TESTIMONY BEFORE THE JOINT INTELLIGENCE COMMITTEE INQUIRY
ON THE TIPOFF PROGRAM
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Mr. Chairmen, Mr. Vice-Chairman, and Madame Ranking Member -- The Department of State is pleased to testify this morning about the Intelligence and Research Bureau's TIPOFF program.

Let me begin, if I may, by discussing the development and mission of the TIPOFF program.

The United States welcomes millions of foreign visitors each year, but entry into this country is a privilege for which foreigners must qualify when they apply for a visa or arrive at a U.S. port of entry. This screening is necessary to keep out undesirable foreigners, certainly including those with terrorist affiliations. This screening relies largely on visa and border lookout systems maintained by the Department of State, INS and Customs.

TIPOFF was created in 1987 for the express purpose of using biographic information drawn from intelligence products for watch listing purposes. In 1987, TIPOFF began keeping track of suspected terrorists with a shoebox and 3x5 cards. Since then, the program has evolved into a sophisticated, inter-agency counter terrorism tool specifically designed to enhance the security of our nation's borders.

TIPOFF's mission today is to protect the United States by drawing upon diplomatic, intelligence, law enforcement and public source information to watch list, detect and prevent known or suspected terrorists and others from obtaining visas or from entering our country. Because TIPOFF is part of the Intelligence Community, it does not maintain records on U.S. citizens and permanent resident aliens. When it is discovered that the subject of a TIPOFF record is a U.S. citizen or Legal Permanent Resident, the

information is sent to the FBI, which has jurisdiction over investigating such persons, and the record is expunged from the TIPOFF system.

How the TIPOFF watch list works. TIPOFF provides operational support to the Bureau of Consular Affairs at the Department of State and to U.S. Immigration and Customs officers at Ports of Entry. It accomplishes this by making available declassified biographic information (name, date and place of birth, nationality, and passport number) drawn from highly classified intelligence products or sensitive law enforcement or diplomatic reports.

This unclassified information allows officers in the field to determine whether information about an alien is available that should be considered before a visa is issued or the alien is admitted to the United States. In the case of visas, once the consular officer sees, from a "hit" matching the visa applicant with the unclassified TIPOFF entry in the visa lookout system, that information is available in Washington, the officer refers the case to the Department of State. The TIPOFF staff then makes the highly classified information underlying the lookout entry available to authorized consular and legal experts in the Department so that they can make a reasoned determination as to whether the U.S. government has sufficient information available to deny a suspected terrorist's visa request. We follow a similar process to assist INS in deciding if an alien should be prevented from entering this country through border inspection points.

Consular officers abroad have on-line access to the Consular Lookout and Support System (CLASS), which contains the unclassified names and other biographic data supplied by TIPOFF, among other items. These officials are required by law to check CLASS to determine if a visa applicant has been watch listed. If that check produces a "hit" against the applicant's name, the consular officer may not issue the visa until the Department has responded to the officer's electronic message requesting guidance as to whether or not the applicant may be ineligible for a visa.

The TIPOFF staff coordinates all "hits" on names it has placed in CLASS with the FBI and other agencies, alerting them that a suspected terrorist has applied for a visa. In some cases, this process has enabled the exploitation of operational opportunities obtained through

foreknowledge of pending terrorist travel and has resulted in the surveillance or arrest of suspects upon their entry into the country. Most often, however, there is inter-agency agreement that the applicant's visa should be denied on terrorism grounds. The consular officer has ultimate authority in determining an applicant's admissibility. But the consular officer will in these cases rely heavily on the security advisory opinion, rendered by the Department's Bureau of Consular Affairs, which is often a product of interagency consultation. In some cases, the entry may indicate past terrorist activity but no current threat and a waiver of ineligibility may be requested from the Attorney General, e.g., to admit someone for important U.S.G. interests such as to facilitate peace negotiations.

From its inception in 1987 to September 2002, information shared by the Intelligence and Law Enforcement Communities with the TIPOFF program has enabled the Department of State to detect and to deny visas to nearly 800 hijackers, hostage holders, assassins, bombers and other terrorists, or to facilitate law enforcement action upon their arrival in the U.S.

Since the TIPOFF interface with INS and Customs began during the Gulf War in 1991, INS has been able to intercept and deny entry to, or arrest, about 290 terrorists from 82 countries at 84 different ports of entry. The cooperation exhibited in the TIPOFF program has thus been a joint success story for the diplomatic, law enforcement and intelligence communities in enhancing the security of our nation's borders.

The watch listing on TIPOFF of two of the September 11 hijackers -- Khalid Al Mihdhar and Nawaf Al Hazmi.

Late on August 23, 2001 (after normal closing), the State Department received a request to watchlist four Bin Ladin-related individuals in TIPOFF, two of whom later were identified as hijackers -- Khalid Al Mihdhar and Nawaf Al Hazmi. The communication suggested that both Al Mihdhar and Al Hazmi were in the U.S. on that date (August 23).

The communication included the information that Al Mihdhar and Al Hazmi had arrived in the U.S. on January 15, 2000, at Los Angeles Airport, and that Al Mihdhar had departed the U.S. on June 10, 2000 but returned to the US

at JFK airport in New York on July 4, 2001. There was no record that either Al Mihdhar or Al Hazmi had thereafter departed the U.S. There was no record of the arrival or departure of the other two individuals.

On the morning of Friday, August 24, the TIPOFF staff saw the report for the first time and created records on all four of the suspected terrorists, watchlisted them in CLASS and tagged the records for review by an INS officer later that day. That afternoon, a TIPOFF staff member hand carried the report to the Bureau of Consular Affairs with a request that they consider revoking the visas of Al Mihdhar and Al Hazmi. The Visa Office, in turn, confirmed that both had, in fact, received visas as reported and that another of the four individuals cited in the communication had been denied visas several times at different posts because consular officers believed him to be an intending immigrant. (The multiple denials were not based upon any information that he was a terrorist.) There was no consular record that the fourth person had ever applied for a visa.

No action could be taken on Al Hazmi's visa because records indicated that it had expired. The Visa Office revoked Al Mihdhar's visa on Monday, August 27.

It is important to note that the important derogatory information in this communication was simultaneously provided to other federal agencies.

Effectiveness of the TIPOFF Program. TIPOFF was originally designed to help prevent precisely what occurred on 9/11. TIPOFF has consistently demonstrated that, if it obtains information upon which it can take action to watch-list suspected terrorists, it has the mechanisms in place to ensure those suspects can be detected as they apply for visas or arrive at ports of entry. To that end, since 9/11 TIPOFF has been receiving information on terrorists from all sources at a rate far greater than before the attacks.

The tremendous increase in TIPOFF's workload is, largely, a function of the intelligence community's "war footing" that has produced ever-increasing amounts of terrorist reporting, much of which has been derived from documents retrieved in Afghanistan and from the numerous Al Qaida suspects captured by U.S. and other forces.

The CIA in particular is bringing information to TIPOFF's attention through use of the Visas Viper program and reporting channel, an adjunct of the TIPOFF program. The Visas Viper program was started after the 1993 bombing of the World Trade Center as a means of assuring the proper flow of information concerning individuals linked to terrorist activities. About 34,000 of TIPOFF's nearly 80,000 records are now comprised wholly or in part of Viper data.

TIPOFF is now the primary focal point for entering Intelligence Community information on known or suspected terrorists into CLASS. However, TIPOFF is not adequately staffed to handle the increased workload. The current, small, dedicated staff of TIPOFF come in frequently after hours -- nights and weekends -- in response to operational requirements, particularly when we receive urgent inquiries from Ports of Entry where aliens are arriving on a continuous basis. Senior levels of the Department and the Intelligence Community are in discussions about how to expand TIPOFF to become a national lookout center. This would enable TIPOFF to do all of the things it has successfully done in the past, but also to interface with more agencies, to do more, to do it better, and to do it faster.

I appreciate this opportunity to explain the TIPOFF program, and I look forward to your questions. Thank you.