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**United States Department of State
and the Broadcasting Board of Governors
Office of Inspector General**

Report of Inspection

Review of the Department's Terrorist Watch List Nomination (Visas Viper) Process

Report Number OIG-SIA-08-02, March 2008

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and the Broadcasting Board of Governors**

Office of Inspector General

PREFACE

This report was prepared by the Office of Inspector General (OIG) pursuant to the Inspector General Act of 1978, as amended, and Section 209 of the Foreign Service Act of 1980, as amended. This report is based upon a review which was done as part of a collaborative effort headed by the Office of the Director of National Intelligence. It is one of a series of audit, inspection, investigative, and special reports prepared by OIG periodically as part of its responsibility to promote effective management, accountability, and positive change in the Department of State and the Broadcasting Board of Governors.

This report is the result of an assessment of the strengths and weaknesses of the Department's terrorist watch list nominating process. It is based on interviews with employees and officials of relevant agencies and institutions, direct observation, and a review of applicable documents.

The recommendations herein have been developed on the basis of the best knowledge available to the OIG, and have been discussed in draft with those responsible for implementation. It is my hope that these recommendations will result in more effective, efficient, and/or economical operations.

Marilyn Wanner

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Security and Intelligence Advisor

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EXECUTIVE SUMMARY

This review found the Department of State's (Department) program for watch-listing suspected terrorists, the Visas Viper program, on the whole to be functioning well. Every overseas diplomatic post is required to have a Visas Viper committee that meets and reports to the Department and the National Counterterrorism Center (NCTC) at least monthly regarding known or suspected terrorists.¹ In response to an Office of Inspector General (OIG) survey questionnaire sent to all diplomatic and consular posts,² 96 percent of the respondents³ (222 posts) reported having a Visas Viper committee and 94 percent of the respondents (217 posts) reported meeting and reporting to the Department monthly.

Although on the whole the Visas Viper program is functioning well, this review identified several areas where the Department can make improvements in the program:

- The Visas Viper policy and procedural guidance should be updated.
- Clarification is needed regarding the inclusion of a "No Fly" or "Selectee"⁴ recommendation with each terrorist watch list nomination and any clarification should be communicated to all overseas posts.
- Guidance is needed for all overseas posts regarding the retention of terrorist watch list nomination information, and

¹9 FAM 40.37 N4.1, *Visas Viper Committees*

²The questionnaire, which was sent by ALDAC cable (07 State 53682), can be found in Appendix A.

³OIG received 214 questionnaire responses representing 232 (94 percent) of the Department's 247 overseas posts. The number of responding posts was more than the number of responses received because some embassies responded for the entire mission, combining the responses of the embassy and its consulates into one response.

⁴The No Fly list contains the names of individuals who are not permitted to board a commercial aircraft for travel to or within the United States. Persons in this category have been determined to represent a threat to either commercial aviation or to the homeland. The Selectee list contains the names of persons who are members of a foreign or domestic terrorist organization and are associated with terrorist activity. Selectees may be allowed to board aircraft for travel in the United States subject to additional security screening.

- The Department's quarterly report to Congress regarding terrorist lookout committee meetings and reporting, as required by 8 U.S.C. 1733, should be revised to accurately reflect overseas posts' compliance or non-compliance.

OBJECTIVE, SCOPE, AND METHODOLOGY

The objective of this review was to evaluate all aspects of the Department's terrorist watch list nominating process. This review was part of a coordinated effort, overseen by the OIG of the Office of the Director of National Intelligence (ODNI), among 10 executive Departments and agencies.⁵ Within each of these executive departments and agencies, simultaneous reviews were conducted of the terrorist watch list nomination process. Within the Department this review included, but was not limited to, ascertaining that:

1. Processes and standards for nominating individuals to the consolidated watch list are consistent, articulated in policy or other guidance, and are understood by nominators;
2. Quality control processes are in place to help ensure nominations are accurate, understandable, updated with new information, and include all individuals who should be placed on the watch list based upon information available to the agencies;
3. Responsibility for watch list nominations is clear, effective, and understood;
4. Nominators receive adequate training, guidance, and necessary information on the nomination process;
5. Agencies maintain records of their nominations to the NCTC, including the source of the nomination and what information was provided; and
6. Organizations with terrorism, counterterrorism, and domestic counterterrorism information in their possession, custody, or control appropriately participate in the nomination process.

⁵Office of the Director of National Intelligence, Central Intelligence Agency, Department of Justice, Defense Intelligence Agency, National Security Agency, Department of Homeland Security, Department of State, National Geospatial-Intelligence Agency, Department of the Treasury, and Department of Energy.

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This review was limited to the terrorist watch list nomination process. Other issues pertaining to the terrorist watch list, such as its quality, integrity, and the redress process for removing names from the list, were not examined. Similarly, this review included the Consular Lookout and Support System (CLASS), but only as an element in the terrorist watch list process. This review did not include a detailed look at CLASS.

This review was conducted through: 1) interviews with personnel in the Department, NCTC, and the Terrorist Screening Center (TSC); 2) a survey questionnaire sent to all diplomatic and consular posts; and 3) reviews of Department and federal policies, legislation, and memoranda of agreement and understanding. The survey questionnaire, which was sent as an ALDAC telegram, can be found in Appendix A.

This review was conducted in Washington from March 19 to September 27, 2007, by OIG Security and Intelligence Advisor, Marilyn Wanner, and Deputy Security and Intelligence Advisor, Thomas C. Allsbury.

BACKGROUND

The Department's program for watch-listing suspected terrorists began in 1987 with the creation of a database of suspected terrorists, which was given the name TIPOFF. TIPOFF was created by the Department's Bureau of Intelligence and Research (INR) as a method of maintaining lookout or watch list records of suspected terrorists. To operate as a watch list, declassified TIPOFF records were exported to CLASS, which is the Department's tool for vetting foreign individuals applying for a visa to the United States. Consular officers adjudicating visa applications overseas are required to check each applicant's name against those in CLASS before issuing a visa.

Although TIPOFF resulted in a substantial transfer of terrorist-related information into CLASS, an investigation following the 1993 World Trade Center bombing revealed the lack of a systematic procedure for routinely and consistently entering the names of suspected terrorists into CLASS. To correct this deficiency, the Visas Viper program was created in 1993. Under the Visas Viper program, all elements of every overseas U.S. mission having access to terrorist-related information are required to work together to identify and develop information on known or suspected terrorists and report this information telegraphically directly to the Department and the TIPOFF staff.

Following the terrorist attacks of September 11, 2001, the President, Congress, and others recognized the need to consolidate the multiple databases of suspected terrorists that were in use at the time. As a result, the Terrorist Threat Integration Center (TTIC), now NCTC, was created. In September 2003, TTIC assumed the responsibility for establishing and maintaining a single repository for international terrorist information. In November 2003, the Department transferred TIPOFF to TTIC as the foundation for this repository. The TIPOFF database served as TTIC's (later NCTC's) primary terrorist identities database until May 2005 when it was upgraded and renamed the Terrorist Identities Datamart Environment (TIDE).

In September 2003, pursuant to Homeland Security Presidential Directive (HSPD)-6, TSC was created to consolidate the U.S. government's approach to terrorist screening and provide for the appropriate and lawful use of terrorist information in screening processes. TSC's database of known or suspected terrorists is the Terrorist Screening Database (TSDB). TSDB is fed from two primary sources—it receives international terrorist information from NCTC and domestic terrorist information from the FBI. TSDB in turn feeds multiple databases of end-users of terrorist watch list information including CLASS.

FINDINGS AND RECOMMENDATIONS

OVERVIEW

This review found the Department's terrorist watch list nomination process, which operates through the Visas Viper program, on the whole to be functioning well. In accordance with Department regulation (9 FAM 40.37 N4.1, Visas Viper Committees) and federal statute (8 U.S.C. 1733), overseas diplomatic posts are required to have a Visas Viper committee that meets and reports to the Department and the NCTC at least monthly regarding known or suspected terrorists.⁶ In response to an OIG survey questionnaire sent to all diplomatic and consular posts, 96 percent of the respondents (222 posts) to the questionnaire reported having a Visas Viper committee and 94 percent (217 posts) reported meeting and reporting to the Department monthly.

Of the ten overseas posts that reported not having a Visas Viper committee, five are one-person American Presence Posts,⁷ three are consulates that stated they report their watch list nominations through their respective embassies' Visas Viper committee, and two stated that their Visas Viper committee meetings had lapsed because of personnel turnovers. An additional five posts reported not meeting and reporting to the Department monthly. Of these, four reported meeting, but not every month; and one provided no explanation for not meeting and reporting monthly.

⁶9 FAM 40.37 N4.1 requires every overseas post to meet and report monthly, whereas 8 U.S.C. 1733 requires every overseas mission to meet and report monthly. 2 FAM 111.2 describes a mission as an embassy or legation maintained to conduct normal diplomatic relations. A post is described as any Foreign Service establishment maintained by the United States abroad.

⁷As described in 2 FAM 133, *American Presence Posts (APP)*, APPs are small (usually one or two American officers), special purpose posts with limited capabilities, focused on narrow objectives.

POLICY GUIDANCE

Visas Viper Policy Guidance

The background, purpose, and operating procedures of the Visas Viper program are set forth in 9 FAM 40.37 N1 "*Visas Viper*" *Terrorist Reporting Program*. Also, from time to time, former INR TIPOFF staff at NCTC have drafted and sent comprehensive program operating procedures by cable to all diplomatic and consular posts. The two most recent cables were in 2005 (05 State 117399), which directs readers to "Visas Viper Program Revised Procedures for 2005," and a cable sent in 2003 (03 State 55649) on the same subject. In addition, a Visas Viper web page, accessible from the Bureau of Consular Affairs (CA) website, contains Visas Viper guidance and reference documents.

Ninety one percent (212 posts) of the respondents to OIG's survey questionnaire stated that they found the policy and process guidance for the Visas Viper program to be adequate. However, this review found some of the guidance not to be current. For example, 9 FAM 40.37 N12 *Department Feedback*, states that the Department will respond to all Visas Viper communications with the exception of routine monthly reports. It states that posts will be notified whether its Visas Viper nominee has been watch listed. This is not being done and personnel at NCTC, which has the most complete records, have reported that at present, NCTC is unable to do this due to manpower constraints and current workload. The Department cable "Visas Viper Program Revised Procedures for 2005" states in paragraph 57 that each month the Visas Viper staff issues a cable summary of posts' submissions for the month. This practice was discontinued in June 2006. Although NCTC personnel have stated their intent to restart this process, this has not been done to date. Reportedly, greater reliance is being put on the CA website as a source of policy and procedural guidance. According to Visas Viper staff at NCTC, this is the reason that no comprehensive cable guidance has been issued since 2005. Neither 9 FAM 40.37 nor any cable guidance directs users to the CA website.

Recommendation 1: The Department should update the Visas Viper policy and procedural guidance and should disseminate this updated guidance to all overseas posts. (Action: CA in coordination with NCTC)

Although 9 FAM 40.37 N4.1 *Visas Viper Committees* and the program guidance “Visas Viper Program Revised Procedures for 2005,” on CA’s web site, state that the Visas Viper committee should be chaired by the deputy chief of mission or principal officer, 28 percent (66 posts) of the 232 posts that responded to OIG’s survey questionnaire stated that the post’s committee is chaired by a person of lower rank, such as a consular officer, consul general, or political officer. OIG informally recommends that the Department reiterate to all overseas posts the requirement for the deputy chief of mission or principal officer to chair the post’s Visas Viper committee.

Law Enforcement and Liaison Activities

In the comments section of OIG’s survey questionnaire, two posts asked about watch-listing individuals who are the subject of ongoing law enforcement and liaison activities. Specifically, they questioned when and by whom should these individuals be watch listed. According to one of these posts, the representatives of the responsible agencies tended to rely on Washington to make the nomination rather than going through the post’s Visas Viper committee, yet they were not aware of any definitive guidance on this issue.

The same issue appeared in a previous OIG report, *Memorandum Report, Visas Viper Program*, issued by OIG’s former Office of Security and Intelligence Oversight (SIO), report number SIO-Z-03-09, published in December 2002. That report found that it was unclear to law enforcement officers in the field whether there was a process for watch-listing individuals who are the subjects of ongoing criminal investigations. The report recommended that the Department review with each law enforcement agency represented on Visas Viper committees their process for reporting Visas Viper information from ongoing criminal investigations. In the recommendation’s compliance response from INR, INR stated that the Assistant Secretaries for INR and CA had issued a joint letter to the Washington offices of key non-Department Visas Viper committee members which, among other things, requested that INR and CA be permitted to review these members’ reporting processes to better understand how they might add to Visas Viper reporting. It is unclear whether these reviews were actually conducted.

That law enforcement and liaison agency representatives at some U.S. diplomatic missions may not understand their agency’s policies regarding when and by whom individuals who are the subjects of ongoing law enforcement and liaison activities should be watch-listed was noted as a finding in this review’s separate report to ODNI OIG.

No Fly and Selectee Lists

Among the screening databases supported by TSC are the Transportation Security Administration's (TSA) "No Fly" and "Selectee" lists. The No Fly list contains the names of individuals who are not permitted to board a commercial aircraft for travel to or within the United States. Persons in this category have been determined to represent a threat either to commercial aviation or to the homeland. The Selectee list is comprised of persons who are members of a foreign or domestic terrorist organization and are associated with terrorist activity. Persons on the Selectee list must undergo additional security screening before boarding a commercial aircraft.

The Department's most recent guidance regarding designations to the No Fly and Selectee lists is contained in paragraphs 51 and 52 of "Visas Viper Program Revised Procedures for 2005." It states that nominating agencies are required to provide a No Fly/Selectee recommendation with all terrorist watch list nominations. Therefore, according to this guidance, Visas Viper nominations should include a recommendation that the nominee be placed or not be placed on the No Fly or Selectee list. This language is consistent with the No Fly/Selectee guidance document on the CA website. However, this document is not the most current guidance. The current guidance established by the Homeland Security Deputies Committee, dated July 25, 2006, contains no requirement that nominating agencies recommend individuals to the No Fly or Selectee lists. Rather, according to this guidance, persons are placed on the No Fly or Selectee lists based upon the "totality of available information." It is silent regarding a recommendation by the nominating agency—whether it is required or even optional. Among a sample of 37 Visas Viper nominations that were submitted during March 2007, 10 were found to have a No Fly/Selectee recommendation, the remaining 27 had no recommendation. In posts' comments to OIG's survey questionnaire, two posts asked for clearer guidance on the No Fly/Selectee process.

The need for inter-agency guidance regarding the requirement for watch list nominations to include a No Fly/Selectee recommendation was noted as a finding in the separate report to ODNI OIG. The Department should seek clarification of this issue with the Department of Homeland Security and should provide corresponding guidance to all diplomatic and consular posts.

Recommendation 2: The Department should clarify with the Department of Homeland Security whether overseas posts should include a No Fly or Selectee recommendation with their terrorist watch list nominations and should provide corresponding guidance to all overseas posts. (Action: CA in coordination with DHS)

QUALITY ASSURANCE

Visas Viper Committee Quality Assurance

In response to OIG's survey question, "Does the post have a process for ensuring that nominations to the terrorist watch list are accurate and understandable, include all potential sources of information available to the post, and are updated with new information as it becomes available?" 62 percent of the respondents (144 posts) to the questionnaire stated "yes." However, the process for ensuring quality varied from post to post. The most frequently cited means for ensuring quality was the review and clearance of all nominating information by each member of the Visas Viper committee. Other means that were cited for ensuring quality were the review of nominating information by the post's Visas Viper Coordinator, by the committee chair, and by post's Consular Officer(s).

One possible explanation for some posts not having a formal quality assurance process is the absence of potential watch list nominees. Among those posts that reported submitting at least one watch list nomination in fiscal year 2006 (118 posts), 93 posts, or 79 percent, reported having a quality assurance program. However, among those posts that reported submitting no watch list nominations in fiscal year 2006 (108 posts), only 51 posts, or 47 percent, reported having a quality assurance program.⁸

⁸Of the 232 respondents to OIG's survey questionnaire, six posts provided no information about the number of watch list nominations made in fiscal year 2006.

Feedback on Nominations

The need for more feedback from Washington on posts' nominations was the most frequently made comment in the responses received to OIG's survey questionnaire. Of the 74 posts and missions that responded to the question: "Does the post have any issues or concerns with the Visas Viper program? Are there ways it could be made better?"—20 posts expressed the need for more feedback regarding their Visas Viper nominations. As one post stated, some of its nominations subsequently appear in CLASS, others do not, and they don't understand why. Overseas posts' ability to provide nominations that meet the criteria for watch-listing could be improved through better understanding of those areas that may have been deficient in past nominations, thereby enabling them to correct these deficiencies in future nominations.

The need for more feedback to Visas Viper committees regarding their watch list nominations, particularly those nominations that are delayed or not forwarded because of inaccurate or insufficient information, was noted as a finding in the separate report to ODNI OIG.

PARTICIPATION IN WATCH LIST NOMINATIONS

In response to OIG's survey question, "Does everyone at post who potentially has access to terrorist-related information understand his or her responsibilities regarding Visas Viper and actively participate in the program?" 86 percent of the respondents (199 posts) to the questionnaire stated "yes." However, as some respondents pointed out, some agencies report their nominations through their own channels, which is permissible under Department regulations.⁹

⁹FAM 40.37 N9 b, Visas Viper Reporting Channel, states that "Other agency terrorist reporting may use the VIPER channel or be sent through the agency's traditional reporting channel."

TRAINING AND GUIDANCE

In response to OIG's survey question, "Were any of the Visas Viper committee members trained or briefed on the program before arriving at post?" 72 percent of the respondents (166 posts) to the questionnaire stated "yes."

The principal training provider on the Visas Viper program is the Foreign Service Institute (FSI). Most Visas Viper training occurs in conjunction with consular officer training. FSI's "Basic Consular Course" (PC-530), the "Advanced Consular Course" (PC-532), and the "Advanced Consular Name Checking Techniques" (PC-126) course, include sessions on the Visas Viper program. According to the Director of the Consular Officer Training Program at FSI, the "Basic Consular Course" is required for every newly assigned consular officer.

In addition to the instruction given to consular officers, the Visas Viper program is described in the "Orientation to Overseas Consular and Duty Officer Responsibilities" (PC-105) course, which is given once a year to the Bureau of Diplomatic Security (DS) Special Agents, and in the "Orientation for First-Tour Employees" (PN-115) course, which is given to non-Department employees who have been assigned to an overseas mission.

In addition to formal FSI training, CA's Deputy Assistant Secretary for Visa Services regularly speaks to the participants of FSI's Deputy Chief of Mission Seminar. The Visas Viper program is one of his topics.

Supplementing the Department's formal Visas Viper training as noted above, policy and procedural guidance for the Visas Viper program can be found in 9 FAM 40.37 N1 *Visas Viper Terrorist Reporting Program*, on CA's website, and in periodic cables sent to all diplomatic and consular posts.

RECORD KEEPING

Seventy-one percent of the respondents (164 posts) to OIG's survey questionnaire reported that the post maintains records of its Visas Viper nominations, however, the length of time that these records are being maintained showed considerable variation. Responses ranged from "nine months" to "indefinitely." Two respondents to OIG's survey questionnaire specifically asked for clearer guidance on file retention requirements. As one of them commented, on occasion other posts have contacted it regarding its watch list nominees, which has caused its Visas Viper committee to ponder the extent of the information it should maintain on its

nominations. Neither 9 FAM 40.37, the CA Visas Viper website, nor past ALDAC guidance cables contain any information on post retention of watch-listing nominee information.

Recommendation 3: The Department should establish and promulgate guidance on post retention of watch list nominee information to all overseas posts. (Action: CA in coordination with NCTC)

VISAS VIPER COMMITTEE MEETING AND REPORTING REQUIREMENTS

In addition to the guidelines for the Visas Viper program contained in 9 FAM 40.37 N1, there is also a statutory requirement—8 U.S.C. 1733, which was signed into law in May 2002 as part of the Enhanced Border Security and Visa Entry Reform Act of 2002 (P.L. 107-173). It requires the Secretary of State to establish a terrorist lookout committee within each U.S. foreign mission. It requires these committees to meet at least monthly, and to submit monthly reports to the Secretary describing the committee's activities for the month, whether or not information on suspected terrorists was developed during the month. Furthermore, it requires the Secretary to send quarterly reports to appropriate committees of Congress on the status of these terrorist lookout committees. 8 U.S.C. 1733 is included in Appendix C.

Since August 2002, in accordance with the requirements of 8 U.S.C. 1733, overseas posts have been submitting monthly telegraphic reports of their Visas Viper program activities. Instructions for filing these reports can be found in 9 FAM 40.37 N6 Visas Viper Monthly Reporting Requirement and in paragraphs 16 through 19 of "Visas Viper Program Revised Procedures for 2005." According to these instructions, Visas Viper monthly reports are due no later than 10 days after the last day of the month.

Visas Viper monthly reporting telegrams are collected by NCTC together with telegrams of other watch list-related information. NCTC staff maintains lists of the receipt of posts' monthly reports and notifies CA's Office of Visa Services, Coordination Division, CA/VO/L/C, of those posts that have not met the ten-day reporting requirement. CA/VO/L/C contacts those posts as necessary to obtain the delinquent reports. From the monthly reporting information collected by NCTC,

CA/VO/L/C staff prepare quarterly reports for the Under Secretary for Political Affairs to appropriate Congressional committees that summarizes posts' compliance with the monthly meeting and reporting requirements of 8 U.S.C. 1733.

The quarterly report forwarded to Congress for the period January 1 through March 31, 2007 states that there was 100 percent compliance¹⁰ with the monthly reporting requirement. However, a review of worldwide Visas Viper monthly reporting for that quarter revealed that there were 10 Visas Viper monthly reports for the month of January that were not reported until March, some as late as March 30, 2007. This is not consistent with the language of that quarter's report to Congress, which states: "Since July 2002, overseas missions whose operations have not been suspended have been required to convene Visas Viper Committee meetings monthly, and to report monthly to the Department," and "For the reporting period, compliance by our posts with the monthly meeting and reporting requirement was 100 percent." The wording of the Department's quarterly report to Congress for this period is misleading, as it implies that every overseas post reported every month of the quarter, which does not appear to be the case.

Furthermore, in response to OIG's survey questionnaire, ten overseas posts reported not having a Visas Viper committee, and an additional five reported not meeting and reporting to the Department monthly. Yet all 15 of these posts are listed in the quarterly report forwarded to Congress for the period January 1 through March 31, 2007, as meeting and reporting monthly.

Recommendation 4: The Department should revise future quarterly reporting to Congress, as required by 8 U.S.C. 1733, to accurately reflect overseas posts' compliance to the terrorist lookout committee monthly meeting and reporting requirements of 8 U.S.C. 1733. (Action: CA in coordination with NCTC)

¹⁰With the exception of one post where telecommunications were suspended.

Also found in the Visas Viper reporting for the period March 1 to March 31, 2007, were 48 reports of monthly meetings that were submitted more than 10 days after the last day of the reporting month. OIG informally recommends that the Department reiterate to all overseas posts the 10-day reporting requirement of 9 FAM 40.37 N6.2, *Preparation of Monthly Reports*.

According to CA/VO/L/C staff, work has begun on an Intranet application program that will simplify posts' monthly Visas Viper reporting. Instead of responding by telegrams that are summarized by NCTC and the results passed to CA/VO/L/C, posts would respond through an Intranet application program directly to CA/VO/L/C using "check blocks" to indicate the information to be reported for the month, such as whether or not the post had any nominations that month. This application program would replace monthly reporting cables but not watch list nomination cables. According to CA/VO/L/C staff, NCTC personnel would be given access to post's responses to this program to corroborate the watch-listing cables it receives against those listed in the posts' monthly Intranet responses. OIG supports this initiative which has the potential to greatly simplify the Visas Viper monthly reporting process and complies with the Administration's goal of using technology to make the business of government more efficient.

It should be noted that whereas 9 FAM 40.37 N4.1 requires every overseas post to meet and report monthly, 8 U.S.C. 1733 only requires every overseas mission to meet and report monthly. As one post stated in the comments section to OIG's survey questionnaire, the monthly reporting process would be greatly simplified if it were done on a mission-basis rather than on a post-basis.

CLASS DATABASE

A frequently made comment in posts' responses to OIG's survey questionnaire concerned the quality of the identifying data in CLASS. According to posts' comments, some CLASS entries lack complete names and dates and places of birth. When a person applying for a visa has the same name as the CLASS entry, and the CLASS entry lacks sufficient personal identifiers to determine whether or not the person applying for the visa is the person who is in CLASS, consular officers have no choice but to submit a security advisory opinion (SAO) request to Washington. Requesting SAOs and responding to them delays the issuance of a visa in those instances when the persons are not the same and places a drain on both Washington and overseas posts' resources.

The same issue was identified in OIG's previous inspection of CLASS, *Review of the Consular Lookout and Support System (CLASS)*, ISP-I-04-53, dated September 2004. That report¹¹ recommended that "The Bureau of Consular Affairs, in coordination with the Bureau of Information Resource Management, should establish a data quality standards group to define Consular Lookout and Support System entry criteria for data from non-Department of State sources." That recommendation was closed based upon CA's compliance response to OIG that a CLASS Data Management Group had been formalized and negotiations were continuing with contributors of lookout data to establish additional standards regarding information imported into CLASS.

It is not clear whether, as a result of the previous OIG inspection of CLASS, data entry standards were actually established for non-Department contributors to CLASS. A review of CLASS and the quality of its identifying data is beyond the scope of this review, but should be addressed in a future OIG review.

¹¹Recommendation #7

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SUMMARY OF RECOMMENDATIONS

FORMAL RECOMMENDATION

Recommendation 1: The Department should update the Visas Viper policy and procedural guidance and should disseminate this updated guidance to all overseas posts. (Action: CA in coordination with NCTC)

Recommendation 2: The Department should clarify with the Department of Homeland Security whether overseas posts should include a No Fly or Selectee recommendation with their terrorist watch list nominations and should provide corresponding guidance to all overseas posts. (Action: CA in coordination with DHS)

Recommendation 3: The Department should establish and promulgate guidance on post retention of watch list nominee information to all overseas posts. (Action: CA in coordination with NCTC)

Recommendation 4: The Department should revise future quarterly reporting to Congress, as required by 8 U.S.C. 1733, to accurately reflect overseas posts' compliance to the terrorist lookout committee monthly meeting and reporting requirements of 8 U.S.C. 1733. (Action: CA in coordination with NCTC)

INFORMAL RECOMMENDATION

9 FAM 40.37 N4.1 and "Visas Viper Revised Program Procedures for 2005" state that the Visas Viper committee should be chaired by the DCM or principal officer. Yet, 28 percent of the respondents to OIG's questionnaire stated that the post's committee is chaired by a person of lower rank, such as a consular officer, consul general, or political officer.

9 FAM 40.37 N6 and "Visas Viper Revised Program Procedures for 2005" state that Visas Viper monthly reports are due no later than 10 days after the last day of the month. This review found in the Visas Viper reporting for the period March 1 - 31, 2007, 48 reports of monthly meetings that were submitted more than 10 days after the last day of the reporting month.

Recommendation 1: The Department should reiterate to all overseas posts the requirement for the deputy chief of mission or principal officer to chair the post's Visas Viper committee and the 10-day reporting requirement for Visas Viper monthly meetings. (Action: CA)

ABBREVIATIONS

ALDAC	All diplomatic and consular posts [cable]
CA	Bureau of Consular Affairs
CLASS	Consular Lookout and Support System
DCM	Deputy chief of mission
DHS	Department of Homeland Security
DS	Bureau of Diplomatic Security
FAM	Foreign Affairs Manual
FBI	Federal Bureau of Investigation
FSI	Foreign Service Institute
HSPD	Homeland Security Presidential Directive
INR	The Bureau of Intelligence and Research
NCTC	National Counterterrorism Center
OIG	Office of Inspector General
SAO	Security Advisory Opinion
SIO	Office of Security and Intelligence Oversight
TIDE	Terrorist Identities Datamart Environment
TIG	Terrorist Identities Group
TIPOFF	[The name given to a Department database of terrorist suspects]
TSA	Transportation Security Administration
TSC	Terrorist Screening Center
TSDB	Terrorist Screening Database
TTIC	Terrorist Threat Integration Center
U.S.C.	Unites States Code

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APPENDIX A

OIG SURVEY QUESTIONNAIRE (07 STATE 53682)

UNCLASSIFIED
CABLE

April 23, 2007

To: ALL DIPLOMATIC AND CONSULAR POSTS – ROUTINE

Origin: OIG

From: SECSTATE WASHDC (STATE 53682 – ROUTINE)

TAGS: ASEC, CMGT, CVIS, KVPR, PINR, PTER

Captions: None

Subject: OIG REVIEW OF DEPARTMENT TERRORIST WATCH-LISTING
PROCESS

Ref: None

1. On March 19, 2007, the Intelligence Community Inspector General (ICIG) Forum agreed to a coordinated review among the ICIG member agencies of the processes for nominating individuals to the consolidated terrorist watch list. As part of this review, several Offices of Inspectors General (OIGs), including the Department of State, agreed to conduct their own reviews of the watch-listing process within their respective agencies.

2. OIG's review of the Department's watch-listing process, i.e., Visas Viper, began on March 19, 2007, and is expected to be completed on or about May 4, 2007. In addition to reviewing Department and federal policies and interviewing officials of the Department and National Counterterrorism Center (NCTC), OIG requests your

comments concerning Visas Viper. Please e-mail your responses to the following questions, using view," which can be found in the global address list on both systems.

- (a) Does the post have a Visas Viper committee? If so, who chairs it?
 - (b) Does the post's Visas Viper committee meet and report to the Department monthly, as required by 8 U.S.C. 1733?
 - (c) What has been the post's source for policy guidance for the Visas Viper program?
 - (d) Has this guidance been adequate?
 - (e) Were any of the Visas Viper committee members trained or briefed on the Visas Viper program before arriving at post?
 - (f) Does everyone at post who potentially has access to terrorist-related information understand his or her responsibilities regarding Visas Viper and actively participate in the program?
 - (g) Does the post have a quality control process for the Visas Viper program, i.e., to ensure that nominations are accurate and understandable, all potential sources of information available to the post are being used, and nominee information is updated with new information as it becomes available?
 - (h) Does the Visas Viper committee maintain records of its nominations? If so, for how long?
 - (i) How many names did the post submit via the Visas Viper program in CY 2006?
 - (j) Does the post receive feedback on its nominations?
 - (k) Has the post's Visas Viper committee monitored CLASS for the appearance of individuals nominated by the post through the Visas Viper process? If so, how long has it taken from the time a person is nominated until that person's name appears in CLASS?
 - (l) Does the post have any issues or concerns with the Visas Viper program? Are there ways it could be made better?
- RICE

APPENDIX B

8 USC 1733

Sec. 1733. Terrorist lookout committees

(a) Establishment

The Secretary of State shall require a terrorist lookout committee to be maintained within each United States mission to a foreign country.

(b) Purpose

The purpose of each committee established under subsection (a) of this section shall be -

(1) to utilize the cooperative resources of all elements of the United States mission in the country in which the consular post is located to identify known or potential terrorists and to develop information on those individuals;

(2) to ensure that such information is routinely and consistently brought to the attention of appropriate United States officials for use in administering the immigration laws of the United States; and

(3) to ensure that the names of known and suspected terrorists are entered into the appropriate lookout databases.

(c) Composition; chair

The Secretary shall establish rules governing the composition of such committees.

(d) Meetings

Each committee established under subsection (a) of this section shall meet at least monthly to share information pertaining to the committee's purpose as described in subsection (b)(2) of this section.

(e) Periodic reports to the Secretary of State

Each committee established under subsection (a) of this section shall submit monthly reports to the Secretary of State describing the committee's activities, whether or not information on known or suspected terrorists was developed during the month.

(f) Reports to Congress

The Secretary of State shall submit a report on a quarterly basis to the appropriate committees of Congress on the status of the committees established under subsection (a) of this section.

(g) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to implement this section.

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