

Opening Statement of
Senator Susan M. Collins

**“The Lessons and Implications of the Christmas Day Attack: Securing the
Visa Process”**

Committee on Homeland Security and Governmental Affairs
April 21, 2010

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Today’s hearing will examine the fundamental question of why the Christmas Day bomber, Umar Farouk Abdulmutallab, was allowed to retain his visa, even after his father had informed the American Embassy in Nigeria of his Islamist extremist connections.

From my perspective, the State Department had sufficient information to revoke Abdulmutallab’s visa. State Department officials already had decided to question him about his ties to extremists if he chose to *renew* his visa. That he could have been deemed a threat to the United States in the *future* based on his extremist ties, but not a sufficient *current* threat defies both logic and common sense. Had the State Department taken this action, it would have prevented him from traveling to the United States. This was a missed opportunity to stop the terrorist more than a month before his flight.

At the very least, Abdulmutallab should have been required to come to an embassy and explain his activities before he was allowed to travel to the United States. The State Department has this authority. In fact, the Intelligence Reform Act protects the Department from lawsuits when its officials revoke a visa for a visa holder overseas. But the State Department failed to act.

Visa holders with possible connections to terrorism should shoulder the burden of proving they do not intend to harm this nation or its citizens. If they cannot meet this burden, then we cannot take the risk of permitting them the privilege of traveling to our country.

Following the attempted attack on Christmas, the Intelligence Community has reviewed the visas of all persons listed in the broadest terrorist database, known as TIDE, to determine whether or not they should be permitted to retain their visas. In my judgment, they should keep their visas only in exceptional circumstances that are carefully considered by the State Department, Intelligence Community, and Department of Justice.

Essential policy questions include: Is there now an ongoing policy to check the TIDE list for individuals who hold U.S. visas? What is the Administration's current policy on the revocation of the visas held by these individuals? What is the policy on visa revocation for individuals on the terrorist watchlist?

Revoking the visas of suspected terrorists is, however, only the first step. The Department of Homeland Security also should confirm the validity of the visa of every foreign passenger who attempts to board an airplane to this country rather than waiting until his arrival in our country. There does not appear to be a technological barrier since DHS already confirms whether a passenger is on the No Fly or Selectee list in this manner.

I also want to know how the State Department will ensure that minor misspellings do not prevent its officers from discovering immediately that a suspected terrorist has a valid visa, as initially happened with Abdulmutallab. Computer algorithms have been around for decades that can find close name matches to uncover a misspelling, and the State Department should expeditiously adopt such tools.

In general, the Department of Homeland Security must provide greater oversight of the visa issuance and revocation process, as it was authorized to do in the Homeland Security Act of 2002. That Act required DHS to deploy trained visa security officers to overseas consular posts, but DHS has only reached 14 of the 57 high-priority foreign posts – with plans to reach another four. Why has the joint effort of DHS and the State Department to expand this program been so slow?

One important way that DHS is enhancing the security of the visa process is through the implementation of a requirement that Visa Waiver Program travelers receive an electronic travel authorization by providing information to DHS for vetting in advance of travel. This additional step should add a security layer for travelers from countries that currently are not required to obtain a visa.

As we know, terrorists will continue to seek to exploit any vulnerabilities in our visa system. We must continue to strengthen our visa issuance and revocation process. Since this is a primary means of preventing terrorists from traveling to our nation, it must work effectively.

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