



One Hundred Twelfth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

April 5, 2011

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, D.C. 20528

The Honorable Hillary Rodham Clinton
Secretary
Department of State
Washington, D.C. 20520

Dear Secretary Napolitano and Secretary Clinton:

I am writing to share my deep concern about reports that one of Libyan President Muammar Qaddafi's son's, Khamis, who has now taken up arms against the international coalition of which the United States is a member, previously had been present in this country for several weeks on a visa issued by the U.S. Department of State. These reports raise troubling questions about the screening of temporary visitors and their monitoring once in the country.

President Obama addressed the Nation on March 28, 2011 and said "for more than four decades, the Libyan people have been ruled by a tyrant – Muammar Qaddafi. He has denied his people freedom, exploited their wealth, murdered opponents at home and abroad, and terrorized innocent people around the world – including Americans who were killed by Libyan agents." The President also noted that "America has an important strategic interest in preventing Qaddafi from overrunning those who oppose him." Secretary Clinton said, on February 23, 2011 that "the government of Libya has a responsibility to respect the universal rights of the people, including the right to free expression and assembly. Now is the time to stop this unacceptable bloodshed."

On March 29, 2011, Acting Deputy Spokesman for the Department of State Mark C. Toner acknowledged during a press briefing that the Department of State either had recently or previously issued Mr. Qaddafi a visa, likely an exchange visitor visa. According to the Department of State's Bureau of Educational and Cultural Affairs, the Exchange Visitor Program is designed to "foster mutual understanding between the people of the United States and the people of other countries through educational and cultural exchanges. All exchange visitors are expected to return to their home country upon completion of their program in order to share their exchange experiences with people in their home country." I have serious questions about whether Mr. Qaddafi should have qualified for a visa given his apparent abhorrence for the very values for which our country stands and his willingness to support and fight for his father's murderous regime.

As Chairman of the House Committee on Homeland Security's Subcommittee on Emergency Preparedness, Response, and Communications, and as a member of the House Committee on Foreign Affairs, I find it troubling that the United States government would grant a visa to the son of such a despicable individual who has reportedly taken up arms in defense of the very regime our government is trying to oust.

I would therefore appreciate your answers to the following questions:

1. Can you confirm whether Mr. Khamis Qaddafi was granted an exchange visitor visa, or any other type of visa, to enter the United States?
2. If so, where did Mr. Qaddafi apply for this visa?
3. What security checks were conducted prior to granting this visa?
4. How did Mr. Qaddafi satisfy Department of State consular officers abroad and Department of Homeland Security entry inspectors that he was not inadmissible under Section 212(a) of the Immigration and Nationality Act, which bars aliens from entry to the United States on criminal, terrorist, security, foreign policy and other related grounds?
5. Did any U.S. Immigration and Customs Enforcement (ICE) agents review Mr. Qaddafi's visa application or was the Department of Homeland Security consulted about potential risks associated with granting a visa to Mr. Qaddafi?
6. Was Mr. Qaddafi subject to any special monitoring while in the United States?
7. Has Mr. Qaddafi's visa been revoked? If not, does the Department of State plan to revoke this visa or has the Department of Homeland Security urged its revocation?
8. Has the Department of Homeland Security or the Department of State established any criteria or guidance about granting visas to Libyan nationals who may be loyal to the Libyan government during this time of conflict in that country?

I believe that it is imperative to aggressively expand the Visa Security Program, which allows ICE agents to screen prospective visa applicants overseas to ensure that they are not threats to our homeland security before they are admitted to our country. I also have introduced legislation to strengthen the background checks conducted on prospective foreign students and exchange visitors before they are granted visas to enter the United States and ensure that they are complying with the terms of their visas once here. My bill, the Student Visa Security Improvement Act, requires ICE agents at visa stations overseas to review all student and exchange visa applications and conduct in-person interviews when deemed necessary before a student or exchange visitor is granted a visa.

In addition to enhanced screening overseas, my bill calls for more vigilant monitoring of foreign students and exchange visitors once they are in the country by ensuring they are active participants in the programs in which they are enrolled and are, in fact, working toward an education or otherwise complying with the terms of their visa.

I hope that you would agree that in a post-9/11 world in which terrorists have exploited loopholes in our visa screening and monitoring processes to commit unspeakable acts, the Federal government should fulfill one of its most basic Constitutional duties to defend American citizens against foreign and domestic threats and ensure that those granted temporary admission to our country are here for the right reasons. We should not allow defenders of regimes against which our country is engaged in battle to enter our country when there are many worthy individuals seeking legitimate educational and cultural exchanges that would support freedom, democracy and the rule of law in their home countries.

In that regard, I look forward to receiving your answers to these questions in a timely manner.

Sincerely,

A handwritten signature in black ink, reading "Gus M. Bilirakis". The signature is written in a cursive style with a large, prominent "G" and "B".

GUS M. BILIRAKIS

Chairman

Subcommittee on Emergency Preparedness, Response,
and Communications