

**STATEMENT OF DONNA A. BUCELLA
DIRECTOR, TERRORIST SCREENING CENTER, BEFORE
THE HOUSE JUDICIARY COMMITTEE, SUBCOMMITTEE ON CRIME, TERRORISM, AND
HOMELAND SECURITY, AND THE HOUSE SELECT COMMITTEE ON HOMELAND
SECURITY, SUBCOMMITTEE ON INTELLIGENCE AND COUNTERTERRORISM
March 25, 2004**

Good afternoon Chairman Coble, Chairman Gibbons, Ranking Members and Members of both Subcommittees. Thank you for the opportunity to discuss the missions and objectives of the new Terrorist Screening Center (TSC). Homeland Security Presidential Directive 6 (HSPD-6), issued on September 16, 2003, ordered the creation of the TSC, directing its operations to begin on December 1, 2003, and we met that goal. The TSC was created to ensure that government investigators, screeners, federal agents, and state and local law enforcement officers have ready access to the information and expertise they need to respond quickly when a known or suspected terrorist is encountered here in the United States, at our borders and at our embassies. Today, I will tell you about our daily operations, including some of our successes, our future plans, and how we will safeguard civil liberties. I will provide as much information as I can in this open forum, however, I will be happy to provide additional, classified details in a closed hearing at your request.

TSC Operations

The TSC is a multi-agency Center, including participants from the FBI, Department of State, Customs and Border Protection, Immigration and Customs Enforcement, Secret Service, Coast Guard, Transportation Security Administration, and the Office of Foreign Assets Control. Other agencies, including the Postal Service and Drug Enforcement Administration, have agreed to participate. Our goal is to consolidate the Government's approach to terrorism screening and provide for the appropriate and lawful use of Terrorist Information in screening processes. We will be a diverse Center, manned by experts to include intelligence analysts and law enforcement from a wide variety of agencies, and to communicate and coordinate efforts across the full spectrum of federal, state and local government agencies. Currently, the TSC is staffed by approximately 84 employees, including permanent personnel, temporary duty assignees, and contractors to staff our 24/7 operation.

Since December 1, 2003, TSC has been providing key resources for screeners and law enforcement personnel. These include:

- (1) a single coordination point for terrorist screening data;
- (2) a consolidated 24/7 call center for encounter identification assistance;
- (3) access to a coordinated law enforcement response to federal, state and local law enforcement;
- (4) a formal process for tracking encounters and ensuring feedback is supplied to the appropriate entities, and
- (5) a process to address the misidentification issues.

The TSC's initial capabilities were limited because of the need to integrate records in a way that ensured that the data about known and suspected terrorists was as accurate as possible. Each agency contributing data to the TSC is using its own database. These databases, which were created to support the mission of the individual agencies, are in many instances their case management systems, not terrorist watch lists.

Despite our limited capabilities in the first week of operation, the TSC answered 56 calls, including one in which a local police department was seeking information regarding an ongoing investigation. A suspected terrorist had traveled over 1,000 miles from his home, and the

department's call alerted the FBI to his activities. The police department coordinated their surveillance with the FBI investigation, resulting in solid intelligence for both local and federal law enforcement.

Another call came from a West Coast police department that was investigating an individual for a state felony charge. The TSC determined the individual was a terrorism suspect in a federal investigation, and our operational component at the FBI's Counterterrorism Division put the respective investigators together. The FBI and the local investigator are now sharing case information, resulting in a coordinated approach. Again, we are linking investigations and coordinating the U.S. Government approach to screening for suspected terrorists.

There are three fundamental types of inquiries: interior (within the U.S.), border (at the border/ports points of entry) and exterior (outside the border). Interior inquiries will normally be made by state and local law enforcement. Border inquiries are made by Customs and Border Protection (CBP). Exterior inquiries are conducted by the State Department.

The process for making an internal inquiry is relatively simple. A police officer checks the National Crime Information Center (NCIC) database on a routine traffic stop, and he/she is requested to call the TSC because the person stopped has similar identifying information to a known or suspected terrorist listed in the NCIC. When the officer calls TSC, through the police department's dispatch, the call center verifies the caller's identity, takes the information on the encounter and the circumstances of the encounter, and checks his name through the TSC's database. The TSC database includes the name, date of birth and other identifying information for a known or suspected terrorist. The call center quickly researches the underlying information, including classified, sensitive information. We make a determination as to whether the encounter is the same person as the one in our database. After notifying the officer of a positive, negative or inconclusive result, we help coordinate operational support as to how the person should be handled. For example, the officer may be advised -- in appropriate and lawfully authorized circumstances -- to arrest, detain or question the individual. Simultaneously, we contact our operational component at the FBI's Counterterrorism Division known as CT Watch. CT Watch provides for the local Joint Terrorism Task Force (JTTF) to respond. In some cases, officers provide valuable intelligence from a simple car stop, and in other cases, JTTF agents will respond to assist. Two cases serve to demonstrate the process:

In one case, local police arrested a suspected terrorist associate on a state criminal violation. After TSC assisted in the positive identities match, the CT Watch, contacted the FBI case agent, who immediately went to the local detention facility to talk with the individual. During that interview, the individual agreed to cooperate with the FBI. Another case illustrates the intersection between local law enforcement, homeland security and counterterrorism investigations. Local police arrested an individual and while conducting the "search incident to arrest," discovered significant evidence of terrorist activities. The TSC confirmed the individual's identity and our operational component, the CT Watch, notified the case agent. Intelligence gained from the local arrest has significantly affected a long term counterterrorism case, confirming the value of bringing local law enforcement into the war on terrorism.

In addition to serving local law enforcement, the TSC receives a high volume of calls from Customs and Border Protection (CBP) inspectors who are stationed on the Nation's borders. A typical CBP call involves incoming passengers on international flights. A CBP inspector will query a list of names and may receive several possible suspected terrorist hits from IBIS and NCIC. The CBP inspector will go through their National Targeting Center (NTC), where the record will be analyzed, then passed to TSC. Our process is the same as it would be for a law enforcement call, that is, to examine the underlying record which often contains all source sensitive and highly classified information on a 24/7 basis, and determine whether the individual is identical to the person in the Terrorist Screening Center Database. The TSC then appropriately passes any

derogatory information on the subject, and CBP makes a determination on whether the individual will be allowed into the United States.

Our consular officers are our first line of defense in keeping known and suspected terrorists out of our Homeland by denying visas to these individuals. In this regard, State Department assignees at the TSC are continuing the work previously done by the TIPOFF Office. Since December 1, 2003, when the TSC came into operation, State Department assignees and their staff at the TSC have reviewed over 54,000 security advisory opinions, which are cables from U.S. Embassies and Consulates around the globe, to determine if the visa applicants described in these cables were "true hits" with records contained in the database. Eighty of those "hits" resulted in true matches. As an example in December, a member of a terrorist organization applied for a visa at a U.S. consulate overseas. Consular officials denied the visa based on the TSC's review of the information and confirmation that the individual was a "true hit," i.e. matched the record at the TSC. The same process applied to a senior member of a proscribed terrorist organization based overseas. His visa was also denied.

In addition, 53 visas have been revoked, as a result of the State Department's careful comparison of new records entered into the terrorist database with visas that had been previously issued.

Finally, since December 1, 2003, agreements between the State Department and several allies are now implemented at the TSC, resulting in over 125 possible "true hits" of known and suspected terrorists at the borders of those nations. During January, an individual known to the U.S. government as an affiliate of a terrorist organization attempted to board a flight to enter one of these nations. The individual's identity was one of several thousand consolidated from various U.S. agencies and passed to this nation. According to protocols contained in our agreement, State Department assignees at the TSC worked with their counterparts in our allied nation, and the individual was removed from the flight despite holding valid travel documents.

According to a 16 September 2003 Memorandum of Understanding between Secretary Powell, Secretary Ridge, Attorney General Ashcroft, and DCI Tenet, the Terrorist Threat Integration Center's (TTIC) identities database will serve as the single source for the TSC's terrorist database, excluding purely domestic terrorism. Currently TTIC, which assembles and analyzes information from a wide range of sources to identify potential terrorists, provides the TSC with the vast majority of its information about known or suspected international terrorists.

The FBI provides the TSC with information about purely domestic terrorism – that is, information that has been determined to have no link to foreign intelligence, counterintelligence, or international terrorism. The TSC consolidates this identifying information and makes it accessible for queries from federal, state, and local agencies for screening purposes.

When a nomination is received at the TSC from TTIC or the FBI, it is reviewed by assignees to the TSC from participating agencies, who, in consultation with their assigning member agencies, determine how an encounter with this individual will be handled. The system is tailored to provide different feedback depending on where the encounter takes place. For example, an FBI representative who reviews a record may determine that an individual is subject to a criminal warrant and needs to be arrested by state and local law enforcement, while the Transportation Security Administration (TSA) representative may decide that the individual is not appropriate to board an aircraft. This tailoring ensures that specific guidance is provided to federal, state, and local agencies based on their legal authority.

TSC Capabilities

The TSC has approached the challenge to consolidate terrorists watch lists by implementing a "phased in" approach.

We implemented phase one from September 16, 2003 to December 1, 2003, on the day the TSC achieved initial operating capability. During Phase One, the TSC had the ability to: (1) make the names and identifying information of terrorists, known to or suspected by the U.S. Government, accessible to federal, state and local law enforcement; (2) have a system for properly reviewing whether a known or suspected terrorist should be included in or deleted from additional screening processes; (3) administer a process to ensure that persons, who may share a name with a known or suspected terrorist, are not unduly inconvenienced in U.S. Government screening processes; and, (4) implement a system to adjust or delete outdated or incorrect information to prevent problems arising from misidentifications.

Phase two occurred from December 1, 2003 to March 1, 2004 in the development of the Terrorist Screening Database (TSDB). The TSDB is an unclassified law enforcement sensitive database, containing identifying information of known or suspected terrorists. The TSDB allows the consolidation of disparate information, currently held by multiple agencies and used in different ways, to be brought together for a single purpose -- to help identify and detain potential terrorists to prevent future terrorist attacks.

We are currently in phase three which concludes before the end of this year. The TSC will create a more dynamic database and use a single, integrated system for ensuring known or suspected terrorists' identities are promptly incorporated into all appropriate screening processes. The terrorist screening database will eventually allow private sector entities, such as operators of critical infrastructure facilities or organizers of large events, to submit a list of persons associated with those events to the U.S. Government to be screened for any nexus to terrorism. In addition, the TSC will begin to implement mechanisms for sharing terrorist screening information with additional cooperating countries and to obtain such information from these countries. The Department of State is currently working on this issue.

Because our mission cuts across traditional boundaries between law enforcement, national security, and homeland defense, we have begun an aggressive outreach program. Our outreach must include members of the intelligence community, federal law enforcement, non-law enforcement/non-intelligence related government agencies, critical infrastructures, and most importantly, officers from the Nation's 18,000 law enforcement agencies. We not only train our law enforcement and government agency partners; viewing outreach as a two-way process, we also seek feedback and innovative ideas from them.

Safeguarding Civil Liberties

We recognize that with all of these capabilities also comes the responsibility to ensure that we continue to protect our civil liberties.

The TSC has absolutely no authority to conduct intelligence collection or other operations. In fact, the TSC does not collect information at all – it only receives information collected by other entities with preexisting authority to do so, each with their own policies and procedures to protect privacy rights and civil liberties. The handling and use of information, including U.S. person information, is governed by the same statutory, regulatory, and constitutional requirements as if the information was not to be included in a TSC-managed database.

The TSC's primary mission is to ensure that the identities data that is already known to the U.S. Government is held in one location where it can be queried by those who need it,

including federal security screeners and state and local law enforcement officers. The structures which are in place also ensure that information about U.S. persons that has been determined to be purely domestic terrorism information with no link to foreign intelligence, counterintelligence, or international terrorism does not go through the Terrorist Threat Integration Center, but instead is placed directly into the TSC by the FBI. The Attorney General has also been directed to implement procedures and safeguards with respect to information about U.S. persons, in coordination with the Secretary of State, the Secretary of Homeland Security, and the Director of Central Intelligence.

We are also committed to addressing the issues and inconveniences arising from the misidentification of persons under previous watch-listing practices. Procedures are in place to review and promptly adjust or delete erroneous or outdated domestic terrorism information. The TSC works closely with TTIC regarding any international terrorism information errors, as only TTIC can make changes to the records it provides to the TSC. In addition, we are currently in the process of creating a dedicated staff specifically to address the misidentification process for the TSC.

Conclusion

The creation of the Terrorist Screening Center marks a significant step forward in protecting America's communities and families by detecting, disrupting, or preempting terrorist threats. The TSC is already contributing to nationwide efforts to keep terrorists out of the U.S. and locate those who may already be in the country. For this unclassified hearing, I have given you only a few of our successes. We have screened over 2,000 calls since our inception, and the numbers continue to rise. State and local law enforcement officers are now assisting in the identification of known or suspected terrorists here in the U.S., have provided invaluable intelligence for pending investigation, and are now integral in the efforts of combating terrorism in the U.S. I appreciate the Joint Subcommittee's interest in the TSC's activities and I will be happy to answer any questions you may have.