



September 13, 2011

MR. ANDREW CHRISTY
EPIC
SUITE 200
1718 CONNECTICUT AVENUE, NORTHWEST
WASHINGTON, DC 20009

Subject: NO FLY LIST/SELECTEE LIST ET. AL.

FOIPA No. 1168114- 000

Dear Mr. Christy:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Table with 3 columns: Section 552, Section 552a, and various exemption codes like (b)(1), (b)(7)(A), (d)(5), etc.

224 page(s) were reviewed and 92 page(s) are being released.

- Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
referred to the OGA for review and direct response to you.
referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

In accordance with standard FBI practice, this response neither confirms nor denies the existence of your subject's name on any watch lists.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ Unrecorded Serial

Total Deleted Page(s) ~ 24

Page 1 ~ Referral/Consult

Page 2 ~ Referral/Consult

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FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE

Date: 12/21/2010

To: All Field Offices

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

All Legats
CJIS

Attn: Global Operations Section
SC Robert C. Rudge Jr.

Counterterrorism

Attn: ITOS I
SC R.J. Holley
ITOS II
SC Philip A. Selton
DTSOS
SC John Giacalone

International Operations
National Security Branch

CXS
SC Armando Fernandez
NCTC
UC [redacted]
Attn: SC [redacted]
Attn: Terrorist Screening Center
Dir Timothy J. Healy

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b7c

From: Counterterrorism
Front Office/LX-1 3W-400

Contact: A/SC [redacted]
A/ASC [redacted]

Approved By: Giuliano Mark F
Heck Brenda
Fernandez Armando
Caproni Valerie E
Castor Andrew J

[redacted]

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, 12/21/2010

Synopsis: (U//FOUO) To provide the Counterterrorism Division (CTD), Field Offices, and LEGATs with updated 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: 20351014

Administrative: (U//FOUO) This guidance is to be used in lieu of NFIP Manual Section 19-6. This communication supercedes 3190-HQ-A1487636 serial 38 as the FBI's Watchlisting administrative and operational guidance.

(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) During July 2010, the Terrorist Screening Center developed and released a new Watchlisting Guidance to help standardize the watchlisting community's nomination and screening decisions. As a result of the new Guidance, Counterterrorism Division made changes to the FBI's Watchlisting Guidance to conform to the Terrorist Screening Center's July 2010 version. This communication replaces 3190-HQ-A1487636-CTD serial 38. All sections of the prior policy remain intact with the exception of sections 1.2.2 TSA No Fly List; 1.2.3 TSA Selectee List; and section 1.8 Non-Subject Nominations. Section 1.2.2 now includes the fourth No Fly criterion with modified wording and definitions; section 1.2.3 includes the requirements to be placed on the TSA Selectee list with modified wording; and section 1.8 removes the requirement that only NON-USPERS may be nominated as non-subjects, and will allow the inclusion of USPERS that meet the required non-subject criteria.

(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

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To: All Field Offices From: Counterterrorism
Re: (U) 3190-HQ-A1487636, 12/21/2010

(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.

(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

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To: All Field Offices From: Counterterrorism
Re: (U) 3190-HQ-A1487636, 12/21/2010

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 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, kidnaping, 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

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To: All Field Offices From: Counterterrorism
Re: (U) 3190-HQ-A1487636, 12/21/2010

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 (TRES) within the Counterterrorism Division. Nominations are accomplished through the submission of an FD-930 form to TRES (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)

(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 TRES to update the record.

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To: All Field Offices From: Counterterrorism
Re: (U) 3190-HQ-A1487636, 12/21/2010

(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.

b7E

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 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:

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To: All Field Offices From: Counterterrorism
Re: (U) 3190-HQ-A1487636, 12/21/2010

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 [REDACTED] 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.

b7E

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"

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.

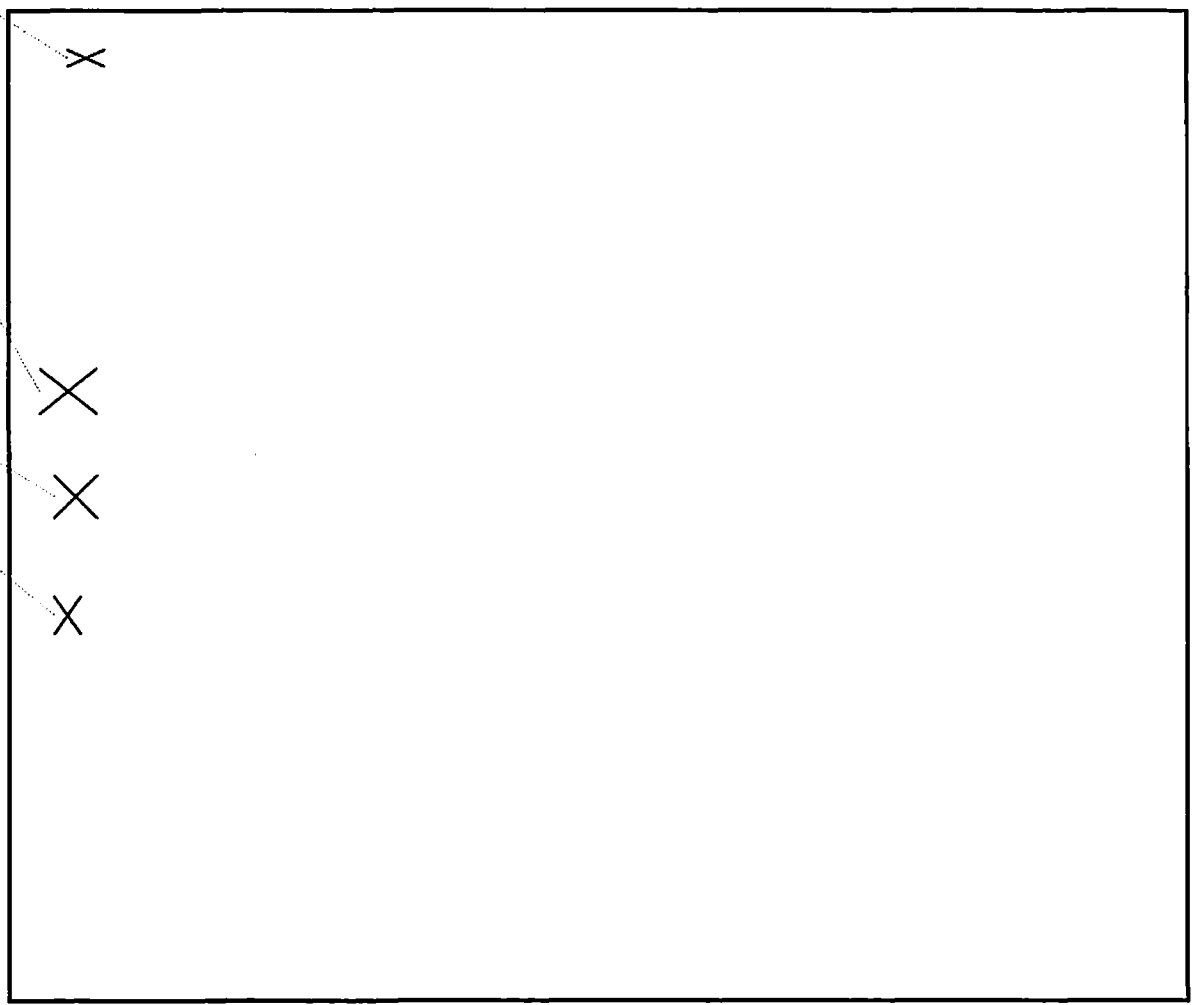
ATTEMPT TO OBTAIN SUFFICIENT IDENTIFYING INFORMATION DURING THE ENCOUNTER, WITHOUT OTHERWISE EXTENDING THE SCOPE OR DURATION OF THE ENCOUNTER, TO ASSIST THE TSC IN DETERMINING WHETHER OR NOT THE NAME OR IDENTIFIER(S) YOU QUERIED BELONGS TO AN INDIVIDUAL IDENTIFIED AS HAVING POSSIBLE TIES WITH TERRORISM.

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To: All Field Offices From: Counterterrorism
Re: (U) 3190-HQ-A1487636, 12/21/2010

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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To: All Field Offices From: Counterterrorism
Re: (U) 3190-HQ-A1487636, 12/21/2010

[Redacted]

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[Redacted]

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

[Redacted]

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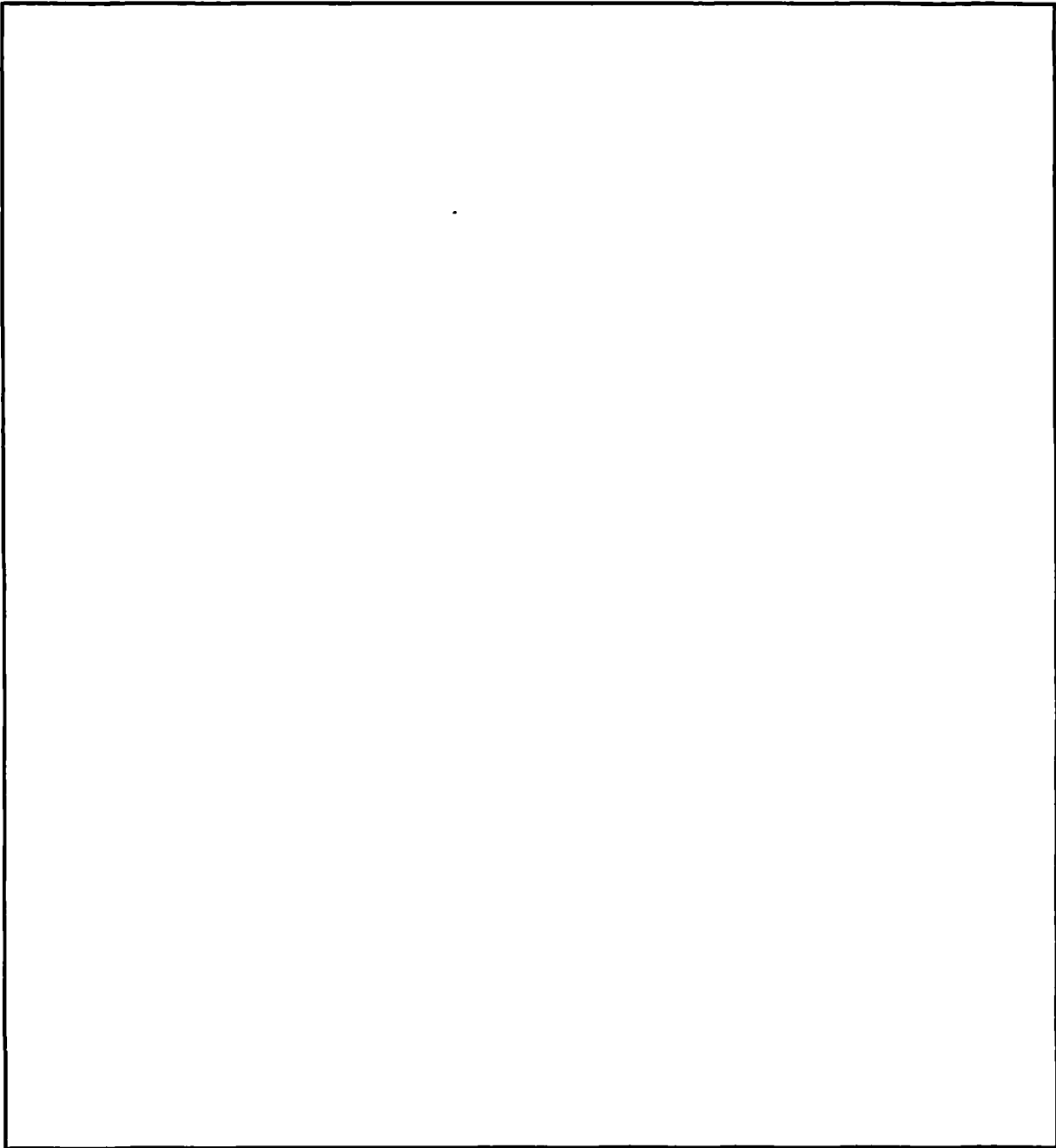
Referral/Consult



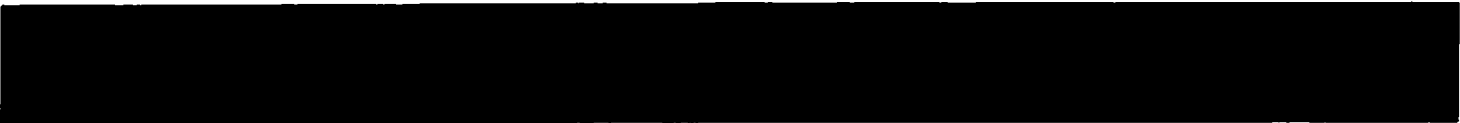
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Referral/Consult



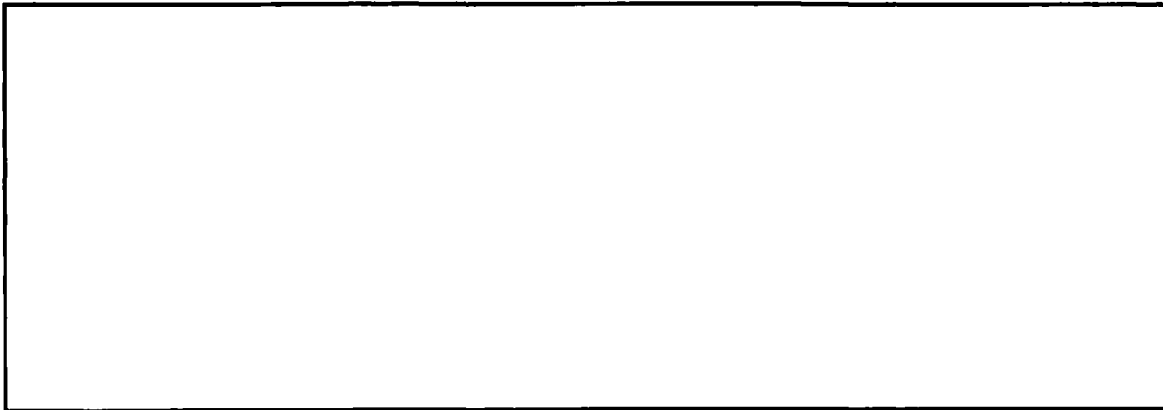
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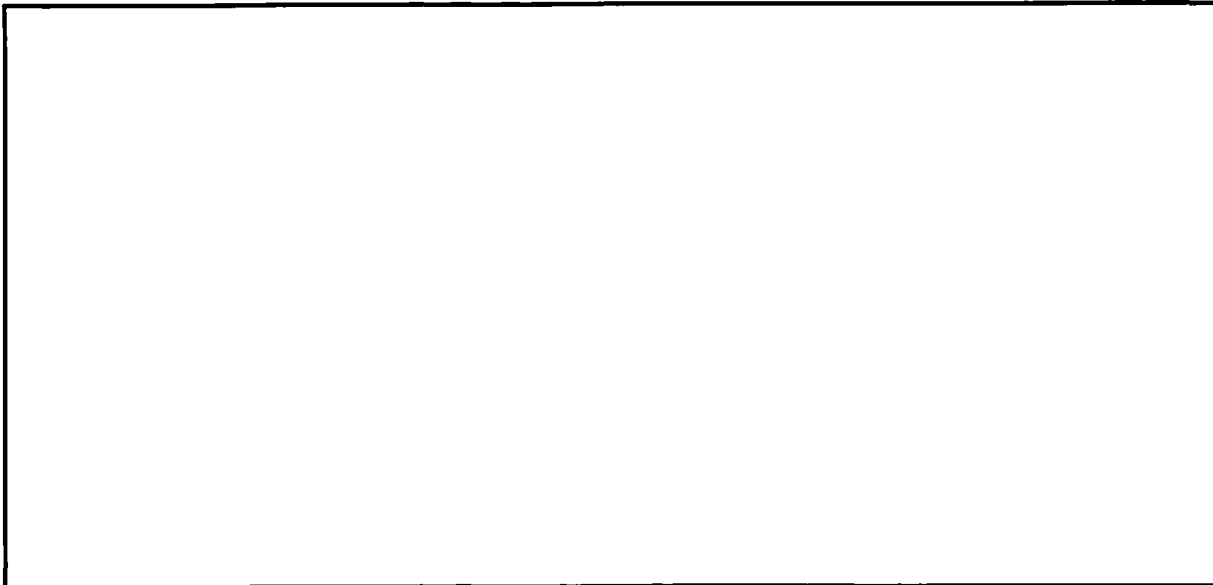
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Referral/Consult



(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 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.



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

[Redacted]

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

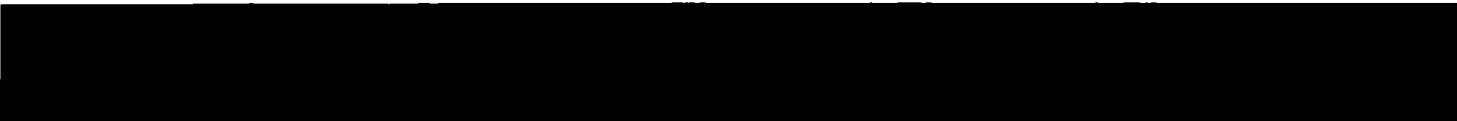
(U//FOUO) The minimum biographical information needed to nominate an individual to the Selectee List is first name, last name, and full date of birth.

(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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Referral/Consult

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Referral/Consult

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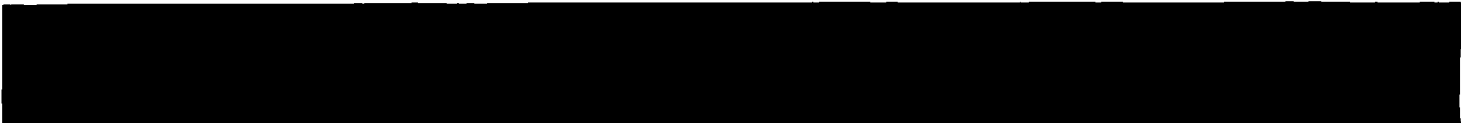
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1.2.8. Additional Supported Systems

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(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

(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

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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. Referral/Consult (Please note: at a minimum, [redacted])

[redacted] 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."

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(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 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

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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.

(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:

(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 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

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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.

(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]

[REDACTED] Referral/Consult

(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]

[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.

[REDACTED] Referral/Consult

Identifiers for Nominated Subjects:

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- (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:
- 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

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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 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.

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(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 for a crime related to terrorism in a U.S. or foreign court of competent jurisdiction. All known terrorists shall remain watchlisted. If the field closes an investigation of a "known terrorist" (e.g., after the criminal case has concluded), the closing EC must also be sent to case file 415-HQ-C1625243 with a lead for TREX to take oversight responsibility of the watchlist record. TREX will then submit an FD-930 to modify the TSDB record in accordance with section 1.8.1. If an individual is acquitted or charges are dismissed for a crime related to terrorism, the subject must be removed from the watchlist unless a reasonable suspicion, as set forth in section 1.1 continues to be met. Terrorism subjects convicted of non-terrorism offenses must be removed from the watchlist unless the reasonable suspicion standard continues to be met. TREX personnel will annually review known terrorists on the watchlist to ensure they continue to meet the reasonable suspicion standard.

1.8. Non-Subject Nominations

(U//FOUO) Typically, the FBI only nominates subjects of predicated investigations for watchlisting. However, certain circumstances may arise in which the FBI determines a person who

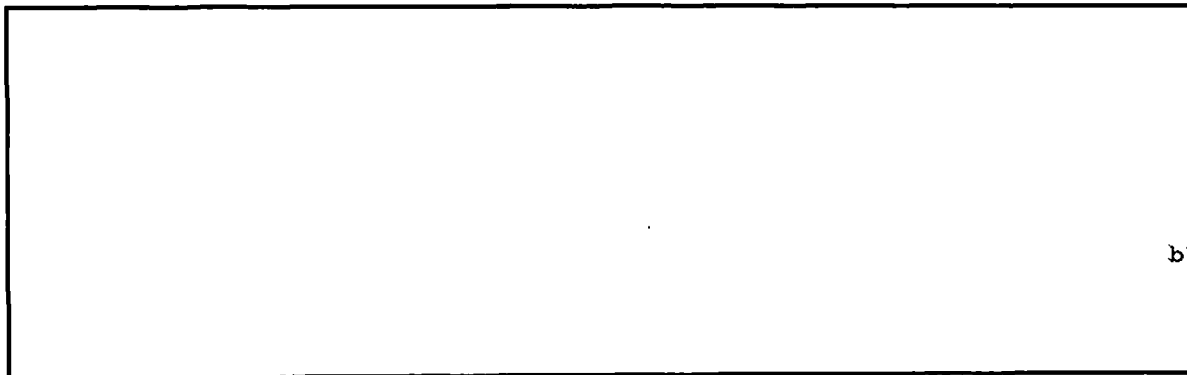
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is not the subject of a predicated investigation warrants watchlisting because the person poses a threat. This may include, in limited circumstances, the subject of a closed FBI investigation.

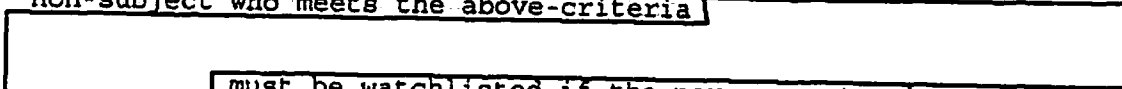
(U//FOUO) This process may not be utilized to watchlist an individual based on hunches or suppositions. The nominating official shall provide particularized derogatory information concerning the threat posed by non-subjects who meet the reasonable suspicion standard articulated in section 1.1. In these matters, the FBI may only nominate the individual if both of the following criteria are met:



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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



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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.

(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.

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(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.

(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

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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 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 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 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

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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-C1625243. 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-C1625243. 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 changes to 415-HQ-C1625243. 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:

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To: All Field Offices From: Counterterrorism
Re: (U) 3190-HQ-A1487636, 12/21/2010

- 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 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

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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

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To: All Field Offices From: Counterterrorism
Re: (U) 3190-HQ-A1487636, 12/21/2010

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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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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Referral/Consult

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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 ("TREX Unit") at HQ_DIV13_TREX:
 - 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 TREX 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/F/I 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]

Referral/Consult

(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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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

November 15, 2004

Honorable Peter Hoekstra, Chairman
Permanent Select Committee on Intelligence
United States House of Representatives
H-405 Capitol
Washington, DC

Dear Mr. Chairman:

Reference is made to the Intelligence Authorization Conference Report, Tasking Document Number FY 2004 H.R. 2417 Report 108-381, Pages 26-7, Section 360, which tasks the President with submitting a report to Congress by September 16, 2004, on the establishment and operation of the Terrorist Screening Center. The Federal Bureau of Investigation submits the enclosed report on behalf of the President and apologizes for the delay.

Sincerely,

A handwritten signature in cursive script that reads "Eleri P. Kalisch".

Eleri P. Kalisch
Assistant Director,
Office of Congressional Affairs

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
of Committees on Intelligence*

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DATE 07-26-2011 BY 60324 UC BAW/SAB/RYS

Prepared by:
Federal Bureau of Investigation
United States Department of Justice

October 29, 2004

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

(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

Attn: INGOS
SC Robert C. Rudge Jr.

Counterterrorism

Attn: ITOS I
SC Brenda L. Heck
ITOS II
A/SC [redacted]
DTSOS

International Operations
Director's Office

Attn: SC Mark F. Giuliano
CXs
SC Armando Fernandez
NCTC
UC [redacted]
Attn: DAD Sean Joyce
Attn: Terrorist Screening Center
Dir Timothy J. Healy

From: Counterterrorism
Front Office/LX-1 3W-400

Contact: SC J. Roger Morrison, [redacted]
ASC [redacted]

Approved By: McJunkin James W
Ward Michael B
Caproni Valerie E
North Tracey A
Morrison J Roger

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

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

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

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

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.

b7E

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

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"

(U)

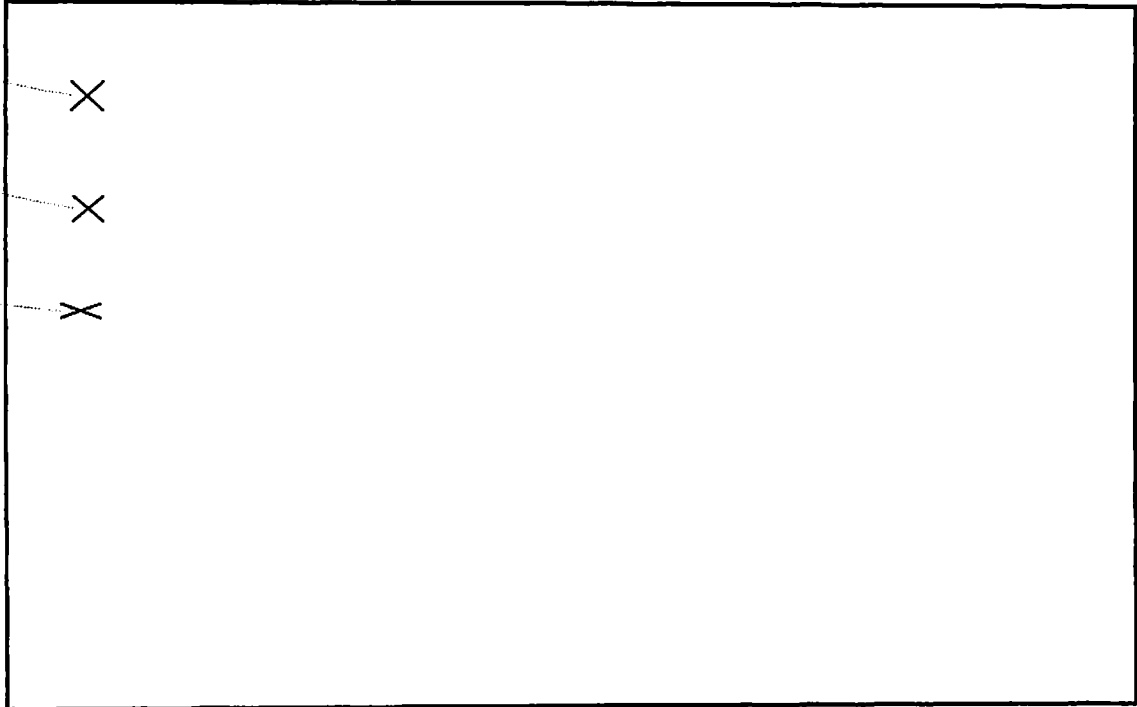
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To: All Field Offices From: Counterterrorism
Re: (U) 3190-HQ-A1487636, 12/07/2009



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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: All Field Offices From: Counterterrorism
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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:

Referral/Consult

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Re: (U) 3190-HQ-A1487636, 12/07/2009

Referral/Consult

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Referral/Consult

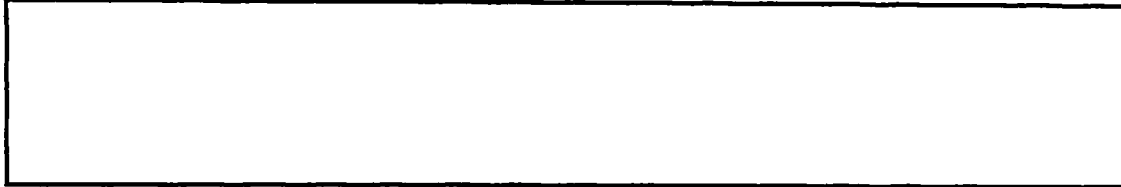
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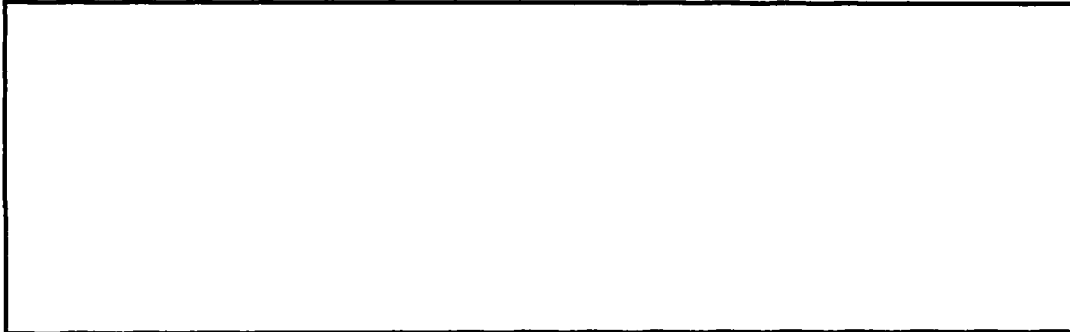


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1.2.8. Additional Supported Systems
(U//FOUO) The TSC, through the TSDB, also makes Terrorist Identifiers accessible to other entities, including commercial air carriers, through the regular export of updated subsets of TSDB data or through remote 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 (FTTF) database and to the Transportation Security Administration's (TSA) Office of Transportation Threat Assessment database.

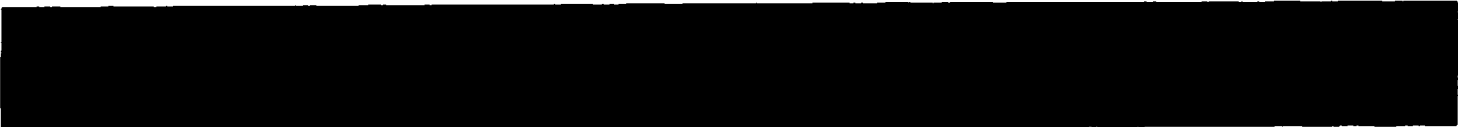


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1.3. Watchlisting Submission Policy

1.3.1. Requirements for Nomination

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

(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."

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(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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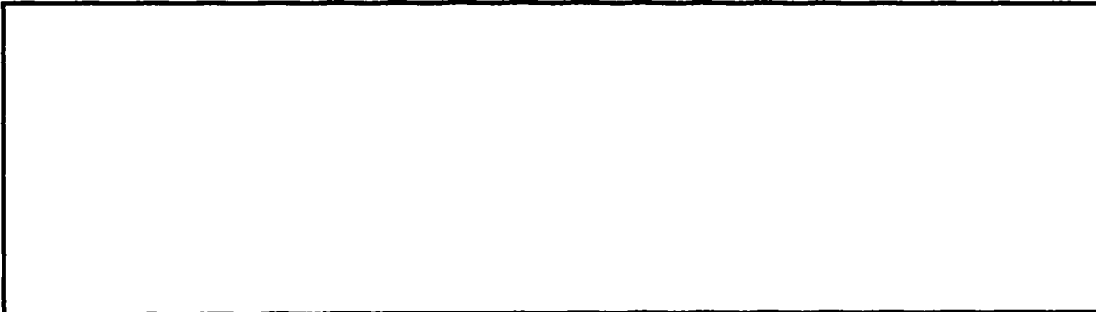
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(U//FOUO) Upon closing an International Terrorism or Domestic Terrorism Preliminary Investigation that has a watchlisted subject, a removal request shall be submitted in accordance with paragraph 1.3 within 10 business days of the written approval 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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(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.

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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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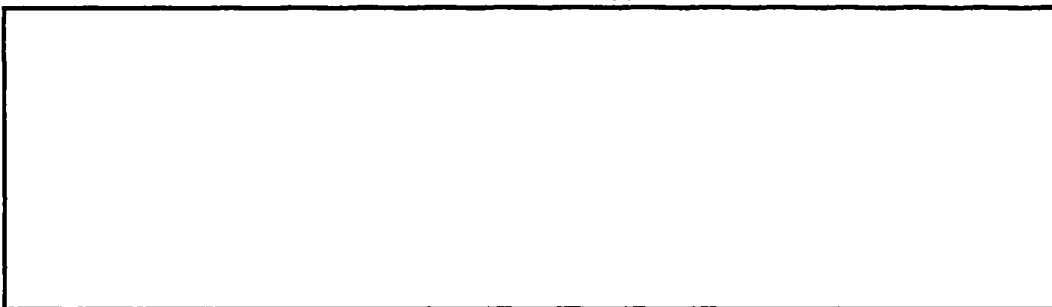
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for a crime related to terrorism in a U.S. or foreign court of competent jurisdiction. All known terrorists shall remain watchlisted. If the field closes an investigation of a "known terrorist" (e.g., after the criminal case has concluded), the closing EC must also be sent to case file 415-HQ-C1625243 with a lead for TREX to take oversight responsibility of the watchlist record. TREX will then submit an FD-930 to modify the TSDB record in accordance with section 1.8.1. If an individual is acquitted or charges are dismissed for a crime related to terrorism, the subject must be removed from the watchlist unless a reasonable suspicion, as set forth in section 1.1 continues to be met. Terrorism subjects convicted of non-terrorism offenses must be removed from the watchlist unless the reasonable suspicion standard continues to be met. TREX personnel will annually review known terrorists on the watchlist to ensure they continue to meet the reasonable suspicion standard.

1.8. Non-Subject Nominations

(U//FOUO) Typically, the FBI only nominates subjects of predicated investigations for watchlisting. However, certain circumstances may arise in which the FBI determines a person who is not the subject of a predicated investigation warrants watchlisting because the person poses a threat. This may include, in limited circumstances, the subject of a closed FBI investigation.

(U//FOUO) This process may not be utilized to watchlist an individual based on hunches or suppositions. The nominating official shall provide particularized derogatory information concerning the threat posed by non-subjects who meet the reasonable suspicion standard articulated in section 1.1. In these matters, the FBI may only nominate the individual if all three of the following criteria are met:



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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



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

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

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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HEREIN IS UNCLASSIFIED
DATE 07-26-2011 BY 60324 UC BAW/SAB/RYS

Terrorist Screening Center
DMR - Export Metrics - Person Level

Data Produced: [Redacted]
 Requested By: [Redacted]
 Requested on: [Redacted]

US Pass	US Pass	US Pass	US Pass	US Pass	US Pass
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]

TSA No. (Y) [Redacted]
 TSA Selects [Redacted]

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 19, 2008

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DATE 07-26-2011 BY 60324 UC BAW/SAB/RYS

The Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Please find enclosed responses to questions arising from the October 24, 2007, appearance of Terrorist Screening Center Director Leonard Boyle before the Committee at a hearing entitled "Watching the Watch List: Building an Effective Terrorist Screening Center." We hope that information is of assistance to the Committee.

Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

Brian A. Benczkowski
Principal Deputy Assistant Attorney General

Enclosure

cc: The Honorable Susan M. Collins
Ranking Minority Member

**Committee on Homeland Security and Governmental Affairs
United States Senate**

**“Watching the Watch List:
Building an Effective Terrorist Screening Center”**

October 24, 2007

Responses of the Federal Bureau of Investigation to Questions for the Hearing Record

Questions Posed by Senator Lieberman

- 1. a. What role do fusion centers play today as part of the overall watch listing system?**

Response:

Currently, Fusion Centers (FCs) interact with the Terrorist Screening Center's (TSC) 24/7 Terrorist Screening Tactical Operations Center and Tactical Analysis Unit, have access to much of the Terrorist Screening Database (TSDB) through the National Crime Information Center (NCIC) and the Treasury Enforcement Communications System, where available, and are able to access several other Department of Justice (DOJ) and Department of Homeland Security (DHS) systems that contain terrorist watchlists or subsets thereof. At present, though, the FCs are not always notified of encounters with known or appropriately suspected terrorists.

Generally, when a suspect is encountered by a screening agency (local law enforcement, U.S. Customs and Border Protection (CBP), etc.), this information is passed to the TSC, which determines whether the individual is a known or suspected terrorist. If the individual is a positive match in the TSDB, the TSC notifies the FBI's Terrorist Screening Operations Unit, which coordinates with the relevant Joint Terrorism Task Force (JTTF) to develop an appropriate response. FCs may be contacted by the TSC, often after the encounter, when it appears beneficial to tap the FC's ability to blend, analyze, and disseminate criminal intelligence and other information in an effort to anticipate, identify, prevent, and/or monitor terrorism and other criminal activity. FCs serve as a mechanism through which local law enforcement can share critical information with the FBI for further analysis, dissemination, and potential inclusion on the watchlist.

As part of the effort to better use the FCs, the TSC is creating an Information Technology (IT) solution through which local FCs will be automatically notified in real-time of an encounter in their area of responsibility. Some states have already

modified their NCIC query protocols so the FC is alerted when a law enforcement official's NCIC inquiry returns a watchlist hit. The TSC intends to incorporate FCs into the process more fully to ensure the FCs are made aware of encounters and have the opportunity to add value in appropriate circumstances. In another effort to integrate the FCs' critical skill set into the terrorist screening process, the TSC has initiated a pilot project in which portions of the TSDB will be provided to the New York Police Department (NYPD).

b. What role should they play in the future?

Response:

The FCs need to become formally involved in the encounter process. While individual FCs have made efforts to ensure they are notified, a more standardized approach needs to be taken by the TSC. The TSC Concept of Operations, which is scheduled to be completed in the late spring of 2008, is being refined to more clearly provide for FC integration into the terrorist screening process, including the adoption of a real-time notification process in which FCs are alerted to encounters in their areas of responsibility when they occur. As discussed above, FCs will receive real-time notification of encounters with known or appropriately suspected terrorists and will have access to much of the TSDB and to relevant DOJ and DHS systems. This will eliminate or substantially reduce the number of unreported encounters with known or appropriately suspected terrorists, facilitating more effective, efficient, and timely analysis, information flow, and intelligence development, including the development of more comprehensive analytical products to be used throughout the law enforcement and intelligence communities. The TSC will continue to provide direct phone support to local law enforcement and to the FCs. As the information sharing environment matures, TSC information will be shared with FCs according to protocols currently being developed.

c. Has the Terrorist Screening Center developed guidance with respect to the use of the terrorist watch list (or its subsets) by fusion centers?

Response:

To date, the TSC has not directly provided to FCs copies of terrorist watchlists or subsets thereof, though the FCs do have access to much of the information contained in the TSDB through the NCIC and the Treasury Enforcement Communications System, where available. In addition, several other DOJ and DHS systems will have this information in their data sharing systems, and these systems will be shared with users in the FCs. As noted above, however, the TSC is developing a pilot project to provide a watchlist subset to the NYPD. This may serve as a prototype by which a similar data set will be provided to FCs.

2. Please provide detailed statistics on the sources for the nominations in the Terrorist Screening Database (TSDB), including the number of records created as the result of actions by each nominating agency (e.g. CIA, NSA, DIA, DHS, FBI, Department of State), for all current TSDB records and for records created in FY 2007. (If necessary, these statistics may be transmitted to the Committee in a sensitive or classified format.)

Response:

Based on the information contained in the TSDB, the TSC can only determine whether a nomination is derived from the FBI or from another government agency, since the TSC does not categorize Other Government Agency (OGA) information by specific agency. Of the approximately 906,200 records contained in the TSDB, approximately 110,200 are FBI derived and approximately 796,000 are OGA derived. As the collector of international terrorism nominations, it is possible that the National Counterterrorism Center (NCTC) may be able to provide the additional detail requested.

Questions Posed by Senator Akaka

3. As of May 2007, the terrorist watch list had more than 750,000 records, and that number now is approximately 860,000. Just over three years ago, there were approximately 150,000 records in the watch list, and the list is growing by approximately 20,000 records per month.

With such rapid growth, I am concerned that many people with no connection to terrorism are being added to the list. This can lead to innocent people being detained at airports or by police, denied visas, or turned back at border crossings without reason. Also, extra names lead to more misidentifications, which increase costs and distract anti-terrorism and law enforcement officials from focusing on real threats.

a. Under Homeland Security Presidential Directive 6, the Terrorist Screening Center (TSC) is directed to “maintain thorough, accurate, and current information about individuals known or appropriately suspected to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism.” What specific criteria are used to assess whether someone is “appropriately suspected” of ties to terrorism within that definition?

Response:

The TSC has published guidance on watchlist nominations that instructs agencies to evaluate the “totality of information” in determining if an individual meets the “known or appropriately suspected” standard from Homeland Security Presidential Directive (HSPD) 6. In conducting this review, the reviewer relies on his or her own experience, the available facts, and rational inferences from those facts

(including the individual's past conduct, current actions, and credible intelligence concerning future conduct). In considering the totality of information, the reviewer is to evaluate the quality of the underlying derogatory information by considering both the specificity of the information and the reliability of the source(s).

While the TSC's guidance includes a non-exclusive list of specific types of conduct that would typically warrant watchlisting, generally a "known terrorist" is one known to be involved in activities constituting terrorism or activities in preparation for or related to terrorism, and an "appropriately suspected terrorist" is one who is suspected of having engaged in such activities under appropriate guidelines. For example, the Attorney General's Guidelines for National Security Investigations and Foreign Intelligence Collection provide the parameters under which the FBI can open a preliminary or full international terrorism investigation. If these criteria are met and an international terrorism investigation is opened, the subject of the investigation is presumptively deemed a "suspected terrorist" and may therefore be watchlisted in the TSDB.

Additionally, in order for the TSC to "maintain thorough, accurate, and current information" on known and suspected terrorists, the TSC has developed quality control measures that provide for the appropriate review of records maintained in TSC systems. These measures seek to ensure that outdated or incorrect information is culled from these records so the information received by the agencies depending on them is both accurate and current.

b. When a person on the watch list is encountered, questioned, and either released or permitted to enter the country rather than detained or arrested, is the information obtained used to review whether it is appropriate for that person to remain on the watch list?

Response:

When an individual listed in the TSDB is positively identified during an encounter with law enforcement, the TSC's Encounter Management Application assembles relevant information, including the facts and circumstances of the encounter, in an "encounter packet," which is then reviewed by the TSC's Tactical Analysis Unit. This review includes an assessment of whether the individual is appropriately watchlisted, and if watchlisting appears unwarranted for any reason a quality assurance ticket is issued and the record is referred for additional review. If this further review determines that continued watchlisting is unwarranted, a process exists to have the record removed from the TSDB

c. On average, how many records does the TSC remove from the watch list each month?

Response:

Since the inception of the TSC, a total of 163,937 records have been removed from the TSDB. The TSC removed 76,802 records between April and October 2007 during an internal records review, an average of 10,971 records per month.

4. The TSC and Department of Homeland Security (DHS) are working to finalize guidelines for private sector entities to use the watch list to screen critical infrastructure employees. As Mr. Rosenzweig's testimony highlighted, critical infrastructure employers come from a wide variety of sectors, including agriculture, food, water, public health, emergency services, government, defense industrial base, information and telecommunications, energy, transportation, banking and finance, chemical industry and hazardous materials, postal and shipping, and national monuments and icons. Greater dissemination of the watch list information poses serious privacy concerns.

a. Please describe in detail what safeguards exist to protect private information in the watch lists that is being shared outside of the federal government.

Response:

The TSC and DHS are currently working to develop the means by which private sector entities can conduct TSDB terrorist screening checks securely, protecting this sensitive information. It is currently envisioned that private sector entities will not be given a copy of the TSDB, but will instead be invited to provide names to DHS, which will forward these names to the TSC for vetting.

Because DHS is the lead agency for developing further policy and procedures with respect to private sector screening, that agency may be able to provide additional information in response to this inquiry.

b. What entities currently have access to the watch lists?

Response:

The TSC currently provides to the Transportation Security Administration the No-Fly list and Selectee list for distribution only to those airlines that travel into, out of, or within the United States. It is not envisioned that any other private sector entities will be given access to the TSDB.

As noted above, because DHS is the lead agency for developing further policy and procedures with respect to private sector screening, that agency may be able to provide additional information in response to this inquiry.

c. What entities will have access when the guidelines are finalized?

Response:

As noted above, because DHS is the lead agency for developing further policy and procedures with respect to private sector screening, that agency may be able to provide information in response to this inquiry.

5. The Government Accountability Office (GAO) report released in conjunction with this hearing states that the State Department has approached all visa waiver countries and two non-visa waiver countries with a proposal to exchange terrorist screening information. Your testimony states that six nations have signed such information sharing agreements with the United States. What are the principal barriers to negotiating additional agreements?

Response:

While various U.S. Government agencies already share terrorist screening information with visa waiver countries through long-established liaisons, this information sharing is being enhanced and formalized through bilateral agreements. The abilities of various countries to reach these agreements consistent with their own laws may vary, but the execution of six agreements is indicative of the importance that both the United States and other countries place on institutionalizing terrorist screening information sharing.

HSPD 6 tasks the Department of State with leading the effort to negotiate terrorist screening information sharing agreements with foreign partners. The TSC has a full-time Department of State representative on staff to facilitate the development of these agreements with our foreign partners. Within the Department of State, this responsibility rests with the Bureau of Consular Affairs, Office of Policy Coordination and Public Affairs, which may be able to provide additional information in response to this inquiry.

6. Your written testimony states that the TSC participates in a working group to identify how to better use biometric data to enhance security screening.

a. Is biometric data currently incorporated into the records where it is available? For example, is biometric data included in watch list records when someone on the watch list submits fingerprints and photographs with a visa application?

Response:

Currently, the TSDB contains limited biometrics and biometric indicators. In the example given, the photograph would be stored in the record but the fingerprints would not be; the fingerprints would be placed on the watchlist of DHS's

Automated Biometric Identification System (the IDENT fingerprint system) and the fingerprints of visa applicants, applicants for admission to the U.S., individuals seeking immigration or credentialing benefits, and those encountered while attempting illegal U.S. border crossings would be checked against this DHS system. The TSC recognizes the importance of using biometrics in the terrorist screening process and has been working with its interagency partners to develop the capability to store and disseminate the biometric identifiers used by government screening organizations and to otherwise integrate biometrics into the terrorist watchlisting process, recognizing the need to employ appropriate safeguards to protect the privacy and civil liberties of those involved.

b. If not, is TSC moving forward with plans to incorporate biometric data into watch list records?

Response:

The TSC has been working through the NCTC's Interagency Coordination Group on identity management and biometrics to develop a plan to integrate biometrics into the terrorist watchlisting process. The interagency subgroup on interoperability has proposed a data exchange model under which the TSC will store biometric data (or pointers to the actual biometric data) in the TSDB and will provide this information to its screening customers.

7. An October 2007 article in the Los Angeles Times reported that the Identity Project, a privacy-rights organization, obtained Customs and Border Protection (CBP) records containing information about such things as the book that someone carried or a passenger's profession.

a. Was this information incorporated in the watch list records or in some other database that CBP uses? If the latter, which database?

b. Is this type of information incorporated in watch list records and, if so, why?

Response to subparts a and b:

Non-identifying information, including information regarding a traveler's reading materials, is NOT incorporated into the TSDB. The TSDB contains only the watchlisted person's identifying information, such as name, date of birth, passport number, and driver's license number. A person's profession may be included in the TSDB as information that may help to identify the proper individual during screening or to rule out a person who may merely have the same or a similar name.

When additional identifying data on a watchlisted person is obtained during screening by CBP or other agencies, it is passed to the NCTC for possible inclusion in the Terrorist Identities Datamart Environment and, if appropriate, passed to the TSC for inclusion in the TSDB. By enhancing the identifying information in the watchlist, it becomes easier for government screeners to distinguish watchlisted persons from those who may merely have the same or a similar name, minimizing the inconvenience to the traveling public. The FBI and TSC are not able to address what information CBP retains in its data systems.

Question Posed by Senator Warner

8. We are privileged in the Commonwealth of Virginia to have the National Ground Intelligence Center, and I visit quite frequently, and they are on the cutting edge of the biometrics. And somehow it has come to my attention - I am not sure of the accuracy - that the Terrorist Screening Center presently does not have a number of these capabilities. Are you leveraging it from other areas to incorporate it? Are you planning to get it? Or do you think it should be made a part of the program?

Response:

The National Ground Intelligence Center (NGIC) is a cutting-edge operational unit that supplies soldiers in the field with actionable information related to biometric match reports taken from biometric signatures captured in their theater of operations. The TSC has a mission similar to that of the NGIC, as the TSC supplies real-time operational information to screening organizations upon their encounters with screened individuals. Encounter information is also shared with appropriate law enforcement personnel who can benefit from the details of the encounter.

As indicated in response to Question 6, above, the TSDB currently contains limited biometrics and biometric indicators. The TSC recognizes the importance of using biometrics in the terrorist screening process and has been working with its interagency partners to develop the capability to store and disseminate the biometric identifiers used by government screening organizations and to otherwise integrate biometrics into the terrorist watchlisting process. For example, the TSC has been collaborating closely with the Department of Defense, including the NGIC, on interagency efforts. As more robust biometric capabilities are designed for government use, the TSC will continue to look at successful biometric implementations, such as the accomplishments of the NGIC, to identify "best practices."

Question Posed by Senator Carper

(The following question originally was posed to DHS witness Paul Rosenzweig but was referred by DHS to the TSC for response)

9. You (Ms. Larence) note in your testimony that the decision on whether or not to place someone on the watch list is often somewhat subjective. There are individuals apparently on the watch list who are terrorists, suspected terrorists, but there are also some there who are simply being investigated for some other reason. My question is: Are there clear enough rules out there for determining who should and who should not be on the list and who ultimately makes the decision and what does he or she base their decision on? That is not a question for you (Ms. Larence). You are the one who made the point. I believe that would be a question, I think, for the Secretary, and if you would respond to that for the record, I would be grateful.

Response:

Please see the response to Question 3a, above.



Department of Justice

STATEMENT OF
TIMOTHY J. HEALY
DIRECTOR
TERRORIST SCREENING CENTER
FEDERAL BUREAU OF INVESTIGATION

BEFORE THE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ENTITLED
"FIVE YEARS AFTER THE INTELLIGENCE REFORM AND TERRORISM
PREVENTION ACT: STOPPING TERRORIST TRAVEL"

PRESENTED
DECEMBER 9, 2009

**Statement of Timothy J. Healy
Director
Terrorist Screening Center
Before the Senate Homeland Security
and Governmental Affairs Committee
December 9, 2009**

Good morning Chairman Lieberman, Ranking Member Collins and members of the Committee. Thank you for the opportunity to discuss the Terrorist Screening Center (TSC) and its role in combating terrorist travel.

Over the past six years, the TSC has become a powerful tool to fight terrorism and integrate the law enforcement and intelligence communities by consolidating terrorist information into a single Terrorist Watchlist. We are continuing to move forward to enhance our partners' ability to combat terrorism by improving the U.S. Government's approach to terrorist screening and safeguarding civil liberties in the process. Our interagency watchlisting and screening efforts have matured into a true information sharing success, and with your continued support we hope to improve upon our initiatives to provide critical terrorist identity information to our domestic and foreign partners for terrorist screening purposes. Let me begin by telling you about where we are today and where we want to be in the future.

Overview

Established in 2003, the TSC is a multi-agency center that connects the law enforcement communities with the Intelligence Community by consolidating information about known and suspected terrorists into a single Terrorist Screening Database, which is commonly referred to as the "Terrorist Watchlist." The TSC facilitates terrorist screening operations, helps coordinate the law enforcement responses to terrorist encounters developed during the screening process, and captures intelligence information resulting from screening.

Of paramount significance is the TSC's success in making this critical information accessible to the people who need it most – the law enforcement officers who patrol our streets, the Customs and Border Protection Officers who protect our borders, and our other domestic or foreign partners who conduct terrorist screening every day. In the six years since we began operations, the Terrorist Watchlist has become the world's most comprehensive and widely shared database of terrorist identities. The current terrorist watchlisting and screening enterprise is an excellent example of interagency information sharing whose success is due to the superb collaborative efforts between the TSC, the FBI, the Department of Homeland Security (DHS), the Department of State, the Department of Defense, the National Counterterrorism Center (NCTC) and other members of the Intelligence Community.

Operating in the Interagency and International Environment

Issued on September 16, 2003, Homeland Security Presidential Directive (HSPD) 6 directed the Attorney General to establish an organization to consolidate the U.S. Government's approach to terrorist screening and provide for the appropriate and lawful use of terrorist information in screening processes. That organization, the TSC, became operational on December 1, 2003. The TSC is administered by the FBI with support from the DHS, the

Department of State, the Department of Defense and others in the Intelligence Community. Staffed with personnel from these agencies, the TSC's single strategic goal is to enhance our partners' ability to combat terrorism. In order to do so, we provide those who conduct terrorist screening operations throughout the world with a thorough, comprehensive and consolidated listing of all known or suspected terrorists. We strive to maintain the highest-quality data concerning known or suspected terrorists to aid in the identification process. We ensure the timely dissemination of terrorist identity data and that prompt notification is made when a known or suspected terrorist has been identified through a screening process. We also ensure that privacy is protected and civil liberties are safeguarded throughout the entire watchlisting and screening process.

The identities contained in the Terrorist Watchlist originate from credible information developed by our intelligence and law enforcement partners or by our trusted foreign partners. Federal departments and agencies submit nominations of known or suspected international terrorists to the NCTC for inclusion in the NCTC's Terrorist Identities Datamart Environment (TIDE) database. These nominations are reviewed and then forwarded to the TSC for final adjudication and inclusion in the Terrorist Watchlist. In a similar process, nominations of domestic terrorists are provided to TSC directly by the FBI.

TSC accepts nominations into the Terrorist Watchlist when they satisfy two requirements. First, the biographic information associated with a nomination must contain sufficient identifying data so that a person being screened can be matched to or disassociated from a watchlisted terrorist. Second, the facts and circumstances pertaining to the nomination must meet the "reasonable suspicion" standard of review established by terrorist screening Presidential Directives. Reasonable suspicion requires "articulable" facts which, taken together with rational inferences, reasonably warrant a determination that an individual is known or suspected to be or has been engaged in conduct constituting, in preparation for, in aid of or related to terrorism and terrorist activities, and is based on the totality of the circumstances. Due weight must be given to the reasonable inferences that a person can draw from the facts. Mere guesses or inarticulate "hunches" are not enough to constitute reasonable suspicion.

Most of the individuals on the Terrorist Watchlist are not U.S. citizens, but are terrorists living and operating overseas. The Terrorist Watchlist is made up of approximately 400,000 people. The reasonable suspicion standard includes known or suspected terrorists ranging from suicide bombers to financiers. The "No Fly" list has its own minimum substantive derogatory criteria requirements which are considerably more stringent than the Terrorist Watchlist's reasonable suspicion standard. In order to be placed on the "No Fly" list, a known or suspected terrorist must present a threat to civil aviation or national security. Consequently, the "No Fly" list is a very small subset of the Terrorist Watchlist currently containing approximately 3,400 people, of those approximately 170 are U.S. persons. On a daily basis, the TSC receives between 400 and 1,200 unique additions, modifications or deletions of terrorist identities. It is through this nomination and review process that the TSC strives to maintain a thorough, accurate and current database of known or suspected terrorists for lawful and appropriate use in the screening process.

The Terrorist Watchlist is utilized by law enforcement, intelligence and other U.S. Government agencies including Department of Homeland Security and Department of State as well as foreign partners who conduct terrorist screening operations. The screening process leverages thousands of our law enforcement officers and other governmental partners to help identify, detect and deter terrorists. Terrorist screening occurs throughout the world at our embassies, ports of entry, and international postal and cargo facilities. Terrorist screening occurs during police stops, during special events, when a HAZMAT license is issued, or when a gun is purchased.¹ Screening occurs when passports or visa applications are processed, as well as when citizenship and immigration applications are processed. Select foreign partners use a subset of the Terrorist Watchlist when they conduct screening operations abroad.

Our Tactical Operations Center runs 24 hours a day and receives approximately 150 calls a day. They determine whether individuals encountered are a positive match to a watchlisted known or suspected terrorist. All positive matches, which are approximately 30-40% of all reported encounters, are forwarded to the FBI's Counterterrorism Division for an appropriate law enforcement response. The response could range from arresting the subject, if there is an outstanding federal warrant, to merely gathering additional intelligence information about the subject. During FY2009, the TSC processed over 55,000 "encounters" from federal, state, local, tribal and territorial screening agencies and entities. Of those encounters, over 19,000 were a positive match to a watchlisted known or suspected terrorist.²

Most encounters provide valuable intelligence to the FBI case agent. Each provides information regarding the specific time, place, geographic location and circumstances of the encounter with the watchlisted individual. During an encounter, additional biographic or biometric identifiers for the watchlisted individual might be discovered, new derogatory information could be obtained or additional terrorist associates could be identified. Throughout FY2008 and FY2009, the number of daily encounters steadily increased. We expect the number of daily encounters will continue to increase as new screening partners join our national and international enterprise.

In conjunction with Department of State, we have completed bilateral terrorist screening agreements with 17 foreign governments. Furthermore, we have provided additional screening support for certain international events, such as the World Games. Over the past two years, our outreach teams have coordinated with all 72 state and local fusion centers. In response to requests from state, county and local law enforcement agencies, terrorism-related information is now electronically available online via Law Enforcement Online (LEO). It is also available to the Regional Information Sharing System (RISS), and the Homeland Security State and Local Intelligence Community of Interest (HS-SLIC). To provide situational awareness, TSC now notifies fusion centers when encounters occur within their area of responsibility or when encounters occur with cases that originated from their area of responsibility. We also provide coast-to-coast briefings and training to both police dispatchers and law enforcement officers

¹ In fact, based on figures from a GAO report from 2004 to 2009, less than 1,000 background checks resulted in positive matches to the Terrorist Watchlist with less than 100 individuals (or approximately 10% of the total) being prevented from purchasing a weapon.

² The watchlisted person being screened may not always be present during the screening encounter. For example, a watchlisted person may apply for immigration benefits by mail and will, therefore, not be present during the screening encounter that takes place at a distant U.S. Citizenship and Immigration Services office.

concerning the importance of notifying TSC of any encounter they have with a watchlisted known or suspected terrorist. Because of the significance of TSC's contribution to fusion centers, the TSC was recognized for its innovative information sharing initiatives at the 2009 National Fusion Center Conference.

The Road Ahead

As we move ahead, the TSC remains focused on fulfilling its Presidential and interagency mandates to share terrorist screening information with our domestic and foreign partners. We have a standing commitment to improve our operational processes, to enhance our human capital and technological capabilities, and to continue to protect Americans while protecting privacy and safeguarding their civil liberties.

Our watchlisting efforts must be predicated upon four basic operational concepts: maintenance of high-quality terrorist identity data, timely dissemination of terrorist identity data, responsive information sharing, and safeguarding civil liberties. We update existing Terrorist Watchlist records as more current information becomes available as a result of screening encounters. This screening process triggers an automatic review of the record, ensuring its accuracy, and determines the continued appropriateness for inclusion into the Terrorist Watchlist. We also continuously conduct reviews of every record already contained within the Terrorist Watchlist to ensure its current accuracy.

Once a known or suspected terrorist is identified and included in the Terrorist Watchlist, we must ensure the timely dissemination of the terrorist identity data to our screening partners. The utility of the watchlisting enterprise is of little value unless the information contained within the Terrorist Watchlist is efficiently disseminated to those who need it the most. The screening agencies throughout the world who attempt to ascertain if a person screened is watchlisted constitute a global network, dedicated to identifying, preventing, deterring and disrupting potential terrorist activity. U.S. Customs and Border Protection uses the Terrorist Watchlist at all 327 ports of entry and all of the 15 pre-clearance offices located in Canada, the Caribbean, and Ireland. They also use the Terrorist Watchlist to conduct screening operations at international mail and cargo facilities. State, local, tribal and territorial law enforcement agencies use the Terrorist Watchlist when conducting police checks. The Transportation Security Administration uses the Terrorist Watchlist when they coordinate the screening of all commercial air passengers traveling on domestic and international flights. Department of State diplomatic posts and passport offices use the Terrorist Watchlist to screen aliens seeking visas, and U.S. persons applying for U.S. passports. Our 17 foreign partners seek access to the Terrorist Watchlist to conduct screening operations in their respective countries.

Throughout the entire watchlisting and screening process the TSC continues to play a significant role in ensuring that civil liberties are safeguarded and privacy is protected. The TSC led the interagency initiative to develop an effective interagency redress process and maintains a separate unit dedicated to resolving redress matters regarding individuals who believe they have been incorrectly watchlisted. The goal of the redress process is to provide a timely and fair review of redress inquiries referred to the TSC. Working closely with our interagency partners, we implemented a Memorandum of Understanding (MOU) on Terrorist Watchlist Redress Procedures that was signed in September 2007. The MOU standardizes interagency watchlist

redress procedures and provides complainants with an opportunity to receive a timely, fair and accurate review of their redress concerns. A traveler or complainant who believes they were inconvenienced as a result of screening can submit a redress complaint through the DHS Traveler Redress Inquiry Program, commonly referred to as DHS TRIP. Pursuant to the interagency Redress MOU, the complaint is reviewed by the agency that received it, and referred to the TSC Redress Unit after it has been determined that there is a connection to the Terrorist Watchlist. Of note, only 0.7% of the DHS TRIP complaints actually have some connection to the Terrorist Watchlist. Of the 0.7% that have a connection to the watchlist, approximately 51% are appropriately watchlisted, 22% have been modified or reviewed prior to redress, 10% were similar names, and 15% were removed or downgraded due to the redress process. Our Redress Unit researches the complaints, coordinates with the agency that nominated the complainant to the Terrorist Watchlist, and, if warranted, corrects any Terrorist Watchlist data that may cause the individual difficulty during a screening process. We review all available information and work with the nominating or originating agency to determine if the complainant's watchlisted status should be modified. Upon the conclusion of our review, we advise DHS TRIP representatives of the outcome so they can directly respond to the complainant. In some cases, we determine that the individual should remain watchlisted, but we may modify the individual's watchlist status (i.e. downgrade the individual from being on the "No Fly" list to the "Selectee" list).

We have also established protocols to aid individuals who have continuously been misidentified as possible known or suspected terrorists during the screening process because their name is similar to that of a properly watchlisted individual. In these situations, we often determine that their identity is very similar to a known or suspected terrorist. To provide relief, we issue what is called a "Primary Lookout Override," so the individual will not be inconvenienced during future screenings.

Additionally, when the TSC is advised, through media or Congressional inquiries, of individuals who have encountered travel difficulties due to their perceived watchlist status, we review the pertinent watchlist encounter records to determine if the individuals are indeed being misidentified. If they are misidentified, we examine our records to determine if there is any additional information that could be added that would reduce future misidentifications. The TSC neither confirms nor denies that an individual is watchlisted. We do, however, assure the inquiring entity that we have examined applicable Terrorist Watchlist records to ensure they contain current and accurate information, and that we have taken all reasonable measures to reduce any future misidentifications.

The operating procedures that we have implemented to accurately process all watchlisting data, expeditiously respond to terrorist screening encounters, and promptly provide a redress mechanism to resolve watchlisting discrepancies are all designed to enhance our partners' ability to combat terrorism, while simultaneously protecting privacy and safeguarding civil liberties. Our ongoing commitment to maintain high-quality terrorist identity data, to timely disseminate terrorist information, and to share what has been identified during encounters is evidenced by the following projects and initiatives:

Secure Flight: Previously, air carriers were responsible for screening airline passengers. Under the Secure Flight program, the U.S. Government assumes that responsibility. As the Secure Flight program expands, I will ensure that we continue to provide our support for that important effort.

DHS Watchlisting Service (WLS): When the DHS WLS is fully operational, the current process of exporting Terrorist Watchlist data to individual DHS components will be replaced with one daily Terrorist Watchlist export. This initiative will be completed during the FY2010 timeframe.

Biometrics: We are implementing a process to include biometric identifiers to the Terrorist Watchlist. Working with the NCTC and the FBI's Criminal Justice Information Services Division, we anticipate being able to receive, hold and export biometric data, in accordance with HSPD-24.

Gold and Platinum Projects: Our Gold Project proactively notifies the FBI when a known or suspected terrorist that has been nominated by another government agency has been encountered in the United States, so the FBI can take appropriate investigative action. We track these cases very closely to confirm that the applicable FBI field office is cognizant of the terrorist encounter within its jurisdiction and has taken appropriate action. Our Platinum Project identifies known or suspected terrorists who are nominated by other government agencies, but who have a connection to the United States (like a U.S. driver's license) that indicates they might already be located in the United States or might possibly attempt future travel to the United States. We will continue to track the efforts to actually locate these known or suspected terrorists and will not consider the matter resolved until they are found.

Editable Terrorist Watchlist: To ensure that the records TSC exports to our screening partners are as accurate as possible, we are working with the NCTC to expedite daily modifications to the Terrorist Watchlist.

Conclusion

As previously stated, our watchlisting and screening enterprise would not be where it is today without the superb collaborative efforts between the TSC, the FBI, the DHS, the Department of State, the Department of Defense, the NCTC and other members of the Intelligence Community. Chairman Lieberman, Ranking Member Collins and members of the Committee, thank you for the opportunity to address this Committee. I look forward to answering your questions.