

(Rev. 06-04-2007)

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FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE

Date: 12/07/2009

To: All Field Offices

Attn: ADICs/SACs
CT ASACs
JTTF SSAs/SSRAs
CDCs
Watchlist Coordinators

All Legats
CJIS

Counterterrorism

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Attn: ITOS I
SC Brenda L. Heck
ITOS II
A/SC [REDACTED]
DTSOS
SC Mark F. Giuliano
CXs
SC Armando Fernandez
NCTC
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International Operations
Director's Office

Attn: DAD Sean Joyce
Attn: Terrorist Screening Center
Dir Timothy J. Healy

b6
b7C

From: Counterterrorism

Front Office/LX-1 3W-400

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Drafted By: [REDACTED]

Case ID #: (U) 3190-HQ-A1487636-CTD (Pending)

Title: (U) COUNTERTERRORISM PROGRAM GUIDANCE
WATCHLISTING
ADMINISTRATIVE AND OPERATIONAL GUIDANCE

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To: All Field Offices From: Counterterrorism
Re: (U) 3190-HQ-A1487636, 12/07/2009

Synopsis: (U//FOUO) To provide the Counterterrorism Division (CTD), Field Offices, and LEGATs with administrative and operational guidance regarding Watchlisting standards until the implementation of standardized policy through the publication of a Counterterrorism policy manual.

(U) **Derived From :** FBI NSISCG-20080301
 Declassify On: 20341207

Administrative: (U//FOUO) This guidance is to be used in lieu of NFIP Manual Section 19-6.

(SSI) Some paragraphs within this document are marked Sensitive Security Information (SSI), which is a handling caveat used by the Department of Transportation (per 49 C.F.R. 15) and Department of Homeland Security/Transportation Security Administration (per 49 C.F.R. 1520). This paragraph section contains SSI that is controlled under the provisions of 49 CFR part 15 and 1520. No part of paragraphs 1.2.2 and 1.2.3 bearing this marking may be released without the written permission of the Administrator of TSA, Washington, DC 20590. Unauthorized release may result in civil penalty or other action.

Details: (U//FOUO) This communication is designed to provide updated guidance to FBI personnel on the policy regarding watchlisting subjects of International Terrorism (IT) and Domestic Terrorism (DT) program investigations. Additionally, this EC guides investigators in submitting, modifying and removing investigative subjects from the Terrorist Screening Database (TSDB), colloquially referred to as the Watchlist.

1.1. Watchlisting Standard - Reasonable Suspicion

(U//FOUO) In order to nominate a subject for entry into the TSDB and all eligible supported systems, the FBI must have a reasonable suspicion to believe that the subject is a known or suspected terrorist (KST). To meet this standard, the FBI must have "articulable" intelligence or information which, based on the totality of the facts and taken together with rational inferences from those facts, reasonably warrants a determination that the subject is known or suspected to be (or has been) knowingly engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or terrorist activities. There must be an objective factual basis for the nominator to believe that the individual is a KST. Mere guesses or "hunches" are not enough to constitute a reasonable suspicion that an individual is a KST.

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(U//FOUO) The Domestic Investigations and Operations Guide (DIOG) authorizes the initiation of a Preliminary Investigation based on any "allegation or information" indicative of criminal activity or threats to national security. Subjects of terrorism Preliminary Investigations must meet the reasonable suspicion standard for watchlisting. In order for such subjects to be watchlisted, the allegation or information used to predicate the investigation must have at least one source of corroboration that ties these subjects to terrorism or terrorist activities. The DIOG authorizes initiation of a Full Investigation based on "articulable factual basis" of possible criminal and national threat activity. The articulable factual basis used to open a terrorism Full Investigation will always meet the reasonable suspicion standard for watchlisting.

(U//FOUO) Subjects of Guardian leads and assessments should not be submitted to TREX for watchlisting. In addition, the FBI will not nominate an individual based on single source information from unsolicited tips such as walk-ins, write-ins, or call-ins, unless the subject meets the reasonable suspicion standard. Nominations should not be based on source reporting that is unreliable or not credible. Suspicious activity alone, that does not rise to the level of a reasonable suspicion, is not a sufficient basis to watchlist an individual. The objective factual basis linking a specific individual to terrorism or terrorist activities is also known as particularized derogatory information, which is the basis for adding the subject of an FBI investigation to the TSDB.

1.1.1. Known or Suspected Terrorists (further defined)

(U//FOUO) Based on the definitions of known or suspected terrorists set forth in the relevant Presidential Directives, as well as the definitions of terrorism or terrorist activities found in federal law, the following definitions are provided for watchlisting purposes:

1.1.1.1. Suspected Terrorists

(U//FOUO) A "suspected terrorist" is an individual who is reasonably suspected to be, or has been, engaged in conduct constituting, in preparation for, in aid of, or related to terrorism and terrorist activities based on an articulable and reasonable suspicion.

1.1.1.2. Known Terrorists

(U//FOUO) A "known terrorist" is an individual who has been convicted of, is currently charged with or under indictment for a crime related to terrorism in a U.S. or foreign court of

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competent jurisdiction. If an individual is acquitted or charges are dismissed for a crime related to terrorism, the individual must still meet the reasonable suspicion standard in order to remain on, or be subsequently nominated to, the terrorist watchlist.

1.1.1.3. Terrorism and Terrorist Activities

(U//FOUO) "Terrorism and terrorist activities" are acts which: a) involve violent acts or acts dangerous to human life, property, or infrastructure which may be a violation of U.S. law; and, b) appear intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of government by mass destruction, assassination, kidnapping, or hostage-taking.

(U//FOUO) Additional guidance and specific case examples for the reasonable suspicion standard can be found on the TREX website at <http://home.fbinet.fbi/NSB/CTD/NCTS/TREX/Pages/Default.aspx>.

1.2. Terrorist Screening Database (TSDB) and Supported Systems

(U//FOUO) The federal government's consolidated terrorist watchlist is a critical tool for screening: 1) at U.S. borders and ports of entry; 2) passport and visa applications; 3) aircraft passengers and crew members; 4) federal and domestic law enforcement encounters; or 5) other approved activities that have a substantial bearing on homeland security. The watchlist can quickly and accurately notify the user that he or she has encountered a KST, and it provides instruction on how to respond to the encounter. The watchlist is managed by the Terrorist Screening Center (TSC), a multi-agency entity that is administered by the FBI. The unit within the FBI that is responsible for providing all FBI nominations to TSC for inclusion in the consolidated terrorist watchlist is the Terrorist Review and Examination Unit (TREX) within the Counterterrorism Division. Nominations are accomplished through the submission of an FD-930 form to TREX (refer to paragraph 1.4).

(U//FOUO) The TSDB and its supported systems are used by Federal, State, local, territorial, and tribal authorities and certain foreign governments to screen for known or reasonably suspected terrorists as part of their security or law enforcement missions. These authorities use their systems to run name checks against TSDB data. The TSC regularly provides updated subsets of TSDB data currently contained in seven (7) databases.

1.2.1. Known or Suspected Terrorist File (KST)

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(U//FOUO) The Known or Suspected Terrorist (KST) file is maintained by the Terrorist Screening Center and housed within the National Crime Information Center (NCIC) database. The KST file is composed of information related to the identities of individuals known to be, or reasonably suspected to be, or to have been, involved in activities constituting, in preparation for, in aid of, or related to International or Domestic terrorism or terrorist activities. NOTE: The KST file was formerly known as the Violent Gang and Terrorist Organization File or VGTOF. VGTOF was split into two separate files in August 2009: the Gang File and the Known or Suspected Terrorist File.

1.2.1.1. KST Handling Codes

(U//FOUO) Each record in the KST file is assigned a Handling Code, as follows:

Handling Code 1

(U//FOUO) Handling Code 1 is for individuals for whom there is an active arrest warrant in the NCIC Wanted Persons File. The warrant number must be included on the FD-930 (refer to paragraph 1.4). If a subject is watchlisted with Handling Code 1 and the arrest warrant becomes invalid, the case agent must submit a new FD-930 to TREX to update the record.

(U//FOUO) The following banner appears in the KST file when a Handling Code 1 is encountered:

LAW ENFORCEMENT SENSITIVE INFORMATION

WARNING APPROACH WITH CAUTION

THIS INDIVIDUAL IS ASSOCIATED WITH TERRORISM AND IS THE SUBJECT OF AN ARREST WARRANT, ALTHOUGH THE WARRANT MAY NOT BE RETRIEVABLE VIA THE SEARCHED IDENTIFIERS. IF AN ARREST WARRANT FOR THE INDIVIDUAL IS RETURNED IN YOUR SEARCH OF NCIC, DETAIN THE INDIVIDUAL PURSUANT TO YOUR DEPARTMENT'S PROCEDURES FOR HANDLING AN OUTSTANDING WARRANT, AND IMMEDIATELY CONTACT THE TERRORIST SCREENING CENTER (TSC) AT [REDACTED] FOR ADDITIONAL DIRECTION.

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IF AN ARREST WARRANT FOR THE INDIVIDUAL IS NOT RETURNED USE CAUTION AND IMMEDIATELY CONTACT THE TSC AT [REDACTED] FOR ADDITIONAL DIRECTION WITHOUT OTHERWISE EXTENDING THE SCOPE OR DURATION OF THE ENCOUNTER. IF YOU ARE A BORDER PATROL OFFICER IMMEDIATELY CALL THE NTC.

UNAUTHORIZED DISCLOSURE OF TERRORIST WATCHLIST INFORMATION IS PROHIBITED. DO NOT ADVISE THIS INDIVIDUAL THAT THEY MAY BE ON A TERRORIST WATCHLIST. INFORMATION THAT THIS INDIVIDUAL MAY BE ON A TERRORIST WATCHLIST IS PROPERTY OF THE TSC AND IS A FEDERAL

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RECORD PROVIDED TO YOUR AGENCY THAT MAY NOT BE DISSEMINATED OR USED IN ANY PROCEEDING WITHOUT THE ADVANCE AUTHORIZATION OF THE TSC.

LAW ENFORCEMENT SENSITIVE INFORMATION

(U//FOUO) Whenever a Handling Code 1 subject is arrested, the case agent must modify the KST/NCIC record to change Handling Code 1 to Handling Code 3.

Handling Code 2

(U//FOUO) Handling Code 2 is for individuals for whom the Department of Homeland Security (DHS) has or will issue a detainer should the individual be encountered by law enforcement. A review of intelligence records must precede nominations of individuals into the KST file with this handling code. To use Handling Code 2, a review and approval for legal sufficiency by both the Chief Division Counsel and the Office of General Counsel (OGC) is required. The TSC OGC representative, in coordination with the National Security Law Branch (NSLB), will provide such review and approval for OGC.

(U//FOUO) The following banner appears in the KST file when a Handling Code 2 is encountered:

LAW ENFORCEMENT SENSITIVE INFORMATION

WARNING APPROACH WITH CAUTION

THIS INDIVIDUAL IS OF INVESTIGATIVE INTEREST TO LAW ENFORCEMENT REGARDING ASSOCIATION WITH TERRORISM AND THERE MAY BE A DETAINER AVAILABLE FROM THE DEPARTMENT OF HOMELAND SECURITY FOR THIS INDIVIDUAL.

IMMEDIATELY CONTACT THE TERRORIST SCREENING CENTER (TSC) AT [] OR, IF YOU ARE A BORDER PATROL OFFICER, IMMEDIATELY CALL THE NTC TO ASCERTAIN IF A DETAINER IS AVAILABLE FOR THE INDIVIDUAL AND TO OBTAIN ADDITIONAL DIRECTION. PLEASE QUESTION THIS INDIVIDUAL TO ASSIST THE TSC IN DETERMINING WHETHER THE INDIVIDUAL ENCOUNTERED IS THE SUBJECT OF A DETAINER WITHOUT OTHERWISE EXTENDING THE SCOPE OR DURATION OF THE ENCOUNTER.

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UNAUTHORIZED DISCLOSURE OF TERRORIST WATCHLIST INFORMATION IS PROHIBITED. DO NOT ADVISE THIS INDIVIDUAL THAT THEY MAY BE ON A TERRORIST WATCHLIST. INFORMATION THAT THIS INDIVIDUAL MAY BE ON A TERRORIST WATCHLIST IS PROPERTY OF THE TSC AND IS A FEDERAL RECORD PROVIDED TO YOUR AGENCY THAT MAY NOT BE DISSEMINATED OR USED IN ANY PROCEEDING WITHOUT THE ADVANCE AUTHORIZATION OF THE TSC.

LAW ENFORCEMENT SENSITIVE INFORMATION

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Handling Code 3

(U//FOUO) Handling Code 3 is for individuals who have been watchlisted but do not meet the additional criteria required for Handling Code 1 or 2. These records must contain a first and last name and ANY Date of Birth (Circa Date of Birth, Year of Birth, or FULL Date of Birth).

(U//FOUO) The following banner appears in the KST file when a Handling Code 3 is encountered:

LAW ENFORCEMENT SENSITIVE INFORMATION
DO NOT ADVISE THIS INDIVIDUAL THAT THEY MAY BE ON A TERRORIST WATCHLIST. CONTACT THE TERRORIST SCREENING CENTER (TSC) AT [REDACTED] DURING THIS ENCOUNTER. IF THIS WOULD EXTEND THE SCOPE OR DURATION OF THE ENCOUNTER, CONTACT THE TSC IMMEDIATELY THEREAFTER. IF YOU ARE A BORDER PATROL OFFICER IMMEDIATELY CALL THE NTC.

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ATTEMPT TO OBTAIN SUFFICIENT IDENTIFYING INFORMATION DURING THE ENCOUNTER, WITHOUT OTHERWISE EXTENDING THE SCOPE OR DURATION OF THE ENCOUNTER, TO ASSIST THE TSC IN DETERMINING WHETHER OR NOT THE NAME OR IDENTIFIER(S) YOU QUERIED BELONGS TO AN INDIVIDUAL IDENTIFIED AS HAVING POSSIBLE TIES WITH TERRORISM.

DO NOT DETAIN OR ARREST THIS INDIVIDUAL UNLESS THERE IS EVIDENCE OF A VIOLATION OF FEDERAL, STATE OR LOCAL STATUTES. UNAUTHORIZED DISCLOSURE IS PROHIBITED.

INFORMATION THAT THIS INDIVIDUAL MAY BE ON A TERRORIST WATCHLIST IS THE PROPERTY OF THE TSC AND IS A FEDERAL RECORD PROVIDED TO YOUR AGENCY ONLY FOR INTELLIGENCE AND LEAD PURPOSES. THIS RECORD, AND ANY INFORMATION CONTAINED WITHIN IT, MAY NOT BE DISCLOSED OR USED IN ANY PROCEEDING WITHOUT THE ADVANCE AUTHORIZATION OF THE TSC.

WARNING - APPROACH WITH CAUTION

LAW ENFORCEMENT SENSITIVE INFORMATION"

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Referral/Consult

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To: All Field Offices From: Counterterrorism
Re: (U) 3190-HQ-A1487636, 12/07/2009

Referral/Consult

(U//FOUO) The minimum biographical information needed to nominate an individual to the No Fly List is first name, last name, and full date of birth.

(U//FOUO) Upon receipt of threat information meeting the above-described criteria, the assigned FBI case agent, in consultation with CTD, must determine whether the subject(s) of the investigation qualifies for the No Fly List. If the case agent determines that the subject qualifies, then the FD-930 must be submitted to TREX within 24 hours of such a determination. TSA subject matter experts assigned to the TSC review all nominations

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to the No Fly list and may deny a subject's addition, or remove a subject from the list, if they determine the individual does not meet the above criteria.

Referral/Consult

(U//FOUO) Subject Matter Experts assigned to the TSC determine if individuals nominated as a Selectee meet the criteria for this list.

TSC and/or TREX will notify case agents of any changes to the selectee status of their subject.

(U//FOUO) The minimum biographical information needed to nominate an individual to the Selectee List is first name, last name, and full date of birth.

(U//FOUO) The watchlisting community has developed five general guidelines regarding the No Fly and Selectee Lists that are necessary to effectively implement the No Fly List and Selectee List criteria. The five general guidelines are:

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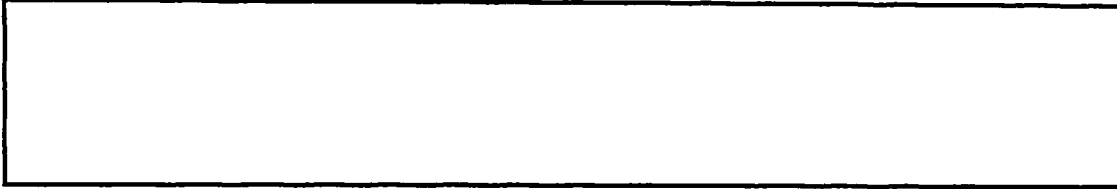
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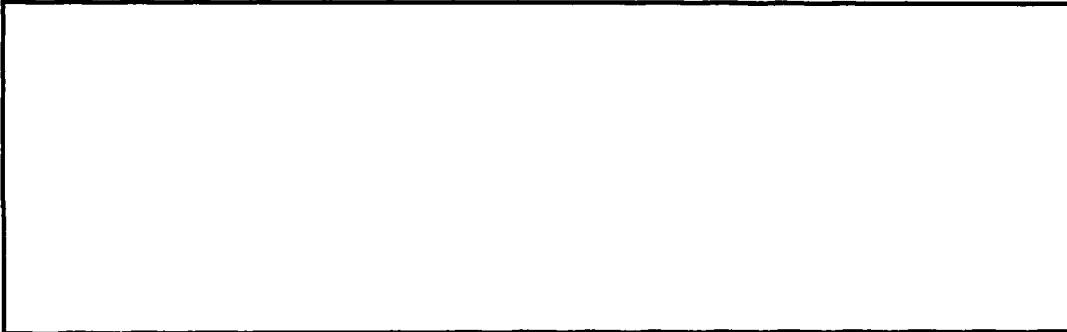
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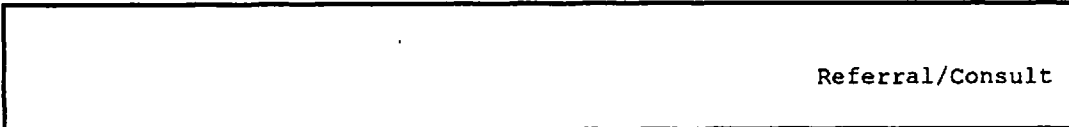
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1.2.8. Additional Supported Systems

(U//FOUO) The TSC, through the TSDB, also makes Terrorist Identifiers accessible to other entities, including commercial air carriers, through the regular export of updated subsets of TSDB data or through remote access.



Referral/Consult

- Other Supported Databases - The TSC also provides the FBI and certain other federal authorities with access to TSDB information for screening or analytical purposes. This may include access to the FBI's Automated Case Support system and/or the Foreign Terrorist Tracking Task Force (FTTTF) database and to the Transportation Security Administration's (TSA) Office of Transportation Threat Assessment database.



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1.3. Watchlisting Submission Policy

1.3.1. Requirements for Nomination

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(U//FOUO) Case Agents shall submit an FD-930 to TREX for all terrorism subjects, with the exception of 100 classification DT investigations. Subject matter experts at TREX will evaluate each nomination to ensure the reasonable suspicion standard has been met. TREX will notify field offices via e-mail of subjects who will not be submitted to the watchlist.

1.3.2. Subject Nomination

(U//FOUO) Case agents shall nominate subjects for inclusion in the TSDB by submitting an FD-930 in accordance with paragraph 1.3.1 of this communication. The case agent is responsible for ensuring the FD-930 is submitted in accordance with time lines established herein. If sufficient identifying information exists to support a nomination when the SSA approves an investigation, then the FD-930 must be submitted within 10 business days of the date created in ACS to open the investigation. If there is insufficient identifying data when the SSA approves the investigation, the case agent shall submit an FD-930 within 10 business days of obtaining sufficient data. The 10 business day time limit starts on the date the documentation containing the necessary data is uploaded to ACS and stops on the date TREX receives a valid FD-930. Generally, a full name and date of birth are required for FBI nominations. In limited circumstances, validated by TREX, an individual may be nominated to the TSDB with only a full name or even biometrics alone. (Please note: at a minimum,

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If there is a determination, due to an exigent circumstance or CTD direction that the nomination should be submitted more quickly, then field offices should contact TREX directly via telephone and submit the FD-930 in accordance with paragraph 1.4, include in the subject line "PRIORITY ACTION."

(U//FOUO) When the FBI opens a case and the subject has already been watchlisted by another agency, the case agent must still submit an FD-930 to TREX within 10 business days of opening. The

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FD-930 will enhance the TIDE record and document the FBI investigative interest in the subject. Failure to submit the FD-930 when another agency has nominated the individual to the TSDB could result in removal of a FBI subject from the watchlist without notification to the FBI. This process ensures the Intelligence Community has all available information if the original nominating agency attempts to remove the subject from the watchlist.

NOTE: As a best practice, if sufficient information is known to support watchlisting when the case is opened, an FD-930 should be prepared and submitted at the time of case initiation.

(U//FOUO) TREX will process nominations within 5 business days of receiving the FD-930.

1.3.3. Subject Modification

(U//FOUO) After the initial submission, the nominating official must update the FD-930 information (e.g., change in investigation status, updated biographical information or the nominating official's contact information) as soon as new information becomes available. Additional identifiers shall be forwarded to TREX using the FD-930 modify feature. Supervisors are required to review the case file for new identifiers during the 90 day file review for all terrorism cases. When adding, modifying, or deleting data from a specific record, only the subject's name, sex, race, date of birth and new/changed information is required on the FD-930. Other information that has previously been submitted on an FD-930 need not be re-entered.

(U//FOUO) Modifications may add or delete information from an existing record and/or upgrade/downgrade a subject's watchlisting status. If a modification is warranted, an FD-930 should be submitted in accordance with paragraph 1.4 by the originating Field Office. Such information must be submitted to TREX in a timely manner, not to exceed 10 business days from the date the new information is uploaded into ACS or the date the determination is made to change a subject's status, absent exigent circumstances or other direction from CTD. If an exigent circumstance exists or CTD directs, field offices should contact TREX directly via telephone and submit the FD-930 in accordance with paragraph 1.4. Include in the subject line "PRIORITY ACTION."

(U//FOUO) TREX will process modifications within 10 business days of receipt of the FD-930.

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(U//FOUO) Modifications to upgrade a subject to the TSA No Fly status shall be submitted by the nominating official within 24 hours of receipt of information that qualifies the subject for the No Fly list, in accordance with paragraph 1.2.2. TREX will process No Fly upgrades within 24 hours of receipt. After the arrest of a Handling Code 1 subject, the nominating official must submit an FD-930 to TREX within 10 business days of the date the case agent requests the KST/NCIC record to be modified to Handling Code 3.

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1.3.4. Subject Removal

(U//FOUO) When a predicated International or Domestic Terrorism investigation is closed, any watchlisted subjects must be removed from the watchlist, absent criteria set forth in paragraph 1.8 and 1.9 below.

Full Investigations:

(U//FOUO) A notification to FBIHQ that an International Terrorism or Domestic Terrorism Full Investigation is being closed shall include a lead for TREX to remove the subject from watchlisting if the substantive desk does not oppose the closing within 30 days. On submitting the notification of closing, the case agent must also email an FD-930 to TREX, which will monitor the 30 day UACB period and complete the removal if the substantive desk does not oppose case closing. As with case openings, the best practice is for the case agent to submit an FD-930 to the squad supervisor with the EC that requests authorization to close the investigation.

Preliminary Investigations:

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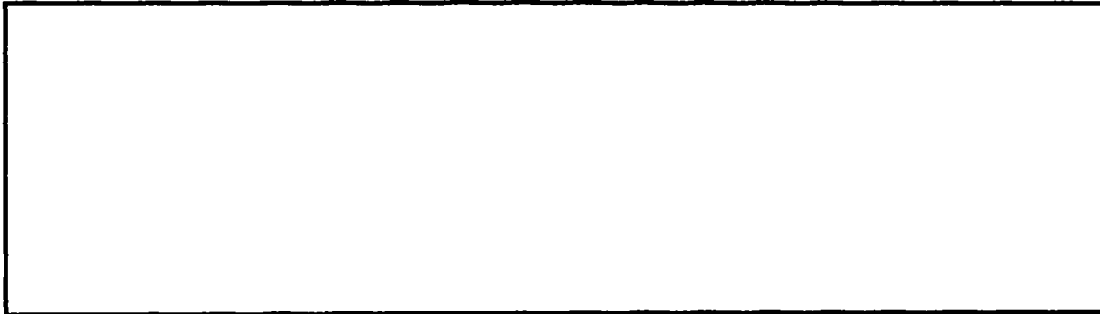
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(U//FOUO) Upon closing an International Terrorism or Domestic Terrorism Preliminary Investigation that has a watchlisted subject, a removal request shall be submitted in accordance with paragraph 1.3 within 10 business days of the written approval and notification to CTD of the case closure. The 10 business day time line starts on the closure date shown in ACS and stops when TREX receives a valid FD-930.

(U//FOUO) If an exigent circumstance exists or CTD directs, field offices should contact TREX directly via telephone and submit the FD-930 in accordance to paragraph 1.3. Include in the subject line "PRIORITY ACTION."

(U//FOUO) TREX will process removals within 10 business days of receiving the FD-930.



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1.4. FD-930 Submission Process and Guidance

(U//FOUO) Field supervisors are responsible for ensuring FD-930s and the accompanying ECs are: (1) submitted to TREX within established time frames detailed in sections of paragraph 1.3 above and (2) the identifiers provided on the FD-930 and in the EC are accurate. Supervisors are reminded that the automated 90-day case file review printout includes a section in which SSAs must confirm that all watchlisting identifiers have been submitted to TREX. This includes submitting a JPEG formatted photograph of the subject (i.e., DMV photograph or photographs from other sources).

(U//FOUO) TREX shall review the FD-930s to verify and validate all submissions and process the FD-930 to facilitate watchlisting, if necessary.

(U//FOUO) All FD-930s shall be submitted to TREX via e-mail address HQ_DIV13_TREX, with a copy to the field office SSA and the CTD substantive unit. FD-930 submissions shall be

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accompanied by a supporting Electronic Communication with an appropriate action lead to TREX. FD-930s received without an accompanying EC, will not be processed by TREX. In such circumstances TREX will notify the field office to resubmit the supporting electronic communication. Only one FD-930 should be submitted in each email to TREX and the subject line for the e-mail should contain the case number and action type (nomination, modification, or removal).

International Terrorism Program: TREX will verify and validate FD-930s and will only forward subjects that meet the reasonable suspicion standard to NCTC. NCTC will place those subjects into the TIDE database, which, in turn, will export the identifiers into the TSDB and appropriate supported systems. If the reasonable suspicion standard is not met as to a nomination, TREX will notify the submitting Field Office upon review via e-mail.

Domestic Terrorism Program: TREX will verify and validate FD-930s and will only forward subjects that meet the reasonable suspicion standard to TSC. TSC will review for the reasonable suspicion standard and will place those subjects onto the watchlist. If the reasonable suspicion standard is not met as to a nomination, TREX will notify the submitting Field Office upon review via e-mail.

(U//FOUO) The FD-930 must contain a short, plain description of the case including the terrorist group with which the subject is associated and the type of involvement (e.g. financier, facilitator, trainer, operator, etc.). International Terrorism FD-930s validated by TREX may be reviewed by anyone with access to the Terrorist Identities Datamart Environment (TIDE), including all Other Government Agency (OGA) personnel. The FD-930 should not include information pertaining to "Protect Identity" individuals, Bank Secrecy Act information, Suspicious Activity and Currency Transaction report information, or information obtained utilizing Grand Jury subpoenas. Such information may be included (and, if so, it must be clearly marked) in the accompanying EC if it is necessary to support the justification for watchlisting. FISA obtained or derived identifiers should also be portion-marked accordingly so that they can be accurately delineated in TIDE as such.

(U//FOUO) If the supporting documentation is not yet serialized and uploaded into ACS at the time the FD-930 is submitted, copies should be attached to the e-mail submission. This procedure ensures that there will be no delay in the initial submission, modification, or removal.

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Referral/Consult

(U//FOUO) A subject's USPER status does not affect his or her nomination for entry into the TSDB. However, it may affect a subject's export to a particular supported system. For example, the TSC exports USPER identities to [REDACTED]

(U//FOUO) Initial submission of an FD-930 requires a subject's complete name and date of birth. In limited circumstances, validated by TREX, an individual may be nominated to the TSDB with only a full name. [REDACTED]

Do not delay the submission of the FD-930 and EC to TREX if the subject's full name and DOB are known. All available further identifiers must be submitted to the TSDB either on the initial FD-930 or on a subsequent modification FD-930.

Referral/Consult

Identifiers for Nominated Subjects:

(U//FOUO) The EC should contain all the known identifying information on the individual, to include:

- Full legal name and aliases
- Date(s) of birth (month, date, and year)
- Place(s) of birth
- Unique identifying numbers, such as alien registration numbers, visa numbers, social security account number(s)
- Passport information, including passport number(s), countries of issuance, date(s) and location(s) of issuance, expiration date(s), passport photo(s), and other relevant data
- Countries of origin, citizenship and nationality
- Physical identifiers, such as sex, race, height, weight, eye color, hair color, scars, marks, or tattoos
- Known locations, i.e., addresses
- Photographs or renderings of the individual (JPEG format E-mailed as a separate file with the FD-930) - NOTE multiple photographs may be submitted including profiles
- Fingerprints or other biometric data (via CJIS)
- Employment data
- License plate numbers
- Any other terrorism information that originators specifically provide for passage to the TSC.

Required Supervisor Review:

(U//FOUO) Prior to initial nomination, modification, or removal, the case agent and supervisor should review/address the following issues:

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- The inclusion, accuracy and completeness of possible Identifiers
- The appropriateness of the designated handling code
- The inclusion of statements that the subject is "Armed and Dangerous" or has "Violent Tendencies" in the appropriate section of the FD-930, as appropriate
- The inclusion of any active Federal warrant(s) for the subject. If there are active warrants, the case agent must ensure that the entry request is for Handling Code 1 and that the Warrant number is provided in the appropriate section of the FD-930
- The inclusion of all necessary/known Cautions and Medical Conditions, as appropriate
- The accuracy of the case investigation number
- If the submission requests an "exclusion" from a particular watchlist, the FD-930 and corresponding EC must justify the exclusion
- JPEG photographs for each subject should be scanned into a JPEG format and e-mailed with the FD-930 as a separate file

1.5. Expedited Nominations

(U//FOUO) Expedited Nominations are available if exigent circumstances exist for entry into the TSDB after normal duty hours. In the event a subject's watchlisting should be expedited (e.g., subject travel is imminent), a nomination may be processed by TREX directly to the TSC. Expedited Nominations must still meet the criteria for entry in the TSDB. The TSC will make the final determination whether the subject qualifies for the TSDB and the No Fly List, as appropriate. In addition to the TSA lists, the subject will be placed in all appropriate supported screening systems.

(U//FOUO) All Expedited Nominations must be submitted in accordance with paragraph 1.3 and be processed immediately by TREX, with subsequent submission to the TSC. The FD-930, supporting EC and e-mail must include in the subject line "EXPEDITED NOMINATION." If not provided in the original expedited package, any supporting documentation necessary to meet normal watchlisting requirements must be provided to TREX on the next business day. The TSC will remove the expedited record from the TSDB and all supported systems within 72 hours unless the nominating official forwards sufficient derogatory information to support watchlisting through the routine process.

1.6. Arrest Warrants and Interpol Notices for Watchlisted Individuals

(U//FOUO) If an active federal arrest warrant exists in the NCIC Wanted Persons File for a subject, the case agent must submit

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both a notification EC and FD-930 to TREX and the CTD substantive unit for nomination to Handling Code 1.

(U//FOUO) The documenting EC and modification FD-930 shall include the NCIC Warrant Number (Wanted Persons File record number). In the case of currently watchlisted individuals, this documentation should include all descriptive, biographical, or cautionary information about the subject not already entered in the TSDB. TREX will review the submitted information and forward it to the NCTC for entry into TIDE or will pass it directly to the TSC, as appropriate.

(U//FOUO) If, subsequent to entry as a Handling Code 1, the federal arrest warrant ceases to be active in the NCIC Wanted Persons File (e.g., the arrest warrant has been served or recalled by the court), the field office must submit, within 10 business days, a notification EC and modification FD-930 to HQ_DIV13 TREX to change the subject to a Handling Code 3. TREX shall submit the modification to NCTC for entry into TIDE or will pass it directly to the TSC, as appropriate.

(U//FOUO) In rare circumstances, such as a sealed federal indictment where a subject may not have a Wanted Person File record number in NCIC, it may be necessary to keep information concerning a pending federal arrest warrant out of the TSDB. In such circumstances, the notification EC concerning the warrant must provide a reasonable and detailed justification for such exclusion (see paragraph 1.7 of this communication). In order to ensure that the subject is detained long enough to allow the indictment to be unsealed and an arrest warrant issued and served, if the subject is encountered by law enforcement, such a subject must be watchlisted as a Handling Code 2 (see paragraph 1.2.1.1 of this communication).

(U//FOUO) If an active federal arrest warrant exists for the subject, absent sensitive circumstances, the case agent may apply for an Interpol Red Notice. Interpol publishes these notices to their member states so that if the subject is found, he/she can be arrested and extradited to the country holding the warrant.

(U//FOUO) If an Interpol Red Notice is filed, a modification FD-930 must be submitted to TREX with the red notice number.

1.7 Subjects Arrested/Convicted of Terrorism-Related Offenses
(U//FOUO) As described in section 1.1.1.2, for watchlisting purposes, a "known terrorist" is an individual who has been convicted of, is currently charged with, or is under indictment

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1.8.1. Non-Subject Nomination Process

(U//FOUO) Any field office with information regarding a non-subject who meets the above criteria [REDACTED]

[REDACTED]

[REDACTED] must be watchlisted if the person meets the reasonable suspicion standard. Non-Subject nominations by a field office must contain particularized derogatory information sufficient for TREX to determine whether the reasonable suspicion standard is met.

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(U//FOUO) To nominate a non-subject, the field office must upload an Electronic Communication to case file 415-HQ-C1625243 documenting all known derogatory information with an action lead for TREX to assume responsibility for the watchlist record. TREX will generate an FD-930 to reflect case file 415-HQ-C1625243. If the individual has already been watchlisted by another agency, TREX will submit a TIDE enhancement form to NCTC reflecting FBI interest, if appropriate, along with the TREX case file as a reference.

(U//FOUO) Submissions to TREX shall be made within 10 business days of case closure. TREX will not nominate or take over watchlist responsibility if the field provides insufficient information regarding the subject. TREX will notify the field office if current circumstances prevent watchlisting.

1.8.2. Review of Non-Subject TSDB Records

(U//FOUO) Non-subjects nominated to the TSDB are tracked by TREX using case file 415-HQ-C1625243. TREX shall manage and maintain a list of all Non-subjects the FBI has submitted for watchlisting. TREX is responsible for verifying and validating this list annually to ensure the information continues to be accurate and that intelligence reporting continues to suggest the individual poses a national security risk related to terrorism which warrants watchlisting. If TREX determines a Non-subject no longer meets the reasonable suspicion standard, TREX shall remove the Non-subject from the watchlist and document the removal via EC in Headquarters case file 415-HQ-C1625243 along with an information lead to the field office case file originally used to nominate the individual, if applicable.

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(U//FOUO) If the watchlisted Non-subject individual is encountered, the Terrorist Screening Operations Unit (TSOU) will follow their normal notification procedures. On completion of the encounter, a copy of the TSOU log will be e-mailed to TREX for additional follow-up regarding the Non-subject's watchlist status. TREX will review encounter details to ensure the individual meets the reasonable suspicion standard for watchlisting and modify the record with any new identifiers developed.

1.8.3. Non-Subject Nomination from DOJ Components

(U//FOUO) On October 3, 2008, the Department of Justice designated the FBI as the central watchlist nominator for all DOJ components. Information regarding known or suspected terrorists developed through investigative arms of DOJ, such as the Bureau of Alcohol, Tobacco, Firearms & Explosives, the Drug Enforcement Administration, or the United States Marshal's Service, is passed at the field level through established relationships with the FBI Joint Terrorism Task Force. The National Joint Terrorism Task Force or the FBI substantive Counterterrorism Division desk is the recipient of terrorism information when provided at the headquarters level. When no FBI case is opened, but the individual meets the non-investigative subject criteria in section 1.8, and the reasonable suspicion standard in section 1.1, the FBI recipient of this information must provide details to TREX as described in section 1.8.1. TREX will ensure these individuals are properly watchlisted.

(U//FOUO) If the United States National Central Bureau (USNCB) obtains terrorism-related intelligence, it will provide the intelligence to the FBI Counterterrorism Division, Threat Review Unit (TRU). The TRU will review the terrorism intelligence and will generate Guardian threat assessment leads for investigation as appropriate. If a terrorism investigation is generated as a result of the TRU Guardian lead, the subject will be submitted for watchlisting in accordance with section 1.3.

1.9. Foreign Government Information (FGI)

(U//FOUO) Foreign governments occasionally provide information regarding non-USPER individuals whom their country has under investigation for a crime related to terrorism, or whom are reasonably suspected of engaging in terrorism or terrorist activity. Those receiving such specific derogatory information of only non-USPER individuals may submit them for watchlisting. The receiving office should also seek and collect available identifiers and biometrics (photos, fingerprints, etc.) as appropriate. The FGI is provided through an established or

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formal sharing relationship between the United States and a foreign government.

1.9.1. Watchlisting of CJIS Derived Information
(U//FOUO) FGI provided to CJIS through Memoranda of Cooperation or similar memorialized agreements establishing a formal information sharing relationship with a foreign partner may be provided without particularized derogatory information directly to NCTC. CJIS provides the personal identifiers and biometrics of these individuals to the US intelligence community as part of its HSPD-6 information sharing responsibility; this is not an FBI "nomination." FGI does not require an annual review as CJIS requests updated information on a regular basis. CJIS must forward any updated identifiers it obtains to NCTC so the TIDE record may be updated and NCTC can determine whether continued watchlisting of the individual is necessary.

(U//FOUO) If a foreign government provides records which include a mixture of terrorism, criminal, or other individuals, CJIS must attempt to identify and separate records related to terrorism, as only terrorism records are included in TIDE and the TSDB. If CJIS can not distinguish the criminal, terrorism, or other categories of records, then it may not submit the entire batch of records. In addition, information provided informally or on an ad hoc basis must not be forwarded to NCTC. Such records and any biometrics will remain part of the larger CJIS biometric holdings and remain available in the future to connect individuals to terrorism.

1.9.2. Watchlisting of LEGAT Derived Information
(U//FOUO) All Legat offices who have obtained FGI terrorist information must provide the subject's biographical information and a summary of the FGI in an EC to the TREX Non-Investigative Subject case file, 415-HQ-C1625343. Upon receipt of the FGI from a Legat, TREX will review the information and submit an FD-930 to NCTC if the FGI meets the reasonable suspicion standard in section 1.1. TREX will take responsibility for these records including an annual review of such submissions. The annual review will search Intelligence Community records and other sources to identify additional derogatory information, biographical data and biometrics. TREX will determine annually whether watchlisting is still warranted and document its findings to the TREX Non-Investigative subject case file, 415-HQ-C1625343. If an FGI derived subject is encountered, the normal TSOU encounter process will be followed. Any new identifying information must be provided to TREX, which will modify the subject's biographical information via FD-930 and document

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changes to 415-HQ-C1625343. TREX will set an information lead to the Legat regarding the new information.

1.9.3. FGI Submission Review Process

(U//FOUO) Terrorist biographic information and photographs described above which are provided by a foreign government will be sent to TREX and processed as Foreign Government Information (FGI). TREX will provide this terrorist information to NCTC along with a suitable source document, if needed, in order to enter the individual into TIDE and the TSDB. TREX will document the passage of FGI to NCTC through 415-HQ-C1625243. TREX will not provide additional oversight or review of these FGI records unless additional information is provided by the foreign government or an encounter occurs. If a Legat obtains additional identifiers, derogatory information, or reasons to remove FGI from TIDE, the new intelligence must be sent to TREX, which will forward this information to NCTC. The original recipient of FGI terrorism information must also provide fingerprints and biographics to CJIS, if available.

1.10. Watchlisting of Deceased Individuals

(U//FOUO) The TSDB will not include identity information of known or suspected terrorists that are confirmed dead unless:

- There is information to support a reasonable suspicion that another known or suspected terrorist is using the identity information of the deceased individual; or
- A recognized terrorist organization collects known or suspected terrorist identity information for use by its members in preparing for or committing terrorist acts and the travel documents related to the deceased known or suspected terrorist have not been recovered.

1.11. Exclusion from a Supported System

(U//FOUO) In rare cases, the subject of an investigation may be excluded from a particular watchlisting supported system; a reasonable and detailed operational justification must be provided. A field office that wishes to exclude a subject from a supported system must articulate the justification in both an EC and an FD-930 submitted to the CTD substantive unit. Upon receipt, the CTD substantive unit will coordinate the exclusion request with TREX and the TSC.

Note: The existence of a local or state "Sunshine Law" is not sufficient justification for exclusion.

(U//FOUO) Subject Matter Experts in TREX will review justifications for exclusion from supported systems and determine

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whether the exclusion is warranted. TREX will notify the submitting Field Office if an exclusion is warranted.

1.12. Redress

(U//FOUO) Individuals may seek redress for travel delays and other inconveniences they experience due to screening and/or watchlist issues. An interagency Memorandum of Understanding on Terrorist Watchlist Redress Procedures between the TSC, the FBI, and other relevant agencies is in place to address how each agency will respond to such requests for redress. As such, the TSC may request additional information directly from an FBI field office to respond to a request for redress. A field office must provide information requested by TSC within 30 days of receipt of the request. After considering the information available, TSC will make the final determination whether the watchlist record should remain in the TSDB, be modified, or removed.

1.13. Inbound / Outbound Travel of Watchlisted Persons

(U//FOUO) If a case agent wants a watchlisted subject to have unimpeded travel through screening agencies at the U.S. border, advance coordination between the field office, CTD substantive unit and the Terrorist Screening Operations Unit (TSOU) must occur. TSOU maintains regular contact with other government agencies that manage and/or use the terrorism watchlists and is able to help avoid unnecessary delay and/or additional scrutiny of subjects as to whom the FBI desires to allow unimpeded travel (i.e., Significant Public Benefit Parolees, etc.).

1.14. Conclusion

(U//FOUO) The FBI Counterterrorism Division will continue to evaluate our existing policies and practices regarding watchlisting in order to fully share intelligence across the federal and local agency spectrum. Additional information can be found on the TREX Intranet site:
<http://home.fbinet.fbi/NSB/CTD/NCTS/TREX/Pages/Default.aspx>.

(U//FOUO) Questions regarding this Watchlisting guidance should be directed to TREX Unit Chief [REDACTED]

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LEAD(s):

Set Lead 1: (Action)

ALL RECEIVING OFFICES

Supervisors must review currently open International and Domestic terrorism investigations and ensure an FD-930 is submitted on each subject if not initially watchlisted. Field offices must apply this watchlisting guidance to all current and future CT investigations.

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