



Federal Bureau of Investigation

November 15, 2004

Dear Mr. Chairman:

Sincerely,

Eleni P. Katsich

1-Honorable Jane Harman

Terrorist Screening Center

Report to Congress
Pursuant to the Intelligence Authorization Act for
Fiscal Year 2004, Sec. 360.

Submitted to:

*United States House of Representatives
and
United States Senate
and Committees on Intelligence*

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Prepared by:
Federal Bureau of Investigation
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Background

The Terrorist Screening Center (TSC) was created by Homeland Security Presidential Directive 6 (HSPD-6) to: (1) consolidate the government's approach to terrorism screening by creating a single comprehensive database of known or appropriately suspected terrorists; and (2) to make the consolidated list available to local, state, and federal screeners through the TSC's Call Center.

The TSC receives terrorist identity records from two sources and maintains them in one consolidated database called the Terrorist Screening Database or the TSDB. These terrorist identities records are exported to various agencies for terrorist screening opportunities or encounters. When screening opportunities or encounters occur, agencies call the TSC to facilitate the identities match. Positive calls are forwarded to the Counterterrorism Watch (CT Watch) for the operational response.

The TSC became operational on a 24/7 basis on December 1, 2003, and provides real-time connectivity to the police officer on the street, the inspector at our ports, and the consular affairs officer at our embassies.

Terrorist identity records are received by the TSC from two sources – the Terrorist Threat Integration Center (TTIC) for international terrorists, and the FBI for domestic terrorists. The underlying derogatory information is neither passed to nor maintained by the TSC. The TTIC, FBI, and other originating agencies maintain these records. Once these identity records are received into the TSDB, assignees from the various governmental agencies at the TSC review each record to determine which records will be exported to the systems maintained by other United States governmental agencies. For example, when a record is received from the TTIC and placed within the TSDB, an FBI assignee at the TSC reviews the record to determine whether it is eligible to be exported to the National Crime Information Center's (NCIC) Violent Gang and Terrorist Organization File. If the record is determined to meet the criteria for export to NCIC, it is then electronically transmitted to NCIC. Once the record is received by NCIC, it can be accessed by a state, local, or federal law enforcement officer through the NCIC system. If a query by a law enforcement officer matches the name of a record within NCIC, the officer will receive a message requesting the officer to contact the TSC. If the TSC determines a possible match, the officer is immediately connected to the FBI's CT Watch for a law enforcement response. The CT Watch provides the law enforcement response, and depending on the situation, may dispatch a local JTTF Agent to assist the officer. Information obtained in the encounter is then sent back to the originating agency. As of September 8, 2004, the TSC has received over 9,000 telephone calls as a result of possible encounters with known or suspected terrorists.

In addition to updates to NCIC, agency assignees export eligible records to existing systems such as Consular Lookout and Support System, the Interagency Border Inspection System, and the No-Fly and Selectee lists. These individual lists are maintained by each agency. Each agency sets forth the criteria for which records will be accepted into its own system. While the TSC exports records to each system, the agency sets the guidelines for who accesses its system. The net effect is that the TSC, through this export process,

enhances the database of each supported system by adding terrorist names to that system. When each system is queried by an authorized user, terrorist records from the TSDB are included.

Terrorist Screening Center – Establishment and Operation

Pursuant to the Intelligence Authorization Act for Fiscal Year 2004, Conference Report, Section 360, the President shall submit to Congress a report on the establishment and operation of the Terrorist Screening Center no later than September 16, 2004 as follows:

(1) An analysis of the operations of the Terrorist Screening Center to ensure that the Terrorist Screening Center does not violate the Constitution, or any statute, Executive order, or regulation of the United States.

The TSC does not initiate encounters. All calls to the TSC originate from an encounter between a government or law enforcement officer when that official lawfully initiates a query of the individual in a database that the official is authorized to access, i.e. a local police officer querying NCIC during a routine traffic stop. If the result of the query indicates a potential match to a terrorist record, then the official is directed to contact the TSC. The TSC screener works with the official to determine whether there is an actual match between the individual encountered and the terrorist record. However, the TSC screener does not communicate to the law enforcement officer a positive match. All probable or inconclusive matches are immediately transferred directly to CT Watch. The CT Watch provides operational guidance to the official, which may include the deployment of federal agents or Joint Terrorist Task Force (JTTF) members to support the encounter. The TSC has no operational role in the encounter.

As described above, the TSC is not an investigative agency, it does not possess law enforcement powers, nor does it conduct investigations. Furthermore, the TSC is not an intelligence collection agency.

The TSC operation is consistent and in accordance with the Constitution of the United States. The TSC does not create records placed within the TSDB, but instead receives terrorist identities information previously and lawfully collected by other federal government agencies. The TSC does not initiate encounters with individuals who may have a terrorist record within the TSDB, as all such encounters are initiated by local, state, or federal authorities in the course of performing their duties.

TSC operations do not violate any Executive Order. The TSC derives its authority for operations from Homeland Security Presidential Directive - 6 (HSPD-6) and its accompanying Memorandum of Understanding (MOU) executed by the Attorney General, the Secretary of Homeland Security, the Secretary of State, and the Director of Central Intelligence. With the approval of Addendum A to the MOU in August 2004, the Secretary of Defense and the Secretary of Treasury were added as cosignatories.

TSC operations do not violate any statute or regulation. The TSC performs an isolated and unique role in the federal government. The TSC maintains only identity records previously collected by the federal government and then makes those records accessible to local, state, and federal officials through previously created database systems, to be used in

the lawful performance of an agency or official's duties. The TSC acts as a central repository for identities information lawfully collected by the United States government.

(2) A description of the architecture of the database system of the Terrorist Screening Center, including the number of databases maintained, operated, or administered by the Terrorist Screening Center, and the extent to which these databases have been integrated.

The TSC currently maintains two database systems. The first database is the TSDB, which contains the identities of known or appropriately suspected terrorists. The second contains the information derived from an encounter with a known or appropriately suspected terrorist.

The TSDB is designed on the sensitive but unclassified (SBU) client-server based architecture using ORACLE 9i. The TSDB is located on-site. It is currently updated by transferring file data on common SBU directory services or by importing files on CD media. Exports of SBU information by the TSC to TSC customers, such as the State Department and TTIC, are carried out by transferring files via CD media or commonly accessed file directories. Transfers of SBU information to classified systems are carried out with "air gap" procedures and are supervised by authorized security personnel.

The TSC's Encounter Management system maintains the information obtained when the TSC is notified of an encounter with a known or appropriately suspected terrorist.

(3) A determination of whether data from all watch lists detailed in the April 2003 report of the Comptroller General of the United States, entitled "Information Technology: Terrorist Watch Lists should be Consolidated to promote Better Integration and Sharing," have been incorporated into the Terrorist Screening Center database system.

On March 12, 2004, the TSC created a consolidated terrorist database (TSDB) which merged all of the records from each watchlist described in the April 2003 Government Accountability Office (GAO) report "*Terrorist Watch Lists Should be Consolidated to Promote Better Integration and Sharing*" except for the biometric data related to the Automated Biometric (fingerprint) Identification System and the Integrated Automated Fingerprint Identification System (see Attachment 1). Terrorist information continues to be added to the TSDB on a daily basis. The TSDB is a SBU database and contains the names, dates of birth, passport numbers, and countries of origin of known or appropriately suspected terrorists.

Future TSDB enhancement will include the capture of biometric data, but are not scheduled as part of current priorities. Presently, the TSC has accessibility to the biometric data maintained by the FBI and Department of Homeland Security (DHS).

(4) A determination of whether there remain any relevant databases that are not yet part of the Terrorist Screening Center database system.

All of the relevant databases that were identified by the April 2003 report of the Comptroller General have been included within the TSDB. As of September 8, 2004, the TSDB contained over 282,000 records. These records contain the names, aliases, and partial names of known or appropriately suspected terrorists.

It is important to note that HSPD-6 requires that all federal agencies and departments provide all appropriate international terrorist identification information to the TTIC on an ongoing basis and all domestic terrorist identification information to the FBI. The TSC has an aggressive outreach program. Under this outreach program, TSC management has been reaching out to federal agencies and departments to explain the mission of the TSC and to determine under what circumstances a particular agency or department may incorporate terrorist screening into its daily operations. When screening opportunities are identified the affected agencies are referred to the appropriate organization (TTIC or FBI) for nomination into the TSDB.

More recently with the announcement of HSPD-11, all federal agencies are currently working together on a working group sponsored by DHS to identify all screening opportunities. The TSC is a member of that working group.

(5) A schedule that specifies the dates on which each Federal watch list database identified in the report referred to in paragraph (3), or determined under paragraph (4) to be not yet part of the Terrorist Screening Center database system, were, or will be, integrated into the Terrorist Screening Center database system.

The TSC's database systems currently include the names and identifiers for known and appropriately suspected terrorists in watch lists maintained by Departments of State, Treasury, Justice, Defense, Homeland Security, and the DCI listed in the GAO report from April 2003 except for biometric data related to the Automated Biometric (fingerprint) Identification System and the Integrated Automated Fingerprint Identification System. Requirements for future TSDB enhancement include biometric data, but are not scheduled as part of current priorities.

(6) A description of the protocols in effect to ensure the protection of classified and sensitive information contained in the Terrorist Screening Center database system.

As previously stated, the TSC's databases contain only SBU information only. There is no classified information in the TSDB or the Encounter Management System.

(7) A description of –

(A) the process by which databases in the Terrorist Screening Center database system are reviewed for accuracy and timeliness of data and the frequency of updates of such reviews;

The TSC has written policies and procedures in place to assure that data placed within the TSDB is accurate and updated. The TSC Nominations Unit is initially responsible to insure the data integrity of records placed within the TSDB. Errors in records discovered through

the nominations process are resolved through coordination between TSC's Nominations Unit and the TTIC or the FBI to update or remove a record containing identities information of international or domestic terrorists, respectively. In addition, a review of each record occurs at the time an encounter occurs. When out-dated or incorrect records are discovered as a result of an actual encounter, the matter is referred to TSC Quality Assurance personnel. Quality Assurance personnel contact the owner of the record to verify its contents and take appropriate action to correct or remove the record from the TSDB. As of September 8, 2004, over 1,300 records have been removed.

and (B) the mechanism used to ensure that data within a particular database is synchronized and replicated throughout the database system of the Terrorist Screening Center.

As previously stated, the quality assurance and nomination processes are used to synchronize the data. Additionally, TSC database administrators are developing technical solutions to automate this process.

On June 14, 2004, the TSDB was enhanced to facilitate the name exporting process missing from the previous version. Incorporating the name nominations process into the TSDB and implementing other operational guidelines increased the TSC's effectiveness and placed all of the information needed for nominations of international and domestic terrorist information into a single system. As a result of these enhancements, records from the TTIC are electronically exported to the TSDB on a daily basis.

(8) A description of the extent to which the Terrorist Screening Center makes information available to the private sector and critical infrastructure components, and criteria for determining which private sector and critical infrastructure components receive that information.

The TSC does not currently make information available to the private sector. Pursuant to HSPD-6, the DHS is tasked with developing the process by which private sector and critical infrastructure components obtain access to information within the TSDB. The DHS is currently in the process of finalizing a plan to pilot private sector screening at certain high risk infrastructure facilities. The pilot is expected to commence before the end of the calendar year. All screening for the private sector will be performed by DHS assignees to the TSC, and no terrorist identifying information will be released directly to the private sector.

(9) The number of records listed in the Terrorist Screening Center database system.

As of September 8, 2004, the TSDB contained over 282,000 records of names, aliases, partial names, and fragments of known or appropriately suspected terrorists.

(10) The estimated operation budget of, and sources of funding for, the Terrorist Screening Center for each of fiscal years 2004, 2005, and 2006.

In FY 2004, the TSC's budget was compiled from four sources, as shown in the chart below. In FY 2005, the Administration combined all required funding into one \$ 29 million

request, which was placed in the FBI's budget. After the submittal of the President's Budget to Congress in February of 2004, the FBI became aware of additional operational requirements for the TSC (i.e., Secure Flight Program) that are anticipated to drive the TSC's expenses well over the \$29 million mark in FY 2005 and FY 2006. The FBI is currently in the process of estimating the total cost of the resources needed to fulfill these new requirements in FY 2005 and FY 2006.

Fiscal Year	Source of Funding	Amount
2004	Department of Justice	\$14,121,000
2004	Department of Homeland Security	\$7,884,000
2004	Department of State	\$1,589,000
2004	Terrorist Threat Integration Center/Department of Defense	\$3,471,000
Total		\$27,065,000

Fiscal Year	Source of Funding	Amount
2005 President's Request	Federal Bureau of Investigation (FBI)	\$14,500,000
2005 President's Request	Other Departmental Contributions within the FBI Budget	\$14,500,000
Total		\$29,000,000

Fiscal Year	Source of Funding	Amount
2006	Federal Bureau of Investigation (FBI)	\$14,500,000
2006	Other Departmental Contributions within the FBI Budget	\$14,500,000
Total		\$29,000,000
* The resources shown in the FY 2006 table assume the full recurral of the FY 2005 President's Request.		

(11) An assessment of the impact of the Terrorist Screening Center concurrent law enforcement systems.

The process used to develop and deploy the TSDB has resulted in providing law enforcement officers with information about known or appropriately suspected terrorists that they never had access to before. Most individuals accessing terrorist records through existing systems believe there has been improved processing and faster response than existed prior to the TSC. For the first time, local law enforcement has real time connectivity to the federal government's approach on screening terrorists' identifying information. More importantly, when a police officer encounters a known or suspected terrorist in the course of his/her normal duties, and if information is gathered from that individual, that information is quickly fed back to the TTIC and to the originating agency.

(12) The practical impact, if any, of the operations of the Terrorist Screening Center on individual liberties and privacy.

There is no impact on individual liberties and privacy issues related to any individuals. The TSC does not interact directly with the general public and does not initiate encounters. If an individual is encountered by a law enforcement officer, following standard procedures, that officer may institute a check of terrorist records. If the individual encountered during the

course of a screening opportunity is determined to have a record within the TSDB (or who has a name similar to a name in the TSDB), then that officer will follow the procedures developed by that agency, which may include placing a call to the TSC. If the individual encountered is physically present with the officer, the officer may wait until it is determined whether the individual is identical to the person in the TSDB before allowing the individual to proceed. The TSC attempts to resolve the identity issue so that the individual is not unduly inconvenienced as a result of the screening opportunity. Any agency that contacts the TSC is directed to follow standard procedures during the encounter to ensure that individual liberties are protected. The TSC performs quality assurance on each encounter to determine whether a record within the TSDB continues to meet the criteria for inclusion in the TSDB. Personnel at the TSC are assigned to remove records from the TSDB in appropriate circumstances.

TSC personnel protect individual privacy interest by ensuring that information about an individual in the TSDB is only disclosed to authorized individuals who have a valid reason to know such information. TSC personnel verify the name of each call to the TSC Call Center and only reveal the necessary amount of information as is required in each particular situation.

(13) Such recommendations as the President considers appropriate for modifications of law or policy to ensure the continuing operation of the Terrorist Screening Center.

The TSC has developed a new and unique role within the United States government by successfully bridging the gap between the intelligence and the law enforcement communities. Typical encounters result in obtaining additional information about the terrorist that was not previously known. That information is forwarded back to the intelligence communities, as well as the agents conducting the investigation. This cooperative effort has significantly contributed to the overall success of protecting the United States against terrorist attacks. Because of jurisdictional issues related to the interactions of known or suspected terrorists within the United States, the responsibility and oversight of the TSC should reside with a federal law enforcement agency.

ATTACHMENT 1

Matter #3 GAO Watch List Report

Table 1: Departments, Agencies, and Their Watch Lists

Department	Agency/Department subcomponent	Watch List	
State	Bureau of Consular Affairs	Consular Lookout and Support	TSDB - YES
	Bureau of Intelligence and Research	TIPOFF	TSDB - YES
Treasury	Customs	Interagency Border Inspection ^a	TSDB - YES
Transportation	TSA	No-Fly	TSDB - YES
		Selectee	TSDB - YES
Justice	INS	National Automated Immigration Lookout	TSDB - YES
		Automated Biometric (fingerprint) Identification System ^b	TSDB - NO Biometrics
	U.S. Marshals Service	Warrant Information	TSDB - YES
	FBI	Violent Gang and Terrorist Organization File ^c	TSDB - YES
		Integrated Automated Fingerprint Identification	TSDB - NO Biometrics
	U.S. National Central Bureau for Interpol ^d	Interpol Terrorism Watch List	TSDB - YES
Defense	Air Force (Office of Special Investigations)	Top Ten Fugitive	TSDB - YES

Source: GAO.