OF THESE INCIDENTS WERE CONDUCTED BY PUERTO RICAN TERRORISTS. DURING THE SAME TIME PERIOD, THE FBI AND U.S. LAW ENFORCEMENT AUTHORITIES HAVE INTERDICTED 74 POTENTIAL ACTS OF TERRORISM IN THE UNITED STATES. IF THESE ACTS HAD GONE UNCHECKED, THEN ALMOST CERTAINLY THE NUMBER OF DEATHS AND INJURIES WOULD HAVE BEEN MUCH HIGHER. IT IS IMPORTANT TO NOTE, HOWEVER, THAT EVEN AFTER COMBINING THE NUMBER OF TERRORIST INCIDENTS AND TERRORIST ACTS PREVENTED IN THE UNITED STATES, THE LEVEL OF TERRORIST ACTIVITY HERE REMAINS REMARKABLY LOW WHEN COMPARED TO THE SAME ACTIVITY WORLDWIDE.

CONGRESS HAS PLAYED A VITAL ROLE IN THE UNITED STATES' SUCCESS IN COUNTERTERRORISM BY GIVING THE FBI THE LEGAL TOOLS WE UTILIZE IN FULFILLING OUR COUNTERTERRORISM RESPONSIBILITIES. WHILE EXISTING STATUTES ENABLED THE FBI TO INVESTIGATE ACTS OF TERRORISM IN THE UNITED STATES, LEGISLATION PASSED BY CONGRESS SUCH AS THE "COMPREHENSIVE CRIME CONTROL ACT OF 1984" AND THE "OMNIBUS DIPLOMATIC SECURITY AND ANTI-TERRORISM ACT OF 1986" RESULTED IN SIGNIFICANT EXPANSION OF FBI JURISDICTION BY ENABLING THE FBI TO INVESTIGATE CERTAIN TERRORIST ACTS ABROAD. THE "COMPREHENSIVE CRIME CONTROL ACT OF 1984" CREATED A NEW SECTION IN THE U.S. CRIMINAL CODE FOR HOSTAGE TAKING, AND THE "OMNIBUS DIPLOMATIC SECURITY AND ANTI-TERRORISM ACT OF 1986," ESTABLISHED A NEW STATUTE PERTAINING TO CERTAIN TERRORIST ACTS CONDUCTED ABROAD AGAINST U.S. NATIONALS. WE HAVE CONDUCTED OVER 165 EXTRATERRITORIAL INVESTIGATIONS CONCERNING ACTS OF ANTI-U.S. TERRORISM OVERSEAS.

HERE IN THE UNITED STATES, WE ATTRIBUTE THE LOW LEVEL OF TERRORIST ACTIVITY IN THIS COUNTRY OVER THE PAST DECADE, AT LEAST IN PART, TO THE FACT THAT THE U.S. GOVERNMENT HAS DEVOTED A GREAT DEAL OF ATTENTION TO THE PROBLEM. THE SUCCESSES ACHIEVED IN OUR COUNTERTERRORISM EFFORTS CLEARLY DEMONSTRATE THAT THE UNITED STATES IS INTOLERANT OF THOSE INDIVIDUALS, GROUPS, OR STATE SPONSORS OF TERRORISM WHO ATTEMPT TO FURTHER THEIR POLITICAL OR SOCIAL OBJECTIVES THROUGH THE USE OF FORCE OR VIOLENCE IN THIS COUNTRY. NONETHELESS, IT CAN BE EXPECTED THAT STATE SPONSORS OF TERRORISM WILL CONTINUE TO SPONSOR ACTS OF TERRORISM WORLDWIDE AS A MEANS OF FURTHERING THEIR VARIOUS FOREIGN POLICY GOALS.

THE FBI HAS BEEN REPEATEDLY SUCCESSFUL IN IDENTIFYING, WITH ASSISTANCE FROM CITIZENS AND OTHER LAW ENFORCEMENT ORGANIZATIONS, BOTH DOMESTIC AND INTERNATIONAL TERRORIST INFRASTRUCTURES OPERATING WITHIN OUR BORDERS. THIS HAS LED TO THE ARRESTS AND SUBSEQUENT CONVICTIONS OF SEVERAL INDIVIDUALS AND THE DISRUPTION OF TERRORIST GROUP ACTIVITIES IN THIS COUNTRY. IT HAS ALSO LED TO THE PREVENTION OF NUMEROUS TERRORIST INCIDENTS.

HOWEVER, WE CANNOT BECOME OVERLY CONFIDENT OF OUR PAST SUCCESSES. THE PAST FEW MONTHS AND EVEN WEEKS HAVE ILLUSTRATED TO THE AMERICAN PUBLIC THAT THE POTENTIAL FOR ACTS OF INTERNATIONAL TERRORISM EXISTS IN THE UNITED STATES. THE VULNERABILITY OF THE UNITED STATES TO POTENTIAL ACTS OF TERRORISM WAS MOST RECENTLY DEMONSTRATED WHEN NINE MEN WERE ARRESTED ON CHARGES OF PLOTTING TO BLOW UP THE UNITED NATIONS, TWO TUNNELS UNDER THE HUDSON RIVER AND A FEDERAL OFFICE BUILDING. ADDITIONALLY, SINCE THE BOMBING OF THE WORLD TRADE CENTER LAST FEBRUARY, THERE IS HEIGHTENED CONCERN ABOUT ACTS OF TERRORISM OCCURRING WITHIN OUR BORDERS.

FOR THE FIRST TIME SINCE THE END OF 1983, TWO ACTS OF INTERNATIONAL TERRORISM HAVE OCCURRED WITHIN OUR BORDERS. IN ADDITION TO THE BOMBING OF THE WORLD TRADE CENTER, THE IRANIAN MISSION TO THE UNITED NATIONS IN NEW YORK CITY WAS FORCIBLY TAKEN OVER BY MEMBERS OF THE MUJAHEDIN-E-KHALQ, AN IRANIAN OPPOSITIONIST GROUP, IN APRIL, 1992. BECAUSE OF THE PENDING PROSECUTION RELATED TO THE BOMBING OF THE WORLD TRADE CENTER, MY COMMENTS MUST BE LIMITED ON THIS MATTER.

MR. CHAIRMAN, YOU HAVE EXPRESSED AN INTEREST IN THE FBI'S CURRENT ASSESSMENT OF THE TERRORIST THREAT. LET ME ASSURE THE COMMITTEE AND THE AMERICAN PUBLIC THAT THE RECENT ARRESTS IN NEW YORK AND PREVIOUS TO THAT, THE BOMBING OF THE WORLD TRADE CENTER, SHOULD IN NO WAY BE CONSTRUED AS A PRELUDE TO A WAVE OF TERRORISM IN THE UNITED STATES. HOWEVER, THEY HAVE REMINDED US THAT THE UNITED STATES IS NOT IMMUNE TO ACTS OF TERRORISM WITHIN OUR BORDERS.

POTENTIAL TERRORIST THREATS TO U.S. NATIONAL SECURITY IS DEPENDENT ON A NUMBER OF VARIABLES, SUCH AS DEVELOPMENTS IN FOREIGN POLICY AROUND THE WORLD, A DECREASE OR INCREASE IN STATE SUPPORT OF TERRORISM, AND CHANGES OCCURRING IN THE WORLD ORDER. HISTORICALLY, WORLD EVENTS HAVE HAD A SIGNIFICANT IMPACT ON THE TERRORIST THREAT INSIDE THE UNITED STATES. SITUATIONS SUCH AS DEVELOPMENTS IN THE FORMER YUGOSLAVIA OR THE STATUS OF THE MIDDLE EAST PEACE TALKS MAY BECOME A CATALYST FOR A TERRORIST INCIDENT. ALSO, INDIVIDUALS ASSOCIATED WITH EXTREMIST CAUSES AND/OR EXTREMIST BELIEFS MAY OPT TO ENGAGE IN TERRORIST ACTIVITIES, DESPITE THE CONSEQUENCES THAT MAY OCCUR AS A RESULT OF THEIR ACTIONS.

DURING RECENT YEARS, WE HAVE NOT WITNESSED SIGNIFICANT STATE-SPONSORED TERRORIST ACTIVITY IN THIS COUNTRY. HOWEVER, THIS SITUATION COULD CHANGE IF COUNTRIES WHICH SPONSOR TERRORISM

DECIDE TO PERPETRATE ACTS OF TERRORISM WITHIN U.S. BORDERS. HOWEVER, I WOULD LIKE TO EMPHASIZE THAT THE UNITED STATES HAS BEEN EFFECTIVE IN MAKING THIS COUNTRY A VERY HOSTILE ENVIRONMENT FOR TERRORISTS AND WILL MOST CERTAINLY CONTINUE TO DO SO.

DURING THE PAST SEVERAL YEARS, WE HAVE ADAPTED TO VARIOUS FORMS OF TERRORISM AND DEALT WITH THEM IN AN INFORMED AND CONFIDENT MANNER. THE VALUE OF COOPERATION CANNOT BE OVERSTATED. CONTINUED SUCCESS CAN ONLY BE ACCOMPLISHED THROUGH COOPERATIVE EFFORTS WITH OUR COUNTERPARTS IN THE U.S. INTELLIGENCE AND LAW ENFORCEMENT COMMUNITIES AND WITH FOREIGN SERVICES. FINALLY, AND PERHAPS MOST IMPORTANTLY, WE WILL CONTINUE TO RELY HEAVILY ON THE COOPERATION AND SUPPORT OF THE AMERICAN PUBLIC TO FULFILL OUR MISSION.

IN CONCLUSION, I WOULD STRESS THAT TERRORISTS ARE INDIVIDUALS WHO USE VIOLENT CRIMINAL ACTS IN SEEKING TO DISRUPT THE SOCIETY OF FREE PEOPLE ALL OVER THE WORLD. THIS PHENOMENON IS NOT LIMITED BY GEOGRAPHY. THE VERY NATURE OF TERRORISM AS A GLOBAL ISSUE MAKES ALL NATIONS OF THE WORLD SUSCEPTIBLE TO TERRORISM. IN ADDITION, AS A RESULT OF THE ONGOING CHANGES IN THE WORLD ORDER, COUPLED WITH UNREST AND UNCERTAINTY, THE WORLD MAY BE CHALLENGED AT TIMES BY A SERIOUS THREAT OF TERRORISM. HOWEVER, THROUGH CONTINUING EFFORTS PLACED ON DEVELOPING EFFECTIVE INTELLIGENCE AND PLAIN HARD WORK, WE WILL STRIVE TO CONTINUE TO DETECT AND PREVENT TERRORIST ACTS FROM OCCURRING WITHIN THE UNITED STATES. WE CANNOT ACCOMPLISH THIS ALONE. IT IS ONLY AS A RESULT OF THE CONTINUED COOPERATION OF U.S. GOVERNMENT AGENCIES, CONGRESS, LOCAL AND STATE AUTHORITIES, FRIENDLY FOREIGN SERVICES AND MOST IMPORTANTLY, THE AMERICAN PUBLIC, THAT WE CAN BE PREPARED TO MEET AGGRESSIVE ACTIVITY ON THE PART OF TERRORISTS AND PREVENT IT BEFORE IT HAPPENS. THUS FAR, THE UNITED STATES HAS A VERY ENVIABLE RECORD OF DETECTING AND PREVENTING TERRORIST ACTS WITHIN OUR COUNTRY, AND WE ARE STRIVING TO MAINTAIN THIS RECORD.

WHILE WE MAY BE FACED WITH FUTURE CHALLENGES TO THE SECURITY OF THE UNITED STATES, I AM CONFIDENT THAT THE FBI AND THE U.S. LAW ENFORCEMENT COMMUNITY HAS AND WILL CONTINUE TO RESPOND TO AND MEET THIS CHALLENGE. THIS CONCLUDES MY PREPARED REMARKS, AND I WILL BE HAPPY TO ADDRESS ANY QUESTIONS.

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STATEMENT OF
SHERMAN M. FUNK
INSPECTOR GENERAL OF THE DEPARTMENT OF STATE
AND THE
ARMS CONTROL AND DISARMAMENT AGENCY
BEFORE THE
COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON INTERNATIONAL SECURITY,
INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS
HOUSE OF REPRESENTATIVES

July 22, 1993

[NOTE: With the exception of material redacted for security reasons, this statement is essentially the one presented by Mr. Funk before the House Committee on Foreign Affairs, the Subcommittee on International Security, International Organizations and Human Rights, and the Subcommittee on International Operations, during a closed briefing on June 30, 1993.]

Chairman Lantos and Members of the Subcommittee:

I am pleased to appear today to brief you on our findings about the issuance of visas to Sheik Omar Ali Ahmed Abdel Rahman and why efforts failed to prevent him from entering, or to expel him after he entered, the United States.

My office initiated the review in response to the request of Chairman Lantos, Ranking Members Congressman Gilman and

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Congresswoman Snowe, as well as Congressman Gallegly and other Subcommittee Members. In addition, the extensive publicity resulting from the World Trade Center bombing contributed to the urgency for us to perform this review.

Phase I of the review, the subject of this briefing, focuses on how the Sheik obtained nonimmigrant visas to come to the United States when he was known to be affiliated with at least one terrorist organization. Phase II of the review, which is now underway and which we hope to complete in the late fall, is focusing on worldwide systemic problems of the visa lookout systems and the adequacy of internal controls over the issuance of nonimmigrant visas. Today, I will discuss the results of our Phase I findings.

The review team examined data and met with 32 former and current officials of the U.S. embassies in Cairo and Khartoum, where the visas were issued. In addition, we interviewed Foreign Service Nationals (FSNs) who were also employed by the embassies at the time the visas were issued. Records of visa applications and issuances normally are not retained by our posts for more than one year. The team's efforts were therefore hampered by the absence of key documents which had either been routinely destroyed or destroyed during the evacuation of the embassy in Khartoum. We were hindered also by the need to rely on the memories of key individuals about events which occurred three to seven years ago. Their recollections of relevant events were sometimes unclear and, on occasion, mutually conflicting.

During the 1986-1990 period, Sheik Abdel Rahman submitted seven applications and received at least three visas from two

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U.S. embassies. One of the visas was issued by the embassy in Khartoum in 1986, another by the embassy in Cairo in 1987, and the third by the embassy in Khartoum in 1990. In addition, the Sheik may have received still another visa in Cairo in 1988.

Early in our review, several possibilities were advanced as explanations for how the Sheik was able to obtain U.S. visas and ultimately adjust his nonimmigrant status to that of a legal permanent resident alien. Among these possibilities were:

(1) inadequate systems of control and/or inappropriate enforcement of immigration laws, regulations and guidelines, and generally poor performance of both American officers and FSNs involved in the visa issuing and immigration processes;

(2) an agency or agencies of the U.S. Government conspired to bring him into the United States, either to promote internal stability in Egypt or as a reward for services rendered by the Sheik in assisting the U.S.-backed Mujahideen who were training in Pakistan for activities in Afghanistan; and

(3) individual officers or FSNs of the U.S. embassies in Cairo and Khartoum assisted the Sheik in obtaining the visas for reasons of personal gain, fear of reprisal, or sympathy with the Sheik's political views.

Our work, thus far, has not lead us to conclude that any agency or individual employed by the U.S. Government intentionally violated or circumvented immigration laws and regulations in order to help the Sheik gain entry to the United States. Rather, the documents we examined and the interviews ...

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conducted indicate that the Sheik obtained his visas and, later, received permanent resident status, because of inadequate systems of control, inadequate execution of those controls already in place, and inadequate enforcement of immigration laws, regulations, and guidelines. We attribute a substantial share of the responsibility for this system breakdown to poor performance by some of the American officers and FSNs involved.

SUMMARY OF THE PROBLEMS

Before describing our findings in detail, I would like to briefly summarize the problems we identified.

-- First, Sheik Abdel Rahman's name was not added to the Department's lookout system until nearly seven years after this should have been done. During this period he was issued at least two visas.

-- Second, after the Sheik's name was added to the system, the system was not checked as required when he applied for and was issued another visa.

-- Third, although personnel in the Department recognized within weeks after it happened that the latest visa had been issued in error, the Department failed to notify the Immigration and Naturalization Service (INS) of this until some six months later, during which time the Sheik made several trips into and out of the United States.

-- Fourth, after State finally notified INS of the Department's mistake in issuing the Sheik's 1990 visa and

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advised INS that the visa had been revoked, INS continued to miss him in his departure from and entry into the United States.

-- Fifth, the INS acted positively on the Sheik's request for adjusted status and issued a green card to him. This action was taken while the INS lookout system contained information which prohibited the adjustment, and at a time when another INS office was gathering information to deport him.

-- Finally, the appeal procedures available to the Sheik under current immigration law effectively stalled actions to deport him until a few weeks ago. His situation of course is changed now, because of the arrests made on June 24, 1993, the apparent tie-in of the individuals arrested to Sheik Rahman, his current detention in a federal facility, and the recent dismissal of his appeal by the Board of Immigration Appeals.

BACKGROUND

Sheik Omar Ali Ahmed Abdel Rahman, the high-profile opponent of secular Egyptian regimes, was born on May 3, 1938, in Egypt. He became blind at the age of 10 months. In 1981, the Egyptian government accused him of being the spiritual leader of Al-Jihad, the group that assassinated President Anwar Sadat. He was specifically accused of issuing the "fatwa" or the Islamic sanction for the assassination which advised Al-Jihadists that it was consistent with Islamic Law to remove a leader who did not rule according to God's ordinances. Acquittal of the charges in

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1984, after the courts confirmed he had been tortured by security officials, further enhanced his reputation. His repeated arrests for activities such as inciting violence and attacking police officers, between 1985 and 1989, resulted in periods of imprisonment and house arrest. He was acquitted of those charges in September 1990, two months after arriving in the United States.

In the United States, it is alleged that he has regularly preached jihad, or Muslim holy war, at mosques in New York and New Jersey, sites of worship for at least six of the persons accused of bombing the World Trade Center building on February 26, 1993. This act of terrorism killed 6 people, injured more than 1,000 others, and caused damage estimated at more than half a billion dollars. It appears also that a number of the individuals arrested by the FBI on June 24, 1993, as they were preparing explosives for what well might have been far more terrible acts of terrorism, had close ties to the Sheik, and worshipped in his mosque in New Jersey.

THE 1986 VISA IN KHARTOUM

Sheik Abdel Rahman received what we believe to be his first nonimmigrant visa on December 15, 1986, at the embassy in Khartoum. The embassy did not send an inquiry to his consular home district in Cairo (where information about him presumably was on file) because there was no requirement to do so. Because of staffing gaps created by the late appointment and early departure of consuls from Khartoum, an officer on his first tour in consular operations was in charge of the consular section when

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the visa was issued.

Although he did not recall any specifics regarding the Sheik's application, the officer did say that the Sheik must have been convincing when declaring his intentions to travel to the United States and then return to Egypt, otherwise he would not have received the visa.

Two important points should be noted regarding the 1986 visa:

-- If the embassy in Cairo, or the Department for that matter, had entered the Sheik's name into the visa lookout system prior to 1986, as we believe should have been done, and if the embassy in Khartoum had performed the required name check of the lookout system, then the visa might not have been issued to the Sheik.

-- Also, consular officers give weight in subsequent applications to evidence that a person has received a previous visa and has not abused that visa by overstaying the authorized visit in the United States, which the Sheik did not. His receipt of the 1986 Khartoum visa, therefore, helped to ease the Sheik's path for future visas to the United States.

THE 1987 VISA IN CAIRO

In April 1987, the Sheik had two requests refused because he was unable to provide documents sufficient to overcome the consular officer's presumption that he was intending to emigrate to the United States (Section 214(b) of the Immigration and

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Nationality Act). On April 26, 1987, however, a second visa was issued by that same officer after the Sheik produced letters from U.S. religious groups requesting his appearance to preach at various mosques throughout the United States during Ramadan, as well as a return airline ticket. The Sheik's name had not yet been included then in the visa lookout system, even though the post's biographic files at that time contained sufficient derogatory information to do so.

Persons we interviewed attributed the omission of the Sheik's name from the lookout system to a variety of possibilities. These included: higher priority concerns with other terrorist groups, frequent changes in the staff at post, the fact that the Sheik was never formally convicted of any terrorist activities, and the assumptions that he did not want to visit the United States, and that someone else at the embassy or in Washington would enter his name into the system...the "let George do it" syndrome. None of these excuses is convincing. We think that the Sheik's name should have been put into the lookout system as early as 1981, when he was accused of involvement in the Sadat murder and before he applied for a visa in either Khartoum or Cairo.

My review team also noted that the applications submitted by the Sheik in Cairo in 1987 were incomplete and misleading. For example, a key question about previous arrests was either not answered or answered falsely. Where the answer was omitted, the officer should have pursued the omission, which might have led to a refusal. In the case of the Sheik's false answer, this cut off a critical line of questioning. Other discrepancies indicate a general sloppiness in the handling of the Sheik's applications.

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On August 7, 1987, the embassy in Cairo added the Sheik's name to the lookout system as a quasi-refusal, after the Department, on July 30, indicated that it had been contacted regarding the issuance of a visa to the Sheik and had information that, on May 8, the Sheik had left Cairo for London and from there might be intending to go to the United States. As a result of the Department's inquiry, the consul general realized that the post's political section had sufficient information to add the Sheik's name to the lookout system.

Department procedures permit the name of potentially ineligible applicants to be entered into the lookout system by posts as quasi-refusals, rather than actual refusals, when a formal application has not been submitted or the individual is not available for an interview at post. A quasi-refusal under code 77, which Cairo used for the Sheik, represented an alien presumed ineligible under Section 212(a)(27) of the Immigration and Nationality Act which states that "Aliens who the consular officer or the Attorney General knows or has reason to believe seek to enter the United States solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety or security of the United States" are ineligible to receive visas and are excluded from admission to the United States.

A code 77 does not mandate that a visa application be denied. It does require that the post with information about that applicant be queried before a decision is reached about whether a visa should be issued. If the decision is made to deny the visa, the Department of State in Washington must approve the denial.

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A POSSIBLE 1988 VISA IN CAIRO

The Sheik may have been issued still another visa on May 5, 1988. As I noted earlier, posts do not normally maintain records of visa applications beyond one year. To compound the problem, they typically maintain cumulative listings of visas issued by date, not by name. The lack of readily name-retrievable data and the lapses and conflicts in the memories of key officials on this matter, prevented the team from determining conclusively whether an application was approved and subsequently canceled. Available evidence did lead the team to believe that the application was probably approved and the visa issued by the embassy in Cairo, at least initially.

Confusing notations were identified on the May 5 visa application. Upon review of the notations, the adjudicating officer, who did not recall the application, told the team that the application was refused because his initials and the notation 214(b) [signifying a refusal] are boldly written in the appropriate box of the application. The team noted, however, that the word "issued" is also circled, and a four digit number, which is normally the last four digits of the visa number, is shown on the application.

An FSN employed by the embassy when the visa application was adjudicated, however, told a different story. She remembered placing the Sheik's application for the visa in the pile that she thought should be refused by the consular officer. Nevertheless, the FSN claims the consular officer approved the application. Seeing this, the FSN took the matter to the consul general, making it clear to him that the Sheik was seeking the visa.

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The FSN then recalled that the consul general examined the confidential file on the Sheik, which is not available to FSNs, and then stamped "canceled" on the visa in her presence. An examination of the visa log at the embassy by the review team, however, indicated that the visa had been issued. The team did not see any evidence in the log that the visa had been canceled.

The consul general at post when the visa was issued did not recall any specifics on the 1988 visa application. He did say, however, that, on occasion, FSNs would question consular officer decisions on applications. Also, he said that a very loose accounting of canceled visas existed at the post at that time so that the visa could have been canceled but not annotated as such.

Some disturbing points remain unanswered about the 1988 visa:

- Why wasn't the Sheik identified during the name check of the lookout system? The application bears a batch number that indicates the system was checked and that the response was negative.

- Why did the Sheik use his 1984 passport when applying for the visa when another passport had been issued to him in 1987 reportedly because the pages of the 1984 passport were filled?

As a consequence of the mishandling of the May 5, 1988, application, the lookout system continued to show the Sheik only as a quasi-refusal, and quasi-refusals are not included in the INS lookout system at ports of entry. The Department had been supplying data to the INS on both quasi-refusals and actual

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refusals from its lookout system since the early 1980s. However, it was not until July 1988, during implementation by INS of the Visa Waiver Pilot Program and its own lookout system, that INS had the capability of receiving large systemic exchanges of data from the State Department. Only then did INS begin to include visa refusals--but not quasi-refusals--in its lookout system.

The decision by INS to not include data on quasi-refusals was an administrative one based on the different requirements of the Department and INS. In essence, a consular officer's refusal can only be administratively appealed at the Foreign Service post where the refusal is made. Once an alien reaches the United States, however, a decision by an immigration officer at the port of entry to refuse entry on a presumed ground of ineligibility can be appealed administratively through an immigration judge. However, appeals do not have to stop there. Once having exhausted administrative appeals within the INS, an alien's case may be taken to the civil courts. Because of this, the quality of evidence needed to support a refusal by an immigration officer is much higher than that required by a consular officer.

THE 1990 VISA IN KHARTOUM

On May 10, 1990, another visa was issued to the Sheik. This visa, which clearly should not have been issued without at least checking with Cairo, was apparently the result of both poor internal controls and inappropriate actions on the part of consular personnel at the embassy in Khartoum. By this time, the Sheik's name was included in the post's lookout system as a quasi-refusal. However, the FSN who was delegated the responsibility for conducting the name check admitted that he did

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not perform this vital step, even though he indicated on the form submitted to the consular officer that he had done so, using the visa microfiche lookout system. There were no controls in place whereby American consular personnel could ensure that the system in fact had been checked.

The consular lookout system on microfiche is antiquated, time-consuming, and difficult to use. The FSN who was delegated the responsibility for checking the microfiche said he made the decision not to check because of the Sheik's age, his physical appearance, and the fact that he had received previous U.S. nonimmigrant visas. The FSN did not think that the Sheik was someone who would be in the lookout system and so he did not check the microfiche. We do not know to what extent this decision reflected, or was influenced by, his reluctance to use the difficult system.

He told the team that he may have been distracted by other duties at the time and thought he had checked the system when in fact he had not. In any event, it is clear that the system was not checked, and the Sheik was issued a visa which he should not have received.

The team reviewed the process of looking at the microfiche and confirmed that it is indeed cumbersome and time-consuming to look for specific names, especially Arabic names which may have different spellings and numerous variations in the order of surnames. Because of this, and because of information obtained through inspections of posts by my office, we believe that the failure to check the microfiche in Khartoum is not an isolated case and that there probably are numerous occasions at posts

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throughout the world where the microfiche is not being checked as required.

There are other problems which illustrate a general sloppiness in the embassy's handling of the Sheik's application. The Sheik misrepresented his previous history of arrests on the application; the application indicated that he had a fiancée in the United States (an indication of an intending immigrant, a primary reason for refusing a nonimmigrant visa); and there was no signature on the application of the person who assisted him in completing it. Further, the embassy in Khartoum made no inquiry to Cairo, where the Sheik was a resident, to request information concerning his suitability to receive a visa. Such inquiries are normally done when refusal stamps are entered in the passport. Such a stamp should have been placed in one of the passports the Sheik presented at the embassy.

It was very difficult for the team to determine exactly how many visas the Sheik had, how many times his applications were refused, or how many visas he had canceled because all copies of the Sheik's passports could not be obtained. We were able to obtain copies of two passports, one (#0147195 dated 8/27/87) from the Department, and the other (#0147162 dated 7/1/91) from the INS. However, we are aware of at least one other passport issued to the Sheik (#739686 dated 12/31/84), but were not able to obtain a copy of it. Of course, we have no assurance that the Sheik did not have additional passports.

The review team received conflicting information on when the mistake in issuing the Khartoum visa was discovered. One individual said that this was realized the next day, another said

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a week and a half, and still another said the error was not discovered for weeks. However, at some time subsequent to the issuance, the post realized its mistake and began the process of revoking the visa. That too, however, was mishandled between the post and the Department's Bureau of Consular Affairs. Despite clear guidance on procedures for revoking a visa in the Foreign Affairs Manual, some confusion and disagreement existed between the post and the Bureau of Consular Affairs on who would revoke the visa, and who should inform INS of the revocation. As a result, it was not until November 26, 1990, six months after the visa was issued, that the Department finally revoked it and arranged for INS to enter the Sheik's name in its own lookout system. However, our information indicates that the Sheik had entered and departed the United States several times on the May 10 visa from Khartoum. Two entries were on July 18, and November 15, 1990. A third entry was on December 16, 1990, after the INS had been notified.

WHY EFFORTS FAILED TO INTERCEPT AND DEPORT THE SHEIK

I should emphasize here that we did not perform a comprehensive review of the INS role in attempting to deport or adjust the Sheik's status to permanent resident. Such a review is outside my jurisdiction as Inspector General of the State Department. However, we did review INS files on the Sheik and we did consult with INS officials during the review. This much is known:

- INS initially failed to intercept the Sheik after Khartoum issued the May 10, 1990, visa because the Department's Bureau of Consular Affairs did not alert the INS that the visa had been

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revoked. The Bureau believed that the embassy in Khartoum was going to physically cancel the Sheik's visa, obviating the need for the Bureau to inform the INS of the revocation.

- Weaknesses in the INS lookout system and apparent human errors such as not comparing the name on the INS Arrival-Departure Record (Form I-94) with the name in the Sheik's passport (when the Sheik apparently used different variations of his name on each), also contributed to INS missing the Sheik on subsequent entries.

HIS ADJUSTMENT OF STATUS TO LEGAL RESIDENT ALIEN

On January 31, 1991, while the INS Office in New York was seeking information to deport the Sheik, he applied for permanent resident status at the INS Office in Newark. The application was approved on April 8, 1991, and the Sheik was granted permanent resident status and given an alien registration card (known as a "green card").

Many people have asked how the INS could have approved the Sheik's application so quickly when it normally takes many months to get a green card. We have no answer. The Sheik was not required to return to his native country to receive his immigrant visa as is frequently the case when such status is granted. This requirement is within the discretion of INS. Although the Sheik's May 1990 visa clearly showed that it was issued by the embassy in Khartoum, the INS sent its Biographic Information Inquiry (Form G-325A) to the embassy in London, reflecting the incorrect information on the Sheik's application for permanent resident status that London, not Khartoum, had issued his latest

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visa. The review team was also told that an inquiry was sent to the embassy in Cairo, but that embassy indicated it was not received until five months after the adjusted status had been approved.

DEPORTATION RECISION AND EXCLUSION

On January 6, 1992, the Department of Justice informed the Sheik of the INS intent to rescind his adjustment of status. However, a number of factors combined to delay this and the Sheik has yet to be deported as he appealed the March 1993 deportation order by an immigration judge. On July 9, 1993, his appeal for a stay of this deportation order was rescinded by the Board of Immigration Appeals.

In late 1990, the Department was initially slow to revoke the Sheik's visa and then to advocate that INS initiate deportation proceedings. In a September 1990 cable, the embassy in Cairo stated that it favored delaying deporting the Sheik because of the Persian Gulf war. The Government of Egypt vacillated over the United States deporting the Sheik and, until recently, sent mixed signals. More importantly, the Sheik gained increased protection when he obtained his permanent resident status and then used a series of lawyers and the claim for political asylum which slowed down the deportation efforts.

PREEMPTIVE REFUSALS

One major breakdown in the handling of the Sheik's applications reflected poor internal communications within Foreign Service posts. Specifically, there is a bifurcation

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within posts between the knowledge of local people and conditions held by political intelligence resources and the technical expertise about visa matters held by consular officials. The post elements involved normally do not communicate very well with each other or get involved in each others' affairs.

In Cairo, my review team was told that, while a formal system of communication does not exist, communication between political intelligence and consular resources are constant, and that names of undesirable individuals indeed are passed on to the consular section. The team was assured by the political section that internal communication problems within the embassy (which in part were responsible for the Sheik's obtaining visas) had been corrected. We were told, specifically, that the names of terrorists known to the political section are given to the consular section.

Our team tested this assertion. They selected the names of four individuals from a list of 39 who had been convicted of terrorist acts in Egypt five months earlier, ample time for their names to have been entered into CLASS, the Consular Lookout and Support System, and asked the consular section to conduct a routine check of the system for these names. Not one of the four names was in the system, even as a quasi-refusal. This information was brought to the attention of personnel at post.

After returning to Washington, the team checked CLASS again, on June 10, 1993. They checked two of the original four names, and seven others from the list of 39. Neither of the original names were in the system, and only one of the other seven had been entered. We checked again on July 8. The original four

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names still had not been added, and only five of the other 39 were then in the lookout system. None of those had been added as a result of our visit to Cairo.

There is no clear guidance from the Department for proactively identifying and preemptively placing the names of ineligible persons or persons thought to be ineligible for a visa into the lookout system before an application is submitted. Had such guidance been available at the time President Sadat was assassinated in 1981, the Sheik's name should have been put into the visa lookout system and he probably would never have received his first visa in Khartoum in 1986.

Without such clear guidance, together with a designated focal point at each mission to provide accountability, the door remains open for a repeat performance of the Sheik's story. We are recommending that the Bureau of Consular Affairs develop and disseminate such guidance as soon as possible. We are also suggesting that each mission be instructed to establish a committee chaired by the Deputy Chief of Mission with representatives of the various sections concerned, which would meet periodically to review who should be added to the lookout system.

LOOKOUT DATA RETRIEVAL

In addition to the problem of not putting information into the consular lookout system, there are problems in retrieving information from the system. These include:

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- The way the system handles Arabic names. These involve both the transliteration of the names and conventions on the order of names. Similar problems occur with Hispanic and Asian names. The Department's CLASS has sophisticated algorithmic procedures for handling this difficulty. For example, if you were to pulse the system for the name of Sheik Abdel Rahman, it would spit out within seconds more than a page of variations in that name. The microfiche system lacks this capability.

- Nevertheless, 108 of our 235 visa-issuing posts still rely exclusively on the antiquated, very user-unfriendly microfiche. These posts also rely on FSNs to conduct the name checks, and there are no adequate controls in place to ensure that the FSNs are properly performing this function. Although these posts issue a relatively small percentage of visas, they nevertheless represent a substantial vulnerability. For example, recent inspections by my office of several Middle East and other posts, where terrorists are a concern, revealed that some of the posts are still using only microfiche to perform name checks. Also, the information on the microfiche in Khartoum was over four months old at the time of our work; in Cairo it was even older.

- In any case, all posts must rely on the microfiche when the automated system is down. Currently, the latter is down for maintenance every Sunday, a work day in Muslim countries, and--in many posts--it is frequently down on an intermittent basis because of power outages or other technical problems.

These major weaknesses need to be corrected if the Department is to have an effective lookout system.

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Because our fully automated system requires quick and direct access to a central data base, it depends upon a reliable communications capability which simply is not available to some of our posts. In these cases, the Department can install a stand-alone system (called Distributed Name Check). This does not operate on a real-time basis, and thus is less timely than CLASS, but it is a substantial improvement over the microfiche system.

CAN THIS HAPPEN AGAIN?

The account I have just related is deeply troubling.

But what is even more troubling is that the same errors can happen again in the case of visa applicants whose interests may be inimical to the United States.

I do not wish to understate the difficulty of the problem. Every year, some seven million aliens apply for non-immigrant visas. Most of you have visited American embassies and consulates. You have seen the long lines of visa applicants outside of our buildings, lines which often stretch around the block, lines which may form in the pre-dawn darkness. In a large visa-issuing post, such as Manila or Seoul or Mexico City, our consular officers--many of them serving in their first tour abroad--have only 10 or 15 seconds to interview each applicant and make a preliminary decision on whether or not to issue a visa. They have an awesome responsibility, carried out more often than not under extremely stressful conditions.

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We must back them up with the best possible data systems, providing needed information in a rapid, practical, user-friendly manner. This information must also be presented in a way which is compatible with the data requirements of all of the federal agencies concerned. For the U.S. government, as we approach the 21st century, to rely on separate systems, developed independently to meet separate needs, is folly. Phase two of our review will address this problem in some detail.

I will be happy to answer any questions you may have.

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SHERMAN M. PUNK
INSPECTOR GENERAL
U.S. DEPARTMENT OF STATE
U.S. ARMS CONTROL AND DISARMAMENT AGENCY

On August 14, 1987, Sherman M. Funk was sworn in as Inspector General of the U.S. Department of State. For the previous six years, he had served as Inspector General of the Commerce Department. He has played a major role since 1981 on the President's Council on Integrity and Efficiency, chairing two of its committees and directing several interagency projects; from April 1989 to December 1990, he served as Vice Chair of the Council. As IG of the Arms Control and Disarmament Agency, he is the only person serving as IG for two agencies.

Mr. Funk began his career in government in 1958 with the Air Force, where he headed the Air Force Cost Reduction Program for seven years and chaired a special task force which developed new procedures for supporting ICBMs. In 1970, he moved to the Commerce Department and helped to start the national minority business program there, holding a number of senior positions.

Before entering government, Mr. Funk was in sales and then teaching, first in an upstate New York high school and later at the University of Arizona. For ten years, he wrote a weekly column for a Washington area suburban newspaper, and won an unprecedented five first-place and two second-place awards from the Delaware-Maryland-DC-Virginia Press Association. He was a combat infantryman in World War II with the 42nd (Rainbow) Division.

Mr. Funk is a graduate of Harvard University, and performed graduate work in political science at Columbia University and the University of Arizona. He has five children, and lives in Chevy Chase, Maryland, with his wife, Sylvia, a native of Brazil.

TESTIMONY OF

MARY A. RYAN

SUBCOMMITTEE ON INTERNATIONAL SECURITY, INTERNATIONAL ORGANIZATION
AND HUMAN RIGHTS

July 22, 1993

Chairman Lantos, Members: I am pleased to have the opportunity to appear before you today. The Bureau of Consular Affairs — CA — takes most seriously its responsibility for helping protect the integrity of our borders. We welcome the initiative of the Congress in considering ways to improve our national border security programs.

The erroneous issuance of a visitors visa to Omar Ali Ahmed Abdel Rahman has focused public attention on the visa issuance process, particularly the lookout system. Although the mistakes in that particular case apparently resulted from human error, the ensuing scrutiny has highlighted certain shortcomings in our lookout system. We fully understand that the system needs improvement.

Since long before the events that led to this hearing, CA has been working diligently to insure that persons who by law should not receive visas for the United States do not receive them. We have sought to apply the latest technological advances as well as carefully-designed procedures to the many problems involved. The process is costly in both money and time. With approximately 7 million applications filed annually at over 200 overseas locations, it is a monumental task. We have come a long way, but we still have much to do.

At least since the 1940's we have had a system for collecting the names of persons known or believed possibly to be ineligible for visas because of security or other grounds specified in our laws, and disseminating that information to visa issuing posts. The visa issuance process requires, at a minimum, the screening of each applicant's name against this database, commonly called the "visa lookout system." Over the years, physical distribution of the lookout data evolved from index cards, to a printed catalog, to microfiche cards. In 1966 we developed the Automated Visa Lookout System (AVLOS) through which posts with telecommunications capability could directly access the lookout data base maintained on the Department's mainframe computer. AVLOS was extended to additional posts as world telecommunications facilities expanded, and we continued to improve the system with evolving computer and communication technologies. In 1991 we replaced AVLOS with an expanded and improved automated system, the Consular Lookout and Support System (CLASS). Our most advanced visa issuance system, the Machine Readable Visa (MRV) program, is now installed at 51 posts. This system's automatic control features prevent issuance of a visa unless the namecheck has been performed and has been acknowledged by a U.S. officer. Our plans call for installation of MRV at all posts as rapidly as resources allow.

A stand-alone version of CLASS, called Distributed Name Check (DNC), provides automated capability for posts that lack adequate communications facilities for direct access to the central database. CLASS is accessible on-line to 110 posts, while 17 more use the DNC. Together, these posts account for about 92% of all visa issuances. The manual, microfiche system is still used by 106 other, smaller-volume posts.

Our lookout system now contains over three and one-half million records including the names and aliases of aliens who have been refused visas worldwide, or whose names have been provided by the Immigration and Naturalization Service (INS) and other U.S. law enforcement and security agencies. In the final analysis, a lookout system is only as good as the information it contains. CA strongly supports the sharing of lookout data among government agencies. Information in our automated system is provided electronically to the INS lookout system and is now on-line to the multi-agency International Border Information System (IBIS) program. IBIS is intended as a "clearinghouse" to link namecheck databases of State, INS, Customs, the Federal Bureau of Investigation, and the Drug Enforcement Agency, and so to help fulfill the goal of a single unifying principle for border security data-sharing within our government. The IBIS program, which CA fully endorses, still faces problems related to technical interconnectivity and control of sensitive information. The system can only reach its full potential through sustained support and adequate resources.

We recognize that however effective our lookout system may be, it is impossible to identify and include in it everyone who is potentially a danger to U.S. security. The task of linking a given applicant with a name in the database is complicated, furthermore, by the wide variations in the way names are spelled, ordered, and transliterated among or within different cultures. An individual name may be spelled or arranged differently in different, valid documents. We are developing improved algorithms to enable the system to match more variations of a name than is now possible. But we have to acknowledge that no matter how good our technology or how conscientious our employees are, inevitably some mistakes will occur among the 7 million cases processed annually. Our goal is to reduce the risk of error to the absolute minimum it is possible to achieve.

We are extending our automated, on-line lookout system to additional posts as rapidly as possible, and are developing the necessary individualized software and databases to install the stand-alone DNC system at more sites where direct access to the central lookout database is not yet technically feasible. We are exploring the use of CD-ROM technology so that the full CLASS database can be provided to DNC-equipped posts and can be updated electronically.

Our overseas posts are striving to improve the exchange of information among U.S. agencies locally, to insure that relevant information is entered promptly in the lookout database. Visa sections are scrutinizing their internal procedures to insure that relevant information is retrieved from the system and acted upon as appropriate. Here in Washington, we continue to work through the Border Security Working Group and other interagency channels to achieve the most effective procedures possible for the sharing and use of information. We look forward to working with the Congress as well in this vitally important mission.

I would be happy to take whatever questions you might have. Thank you.

BIOGRAPHIC INFORMATION

Mary A. Ryan

Mary A. Ryan is the Assistant Secretary for Consular Affairs. She assumed these duties on May 12, 1993.

Ambassador Ryan, who entered the Foreign Service in 1966, began her career as Rotational Officer in Naples. She then served as Personnel Officer in Tegucigalpa, Honduras, and as Consular Officer at the Consulate General in Monterrey, Mexico. Her succeeding tours of duty were as Roving Administrative Officer for Africa and as Post Management Officer in the Bureau of African Affairs in Washington. She went on to become a Career Development Officer in the Bureau of Personnel also in Washington. Returning overseas in 1980, she served as Administrative Counselor at U.S. Embassies in Abidjan and Khartoum. Ambassador Ryan has also been a Foreign Service Inspector and the Executive Director of the Bureau of European and Canadian Affairs. She was Executive Assistant to the Under Secretary for Management for three years immediately before being assigned as Ambassador to Swaziland in 1988.

Returning to Washington in 1990, Ambassador Ryan served as Principal Deputy Assistant Secretary in the Bureau of Consular Affairs. Assigned as Director of the Kuwait Task Force following the Iraqi invasion of Kuwait, she served in this capacity until her assignment to the United Nations Special Commission on the Elimination of Iraqi Weapons of Mass Destruction as the Commission's first Director of Operations. She returned from New York to take up her duties as Deputy Assistant Secretary for European and Canadian Affairs.

Ms. Ryan was the recipient of the Presidential Distinguished Service Award in 1992. She was promoted to Career Minister in 1992.

Ms. Ryan was born in New York City and has a B.A. and M.A. from St. John's University in New York.

BIOGRAPHICAL SUMMARY

Michael D. (Mike) Cronin

ORGANIZATIONAL TITLE: Assistant Commissioner, Inspections

GRADE: ES-01

TYPE OF APPOINTMENT: SES Career

DATE OF BIRTH: November 13, 1947

EDUCATION:

St. Joseph Seminary Onchiota, NY	Roman Catholic Seminary	1965-6
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University of Dayton Dayton, OH	B.A. Anthropology	1969
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Eleuthera, Bahamas	Anthropological Fieldwork	1969
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U.S. Army Intelligence School, Ft. Holabird, MD	Diploma	1970
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Leadership Development Program, U. of Maryland	Diploma	1988
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PROFESSIONAL EXPERIENCE:

1991	Present	Assistant Commissioner, Inspections, INS Headquarters, Washington, D.C.
1987	1991	Deputy Assistant Commissioner, Inspections, Washington, D.C.
1986	1987	Senior Examiner, Special Agricultural Worker Program, Office of Legalization, Washington, D.C.
1983	1986	Appellate Examiner, Administrative Appeals Unit, Washington, D.C.
1982	1983	Regional Examiner, Southern Region, Dallas, Texas
1976	1982	Inspector, Examiner, Deportation Officer, Norfolk, VA
1973	1976	Inspector, John F. Kennedy International Airport, New York City, New York
1969	1971	Analyst, Team Chief, MAC J-2, U.S. Army, Vietnam

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1983	1986	Appellate Examiner, Administrative Appeals Unit, Washington, D.C.
1982	1983	Regional Examiner, Southern Region, Dallas, Texas
1976	1982	Inspector, Examiner, Deportation Officer, Norfolk, VA
1973	1976	Inspector, John F. Kennedy International Airport, New York City, New York
1969	1971	Analyst, Team Chief, MAC J-2, U.S. Army, Vietnam

STATEMENT OF THE HONORABLE JAN MEYERS
HEARING ON VISA ISSUANCE TO SHEIKH OMAR ABDEL RAHMAN
JULY 22, 1993

Mr. Chairman, I commend you for continuing to focus on this important issue. It is quite obvious that Sheikh Omar Abdel Rahman did not slip through the cracks of our consular system, but rather walked among the chasms. It is vitally important that the flaws in this system be corrected, and that the different responsible agencies cooperate in making the system work.

I am struck by the statements of both Chairman Lantos and Ms. Snowe that indicate that our consular system does not accomplish its mission particularly well. Sometimes it seems that the only people who have trouble getting a visa are those that common sense would indicate are absolutely no threat to the nation.

Foreign nationals do not have a fundamental right to enter the United States. We welcome foreign tourists and businesspeople because they contribute to our country. But we retain the right to keep dangerous people out. We have a consular service for these two very good, but different reasons-- to provide an orderly process for letting desirable foreign visitors into our country, and to keep undesirable foreigners out.

The fact that the United States is a nation of immigrants means that the people of our country have friends and relatives

all over the world. It is right and just that they have the ability to have those people visit them here, especially for family celebrations. The duty the consular service has is to the Americans that are inviting their loved ones here, to process requests for visas quickly and allow those people to visit if there are no rational reasons why they should be excluded. But the consular service and the INS have another duty, to make sure that the terrorists and criminals who should be excluded are indeed denied visas, and quickly deported if they do sneak into the country.

We have to fix this system, and I pledge to give the Executive Branch whatever assistance is necessary to do so. The first thing we have to do is impress upon all the agencies of the Executive Branch with responsibility over monitoring and enforcing our immigration and consular laws that they are all on the same team. Procedures have to be developed so they work together, not at cross purposes. The information that the Justice Department has on dangerous aliens must be shared with the State Department and vice versa. The turf fights have to be stopped.

I hope our witnesses can provide useful advice on how the system can be reworked so that we can give visas to the people we want to let into the U.S. and keep the Sheikh Omar's out. I look forward to their testimony.

APPENDIX 1

CHRONOLOGY OF SELECTED EVENTS SURROUNDING
SHEIK ABDEL RAHMAN

- September 1981 Sheik Abdel Rahman is scheduled to be arrested as part of Sadat's crackdown, but evaded arrest until October.
- October 6, 1981 President Sadat is assassinated; Al-Jihad allegedly carried out the assassination.
- SDU, 1981* Sheik Abdel Rahman is arrested with 300 other members of the Jihad and accused of attempting to overthrow the Egyptian government by force.
- December 6, 1982 Al-Jihad trial begins and there are allegations by some defendants of torture by their jailers.
- September 1984 Sheik Abdel Rahman is acquitted of charges by the Supreme State Security Emergency Court. The court noted the legal requirement to consider inadmissible any confessions obtained through torture and indicated that it had reduced the sentences handed down as a result of the abuses.
- October 2, 1984 Sheik Abdel Rahman is released from prison, having spent nearly three years there.
- December 15, 1986 The Sheik receives a visa from the U.S. embassy in Khartoum. (The source of this information is his April 20, 1987, visa application. No other information is available on this visa, i.e. the validity period.)
- April 20, 1987 A visa application by the Sheik is refused by Embassy Cairo under 214(b) of the Immigration and Nationality Act, intending immigrant. He claims he was invited to an Islamic conference but had no written invitation.
- April 23, 1987 The Sheik's visa application is again refused by Embassy Cairo under 214(b) because he had no return airline ticket.
- April 26, 1987 Visa number 205233, with a three month validity period, is issued by Embassy Cairo * Sheik Abdel Rahman.

* SDU = Specific Date Unknown

July 27, 1987 The Sheik's visa application is refused under 214(b) by Embassy Cairo.

July 30, 1987 The Department notified Embassies Cairo and London that the Department had information that, on May 8, the Sheik had left Cairo for London and from there might be intending to go to the United States. The Department asks if any posts have any information on him.

August 7, 1987 Based on a the July 30 cable from Washington, Embassy Cairo enters Sheik Abdel Rahman's name into the consular lookout system under code 77 (a quasi-refusal) because its biographic files revealed background information which would make him ineligible for a visa. The embassy advises the Department against issuing a visa to the Sheik.

May 5, 1988 Embassy Cairo denies the Sheik's visa application. Sheik Abdel Rahman uses passport number 739686, which was issued on December 31, 1984, on this application.¹

May 2, 1990 Embassy Cairo alerts Embassy Khartoum that Sheik Abdel Rahman is heading that way and says it would appreciate updates on his activities in Sudan (This cable was addressed to the Department; Embassy Khartoum was an "Info" addressee).

May 10, 1990 The Sheik is issued a visa in passport number 0147195 by Embassy Khartoum. The visa had a one-year validity period.

May 20, 1990 Embassy Khartoum realizes its mistake in issuing a visa to Sheik Abdel Rahman.

July 18, 1990 Sheik Abdel Rahman enters United States.

November 15, 1990 Sheik Abdel Rahman reenters United States.

November 26, 1990 The Department revokes Sheik Abdel Rahman's visa.

¹ There are some questions regarding whether this visa was issued and then subsequently canceled. Available evidence did lead the team to believe that the application was probably approved and the visa issued by the embassy in Cairo, at least initially.

- November 27, 1990 The Department asks the Immigration and Naturalization Service (INS) to enter Sheik Abdel Rahman's name into its lookout system (NAILS); the Department also enters his name into the consular lookout system as a code 00 which means that a Department opinion is required before issuing a visa.
- December 10, 1990 The INS enters Sheik Abdel Rahman's name into its lookout system.
- December 16, 1990 Sheik Abdel Rahman reenters the United States without being intercepted.
- January 31, 1991 Sheik Abdel Rahman applies for adjustment of status to permanent resident.
- April 9, 1991 The Sheik's request for permanent resident status is approved.
- May 6, 1991 Sheik Abdel Rahman reenters the United States.
- May 20, 1991 Sheik Abdel Rahman reenters the United States.
- July 31, 1991 Sheik Abdel Rahman is caught and detained at John F. Kennedy Airport by INS.
- March 6, 1992 Sheik Abdel Rahman's permanent resident status is rescinded.
- April 30, 1992 An exclusion hearing is held and Sheik Abdel Rahman asks for political asylum.
- March 16, 1993 Immigration Judge denies the Sheik's asylum application and orders him excluded and deported.
- March 24, 1993 The Sheik appeals the Immigration Judge's ruling on his asylum application.
- July 2, 1993 Sheik Abdel Rahman's parole is revoked and he is taken into INS custody.
- July 9, 1993 Board of Immigration Appeals dismisses Sheik Abdel Rahman's appeal.

APPENDIX 2

[Subcommittee Print]

MARCH 11, 1993

SHOWING THE PROPOSED AMENDMENTS AS FOLLOWS: STRIKE OUT TEXT
SHOWN STRUCK THROUGH AND INSERT TEXT SHOWN IN *italic*

103D CONGRESS
1ST SESSION

H. RES. 118

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 1993

Mr. LANTOS submitted the following resolution; which was referred to the
Committee on Foreign Affairs

RESOLUTION

To condemn the release by the Government of Malta of
convicted terrorist Mohammed Ali Rezaq.

Whereas on November 23, 1985, terrorists hijacked Egypt
Air flight 648 and diverted it to Malta;

Whereas during the hijacking, 60 people were killed, includ-
ing citizens of 12 countries;

Whereas one of those killed by the terrorists was Scarlett
Rogenkamp of Oceanside, California, who was one of 5
~~women~~ *passengers*, including 3 United States citizens,
who were shot in the head;

Whereas after investigations, Mohammed Ali Rezaq, a suspected member of the Abu Nidal Organization, was tried and convicted in Malta on a variety of charges related to the hijacking, including the willful homicide of Scarlett Rogenkamp and others, and he was sentenced to a prison term of 25 years;

Whereas the Government of Malta assured the United States Government in *September* 1992 that Rezaq would remain in prison until 1996;

Whereas the United States Government immediately began exploring grounds for further prosecution of Rezaq upon his release in 1996;

Whereas the United States Government learned in February 1993 that the Government of Malta had, without notice to the United States and other interested parties, reduced Rezaq's sentence and planned to release him that month;

Whereas the United States Government and the governments of other countries whose citizens were killed in the hijacking of Egypt Air flight 648 repeatedly urged the Government of Malta to retain Rezaq in custody or make arrangements for him to be tried elsewhere;

Whereas on February 12, 1993, because of concern that Rezaq could be released, the United States District Court for the District of Columbia issued an arrest warrant for Rezaq, and this warrant was provided to the Government of Malta in the hope that the Government of Malta would continue to detain him;

Whereas the Government of Malta brushed aside the requests that had been made by the governments of the United States and other countries and allowed Rezaq, in the

company of an official of the Government of Malta, to fly to another country without notice Rezaq to fly to another country on short notice; and

Whereas these actions by the Government of Malta undermine the efforts to deter international terrorists by letting them go free without serving their sentences sentences comensurate with their crimes: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) strongly condemns the release by the Gov-
3 ernment of Malta of convicted terrorist Mohammed
4 Ali Rezaq;

5 (2) believes such action seriously undermines
6 the efforts to foster good relations between Malta
7 and the United States and undermines the inter-
8 national and United States efforts to discourage and
9 deter international terrorism;

10 (3) urges all governments to cooperate in ~~extra-~~
11 ~~diting~~ transferring Rezaq either to the United States
12 or to another concerned country in order that he
13 may face additional criminal charges for his involve-
14 ment in the Egypt Air hijacking and the murder of
15 innocent civilians;

16 (4) urges all governments to abide by the rule
17 of law and not provide safe haven to terrorists in
18 order that terrorism will be met with the full force

1 of justice and that terrorists will not escape being
2 held accountable; and

3 (5) urges the President to review the United
4 States relationship with Malta, including foreign as-
5 sistance and economic relations.

6 SEC. 2. The Clerk of the House of Representatives
7 shall transmit a copy of this resolution to the Secretary
8 of State with a request that the Secretary transmit a copy
9 of this resolution to the Government of Malta.

APPENDIX 3 United States Department of State

Washington, D.C. 20520

Dear Mr. Chairman:

In Counselor Tim Wirth's appearance before the Subcommittee on International Security, International Organizations and Human Rights on July 13, 1993, he promised to provide written background on the question of record checks performed by the Federal Bureau of Investigation for the Department of State.

There are several channels of communication between the Department of State and the FBI, serving distinct and separate purposes. Some of these channels are open and functioning well, while others are now closed or are not in full operation.

Section 105 of the Immigration and Nationality Act, (INA) (8 USC 1105) provides that "the Assistant Secretary of State for Consular Affairs shall have authority to maintain direct and continuous liaison with the Director of the Federal Bureau of Investigation...for the purpose of obtaining and exchanging information for use in enforcing the provisions of the Act in the interest of the internal security of the United States." Under this provision of the INA, record checks ordered by the FBI's Intelligence or Criminal Investigative Divisions based upon requests submitted by the Department of State are considered to be "primary source information in support of the intelligence and counterterrorism missions of the FBI's national security responsibilities," and no user fee is charged for such requests. Such name checks of the FBI's national security index are routinely conducted in connection with visa applications for nationals of countries which may present security concerns.

The Honorable

Tom Lantos, Chairman,

Subcommittee on International Security,

International Organizations and Human Rights,

Committee on Foreign Affairs,

House of Representatives.

The FBI, as well as other national security agencies, also routinely furnishes to the Department of State the names and other biographic data of known terrorists and other persons of national security interest for inclusion in its Consular Lookout System (CLASS), the latest version of AVLOS.

The Department of State's Bureau of Diplomatic Security, which is charged with security for the Department of State and diplomatic missions abroad including personnel security investigations as well as certain criminal law enforcement functions such as passport and visa fraud, maintains close liaison with the FBI on such security, counterterrorism and law enforcement matters. The Bureau of Diplomatic Security has access to the National Crime Information Center's computer system.

The Passport Office of the Bureau of Consular Affairs also has limited access to the National Crime Information Center for purposes of checking for fugitive warrants prior to the issuance of U.S. passports.

As stated in Mr. Wirth's testimony, the Department and the FBI are cooperating to ensure that vital security information is shared. There is, however, one area in which our two agencies have a continuing difference of interpretation of the law. That concerns whether a name check to administer the criminal ineligibility provisions of the Immigration and Nationality Act is for "criminal justice" purposes.

Section 222(b) of the INA provides that "every alien applying for an immigrant visa shall...furnish to the consular officer with his application a copy of a certification by the appropriate police authorities stating what their records show concerning the immigrant." Department regulations, 22 CFR 42.65(c) interpret that to mean a police record is required from every locality where an alien has lived for more than one year since the age of sixteen. This includes residence in the United States. Section 212(a)(2) of the INA prohibits the issuance of visas to aliens who have committed certain criminal acts. The FBI name checks that have been discontinued relate to these provisions of the law.

In 1978 the Department of State reached an agreement with the FBI to do fingerprint checks on intending immigrant aliens who had lived in the United States, a more reliable and comprehensive precaution than the local police certificates required prior to that date. By 1982 this workload had become unwieldy, with over 125,000 checks annually. The Department and FBI then agreed to perform criminal record name checks, rather than fingerprint checks.

In December 1989 the FBI informed the Department of State that under the provisions of the Appropriation Act for the Department of Justice for fiscal year 1990, the FBI was authorized to charge a user fee for fingerprint and name checks for non-law enforcement, non-criminal justice employment and licensing purposes. The FBI decided that name checks in connection with visa applications would be subject to the user fee because they were not "used in support of the FBI's intelligence and counterterrorism, or even criminal investigative mission responsibilities."

The fees ranged from \$1.50 to \$14.00 depending upon the format and the level of check performed. The total fees for fiscal year 1990 were estimated to be \$804,000. During most of 1990 the Department of State discussed with the FBI various interpretations of the law which might permit the continuation of name checks without charge. On February 11, 1991, the Office of the Legal Counsel of the U.S. Department of Justice confirmed that because the Department of State's request for visa-related record checks are for a "non-criminal justice" purpose, the FBI may at its discretion charge the Department of State a user fee for record check purposes.

Although the Office of the Legal Counsel said the FBI had the option not to charge the Department of State, the FBI decided to continue to charge the user fee. Since the Department of State was unable to collect fees from the alien to pay for such services (all such consular fees going directly to the general revenue fund of the Treasury) and funds were not available within the Department's budget for this service, the Department discontinued all FBI name checks for alien intending immigrants in March 1991.

FBI name checks were among the few reliable records checks available for visa purposes. Police records are unavailable or unreliable from over fifty countries including Mexico, the Dominican Republic, Haiti, El Salvador, India, Thailand, and the United Kingdom. In addition to CLASS, the FBI checks were often the only name checks conducted. The discontinuation of name checks took place in the middle of fiscal year 1991. In fiscal year 1990, the last year in which FBI name checks were performed for all alien immigrants who had lived in the U.S., 1,478 aliens were refused immigrant visas for criminal-related activities. This included refusals based on both FBI name checks and police records from other countries. In fiscal year 1991, which was partially covered by FBI name checks, the number of refusals was 1,131, while in fiscal year 1992, the first year without any FBI name checks, the number of criminal related visa refusals dropped to 799, a decline of 45%.

It is important to note that these name checks were conducted only for applicants for permanent resident visas who had previously lived in the United States. They were not conducted on aliens who had never lived in the U.S., or for nonimmigrant visa applicants. However, all applicants are checked against the Consular Lookout System (CLASS), which as noted above contains the names of specific aliens provided by the FBI as well as other agencies for national security purposes.

In summary, the Department of State does have access to FBI records for certain national security name check purposes, but does not have access under current circumstances for enforcing the criminal ineligibility provisions of the Immigration and Nationality Act for immigrant visa purposes.

I trust that this information will clarify the issues discussed in the hearing. Please contact us if we can be of further service in any way.

Sincerely,



Wendy R. Sherman
Assistant Secretary
Legislative Affairs

APPENDIX 4

Give Up Visas?



Creating a Foreign Immigration Service would let the State Department concentrate on what it does best

Reform is the catchword of the Clinton administration. With a popular mandate to make government less expensive and more responsive, the president's team has moved to streamline the State Department. Among the ideas being debated is the proposal to merge the visa function of Consular Affairs (CA/VO) with the functions of the Immigration and Naturalization Service of the Department of Justice (INS) in order to combat gridlock in the enforcement of immigration laws.

As two career consular officers, we encourage the administration to consider this proposal seriously. In July 1990, former Ambassador Diego

Asencio's Commission for the Study of International Migration and Cooperative Economic Development proposed setting up a separate agency to handle all overseas and domestic immigration affairs and refugee processing. Within this separate agency, which would take over the domestic functions of VO and the INS, we envision the overseas visa operations being converted to a Foreign Immigration Service similar to the Foreign Commercial Service of the Commerce Department and the Foreign Agricultural Service of the Agriculture Department. The visa function overseas would then be staffed by career Foreign Immigration officers with legal expertise, language skills, and cultural sensitivity.

State Department career consular

officers should then be given the option, but not be required, to convert to the new agency, in which they would specialize in visa adjudications and refugee processing overseas. The chief of each overseas visa/refugee operation would report directly to the embassy's chief of mission and be part of the country team. At most posts, this change would not create more bodies for administrative sections to support overseas; it would merely realign the agency responsibilities of existing visa officers and staff.

Those consular-cone Foreign Service officers remaining with the State Department would continue to be responsible for performing American-citizen and passport services. This area of responsibility could constitute the consular cone. Alternatively, the consular cone could be melded with another cone. It is clear that, whatever solution is created, it must be phased-in to minimize the disruption to officers' careers and to the Foreign Service.

BY DIANE REIDER-BEAN AND FRANCES T. JONES



Visa applicants wait in New Delhi, February 1993.

Leaving law to the enforcers

Why would two mid-level, career consular officers support giving away the visa function? Simply put, we have observed that issuing and denying visas today is fundamentally an adjudicatory law-enforcement function, as opposed to a foreign-policy function. We are aware that such a change would dramatically depart from existing practice. Yet, we think the potential benefits to the State Department and to overall enforcement of U.S. immigration law justify the means. We present our observations and proposals here not, obviously, as a polished program but as a stimulus for constructive discussion.

Historically, a U.S. consul had a great deal of discretion in granting visas overseas to those who would support the commercial and political interests of the United States. He was also charged with denying visas to undesirables. But the historical discretion of a consular officer has been progressively eroded by extensive and increasingly complex immigration laws, culminating in the Immigration and Nationality Act of 1952 (INA), which itself has been frequently revised and expanded, most recently in

1990. Now almost exclusively, Congress dictates the classes of aliens who shall and shall not be granted visas to the United States, and this is as it should be. After all, the Supreme Court has interpreted Congress' power in the Constitution to "regulate commerce with foreign nations and among the several States" to include exclusive authority over immigration. The framers of the Constitution obviously believed that only Congress would be able to balance with foreign-policy pressures the domestic concerns about who comes to this country.

As a result, the discretion left to a consular officer consists mainly of determining whether a visa applicant is concealing his or her intent to live or work illegally in the United States, and then only in the case of a non-immigrant visa. In an immigrant-visa case, there is almost no discretion. If INS has approved a visa petition, the consular officer's primary role is to verify that the professional or familial relationship described exists and that no material fraud is present. Grounds of ineligibility are spelled out quite explicitly in the INA, the accompanying Federal regulations, and the Foreign Affairs Manual. Thus,

the ability to understand laws and regulations and to analyze the evidence is essential for visa work. The exercise of historical consular discretion—i.e., deciding whether the alien's presence would benefit the United States—is no longer required.

On a day-to-day basis, every visa officer spends his or her time adjudicating individual cases—applying the INA and its hundreds of regulations to the facts of each individual case and to detecting and preventing fraud. The work is challenging and stressful and, at times, intellectually demanding, but visa adjudication is unmistakably law-enforcement work. An individual case rarely affects our foreign relations either with the host country or with the alien's country and, when it might, it is generally taken out of the consular officer's hands and "resolved" by higher-ups at post or in Washington. (A recent example of this is when the Bosnian Serb leader Radovan Karadzic applied for a visa to visit the UN).

Eliminating the wait

Merging the functions of VO and INS would improve the enforcement of U.S. immigration laws. Current enforcement of the INA is split principally between the Department of State (authority to issue visas) and the Department of Justice (authority to enforce the INA at and within U.S. borders). Every consular officer has experienced the delays caused by this cumbersome division of labor. For example, with the exception of a few, specifically designated consular posts, INS has exclusive authority to approve an immigrant-visa petition—normally adjudicated within the United States—but only a consular officer can issue the visa overseas. Thus, even if a consular officer conclusively determines that the petition was not properly approved, for example, because the underlying husband-wife relationship does not legally exist, the petition must be returned to INS for readjudication. (The consular officer may recommend revocation.) Our proposal would allow a Foreign Immigration officer to revoke the petition at post.

Other examples. If an alien is found ineligible under the INA, a waiver must be requested from the appropriate INS



Visa applicants at Embassy New Delhi: Consular officers no longer exercise much foreign-policy discretion.

office. (The consular officer or the department can recommend or refuse to recommend a waiver.) Meanwhile, the alien sits and waits. Our proposal would permit the waiver to be adjudicated on the spot, seeking guidance from the (newly created) Immigration and Refugee Agency if necessary.

Improving the lookout system

INS and the State Department do not have a common filing system, so that each visa applicant has one file at the overseas post, and/or in the Visa Office, and possibly another INS file somewhere in the United States. The two agencies as yet do not have a common lookout system where relevant information on ineligible and excludable aliens can be easily accessed and cross-referenced. Our proposal would allow for the creation of one centralized, integrated worldwide filing and lookout system under the jurisdiction of a single agency. Coordination between inspectors at ports of entry and visa-issuing officers (now sadly disjointed) could be made smoother.

Refugee adjudication is reserved by law to INS, but can now be conducted only at the select overseas posts where INS can staff the operation where a specific, temporary delegation of authority has been made. Under our proposal, Foreign Immigration officers could conduct refugee interviews and adjudicate refugee cases at every overseas post, reducing the number of aliens trying to enter the United States illegally

to have their claims heard.

Most frustratingly, when a disagreement exists between VO and INS in the interpretation or application of the INA, there is no single authority to arbitrate it. Our proposal would eliminate this problem.

The list could go on and on.

The argument has been made that, in giving up the visa function, the Department of State would be relinquishing a significant foreign-policy tool. We do not agree. First, visa categories and numbers must be adjusted through the cumbersome legislative process, they do not and cannot react to quickly changing world events. It is undisputed that the overwhelming majority of the thousands of individual visa cases adjudicated each year simply do not affect and are not affected by nuances of foreign policy. In recent years Congress has even injected into the INA a requirement that the secretary of state report directly to Congress any visa denied on foreign-policy grounds, which further constricted this already restricted basis for visa denials. Thus, the influence of visa work on foreign policy is already at a minimum.

Under our proposal, the chief immigration officer, as part of the country team, would still report directly to the ambassador. Thus, in the rare case where issuing or denying a particular visa might have a foreign-policy consequence, the ambassador, acting on behalf of the secretary of state, would have his or her say. Finally, in the unlikely event a chief immigration officer could

not issue a visa to an individual the ambassador is convinced must have one, this case would have to be referred to the appropriate superiors in Washington, who, we would think, should be aware of it anyway.

In these times of tight budgets, visa operations have suffered. Stalling gaps and backlogs have become common place as recent legislative changes produced a dramatic increase in immigrant visa cases. Meanwhile assistance from other agencies has evaporated with the end of the Cold War. With the world having changed so radically, it has been difficult for the department to focus on the funds and human resources needed to meet the increasing demands of visa work. In addition, the Consular Affairs Bureau has come under heavy pressure to increase internal controls on visa operations while simultaneously being pressured to delegate the visa function to part-time, temporary employees and Foreign Service National employees. By bringing all immigration officers, foreign and domestic, under one roof, funding could be better targeted at areas of need—on a global basis—and resources could be more judiciously distributed.

Consular care for Americans

A consular officer's principal and historic responsibility has always been the welfare of U.S. citizens. We propose that this responsibility and the passport function be retained within the State Department.

Major legislative action would be required to establish a new agency comprised of the INS and the department's Visa Office. Thoughtful planning and gradual implementation would be necessary to reduce the inevitable disruptions. Despite the difficulties, however, the goal is worthy and should be pursued. With the new administration's commitment to "reinventing" government, now is the time to consider a radical proposal. ■

Diane Reimer Bean and Frances T. Jones are both career Foreign Service officers in the consular cone. The views and opinions expressed in this article are solely their own and do not necessarily represent those of the U.S. government.

APPENDIX 5

THE DEPUTY SECRETARY OF STATE
WASHINGTON

Dear Mr. Chairman:

As Secretary Christopher made clear at his confirmation hearing and in subsequent Congressional appearances, American diplomacy needs to be dynamic and imaginative, to embrace and, indeed, to lead change where possible, and to do more with less. The Secretary has a mandate from President Clinton to make that happen without delay. The task is urgent because the President's priorities for American policy abroad are far-reaching: to boost the development of democracy; halt arms proliferation; expand markets for U.S. business; strengthen peacekeeping; deal seriously with global environmental and population challenges; and fight terrorism and crime. These challenges are daunting -- perhaps unprecedented -- but our foreign policy professionals have the talent and dedication to meet them, if given the right tools. That is what the State Department reorganization outlined here is all about.

It is our belief that the Department of State today is far better organized for the decades past than for the special challenges America faces in the post-Cold war era. We intend to reorient U.S. diplomacy to meet the new challenges facing us in the post-Cold War era. In order to meet the President's foreign policy objectives, we must restructure and streamline the Department and use our talent and resources more effectively. Our goal in making these changes is a Department that is more responsive to both new issues and to American interests, and more efficient in its operations. The primary purpose of these changes is to improve management of both policy and operations. An important by-product, however, will be some initial reduction in the number of positions needed and, we think, more significant reductions in the future.

The Honorable

Ernest F. Hollings, Chairman,
Subcommittee on Commerce, Justice, and State,
The Judiciary and Related Agencies,
Committee on Appropriations,
United States Senate.

The purpose of this letter is formally to notify the Congress of steps the Department of State intends to take to implement our reorganization plans, including specifically those items subject to reprogramming notification. These primarily, but not exclusively, relate to the Department's Salaries and Expenses Account. These plans were the subject of earlier consultations with you, and a comprehensive statement of our overall reorganization plan may be found in the Secretary's implementation directive (attachment B).

Operationally, three kinds of actions will be required. First, a number of items, particularly name changes, will require legislation. Our proposals for them will be submitted separately as part of the Administration's Foreign Relations Authorization Act for Fiscal Years 1994 and 1995.

Second, in a few cases, for example reporting relationships within the Department, we believe that the Secretary's directive is all that is needed to implement the changes. In this regard, we have already made progress, as part of our reorganization plan, in efforts to reduce the number of Deputy Assistant Secretaries and DAS equivalents. These reductions are designed to eliminate excessive layering, expedite clearance procedures, and strengthen the responsibilities of office directors and country directors. Our current plans are to abolish 29 DAS and DAS-equivalent positions and a comparable number of supporting positions. We also plan to remove the DAS-equivalent designation from an additional 15 positions.

Third, and finally, many of the organizational changes we plan to make will result in reallocations of positions and funds among current bureaus, actions which we anticipate taking in the near future, even if legislation has not yet been enacted to allow changes in names of some units. In that regard, the paper attached at tab A lists all of the items for which we are now providing notification to you under the conditions established by Section 34 of the State Department Basic Authorities Act and Section 606 of the State Department Appropriations Act of 1993.

As you would expect, some details of the reorganization, for example the exact number of positions to be assigned to new offices, can only be determined upon further implementation planning. However, our intention is that this reorganization be at least funding neutral with some position savings in the short term, and that over time we achieve further savings due to consolidation and economies of scale, as detailed below.

We ask for your partnership in accomplishing, as expeditiously as possible, these long overdue changes in the structure of the Department. In a complex program such as we plan to carry out, it is likely that there will be some conforming changes required in addition to those described above. Several other possible changes are under review, and we will communicate our plans to you when our analysis is complete.

If you have any questions or would like any additional information, please let me or Under Secretary for Management Brian Atwood know.

Sincerely,

Clifton R. Wharton, Jr.

Attachments

- A. Summary of Proposed Actions Subject to Congressional Notification Requirements
- B. Secretary's Message to Department and Implementation Directive

ITEMS SUBJECT TO CONGRESSIONAL NOTIFICATION
UNDER THE CONDITIONS ESTABLISHED
BY
SECTION 34 OF THE STATE DEPARTMENT
BASIC AUTHORITIES ACT, AND
SECTION 606 OF THE STATE DEPARTMENT
APPROPRIATIONS ACT OF 1993

I. Establishment of New Offices and Positions:

A. Creation of an Ambassador-at-Large and Special Advisor to the Secretary of State for the New Independent States (S/NIS)

A high foreign policy priority is to bring overall policy formulation and operational coordination and coherence to the important area of U.S. relations with and assistance to the states that were formerly a part of the Soviet Union.

The President has nominated a candidate to serve as Ambassador-at-Large for this function. This individual will also serve as Special Advisor to the Secretary of State.

The Task Force currently coordinating assistance to these states (D/CISA) will be transferred to S/NIS, an office made up of the Ambassador-at-Large and a small staff. Other units of the Department (for example, the Office of Independent States and Commonwealth Affairs (EUR/ISCA) in the Bureau of European and Canadian Affairs) will as appropriate report to the Ambassador-at-Large on issues for which he is responsible, but will remain a part of other organizational units.

B. Creation of New Offices Related to U.S. Participation in the United Nations and Its Activities

1. Office for Permanent Representative to the United Nations

A small Washington office for the Permanent Representative to the United Nations will be reconstituted, following past practice. This office will support the cabinet functions of the Permanent Representative, serve as a direct channel between the Permanent Representative and the Secretary, and facilitate effective coordination between USUN and the Bureau of International Organization Affairs.

2. International Peacekeeping Activities

Another office will be created to add much needed expertise and capacity in the increasingly important area of management of U.S. participation in multilateral peacekeeping activities.

IO already has responsibilities for international peacekeeping activities in the United Nations context, with PM responsible for linkage with the Department of Defense on

operational details regarding the participation and deployment of U.S. forces and other assets in such activities. However, we think that the growing importance of such multilateral exercises, including some under the auspices of non-U.N. organizations such as CSCE, will require more sustained attention and expertise if U.S. interests in these potentially useful and cost-effective collective actions are to be most effectively advanced. Thus, we plan to create a new office for International Peacekeeping (IO/PK) in IO. Its staff will initially be quite small, derived from existing resources within IO.

II. Transfers of Offices to and between Bureaus

In our legislative package, we will be asking the Congress to work with us to define three new bureaus and to realign a fourth, derived primarily from existing bureaus and organizational units, in order to streamline the formulation of policy in these important areas and better to manage the substantial programs operated by these organizations. In this direction, a number of offices and activities can be transferred under the terms of this reprogramming notice to the relevant bureaus as they are currently designated.

a. Bureau of Human Rights and Humanitarian Affairs (which when legislation permits will become known as the Bureau of Democracy, Human Rights and Labor (DRL))

We intend to transfer the office of the Special Assistant to the Secretary and Coordinator of International Labor Affairs to the current Bureau of Human Rights and Humanitarian Affairs; the above mentioned Labor Coordinator will function in that bureau at the Deputy Assistant Secretary level. This should result in a small net savings of positions, which we plan to use as the basis for enhancements of offices devoted to crafting and coordinating international efforts to promote democracy. Integration of these increasingly complementary activities will provide a stronger organizational structure for formulating policy and coordinating programs designed to build and strengthen democratic institutions.

b. Bureau for International Narcotics Matters (which when legislation permits will become known as the Bureau of Narcotics, Terrorism and Crime (NTC))

We intend to transfer the office, personnel and functions of the Coordinator for Counter-Terrorism to the current International Narcotics Matters Bureau; the above mentioned Coordinator for Counter-Terrorism will function in that bureau at the Deputy Assistant Secretary level. In addition,

responsibilities for the Anti-Terrorism Assistance (ATA) program, currently divided between S/CT and the Bureau of Diplomatic Security, will be consolidated through this reprogramming into INM. There should be a net savings of several positions resulting from combining of front office staffs of the current INM and S/CT. They will be used as the nucleus for the new policy coordinating office responsible for issues involving international crimes, and should be sufficient for FY 1993 start up requirements for that office.

FYI: The current functions of INR and L/LEI with respect to international criminal issues will remain, but the new International Crime office will provide a department-wide policy and operational focus and will manage interagency coordination (except for individual legal cases which will remain the responsibility of L). A major function will be to ensure that foreign policy considerations are taken into account in law enforcement activities with international implications.

c. Office of Refugee Programs (which when legislation permits will become known as the Bureau of Population, Refugees, and Migration (PRM))

As background only, it should be recalled that under our reorganization-related legislative proposal, we will be asking the Congress to abolish the position of the Ambassador-at-Large and Coordinator for Refugee Affairs (S/R), and to authorize a new Assistant Secretary position to head a new Bureau of Population, Refugees, and Migration (PRM), which will subsume the functions of the current Bureau for Refugee Programs (RP) and of the Coordinator. Until legislation can be obtained creating the required assistant secretary position, the person designated to become assistant secretary will be confirmed as an administratively-established Ambassador-at-Large, which is created through the vehicle of this notification, with duties substantially identical to those to be proposed for that new assistant secretary.

Pursuant to this reprogramming notification the current responsibilities of the Coordinator for Population Affairs (OES/CP) in the population area will also be transferred to the current Office of Refugee Programs (under the supervision of the newly created Ambassador-at-Large for Population, Refugee and Migration Affairs).

d. Bureau of Economic and Business Affairs (EB)

Unlike the three bureaus discussed above, no change in name is proposed for the current EB. Two major changes are desirable to strengthen this bureau in support of its enhanced responsibilities in international economics and in support of U.S. business; the impact is such that EB will be materially strengthened.

First, under this reprogramming notification the functions of the existing Bureau of International Communications and Information Policy (CIP) will be merged, into the Bureau of Economic and Business Affairs, as an office headed by a Coordinator who would also be a DAS within the EB bureau with ambassadorial rank as required for international negotiations. Until legislation is passed repealing certain aspects of CIP's operational mandate, the DAS/Coordinator would preserve a separate, "dotted-line" reporting relationship to the Under Secretary for Economic and Agricultural Affairs.

This proposed change recognizes that international telecommunications negotiations and agreements are critical to maintaining the competitive position of this important U.S. industry. This can best be achieved in the context of the EB bureau which is the principal place of access for American business. This change should result in a savings of sufficient positions, through front office consolidation, to provide the initial staffing needed in FY 1993 for the additional change described below.

Second, pursuant to this reprogramming notification, an office of Business Facilitation will be created in EB, to serve as a key access point in the Department for the private sector as well as providing policy guidance on key issues relating to improving the competitive position of U.S. companies in world markets. Commercial functions of the Office of Commercial, Legislative and Public Affairs (EB/CLP) will be transferred to this new office.

Finally, to rationalize our approach to export control issues we wish to use this reprogramming notification to report that EB will retain responsibility for administration of economic sanctions. That bureau will also maintain charge of certain categories of foreign policy controls (e.g. human rights, crime control, and anti-apartheid) pending further review by the Department. Other EB export control functions will be transferred to the Political-Military Bureau-(see below).

e. Relocation of Functions to the Bureau of Political-Military Affairs.

By way of introduction, we note that we intend to adopt standard usage, renaming the current Bureau of Politico-Military Affairs as the Bureau of Political-Military Affairs, an action requiring neither legislation nor formal notification. Its designator will remain PM. We would note also that the PM organizational changes described below should be viewed as preliminary in that we are reviewing arms control responsibilities, organization and staffing, as well as the possibility that PM could be divided into two bureaus.

A major purpose of our reorganization plan is to rationalize our management of international security issues, particularly with respect to arms control and proliferation. We want to consolidate all of our efforts dealing with proliferation issues in one location. There have been radical changes in the international security environment, and a number of special purpose units are either no longer needed, or should be relocated in an appropriate bureau location. The specific changes which will be taken pursuant to this reprogramming notification are:

1) The Office of the Delegation to the Negotiations on Nuclear and Space Arms (S/DEL), and the US Delegation to the Open Skies Conference (T/OS) will each be abolished, with any remaining functions being transferred to the Bureau of Political-Military Affairs.

2) The Ambassador-at-Large for Burden Sharing will report to the Assistant Secretary for Political-Military Affairs, while retaining Ambassadorial designation for the position. This change is consistent with our general philosophy of attaching currently free-standing units to the appropriate bureau within the Department, and will ensure that this important function, of high interest to both the Legislative and Executive branches, is fully integrated into our management of international security affairs.

3) The Nuclear Risk Reduction Center (NRRC) and the Coordinator for Safety, Security and Dismantling of Nuclear Weapons (T/SSD) will remain in existence, but will in the future report to the Assistant Secretary for Political-Military Affairs. No net changes in staffing are contemplated.

4) The office of the Ambassador-at-large and Special Advisor on Non-Proliferation Policy and Nuclear Energy Affairs (S/NP) will be absorbed within PM and an IAEA governor of Ambassadorial rank will be appointed to carry out those important functions of S/NP.

5) The Deputy Assistant Secretary position for Nuclear Energy and Energy Technology Affairs (OES/N) currently in the Bureau of Oceans, International Environmental and Scientific Affairs (OES) will be abolished. The functions of that Deputy Assistant Secretary, and the three offices which currently report to that position (OES/NTS, OES/NEC, OES/NEP), will be relocated to the Bureau of Political-Military Affairs. This change will enable us to consolidate all activities relating to the critical issue of halting nuclear proliferation. However, functions relating to non-nuclear energy will remain the responsibility of OES.

6) The Coordinator for Export Control Policy (T/ECP) will report to the Assistant Secretary for PM, while retaining ambassadorial designation for the position.

7) The office of COCOM Affairs, currently in EB, will be transferred to the Political-Military Bureau. In addition, EB's responsibilities for foreign policy controls related to non-proliferation and regional stability (e.g. CBW non-proliferation, missile technology, super computers, and nuclear non-proliferation) would be consolidated within the PM bureau.

f. D/EA from D to EUR

As a part of our overall efforts to relocate current activities attached to the offices of the Secretary and Deputy Secretary to other locations in the Department which are more appropriate, the current task force directed by the Special Adviser to the Deputy Secretary for EURASIAN Assistance (D/EA), with current positions, will be transferred to the Bureau of European and Canadian Affairs.

g. White House Liaison(WHL)

In a return to past practice, we will be formally reassigning responsibility for the White House Liaison office to the Under Secretary for Management, from the Assistant Secretary for Public Affairs. No changes in current staffing levels are planned.

III. Minor Resource Shifts

Bureau Executive Offices

As we realign operating units of the Department, we must ensure that support functions, largely carried out by various executive offices, are reconfigured as well. We contemplate a series of realignments, with the additional goal of achieving economies of scale by having some executive offices service multiple client organizations. We anticipate that none of these changes will involve creating or abolishing new offices or shifting resources above the notification point of \$500,000. Should any of the changes prove to be more significant we will, of course, notify the Congress under existing procedures.

* * * * *

THE SECRETARY OF STATE
WASHINGTON

IMPLEMENTATION DIRECTIVE FOR ORGANIZATIONAL CHANGE

In order to implement the foreign policy priorities of the President of the United States and to more effectively and efficiently carry out the foreign policy responsibilities of the Department of State, I ask that the following changes be implemented to occur upon passage of legislation or by this directive upon completion of Congressional consultations.

1. THE UNDER SECRETARIES SHALL BE THE PRINCIPAL FOREIGN POLICY ADVISORS TO THE SECRETARY AND DIRECTLY IN THE CHAIN OF COMMAND

I wish to strengthen the role of the Under Secretaries. They shall serve as my principal foreign policy advisors and assist me and the Deputy Secretary in executing and coordinating the activities of the Department. They will be given line responsibility to manage and coordinate the operations of the bureaus which will report to them.

The use of Under Secretaries as senior advisors to the Secretary should be accompanied by a realignment of the chain of command. In the future, Assistant Secretaries will report directly to the designated Under Secretary. Changes in reporting responsibility will not alter the important role of the Assistant Secretaries in the formulation of foreign policy or their access to the Office of the Secretary.

The major benefits from this change are: (1) creating a better system of information flow from the bureaus to the Under Secretary and the Office of the Secretary; (2) achieving greater efficiency in Departmental decisionmaking; (3) permitting more extensive coordination of key cross-cutting issues at the bureau and Under Secretary levels; and, (4) strengthening the Under Secretaries in the inter-agency process.

Listed elsewhere in this directive are the groupings of bureaus in specific clusters and the designated lines of reporting to specific Under Secretaries.

2. CREATION OF THE UNDER SECRETARY FOR GLOBAL AFFAIRS

I shall ask Congress to create a fifth Under Secretary for Global Affairs (G) needed to manage and redirect critical global issues now found at the heart of post-Cold War foreign policy. These issues cut across nearly every boundary of the geographic and functional bureaus. We must insure that they are given high level attention in a new and strengthened system of Under

Secretaries. The substantive concerns of the Under Secretary for Global Affairs shall reside in bureaus dealing with the environment, science, oceans policy, democracy promotion, human rights, international labor issues, refugees, population, counter-terrorism, international narcotics and other international criminal issues. Better coordination of the programs managed by these bureaus across many agencies and departments will be a critical role for this new Under Secretary.

Given the pressing need to have an Under Secretary for Global Affairs in place in the very near future, President Clinton intends to initially nominate his candidate for this post as Counselor and then have Congress reconstitute this position as the new Under Secretary. I will also ask the Congress to establish a new Counselor position at Executive Level IV, thereby maintaining the current number of Executive Level III posts in the Department.

3. CREATION OF THREE NEW BUREAUS TO STREAMLINE POLICY AND CONSOLIDATE FUNCTIONS

I shall ask Congress to define three new bureaus derived from existing bureaus and functions in the Department to streamline the formulation of policy in these important areas and to better manage the substantial programs operated by these organizations.

(a) Bureau of Democracy, Human Rights and Labor (DRL)

This bureau will be created by combining the current Bureau of Human Rights and Humanitarian Affairs and the office of Special Assistant to the Secretary and Coordinator for Labor Affairs; the latter shall be relocated in the new bureau in a Deputy Assistant Secretary position. This bureau will provide an organizational home for initiatives and policies which promote democracy. By combining associated activities related to human rights and labor affairs, the bureau will play a major role in formulating policies designed to build and strengthen democratic institutions. The Assistant Secretary for Democracy, Human Rights and Labor will be nominated as Assistant Secretary for Human Rights and Humanitarian Affairs until legislation can be enacted to reconstitute and rename that position.

(b) Bureau of Narcotics, Terrorism and Crime (NTC)

This bureau will be created by expanding the mandate of the Bureau for International Narcotics Matters to include counter-terrorism and international crime. The Coordinator for Counter-Terrorism will be relocated in the new bureau at the Deputy Assistant Secretary level. A new office of international crime will be created to act as a policy and coordinating office for all of the Department's activities in this area. The operational responsibility for the Anti-Terrorism Assistance Program (ATA) will be moved to the new bureau from the Bureau of Diplomatic Security, thus placing policy and implementation together.

President Clinton and I place great priority on the activities encompassed by this new bureau in view of the threats posed to our nation by terrorist groups, narcotraffickers and international criminal organizations.

The Assistant Secretary for Narcotics, Terrorism and Crime will be nominated initially as the Assistant Secretary for International Narcotics Matters until a statutory name change can be enacted.

(c) Bureau of Population, Refugees, and Migration (PRM)

In order to consolidate all Departmental responsibility for refugee matters and to upgrade policy focus on refugee issues in a single bureau, I will ask Congress to create a new bureau headed by an Assistant Secretary. This bureau will also be responsible for coordinating the Department's policy on population and migration issues. The positions and functions of Ambassador-at-Large and Coordinator for Refugee Affairs and the Bureau of Refugee Programs will be subsumed in the new bureau. The nominee for Assistant Secretary of State for Population, Refugees and Migration Affairs will be confirmed as Ambassador-at-Large and Coordinator for Refugee Affairs and will hold that position until legislation can be enacted reconstituting and renaming the position as Assistant Secretary for PRM.

4. RENAME OFFICES IN ORDER TO INDICATE A NEW POLICY EMPHASIS OR CHANGED MANDATE

I will ask Congress to change the names of the following Departmental units:

a) Under Secretary for Economic and Agricultural Affairs to be changed to Under Secretary for Economic, Business and Agricultural Affairs (E). This change reflects the need to underscore that this office will have as a major responsibility harnessing the assets of the Department to assist the competitive position of U.S. companies.

b) Under Secretary for International Security Affairs to be changed to Under Secretary for Arms Control and International Security Affairs (A). This change reflects new arms control priorities of the Clinton Administration to deal with the heightened threat of proliferation of weapons of mass destruction. The change also recognizes that the Bureau of Political-Military Affairs will have new non-proliferation functions as a result of consolidations discussed in this directive. (The Bureau of Administration will be designated "AD.")

5. CREATE AN OFFICE OF SECRETARY OF STATE

It is necessary to streamline and reorganize the office and functions which relate directly to the Secretary and the Deputy Secretary in order to rationalize critical policy support services, to provide a framework for high level decisionmaking and to enable the Secretary and the Deputy to establish an operational agenda for Under Secretaries, Assistant Secretaries and other senior officials.

There is hereby established an Office of Secretary of State which consists of the Secretary, the Deputy Secretary and the Executive Secretary as well as their personal staffs. Reporting directly to the Office of the Secretary shall be:

- Ambassador-at-Large and Special Advisor to the Secretary of State for the New Independent States (S/NIS)
- The Policy Planning Staff (S/P)
- The Bureau of Legislative Affairs (H)
- The Bureau of Public Affairs (PA)
- The Bureau of Intelligence and Research (INR)
- The Legal Adviser (L)
- The Chief of Protocol (CPR)
- Secretariat Staff and Operations Center (S/S)
- The Ombudsman (S/CSO)
- The Inspector General (OIG)
- The Foreign Service Grievance Board (FSG)
- The Equal Employment Opportunity Office (EEOC)

The Deputy Secretary shall share major policy responsibilities with the Secretary and in the absence of the Secretary shall serve in an acting capacity. In addition, the Deputy Secretary shall:

- Coordinate the management of international affairs resources, especially on an inter-agency basis.

- Oversee the process of ambassadorial appointments.
- Assume other tasks and responsibilities at the request of the Secretary of State, such as reviews of organizational structures.

To achieve the efficient operation of the Office of the Secretary, Ambassadors-at-Large, Special Advisors, Coordinators and independent offices hitherto reporting to the Secretary are abolished, merged with or relocated in appropriate bureaus as set out below (to occur upon the passage of legislation or by this directive upon completion of Congressional consultations):

To be abolished by legislation:

- Ambassador-at-Large and Coordinator for Refugee Affairs with functions subsumed in the Bureau of Refugee Affairs as discussed previously; and
- Special Envoy to the Afghan Resistance.

Abolished in this Directive with functions relocated as indicated:

- Special Assistant to the Secretary and Coordinator for International Labor Affairs (S/IL) with functions assumed by the Bureau of Democracy, Human Rights and Labor (DRL);
- Coordinator for Counter-Terrorism (S/CT) with functions included in the Bureau of Narcotics, Terrorism, and Crime (NTC);
- Ambassador-at-Large and Special Advisor on Non-Proliferation Policy and Nuclear Energy Affairs (S/NP) with functions transferred to the Bureau of Political-Military Affairs (PM); and
- Office of the Delegation to the Negotiations on Nuclear and Space Arms (S/DEL) with functions transferred to the Bureau of Political-Military Affairs (PM).

6. CREATION OF AN AMBASSADOR-AT-LARGE AND SPECIAL ADVISOR TO THE SECRETARY OF STATE FOR THE NEW INDEPENDENT STATES (S/NIS)

President Clinton has nominated an Ambassador-at-Large for the New Independent States and this person shall also serve as Special Advisor to the Secretary of State. This new post was created to provide a high level focal point for policy formulation and coordination of U.S. assistance to the states that were under the control of the former Soviet Union. When confirmed, the Ambassador-at-Large will chair an interagency policy group to formulate U.S. policy and set U.S. program priorities for the New Independent States.

The Office of Independent States and Commonwealth Affairs (EUR/ISCA) shall remain in EUR, reporting directly to the Ambassador-at-Large. The Task Force coordinating assistance to those states (currently D/CISA) and the position of Coordinator and Deputy Coordinator shall be transferred to S/NIS and shall report directly to the Ambassador-at-Large. The Ambassador-at-Large will also provide general policy guidance to the Coordinator for Safety, Security and Dismantling Nuclear Weapons (to become PM/SSD) and to the AID Task Force for the New Independent States (AID/NIS). The Task Force coordinating assistance to Eastern Europe (D/EEA) shall be transferred to the Bureau of European and Canadian Affairs.

7. NEW REPORTING RESPONSIBILITIES FOR ASSISTANT SECRETARIES

The Department's bureaus shall report directly to the Under Secretaries as discussed previously. Set forth below are the reporting responsibilities for each Assistant Secretary:

To the Under Secretary for Political Affairs (P): All six regional bureaus (ARA, EUR, SA, AF, EAP, NEA) and the Bureau of International Organization Affairs (IO).

To the Under Secretary for Economic, Business and Agricultural Affairs (E): The Bureau of Economic and Business Affairs (EB).

To the Under Secretary for Global Affairs (G): The Bureau of Democracy, Human Rights and Labor (DRL), the Bureau of Oceans and International Environmental and Scientific Affairs (OES), the Bureau of Population, Refugees and Migration (PRM), and the Bureau of Narcotics, Terrorism and Crime (NTC).

To the Under Secretary for Arms Control and International Security Affairs (A): The Bureau of Political-Military Affairs (PM).

To the Under Secretary for Management (M): The Bureau of Administration (AD), the Bureau of Consular Affairs (CA), the Bureau of Diplomatic Security (DS), the Bureau of Financial Management and Policy (FMP), the Foreign Service Institute (FSI) and the Bureau of Personnel (PER). (Note: Further reorganization of management functions may occur after an ongoing review is completed.)

8. FUNCTIONAL CONSOLIDATIONS WILL OCCUR TO STREAMLINE OPERATIONS AND IMPROVE POLICY FOCUS

There are several functions which need to be moved to improve policy formulation and management in key areas:

The Deputy Assistant Secretary for Nuclear Energy and Energy Technology Affairs (OES/N) and the five offices which report to this position (OES/NTS, OES/NEC, OES/NEP, OES/NSR, OES/NSC) will be relocated within the Bureau of Political-Military Affairs so

as to further consolidate all activities relating to the critical issue of halting nuclear non-proliferation. The Bureau of Oceans and International Environmental and Scientific Affairs (OES) shall retain functions in these offices relating to non-nuclear energy.

Another goal is to improve the way the Department manages export controls as they are applied to commercial goods and munitions. Our interest is in preventing exports that might contribute to proliferation or to the transfer of technology that could harm U.S. interests, and in promoting legitimate exports that help American industry and the economy. In order, then, to improve the coherence, consistency and efficiency of our efforts in the Department, we are closely reviewing our export control activities, and examining alternative ways of organizing these functions with a decision to be made in the next two weeks.

Responsibility for international space issues is fragmented and has produced overlapping roles among the Bureau of Political-Military Affairs, the Bureau of Economic and Business Affairs and the Bureau of Oceans and International Environmental and Scientific Affairs. We will also be examining this problem over the next two weeks with an eye toward integrating our diplomacy for space cooperation with broader national security and foreign policy objectives.

The Nuclear Risk Reduction Center shall report to the Bureau of Political-Military Affairs. The Coordinator for Safety, Security and Dismantling of Nuclear Weapons (SSD) shall be moved to the Bureau of Political-Military Affairs. The US Delegation to the Open Skies Conference (T/OS) shall be abolished.

There shall be created in the Bureau of International Organization Affairs an Office of Peacekeeping to assist the bureau and the Department in efforts to better plan and coordinate peacekeeping activities.

There shall be created in the Bureau of Economic and Business Affairs an Office of Business Facilitation to serve as a key access point in the Department for the private sector as well as providing policy guidance on key issues relating to improving the competitive position of U.S. companies in world markets. Commercial functions of the Office of Commercial, Legislative and Public Affairs (EB/CLP) shall be transferred to this new office.

The Bureau of International Communications and Information Policy (CIP) shall be merged into the Bureau of Economic and Business Affairs as an office headed by a Coordinator. The rank of Ambassador associated with this post shall be discontinued. Legislation will be sought to achieve this change. International telecommunications negotiations and agreements are critical to maintaining the competitive position of this

important U.S. industry. This can best be achieved in the context of the EB bureau which is the principal place of access for American business. The Department's inter-agency role in the telecommunications policy arena with the Federal Communications Commission and the Commerce Department's National Telecommunications and Information Administration will be strengthened by merging this office into a fully staffed bureau.

There shall be created in the Department an Office for the Permanent Representative for the United Nations to support the Cabinet functions of this post and to more effectively coordinate with the Bureau of International Organization Affairs.

In a time of tight budgets and increasing demands on international affairs resources, clearer priorities must be established for the International Affairs Budget Function 150 Account if Administration initiatives are to be realized. Under the direction of the Deputy Secretary, who will coordinate management of international affairs resources, the Policy Planning staff shall provide policy guidance so that general spending priorities may be established. A deputy in S/P shall work closely with the Office of Policy and Resources (D/P&R) to link the policy planning and resource allocation processes.

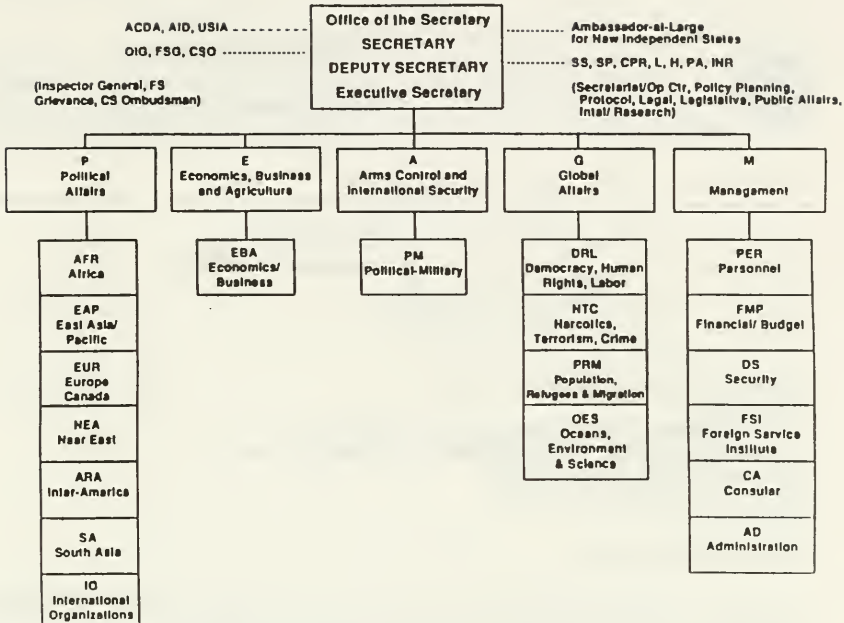
9. REMOVING EXCESSIVE LAYERING

The number of Deputy Assistant Secretaries in the Department has grown from 46 in the 1960's to 120 today. I have asked the Under Secretaries to work with Assistant Secretaries to reduce the number of Deputy Assistant Secretaries and DAS equivalents by about 40 percent and to reduce significantly the number of special assistants and other Seventh Floor staff. These reductions are designed to eliminate excessive layering, expedite clearance procedures, and strengthen the responsibilities of office directors and country directors.

I have asked the Deputy Secretary to oversee the implementation of these changes in a manner consistent with the orderly functioning of the Department. In doing so, he will work with the Under Secretary for Management who will coordinate the implementation of the directive. I have asked that all affected officials be consulted so as to achieve the changes in a timely and non-disruptive fashion. I have also asked the Deputy Secretary to conduct a review of the operations and mandate of the Agency for International Development and to report his findings within 60 days so that we may propose to Congress a reorganization plan for this agency.

William Christopher

PROPOSED ORGANIZATION



APPENDIX 6



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

October 21, 1993

Honorable Tom Lantos
Chairman
Subcommittee on International Security,
International Organizations and Human Rights
Foreign Affairs Committee
House Of Representatives
Washington, D.C.

Dear Mr. Chairman:

The Director has asked that I provide further responses to certain issues raised at your hearing on July 13, 1993, and in subsequent communications with your staff regarding "U.S. Policy In Dealing With International Terrorism." At your request, I have also enclosed a copy of the biographical sketch of Deputy Assistant Director Harry Brandon who provided testimony.

At the outset, I want to reaffirm that the FBI remains committed to the continued cooperation and coordination with the Department of State (DOS) and with all other agencies within the Counterterrorism Community (CT). The FBI is convinced that such cooperation is the most important factor in the hard-earned successes of the CT Community. While there will always be areas where improvement is possible and necessary, the CT Community, with its limited number of agencies and fairly clear lines of jurisdictional responsibility, remains an excellent example of intergovernmental and international cooperation.

You and other members of your Subcommittee asked several questions, which I will list with the FBI response.

Honorable Tom Lantos

As indicated in the attached responses, upon your request, additional information may be provided to you and members of your Subcommittee in an appropriate forum. Supervisory Special Agent Patrick L. Connolly, (202) 324-8381, can be contacted to make such arrangements, and to address any further questions you may have.

Sincerely yours,

John E. Collingwood

John E. Collingwood
Inspector in Charge
Office of Public and
Congressional Affairs

Enclosures (14)

by: *Charles S. Mankigo*
Inspector - Dept. of Justice

DOES THE FBI CHARGE THE DOS A USER FEE FOR RECORD CHECKS IN VISA APPLICATION CASES? IF SO, WHAT RECOMMENDATIONS DOES THE FBI HAVE TO IMPROVE THE PRESENT SYSTEM?

Generally, in visa application cases, the FBI can supply two basic types of information - Investigative information or Criminal Record History. The first, and perhaps the most important, is information in our investigative files which would prevent entry into the United States. DOS is not charged any fee for this information.

The second type of information consists of an individual's criminal record history (rap sheet). This information includes an individual's arrests and case dispositions, and is best obtained by submitting fingerprints (as opposed to name) in order to insure the correct identity. As a general rule, either by Federal or state statute, rap sheets are available only to criminal law enforcement agencies for criminal law enforcement purposes. This second type of information can be in at least two locations; at FBI Headquarters in its automated or manual Identification Records, or at the state/local level whose records are part of the Interstate Identification Index (III), which is accessed through the computers of the National Crime Information Center (NCIC) system. Pursuant to statute, and consistent with an opinion of the Office of Legal Counsel (OLC), Department of Justice, DOS has been assessed a user's fee for the processing of fingerprint submissions and the accessing, compilation, and dissemination of rap sheets.

By way of background, in 1990, Congress reduced FBI appropriations by \$30 million and, in order to fund the shortfall, authorized the FBI to charge for certain background checks which were unrelated to criminal law enforcement, (i.e., preemployment checks and prescreening devices). In part, user fee authority recognized the labor-intensive nature involved in fingerprint processing and the increasing number of non-law enforcement purposes being served by criminal record checks, (e.g., background checks for teachers and child care providers). It also recognized the necessity to fairly apportion the cost of managing and maintaining the NCIC/III system which in part is funded by the states and for which the FBI serves as a custodian.

Since that time, there has been an ongoing discussion between the FBI and DOS regarding the user fees charged the DOS, with the issue finally going to OLC, which by memorandum dated February 11, 1991, affirmed that the visa checks were a prescreening device and did not qualify as a criminal law enforcement purpose. That opinion indicated that the FBI was legally authorized but not required to charge user fees for both the investigative file name check and rap sheet fingerprint

submission. However, the FBI waived the investigative file name check fee because it was felt that there was some nexus between the FBI's criminal law enforcement mission and the ability to access information regarding those seeking entry into the United States. Those name checks do not involve Identification records, NCIC, or III. Nor do they involve fingerprint submissions, consisting instead of computer tape submissions capable of being processed by FBI computers.

On the other hand, the FBI has continued to charge a user fee for rap sheet fingerprint submissions. I believe that the distinction afforded the two types of information is warranted and is consistent with fees charged other Federal agencies for similar prescreening checks which involve the more costly processing of fingerprint submissions. As indicated above, the fee represents a fair apportionment of the cost borne by all local, state, and Federal users, and appears to be especially reasonable now since the DOS authorization bill currently under consideration allows for DOS to collect a fee from the applicant which can then be used to pay for the processing of the fingerprint submission. In addition, a no-fee policy seems especially unfair to paying state users whose service is likely to be detrimentally affected because of the large volume of requests likely to be submitted by DOS.

Therefore, I would recommend that investigative file name checks continue to be provided at no cost, but that an applicant be charged a sum which would include a fee to be paid the FBI for a criminal record history check.

WHAT IS THE CURRENT STATUS OF THE DEPARTMENT OF JUSTICE'S TERRORIST REWARDS PROGRAM?

The Department of Justice is currently authorized to spend up to \$1 million out of its appropriations. However, no additional money has been appropriated specifically for that fund. The Administration's recently proposed bill, "Expedited Exclusion, Asylum Reform, And Alien Smuggling Enhanced Penalties Act of 1993," would permit the use of funds appropriated to DOJ's Assets Forfeiture Fund to pay rewards in connection with acts of terrorism within the United States. The FBI believes it is important that the Attorney General (AG) as opposed to the DOS, has such authority because it is the AG who is in the best position to render decisions regarding the appropriateness of awards in situations where prosecution is probable. To the extent that the Assets Fund is adequately funded, the FBI believes the President's proposal will be an important part of our counterterrorism efforts.

WHICH STATES BESIDES IRAN, IRAQ, AND LIBYA HAVE SPONSORED ATTEMPTED ACTS OF TERRORISM ON AMERICAN SOIL DURING THE COURSE OF THE LAST DECADE? CAN YOU PROVIDE SPECIFIC INFORMATION ON THE 74 (NOW 78) ATTEMPTED ACTS OF TERRORISM THAT WERE THWARTED BY THE FBI AND LOCAL LAW ENFORCEMENT OFFICIALS DURING THE SAME PERIOD?

Iran, Iraq, and Libya are the only countries that the FBI can currently identify as having sponsored terrorism in this country.

Attached is a chart with relevant statistics for the years 1982 to 1993. Also included are summaries of preventions listed by year. Both the chart and the summaries have been updated to include the recent prevention in New York, which contribute to the 78 total preventions. As you will see, specific information is not available for several of the preventions due to the continued sensitivity of public discussion. In addition, because the FBI did not immediately begin to track preventions after it was given primary jurisdiction in 1982, some of the specific information was not collected in a form which makes it readily available. However, the following summaries are representative of terrorism preventions in the United States effected between 1982 and 1993 and suspected of being state sponsored:

During July, 1983, the FBI thwarted a plot by members of the Palestine Liberation Organization in the United States to physically assault a member of an opposing faction within the same organization.

In December, 1983, the FBI foiled an attempt by pro-Iranian terrorists to bomb a public building in the Seattle, Washington area.

In October, 1987, Walid Kabbani, a Canadian citizen of Lebanese extraction, was arrested by U.S. authorities after he illegally entered the United States and was found to have an explosive device in his possession. Two other individuals were arrested the following day in connection with this investigation. All three were identified as members of the Syrian Social Nationalist Party, a terrorist group whose members have been implicated in a number of terrorist attacks.

In April, 1988, Yu Kikumura, a member of the Japanese Red Army (JRA), was arrested in New Jersey after he was discovered to be in possession of explosive devices. His target was believed to have been a military recruiting station in New York City and timed to have coincided with the JRA bombing of a USO Club in Naples, Italy, on April 15, 1988. The JRA is suspected of operating as a Libyan surrogate terrorist group.

In February, 1990, the FBI arrested an American citizen in California who had been hired to commit two assassinations on behalf of Iraq. The plot was initiated and directed by a diplomat assigned to the Iraq Mission to the United Nations in New York. The diplomat was ultimately expelled from the United States.

In August, 1991, the FBI thwarted plans by the Palestine Liberation Front to conduct a terrorist attack in New York against the Kuwaiti Mission to the United Nations and the Kuwaiti Ambassador.

HAS THE FBI COMPLETED ITS REVIEW OF THE ISRAELI ARRESTS EARLIER THIS YEAR OF SEVERAL AMERICANS WHO WERE ALLEGEDLY INVOLVED IN TERRORIST ACTIVITIES OF THE RADICAL ISLAMIC TERRORIST GROUP HAMAS? WHAT HAVE YOU CONCLUDED?

HOW MANY PERSONNEL ARE ASSIGNED TO THE DAY-TO-DAY COUNTERTERRORISM WORK OF THE FBI?

The FBI's investigative efforts related to HAMAS are classified, as is the staffing level of the Counterterrorism Program. A separate classified briefing can be arranged upon request.

PLEASE PROVIDE US WITH A STATUS REPORT ON THE ONGOING INVESTIGATION OF THE BOMBING OF PAN AM 103. WHAT IS THE EXTENT OF FBI ACTIVITY IN THIS CASE?

On November 14, 1991, two Libyan nationals were indicted by the U.S. Government for their involvement in the bombing. Since the indictment, the FBI has continued its intense investigation to obtain additional evidence of the crime.

WHAT IS THE STATUS OF THE INVESTIGATION CONCERNING THE UNLAWFUL ACQUISITION OF NICARAGUAN PASSPORTS?

Because of the ongoing nature of this criminal investigation, and because the matter has been presented to a Federal Grand Jury in New York, it would be inappropriate to provide any further information at this time.

HARRY B. BRANDON

Harry B. Brandon, age 50, is a native of Kansas and was educated at the University of New Mexico where he received a Bachelor of Arts Degree in History in 1964. Following his graduation, Mr. Brandon entered the U.S. Navy where he served as a Commissioned Officer for six years, including a tour of duty in Vietnam. In 1970 he earned a Master of Arts Degree in International Relations from the University of Texas at Austin.

Mr. Brandon was appointed a Special Agent of the FBI in December, 1970, and following a training period, was assigned to the Norfolk, Virginia, Field Office. He was transferred to the Hartford, Connecticut, Resident Agency in 1972, where he served until July, 1975, when he was transferred to San Juan, Puerto Rico. From June of 1977 until November 1982, he served in the Intelligence Division, FBI Headquarters, Washington, D.C. From November, 1982, until August, 1984, he served as Supervisory Special Agent in the Madison, Wisconsin, Resident Agency. Following a year at the National War College, he reported in September, 1985, to the San Juan, Puerto Rico, Field Office as Assistant Special Agent in Charge. In August, 1987, he was appointed Special Agent in Charge of the San Juan Division. In January, 1990, Mr. Brandon was reassigned to FBI Headquarters as Deputy Assistant Director, Intelligence Division.

TERRORIST ACTIVITY IN THE UNITED STATES
(1982 - 1993*)

Year	Terrorist Incidents	Preventions	Killed	Injured
1982	51	3	7	26
1983	31	6	6	4
1984	13	9	0	0
1985	7	23	2	10
1986	25	9	1	19
1987	9	5	0	0
1988	9	3	0	0
1989	4	7	0	0
1990	7	5	0	0
1991	5	4	0	0
1992	4	0	0	0
1993*	1	4	6	**

* As of 7/6/93

** The number of individuals injured in the 2/26/93 bombing of the World Trade Center in New York City, New York is estimated to be in the hundreds. However, an exact count has not yet been determined.

TERRORIST INCIDENTS PREVENTED
1982*

<u>DATE</u>	<u>LOCATION</u>	<u>TYPE OF INCIDENT</u>	<u>GROUP INVOLVED</u>
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TOTAL: 3

* Specifics regarding the three prevention recorded in 1982 are not available.

TERRORIST INCIDENTS PREVENTED
1983*

<u>DATE</u>	<u>LOCATION</u>	<u>TYPE OF INCIDENT</u>	<u>GROUP INVOLVED</u>
1983	Chicago, IL	Bombings, armed robbery, prison breaks	Armed Forces of National Liberation (FALN)
7/83	Not Specified	Assault	Palestine Liberation Organization (PLO)
12/83	Not Specified	Bombing	Pro-Iranian group

TOTAL: 6

* While 6 incidents are recorded, specifics regarding the number of incidents claimed for each terrorist act is not available.

TERRORIST INCIDENTS PREVENTED
1984

<u>DATE</u>	<u>LOCATION</u>	<u>TYPE OF INCIDENT</u>	<u>GROUP INVOLVED</u>
12/83	Not Specified	Assassination (1)	Libyan national (Not further identified)
10/18/84	New York City	Armed Robbery, prison escapes (3)	New Afrikan Freedom Fighters
10/18/84	Montana	Violent Acts against Law Enforcement and Other Officials (1)	AN
10/31/84	Minnesota	Bombings, Assassinations (1)	Sheriff's Posse Comitatus
11/1/84	Miami, FL	Assassinations (2)	8 individuals (Not further identified)
11/4/84	Cleveland, OH	Bombings (1)	United Freedom Front

TOTAL: 9

TERRORIST INCIDENTS PREVENTED
1985

<u>DATE</u>	<u>LOCATION</u>	<u>TYPE OF INCIDENT</u>	<u>GROUP INVOLVED</u>
1985	Safehouse in U.S.	Bombings (14)	Several Domestic Groups
5/85	Unspecified	Bombings, Assassinations (3)	Sikh Terrorists
3/85	Unspecified	Violence (3)	Pro-Qadhafi group
5/85	Unspecified	Assassinations (3)	Right-Wing organization

TOTAL: 23

TERRORIST INCIDENTS PREVENTED
1986

<u>DATE</u>	<u>LOCATION</u>	<u>TYPE OF INCIDENT</u>	<u>GROUP INVOLVED</u>
1/7/86	Coamo, Puerto Rico	Bombing (1)	Two individuals (Not further identified)
5/30/86	New York City	Bombing (1)	Sikh terrorists
6/11/86	U.S./Le Havre, France	Arms trafficking (1)	Provisional Irish Republican Army (PIRA)
7/3/86	Leavenworth, Kansas	Prison escape (1)	Armed Forces of National Liberation (FALN)
7/28/86	Louisiana	Govt Overthrow (Suriname) (1)	Suriname Nationals
8/5/86	Unspecified	Illegal Firearms Purchase (1)	El Rukn Street Gang
10/28/86	Puerto Rico	Bombings (1)	EPB-Macheteros, Organization of Volunteers for the Popular Resistance, Armed Forces of Popular Resistance
11/24/86	New York City	Firearm Possession (Tear-gas Grenade) (1)	Jewish Defense League
12/15/86	Phoenix, AZ	Bombing (1)	Arizona Patriots

TOTAL: 9

TERRORIST INCIDENTS PREVENTED
1987

<u>DATE</u>	<u>LOCATION</u>	<u>TYPE OF INCIDENT</u>	<u>GROUP INVOLVED</u>
4/16/87	Springfield, IL	Bombings (1)	White Patriot Party
5/87	Newark, NJ	International Terrorist Acts (India) (2)	Sikh Terrorists
5/87	Oklahoma	Assassination of Foreign Official (1)	Two individuals (Not further identified)
10/23/87	Richford, Vermont	Bombing (1)	Syrian Socialist National Party

TOTAL: 5

TERRORIST INCIDENTS PREVENTED
1988

<u>DATE</u>	<u>LOCATION</u>	<u>TYPE OF INCIDENT</u>	<u>GROUP INVOLVED</u>
3/19/88	Puerto Rico	Bombing (1)	No Claim
4/12/88	New Jersey	Bombing (1)	Japanese Red Army
4/18/88	Dulles Inter- national (Washington, D.C.)	Terrorist Act (1)	1 Foreign National (Not further identified)

TOTAL: 3

TERRORIST INCIDENTS PREVENTED
1989

<u>DATE</u>	<u>LOCATION</u>	<u>TYPE OF INCIDENT</u>	<u>GROUP INVOLVED</u>
1/5/89	Leavenworth, Kansas	Prison Escape (1)	The Order
5/89	Unspecified	Assassination of Foreign Official (1)	One individual (Not further identified)
5/30- 31/89	Wenden, Arizona	Attack on nuclear facilities (4)	Evan Mecham Eco- Terrorist Inter- national Conspiracy
7/12/89	Unspecified	Bombing (1)	Provisional Irish Republican Army (PIRA)

TOTAL: 7



TERRORIST INCIDENTS PREVENTED
1990

<u>DATE</u>	<u>LOCATION</u>	<u>TYPE OF INCIDENT</u>	<u>GROUP INVOLVED</u>
1/12/90	North Palm Beach, Florida	Bombings, Assassinations (1)	Provisional Irish Republican Army (PIRA)
2/17/90	California	Assassination (2)	U.S. Citizen (Khosaha)
5/12/90	Seattle, WA Coeur D'Alene, Idaho	Bombings (1)	Aryan Nations
11/21/90	Newark, NJ	Assassination of U.S. Officials, Attack on U.S. Military Bases (1)	1 Individual (Warrayat)

TOTAL: 5

TERRORIST INCIDENTS PREVENTED
1991

<u>DATE</u>	<u>LOCATION</u>	<u>TYPE OF INCIDENT</u>	<u>GROUP INVOLVED</u>
8/24/91	New York City	Attack on Foreign Officials/Mission to the UN (1)	Palestine Liberation Front

Three other incidents were too sensitive to be discussed.
(3)

TOTAL: 4

TERRORIST INCIDENTS PREVENTED
1993*

<u>DATE</u>	<u>LOCATION</u>	<u>TYPE OF INCIDENT</u>	<u>GROUP INVOLVED</u>
6/24/93	New York City area	Planned bombings of the United Nations, Federal Building, and Lincoln and Holland Tunnels	12 individuals

TOTAL: 4

* As of 8/18/93

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