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Security requirements limit contractors



Standing from left, VMASC senior research scientist Andreas Tolk, who is German; graduate research assistant Saikov Diallo, from Guinea; Ph.D. student Bo Sun, from China; and research assistant Kevin R. Dupigny, from the U.S. Virgin Islands; work at a morning meeting. MORT FRYMAN/THE VIRGINIAN-PILOT

By **ALLISON CONNOLLY**, The Virginian-Pilot
 © October 25, 2004

SUFFOLK — Andreas Tolk said he cried when he saw on television that a U.S. fighter jet had accidentally bombed a British convoy in the opening days of the war in Iraq last year, killing one and wounding four.

He could relate to the tragedy as a former German soldier. He also was upset because, as an expert in the command-and-control field, he knew exactly why the American radar systems had mistaken the GPS signal emanating from the convoy as the enemy. But he was not able to contribute what he knows to the American military because he was not a U.S. citizen.

"You sit there, and you know what happened," said Tolk, a senior research scientist at the Virginia Modeling Analysis and Simulation Center in Suffolk. "I could have helped a little bit."

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Tolk and other researchers at the center are finding it more difficult to work on government contracts because an increasing number of them since 9/11 – particularly in the area of homeland security – require that they have U.S. citizenship or high-level security clearances.

The center, which has grown from \$2 million a year in revenue in 2000 to \$6 million in 2004, often turns down work from government agencies and defense companies if it doesn't have enough personnel with clearances on hand. While the center hasn't tracked them, R. Bowen Loftin, the center's executive director, said their value would have been "significant."

Loftin must juggle the staff and students to make sure they can complete their projects while complying with the law.

"We can't do as much as we'd like to do," Loftin said.

It's not just about having personnel with clearances. It's having enough staff and students to do the work. Often, Loftin said, they are foreign.

"The bulk of research is done by foreign researchers and there are not enough U.S. citizens to take their place," he said.

Of the center's 50 master's degree candidates and 41 doctoral students, more than half are foreigners. Six of the 60-member full-time staff do not have U.S. citizenship. It is a reflection of graduate students across the country.

According to the National Science Foundation, 145,112 or 32 percent of the 455,355 students enrolled in science and engineering graduate programs in 2002, the most recent year available, were temporary visa holders. Loftin said he gives preference to U.S. citizens when hiring because it has become such a problem to get foreigners on projects.

Tolk is one example. The senior researcher has had 71 research papers published in English and has a long list of awards and accomplishments. As vice president of land weapons systems at IABG, the main modeling and simulation contractor for the German Ministry of Defense, Tolk served as a liaison to the U.S. Army and NATO and had the necessary clearances.

However, living in the United States, he is in limbo. No longer sponsored by Germany, he lost his clearances, and he's not qualified for most clearances here without U.S. citizenship. He received his green card last month.

Tolk has written letters to Congress and other officials asking that foreign "high-value experts" receive immediate clearance because they can be an asset to national security, not a threat.

"The U.S. is not able to benefit from his expertise to the fullest," Loftin said.

The first hires Loftin made when he took the helm were not U.S. citizens: Mark Phillips, director of the Battle Lab, from Australia; and researchers Jen Seevnick and Alan Lusso, also from Australia; Hector Garcia from Mexico; and Tolk.

"They were the best people I could find at the time," Loftin said.

The center has paid \$5,000 in application and attorneys fees to sponsor each non-U.S. citizen.

They apply either for H-1B visas, a six-year visa used by researchers because it requires applicants to have expertise in a field, or green cards, which establish permanent residency. But the delay in waiting for such documentation exacts a terrible cost for the VMASC, Loftin said, because his foreign workers can't perform at their full potential without their papers.

When the center must finish a project by deadline, every hour counts, Loftin said.

"Before 9/11, it was a one-year process," Loftin said. "Now it takes two-and-a-half years."

Chris Bentley, a spokesman for U.S. Citizenship and Immigration Services, said the process is taking longer because the government is doing more extensive background checks on every applicant since the terrorist attacks in 2001.



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Last year, the agency conducted 35 million checks.

"We don't apologize for that," he said.

At the same time, he said more foreigners are applying for work visas. The government met its cap on H-1B visas for 2005 on Oct. 1 – the first day of the new fiscal year. The cap is set at 65,000, with 6,800 reserved for applicants from Chile and Singapore as set by existing trade agreements.

Bentley said employers can apply for H-1B visas on behalf of their prospective hires up to six months in advance.

That's not good enough for Rajiv Khanna, a Washington lawyer and Indian immigrant who has lobbied hard for immigration reform since 9/11.

He has filed a class-action lawsuit against the government over delays in the green card process.

He said he has several clients – all professionals – who have been waiting years to get visas and green cards.

"How are you supposed to hire and retain employees for a project that way?" Khanna said.

In addition, Khanna said non-U.S. citizens shouldn't count on getting security clearances.

Many Americans don't qualify either.

Loftin acknowledges that but says it's unfortunate that officials are reluctant to talk about expanding the program post-9/11 – a time when the nation needs experts more than ever.

"It's giving the job to the right person," Loftin said. "When it comes to research, you must have the best people."

Loftin has gotten help from the staff of U.S. Rep. Ed Schrock, R-2nd District, albeit in an emergency. After a trip home to his native Australia for a vacation recently, Phillips, the Battle Lab director, was stopped at the airport and told he could not re-enter the United States because of a discrepancy in the status of his visa. Schrock's staff was able to clear up the matter in a few hours and Phillips returned to his job. But Loftin said something needs to be done legislatively to protect all foreign researchers.

In the meantime, the center's staff and students have sometimes gotten around the security issue.

The center has a \$10 million contract with Joint Forces Command to build a modeling and simulation program that allows the military and its coalition partners to conduct large-scale battle exercises on computers around the world. To do this, they build databases of fake or very general data for the government. The military replaces the data with its classified information, such as battle plans and specific types of weapons being used.

This has been successful up to a degree, Tolk said.

If the military has a problem with its classified database, most of the center's staff is unable to fix it. The center must train U.S. experts to solve the problems, which takes time and can lead to mistakes, Tolk said. Along the way, the foreign "expert" loses skills.

The students are losing out on a great opportunity, the staff says. Saikou Diallo, a master's candidate who hails from Africa, said it can be frustrating.

"You waste a lot of time getting around it," he said.

Despite the hurdles, the center has been growing.

But Loftin says his staff could be doing so much more if the rules were different.

He said he is increasingly under pressure from government and industry customers to do more classified work. For now, he must turn it down.

"We have so much potential," he said.

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