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Section 19-06 (U) Terrorism Screening Procedures (Watchlisting)

A. (U) Role of the Terrorist Screening Center (TSC)

(U) The TSC was established by Homeland Security Presidential Directive (HSPD) 6 on 09/16/2003, which directed the establishment of an organization that would consolidate the government's approach to terrorism screening and provide for the appropriate and lawful use of terrorist information in screening processes. The mission of the TSC is to facilitate and assist in the protection against terrorism by:

1. Consolidating the Government's approach to terrorism screening;
2. Providing for the appropriate and lawful use of the terrorist information in screening processes;
3. Maintaining consolidated, thorough, accurate and current terrorist identities information;
4. Sharing information globally and between the Federal, State, local, territorial, and tribal law enforcement and intelligence communities; and carrying out these activities in a manner consistent with the Constitution and applicable laws protecting privacy and civil liberties.

B. (U) Watchlisting Policy for Known or Appropriately Suspected Terrorists

1. The Counterterrorism Division's (CTD) policy requires that all main IT subjects for both Full and Preliminary Investigations in the 315 classification and all subjects of domestic terrorism (DT) Full Investigations in the 266 classification shall be nominated for entry into the TSC's Terrorist Screening Database (TSDB) and all eligible supported systems if the subject meets the criteria for inclusion. Individuals being investigated as part of a Threat Assessment shall not be included in the TSDB or any of its supported systems. See Section C below for a discussion of the TSDB's supported systems.

2. Main DT subjects for both Full and Preliminary Investigations in the 174 classification and subjects of DT Preliminary Investigations in the 266 classification may, at the discretion of the nominating official (e.g., Joint Terrorism Task Force, FBI Case Agent or Intelligence Analyst, or Headquarters supervisor, if HQ is the Office of Origin), be nominated for entry into the TSDB and, if the subject meets the criteria for inclusion, all eligible supported systems.

3. The nomination of main subjects for entry into the TSDB and all eligible supported systems is consistent with HSPD-6 and the "Memorandum of Understanding On Integration and Use of Screening Information to Protect Against Terrorism," issued 09/16/2003 (the "MOU"), and provides a consistent and efficient method to ensure that only individuals who are known or appropriately suspected terrorists are included in all eligible supported systems.

4. Subjects with no nexus to terrorism shall not be nominated for entry into the TSDB. Terrorist group or organization names cannot be nominated for entry into the TSDB. The procedure for nominating subjects for entry into the TSDB is detailed below in Section D.

C. (U) Terrorist Screening Database and its Supported Systems

(U) The TSC maintains the U.S. Government's consolidated terrorist watchlist, known as the TSDB, of the names and other identifying information for all known or appropriately suspected terrorists. The TSC consolidated into the TSDB the existing subsets of information about known or appropriately suspected terrorists from supported systems.

(U) The TSC receives "Terrorist Identifiers" (as defined in Addendum B to the aforementioned MOU) from two sources. The information about known or appropriately suspected international terrorists comes from the National Counterterrorism Center (NCTC), which assembles and analyzes information from a wide range of sources. The FBI provides the TSC directly with the identities of known or appropriately suspected purely domestic terrorists. The Terrorist Identifiers in the TSDB are deemed For Official Use Only.

(U) 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 appropriately 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 exports updated subsets of TSDB data to the following supported systems:

1. Violent Gang and Terrorist Organization File (VGTOF). VGTOF is a file within the National Crime Information Center (NCIC) database that is composed of information in possession of the U.S. Government related to the identities of individuals known or appropriately suspected to be or have been involved in activities constituting, in preparation for, in aid of, or related to IT or DT.

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- D. (U) Nomination of Subjects for Entry into the TSDB and Initial Submission Procedure
1. To nominate a subject to the TSDB, the nominating official (e.g., Joint Terrorism Task Force, FBI Case Agent or Intelligence Analyst, or Headquarters supervisor, if HQ is the Office of Origin) must e-mail the following documents to the Terrorist Review and Examination Unit ("TRES Unit") at HQ_DIV13_TRES:
 - a) Opening Electronic Communication ("EC"); and
 - b) FD-930 for each subject who is a known or appropriately suspected terrorist. Use the eForm version of the FD-930 to enter the subject; and
 - c) Notice of Initiation (NOI) or Letter Head Memo (LHM).
 2. An individual watchlisted as a known or appropriately suspected terrorist will be included in all supported systems if the individual meets the criteria for inclusion, unless the justification for exclusion (made in accordance with Section E below), is supported by the TRES Unit and the TSC.

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3. All subjects who qualify for inclusion on the No Fly List will be nominated to that list in no more than 24 hours. Individuals will not be included on the No Fly or Selectee Lists without sufficient derogatory information supporting inclusion.

4. The TSDB contains only the identities of known or appropriately suspected individual terrorists. A nomination to include a subject in the TSDB who is not associated with terrorism will not be processed.

5. The submission of an EC, FD-930 and NOI/LHM affirms the subject is a known or appropriately suspected terrorist. Any FD-930s received without an accompanying EC will not be processed.

6. After the TREX Unit reviews and approves the FD-930, it forwards the FD-930 to NCTC for all IT nominations and directly to the TSC for all purely DT nominations. For IT nominations, NCTC forwards the relevant information to the TSC for entry into the TSDB and eligible supported systems, as appropriate.

E. (U) Exclusion from a Particular Supported System

1. An individual included in the TSDB will be included in all supported systems if the individual meets the criteria for inclusion. An individual may be excluded from a particular supported system in rare cases when there is a reasonable and detailed operational justification for not including the individual in a particular supported system and the request for exclusion has been reviewed and approved by the TREX Unit and the TSC. The reasonable and detailed justification must be included in both the EC and the appropriate field of the FD-930. The existence of a local or state "Sunshine Law" is not sufficient justification for exclusion.

2. The justification to exclude a subject from any particular support system will be reviewed by the TREX Unit and the TSC. After the review, the TREX Unit will notify the nominating official regarding whether CTD: (1) supports the justification resulting in the exclusion of the name from a particular supported system, or (2) finds the justification for exclusion insufficient resulting in the subject's addition to the particular supported system. The TSC will make the final decision.

F. (U) VGTOF Handling Codes

(U) Each record in VGTOF will be assigned a Handling Code, as follows:

1. Handling Code 1 is reserved 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. If the arrest warrant is no longer valid, then the case agent has an obligation to submit a new FD-930 to the TREX Unit to update the record. The following banner appears in VGTOF when a Handling Code 1 is encountered:

***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 AT [REDACTED] FOR ADDITIONAL DIRECTION. IF AN ARREST WARRANT FOR THE INDIVIDUAL IS NOT RETURNED, USE CAUTION AND IMMEDIATELY CONTACT THE TERRORIST SCREENING CENTER [REDACTED] FOR ADDITIONAL DIRECTION.

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IF YOU ARE A BORDER PATROL OFFICER IMMEDIATELY CALL THE NTC.*

2. Handling Code 2 is reserved for individuals for whom DHS has or will issue a "Detainer" should the individual be encountered by law enforcement.

Nominations of individuals in VGTOF with this handling code will require a particularized review of the intelligence records. 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 for this Handling Code. The TSC-OGC representative, in coordination with the National Security Law Branch (NSLB), will provide such approval for OGC. The following banner appears in VGTOF when a Handling Code 2 is encountered:

***WARNING - APPROACH WITH CAUTION**

PLEASE DETAIN THIS INDIVIDUAL FOR A REASONABLE AMOUNT OF TIME FOR QUESTIONING. THIS INDIVIDUAL IS OF INVESTIGATIVE INTEREST TO LAW ENFORCEMENT REGARDING ASSOCIATION WITH TERRORISM. IMMEDIATELY CONTACT THE TERRORIST SCREENING CENTER AT [REDACTED] FOR

I. (U) Nomination of Non-FBI Subjects for Terrorist Screening

1. Individuals who are known or appropriately suspected terrorists, but who are not FBI subjects of an IT investigation, may be nominated by the FBI for inclusion in the TSDB via the NCTC as provided below.
2. The FBI may nominate non-USPERs or presumed non-USPERs (as those terms are defined in the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, or NSIG, issued 10/31/2003) who are not subjects of IT investigations (315 classification) for entry into NCTC's Terrorist Identities Datamart Environment (TIDE) for terrorist screening purposes. Such entry does not apply to subjects of pending or closed FBI IT investigations (315 classification). For procedures relating to the nomination of an FBI subject for entry into the TSDB, refer to Section D above.
3. All FBI personnel -- either Headquarters or Field Offices -- desiring to submit information (i.e., military detainee or Legat records) to NCTC for terrorist screening purposes must send an EC, uploaded with unrestricted text, to the substantive unit in CTD that has program management responsibility for the terrorist organization to which the known or appropriately suspected terrorist is a member or affiliate.
4. The EC to CTD should contain enough substantive information to identify the individual as a known or appropriately suspected terrorist. Although the teletype to NCTC will not contain sources and methods, the EC to the substantive desk should include the source of the information. The EC should not provide mere conclusions (e.g., "subject is an international terrorist"). Instead, the EC should provide specific justification (e.g., "subject is a member of a HAMAS cell that includes individuals currently opened as Full Investigations in the 315 classification"). Any information that may be subject to use restrictions (i.e., federal grand jury (Rule 6e), FISA, sealed material or Bank Secrecy Act information) should be clearly marked. When known, information that an individual is considered "Armed & Dangerous" should also be clearly marked.
5. The EC should also contain all the identifying information known on the individual:
 - a. full legal name and aliases;
 - b. dates of birth (month, date, and year);
 - c. places of birth;
 - d. unique identifying numbers such as alien registration numbers, visa numbers, social security account number(s);
 - e. passport information, including passport numbers, countries of issuance, dates and locations of issuance, expiration dates, passport photos, and other relevant data;
 - f. countries of origin and nationalities;
 - g. physical identifiers, such as sex, race, height, weight, eye color, hair color, scars, marks, or tattoos;
 - h. known locations, i.e., addresses;
 - i. photographs or renderings of the individual;
 - j. fingerprints or other biometric data;
 - k. employment data;
 - l. license plate numbers; and
 - m. any other terrorism information that originators specifically provide for passage to the TSC.
6. The substantive unit will be required to draft a teletype to NCTC requesting the entry of the individual(s) into TIDE. Based on the derogatory information in the teletype, NCTC will determine whether to nominate an individual to the No Fly or Selectee list. For non-subjects, a teletype is required, since this information is being disseminated outside of the FBI to the U.S. Intelligence Community (USIC).
7. Once the teletype is received by NCTC, a record will be generated and the For Official Use Only (FOUO) identifying information will be forwarded to the TSC. The individual will then be entered into the TSDB and eligible supported systems.
8. The teletype to NCTC should not contain any information identifying sources or methods, since this teletype will be available for review by authorized members of the USIC who have access to NCTC Online. However, it should contain all relevant unclassified identifying information referenced above in subsection 5.

J. (U) On-going Requirement to Update Information

(U) After the initial submission of the FD-930, it is essential that information about a known or appropriately suspected terrorist (e.g., change in investigation status, updated biographical information or in the nominating official's contact information) be updated as information changes and/or new information becomes available. To update or modify a record, check the "Add Data to Existing Record" box or the "Modify or Delete Data from Existing Record" box at the top of the FD-930 and enter the updated information in the appropriate fields. The FD-930 and an EC must be sent via e-mail directly to the TREX Unit with a copy to the substantive unit.

K. (U) Removal of Identities from the TSDB

1. To remove an identity from the TSDB and all the eligible supported systems, e-mail a copy of the approved closing communication and FD-930 to the TREX Unit at HQ_DIV13_TREX. The "Administrative" section of the closing communication should include language to the following effect: "Per concurrence with CTD [reference approving authority and substantive unit], the P/FI is being closed." Check the "Remove Individual From ALL Watchlisting and Supported Systems" box. The FD-930 and EC must be e-mailed directly to the TREX Unit with a copy to the substantive unit. The TREX Unit does not require hard copies of the FD-930 and EC.

2. When a Preliminary Investigation is closed, the subject must be removed from the TSDB (i.e., VGTOF and the other supported systems).

3. If a Full Investigation is closed because no link to terrorism was established, the subject must be removed from the TSDB. However, if a subject of a Full Investigation moves to another Field Office's jurisdiction or outside the United States, the subject should remain in the TSDB, if the subject continues to pose a threat to national security. In those cases, the case agent must notify the appropriate FBI Field Office or Legat in the closing communication that his/her subject is moving to their jurisdiction.

L. (U) Expedited Nominations

(U) In the event that a subject must be watchlisted in an expeditious manner (e.g., the known or appropriately suspected terrorist's travel is imminent), a nomination may be processed directly by the TSC. This expedited action, known as an Expedited Nomination, ensures the subject's information is sent to TSC's expedited data base (i.e., No Fly List, Selectee List, VGTOF, [redacted]

[redacted] for immediate notification. Expedited nominations must still meet the criteria for entry in the TSDB. Most Expedited Nominations will request placement on the Transportation Security Administration's (TSA) No Fly or Selectee List. The TSC will determine if the subject qualifies for either of these lists. In addition to the TSA lists, the expedited nominee should also be placed in VGTOF and IBIS [redacted]

[redacted] and [redacted]

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(U) All Expedited Nominations will be processed immediately at TSC, and thereafter the nominations paperwork will be sent to NCTC for IT matters (so that a record in TIDE can be created) or the TREX Unit for DT matters for the nomination process on the next business day. The TSC will remove the expedited record from the TSDB and all supported system 72 hours later, unless the nominating official forwards sufficient derogatory information through the routine process.

(U) All non-expedited requests will be processed through the normal daily ingest process and should be submitted to the TREX Unit. The TREX Unit will submit to NCTC for IT matters and directly to TSC for purely domestic matters.

M. (U) Arrest Warrants and Interpol Notices for Watchlisted Individuals

If there is an active arrest warrant in the NCIC Wanted Persons File for a subject in the TSDB, then the case agent must submit both a notification EC and FD-930 to the TREX Unit. VGTOF Handling Code 1 is reserved for subjects who have an active arrest warrant in the NCIC Wanted Persons File.

1. The notification EC and FD-930 must include the NCIC Warrant Number listed in the NCIC Wanted Persons File. In the case of currently watchlisted individuals, this documentation should also include any descriptive, biographical, or cautionary information about the subject that has not already been entered into the TSDB. The TREX Unit will enter the information into VGTOF, and, if necessary, make an appropriate change to the subject's handling code.

2. If there is an active arrest warrant for the subject, absent sensitive circumstances, the case agent should apply for an Interpol Red Notice. Interpol publishes these notices to their member

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- states with a view to arrest and extradite the person to the country who holds the arrest warrant. The application for an Interpol Red Notice is available on the FBI's Intranet or by contacting an FBI representative at Interpol's U.S. National Central Bureau in Washington, D.C.
3. If an Interpol Red Notice is filed, then notification must be submitted to the TSC and the appropriate unit at FBIHQ. The Red Notice notification may be included in the original notification EC concerning the arrest warrant, or in a later EC as needed. The TSC will enter into the TSDB that the individual is subject of an Interpol Red Notice.
 4. If an arrest warrant is no longer active in the NCIC Wanted Persons File (e.g., the arrest warrant has been served or recalled by the court), then a notification EC must be sent to the TREX Unit. The TREX Unit will make an appropriate entry into VGTOF reflecting the disposition of the warrant.
 5. In rare circumstances, such as a sealed indictment, it may be necessary to keep information concerning an arrest warrant out of the TSDB. In such circumstances, the notification EC concerning the warrant must articulate a reasonable and detailed justification for such exclusion.

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