

KA

[Redacted]

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From: [Redacted]
Sent: Friday, September 30, 2005 4:35 PM
To: [Redacted]
Cc: [Redacted] Oberman,
Justin'; [Redacted]
Donna Bucella; [Redacted] Rick Kopel; [Redacted]
[Redacted]

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Attachments: TSC Redress Fact Sheet_FINAL 09.19.05_.pdf; Redress Referral checklist (FINAL 09.09.05).pdf

To Redress/Complaint Officials at All Screening Agencies,

As you all know, on September 16, 2003 President Bush issued Homeland Security Presidential Directive/HSPD 6 creating the Terrorist Screening Center (TSC) and mandating the creation of a consolidated and integrated government terrorist watchlist. Since that time, TSC has been working with the agencies that use terrorist watchlist data to screen individuals to ensure that such screening is implemented in a manner consistent with the provisions of the Constitution and applicable laws, including those protecting the rights of all Americans. To that end, earlier this year TSC implemented a formal redress process to better aid TSC and your agencies in coordinating our work together on redress matters related to terrorism screening.

Attached are two documents we hope will be helpful to you in this process. The first is the TSC Redress Fact Sheet, which will aid your agency in understanding when to send a redress matter to TSC, as well as our redress process generally. The Fact Sheet also contains a list of Frequently Asked Questions about TSC redress. The second document is the TSC Redress Checklist, which is a tool to assist your redress office in identifying which matters are appropriate for TSC coordination. Once completed, your agency should send the checklist and accompanying material to TSC at our new redress email address: [Redacted] You may also fax redress matters to us (per the instructions contained in our Redress Fact Sheet) at [Redacted] (Unclassified). If you need to provide classified information on a specific matter, please contact our Quality Assurance Branch [Redacted] to make appropriate arrangements for transmission.

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Please share these documents with your staff and feel free to contact me or [Redacted] [Redacted] if you have any questions about these documents. We look forward to continuing to work with you on these matters.

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Sincerely,

[Redacted]
Terrorist Screening Center
[Redacted]

11/13/2007



REDRESS REFERRAL CHECKLIST

Please complete this checklist and send it to TSC with the appropriate paperwork.

EMAIL: FAX:

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

Date: _____ Agency Name: _____

DATE 05-02-2008 BY 60324 UC BAW/RS/VCF

Please complete the checklist below before sending to TSC.

This package includes the following minimum identifying information:

Individual's name: _____
(last, first, middle)
Date of Birth: _____
Citizenship: _____

This package includes other necessary information, including:

- Copy of complaint and all other paperwork submitted by individual
- Other relevant documents or data (e.g., TECS record, copy of agency incident report, etc.)

My agency has verified the identity of the individual seeking redress in accordance with our internal Privacy Act regulations and policies.

Priority Status: Normal Processing
(select one) Expedited (briefly explain need for expedited processing):

Who is your agency's point-of-contact for this redress matter?

Name: _____
Phone: _____
Fax: _____
Email: _____

49

[Redacted]

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From: [Redacted]
Sent: Wednesday, November 30, 2005 10:32 AM
To: [Redacted]
Subject: CBP MISID resolution process

Categories: CBP, DHS, Redress, USG
Attachments: [Redacted]

[Large Redacted Area]

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[Redacted]

Terrorist Screening Center

[Redacted]

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[Redacted]

[Redacted]

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From: [Redacted]
Sent: Friday, April 14, 2006 10:06 AM
To: [Redacted]
Cc: [Redacted]
Subject: Request for Perpetual RFI
Importance: High
Attachments: PRFI Req re [Redacted].pdf; [Redacted].pdf

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Good Morning,

Request a [Redacted] for the following individual. Attached is the incoming correspondence from [Redacted] and other documentation which was initially sent and vetted with the FBI's Terrorist Screening Center [their email response is below, referring to a [Redacted] Also in a separate attachment is [Redacted] most recent inspection at Denver Int'l Airport.

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NAME: [Redacted]
DOB: [Redacted]

Last Inspection: 02/07/2006 [duration was 44 minutes, accordingly to the logs]
<<PRFI Req re [Redacted].pdf>> <[Redacted].pdf>>

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Problematic record [Redacted]
The L/O DOB is incorrect: [Redacted]

Thank you,
[Redacted]

Information Disclosure Unit, OI, ICE HQ, Wahsington, DC
Phone: [Redacted] Fax: [Redacted] Email: [Redacted]

-----Original Message-----

From: [Redacted]
Sent: Friday, April 14, 2006 6:54 AM
To: [Redacted]
Subject: RE: Redress matter 06-044 (Smith)

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Scott and Eric,
To solve the [Redacted] of this complainant in the future-can you reach out to your contacts at NTC- [Redacted] I believe and ask her to create a [Redacted] for this traveler to avoid future travel problems. She has a [Redacted] her DOB plus passport number should make it easier to distinguish her in the future.

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Thanks for all your help!

[Redacted]

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-----Original Message-----

From: [Redacted]
Sent: Saturday, April 08, 2006 5:25 AM
To: [Redacted]
Cc: [Redacted]
Subject: Redress matter 06-044 [Redacted]

[Redacted]

TSC Number Last Name Status Referred Disposition

11/13/2007

[Redacted]

06-044 [Redacted] Watch List 1 [Redacted]

If you have any questions regarding this matter please feel free to contact me at [Redacted]

[Redacted]

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09:32:48

I095 Inspection Results

041406



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TID-1505 A337 DENVER, INTL AIRPORT

FLT/VEH: UA 996C UNITED AIRLINES, INC.

DOC TYPE: P #: [REDACTED] CNTRY: US UNITED STATES

SEX: F b6

DNAME(LAST): [REDACTED] FRST: [REDACTED]

DOB: [REDACTED] b7C

RFRD BY: [REDACTED] -IMMIGRATION INSPECTION DTE: 02072006 TME: 1201

REASON: MANDATORY REFERRAL: CONTACT NTC. [REDACTED]

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STATES SHE HAD SIMILAR EXPERIENCE IN WASHINGTON DC, DULLES. NO FIN NUMBER

SNAME(LAST): [REDACTED] FRST: [REDACTED] DOB: [REDACTED]

NATIONALITY: US UNITED STATES

DISPOSITION: USC U.S. CITIZEN

ADMIT UNTIL DATE:

CHARGE (CODED): [REDACTED] LOOKOUT MATCH? (Y/N) Y

DEFERRED TO POE:

FIN#:

SECONDARY OFFICER: [REDACTED] -IMMIGRATION INSPECTION SERI 02/07/2006 12:45

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COMMENTS: REFERRAL CODE:

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NTC/CTR ISSUE WITH THIS INDIVIDUAL, FALSE MATCH. RECORD: [REDACTED]

SPOKE WITH NTC OFFICER [REDACTED] AT 10:40. CLEARED AS FALSE MATCH.

LOG # [REDACTED] ADMITTED AS USC UNDER [REDACTED]

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ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 05-15-2008 BY 60324 UC BAW/RS/VCF



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REDRESS REFERRAL CHECKLIST

Please complete this checklist and send it to TSC with the appropriate paperwork.

EMAIL: FAX:

Date: Enter date of submission Agency Name: U.S. Immigration and Customs Enforcement

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Please complete the checklist below before sending to TSC.

This package includes the following minimum identifying information:

Individual's name:
(last, first, middle)
Date of Birth:
Citizenship: U.S.

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This package includes other necessary information, including:

- Copy of complaint and all other paperwork submitted by individual
- Other relevant documents or data (e.g., TECS record, copy of agency incident report, etc.)

My agency has verified the identity of the individual seeking redress in accordance with our internal Privacy Act regulations and policies.

Priority Status:
(select one)

Normal Processing

Expedited (briefly explain need for expedited processing):

Only used for Congressional Inquires.

For all others, check the normal processing box
and leave the expedited unchecked.

For all check boxes, place the cursor over the box and use the left button on the mouse.

Who is your agency's point-of-contact for this redress matter?

Name:

Phone:

Fax:

Email:

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Feb. 9, 2006

SS#

[Redacted]

[Redacted]

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Boulder, Co
80304

I'm a

[Redacted]

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and travel domestic and international routes. Since Nov, 2005. I have been detained at Customs three times:

[Redacted]

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[Redacted]

[Redacted]

I need to clear

up this matter as it causes 45 min delays,

which can cause flight delays to

[Redacted]

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I have provided the attached information: passport, driver's lic, and

[Redacted]

Thank you for your
assistance.

[Redacted]

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Home

[Redacted]

[Redacted]

Cell

I will be traveling to Italy in [redacted]
this will be a personal trip - I do not want to
miss flights - I'm asking for your assistance.
I'm willing to help in any way I can to clear
this matter. [redacted]

Feb. 9, 2006

15:47 TECS II - PERSON SUBJECT DISPLAY (1 OF 3) 022406 T2MRG003
TID= L5PM TECS RECORD ID P9M46434800B10 ENTRY 070805 UPDATE 070805 T2PRG011
NAME- LAST [REDACTED] PHYSICAL IDENTIFIERS b6
FIRST [REDACTED] MID HISPANIC RACE SEX HAIR EYES b7C
IMAGE ALIAS M NICKNAME STC HT 000 000 WT ENGLISH
PERSONAL- S/M/T
DOB [REDACTED] POB- CNTRY ST CITY CTZN MORE
SSN MORE AFN MORE RES EXC/SITE TIP MORE
PPN TSC 318286 TYPE CNTRY ISSDT EXPDT MORE
ADDRESS- DATE STREET APT
CITY STATE CNTRY ZIP TYPE MORE b6
CONTACT- NTC 24X7 LOOKOUT DUTY OFFICER PHONE [REDACTED] b7C
OWNER CASE NBR MORE
PRIMARY 4 REFER TO INS SECONDARY START STOP QRY NTFY 1
STATUS ST SUSPECTED TERRORIST CAT
REMARKS- DATE 070805 MORE M
ESCORT TO CBP SECONDARY AND DETAIN IS MANDATORY WHETHER OR NOT
THE OFFICER BELIEVES THERE IS AN EXACT MATCH.
DETAIN ISOLATED AND IMMEDIATELY CALL THE LOOKOUT DUTY
NO SUB-RECORDS

(F1/F2=HELP) (F3=MENU) (F4=HITLIST) (F8=NEXT PAGE) (F9=VIEW ACCESS) (F11=DISCLOSURE)
* 2 NCIC RESPONSES; <F12>=CK NCIC* (F14/15=LINKLIST) (F16=PRINT) (F17=HOMEREC)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-15-2008 BY 60324 UC BAW/RS/YCF

15:48
TID= L5PM

TECS II - NCIC/NLETS RECORD DISPLAY

022406 T2MRM401
T2PRM403

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 05-15-2008 BY 60324 UC BAW/RS/VCF

FROM NCIC ON 02/24/06 AT 15:46:40
1L01CQURFCK73800738
USINS00T4

PRESS ENTER TO CONTINUE

NO NCIC WANT NAM/ DOB/

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(F1/F2=HELP) (F3=MAIN MENU) (F4=PREV MENU) (F7=PREV SCREEN) (F8=NEXT SCREEN)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-15-2008 BY 60324 UC BAW/RS/VCF

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From: [redacted]
Sent: Monday, April 24, 2006 2:15 PM
To: [redacted]
Cc: [redacted]
Subject: Request for [redacted]
Importance: High
Attachments: [redacted].pdf; [redacted].pdf; 06TC17268 [redacted].pdf

b2
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b7E

Hi,
Request a [redacted] for the following individual. Attached is the incoming correspondence from [redacted] and other documentation which was initially sent and vetted with the FBI's Terrorist Screening Center (their email response is below, referring to [redacted]). Also in a separate attachment is [redacted] most recent vehicle inspection at Progreso, Texas Port of Entry.

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NAME: [redacted]
DOB: [redacted]
Last Inspection: 04/16/2006
[redacted].pdf>> << [redacted].pdf>> <<06TC17268 [redacted].pdf>>

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b7C
b7E

Problematic record: [redacted]

Thank you,

Information Disclosure Unit, OI, ICE HQ, Wahsington, DC

Phone: [redacted] Fax: [redacted] Email: [redacted]

-----Original Message-----

From: [redacted]
Sent: Monday, April 24, 2006 11:34 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Redress 06-035

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Based on the email below, send a request to CBP-National Targeting Center to create a [redacted] record.

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It seems as though the following record is the sole problematic record: [redacted] (re-verify this).
If so, include this record ID in your request.

Thank you,

-----Original Message-----

From: [redacted]
Sent: Monday, April 24, 2006 11:24 AM
To: [redacted]
Cc: [redacted] Redress
Subject: Redress 06-035

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It has been determined that one of our CBP referrals (from [redacted]) I was wondering if you

could help us create [redacted] for this individual in TECS? In the past, this has helped the complainants [redacted]

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[redacted]

DOB: [redacted]

SSN: [redacted]

Let me know if you can grant this request or if you need additional information. Thanks very much!

v/r,

[redacted]

Terrorist Screening Center

[redacted]

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13:19

042406

b2
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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-15-2008 BY 60324 UC BAW/RS/VCF

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NAME	DOB	DATE	TIME	AGN	RSLT	LINE	REF	TERM/ LANE	API
L23B-PROGRESO, INTERNATIONAL		041606	2038	CUS	TECS	VEH		UI02	N

INSP: 457082273

TECS RECORD ID

[Redacted]

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CARRIER CODE
FLT/VES NUMBER

:
:

[Redacted]

[Redacted]

b2



REDRESS REFERRAL CHECKLIST

Please complete this checklist and send it to TSC with the appropriate paperwork.

EMAIL: FAX:

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Date: Enter date of submission Agency Name: U.S. Immigration and Customs Enforcement

Please complete the checklist below before sending to TSC.

This package includes the following minimum identifying information:

Individual's name:
(last, first, middle)

Date of Birth:

Citizenship:

Mexico

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This package includes other necessary information, including:

Copy of complaint and all other paperwork submitted by individual

Other relevant documents or data (e.g., TECS record, copy of agency incident report, etc.)

My agency has verified the identity of the individual seeking redress in accordance with our internal Privacy Act regulations and policies.

Priority Status:
(select one)

Normal Processing

Expedited (briefly explain need for expedited processing):

Only used for Congressional Inquires.

For all others, check the normal processing box
and leave the expedited unchecked.

For all check boxes, place the cursor over the box and use the left button on the mouse.

Who is your agency's point-of-contact for this redress matter?

Name:

Phone:

Fax:

Email:

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b7C

JANUARY 16, 2006

ATTN: IBIS

RE: [REDACTED]

DOB: [REDACTED]

SS#: [REDACTED]

ADDRESS [REDACTED]

[REDACTED] TX. 78596

PHONE# BUSS. [REDACTED]

HOME# [REDACTED]

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b6
b7C

TO WHOM IT MAY CONCERN:

I HAVE BEEN TRYING TO ASK FOR HELP SINCE THE PAST 5 YEARS,

BECAUSE EVERYTIME I HAVE TO COME IN TO THE US FROM THE BORDER INSPECTION IN PROGRESSO, TX.

I ALWAYS GET STOPPED CUZ AS SOON AS I GIVE MY RESIDENT ALIEN & THE OFFICER PUT IT IN THE SYSTEMS THE ALARM GOES OFF & ALL OTHER OFFICER COME DIRECTLY TO ME WITH MY CHILDREN & FAMILY & THEY MAKE ME PUT MY HANDS UP LIKE IF I'M A CRIMINAL OR SOMETHING.

THE THING IS THAT THEY KEEP CONFUSING MY WITH THIS

OTHER INDIVIDUOL THAT HAS MY FIRST & LAST NAME & DOB THE SAME,

BUT MY 3rd NAME NOT THE SAME NOR SOCIAL SECURITY NOR DRIVER LICENCE # IS THE SAME,

I'M ASKING FOR HELP CUZ THEY ALREADY TOOK PICTURES OF ME SO THEY KNOW ITS NOT ME SOMETHINS THEY MAKE ME & MY FAMILY WAIT MORE THEN 1 1/2 THEIR & ITS SOMETHING REALLY FRAUSTING & UPSETTING ALONG WITH PUTTING MY HANDS UP SEARCHING WITH 2 DOGS GAS TANK & EVEY THING I WISH I DID'T HAVE TO GO THROUGHT THIS EVERY TIME, BUT MY PARENTS ARE IN MEXICO SO I HAVE TO GO OFTEN.

6-10-06
1-10-06

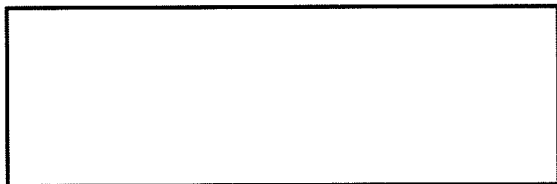
I'M SURE U CAN PUT A PICTURE IN THE COMPUTER SO WHEN THEY PUT MY CARD IN IT, THE ALARM WILL TELL THEM (OFFICERS) THAT ITS NOT ME OF SOME NOTE IN THE COMPUTER SYSTEM THAT WILL ALERT THEM ITS NOT ME!! PLEASE HELP ME RESOLVE THIS ISSUE THAT'S OUT OF CONTROL , I HAVE FILLED OUT 4 TIMES THE COMMENT CARD TO ASK FOR HELP AND NOTHING GETS DONE.

MOST OF THE OFFICER ALREADY KNOW ME & MY FAMILY BUT ~~YET THEY STILL DO THE SAME~~

I'M ALWAYS NICE & COOPERATE BUT THIS IS GETTING TO FAR OUT OF CONTROL .

I'M SURE THERS SOMETHING THAT CAN BE DONE SO PLEASE I ASK FOR YOUR HELP!!!

SINCERELY,



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15:49

TECS II - PERSON SUBJECT DISPLAY (1 OF 3)

013006

[REDACTED]

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TID= LSPJ

TECS RECORD ID [REDACTED]

ENTRY 123104 UPDATE 022705

NAME- LAST [REDACTED]

PHYSICAL IDENTIFIERS

FIRST [REDACTED]

MID [REDACTED]

HISPANIC

RACE

SEX

HAIR

EYES

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IMAGE

ALIAS M NICKNAME

STC

HT 000

WT 000

ENGLISH

PERSONAL-

DOB [REDACTED]

POB- CNTRY

ST

CITY

S/M/T

CPZN

MORE

SSN

MORE AFN

MORE RES

EXC/SITE TIP

MORE

PPN NONE 43320

TYPE CNTRY CL ISSDT

EXPDT

MORE

ADDRESS- DATE

STREET

APT

CITY

STATE

CNTRY

ZIP

TYPE

MORE

CONTACT- NTC 24X7 LOOKOUT DUTY OFFICER

PHONE [REDACTED]

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OWNER

CASE NBR

MORE

PRIMARY 1 [REDACTED]

START

STOP

QRY NTFY 1

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STATUS [REDACTED]

CAT

REMARKS- DATE 010105

MORE M

[REDACTED]

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NO SUB-RECORDS

[REDACTED]

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-15-2008 BY 60324 UC BAW/RS/VCF

[REDACTED]

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14:38

TECS II - NCIC/NLETS RECORD DISPLAY

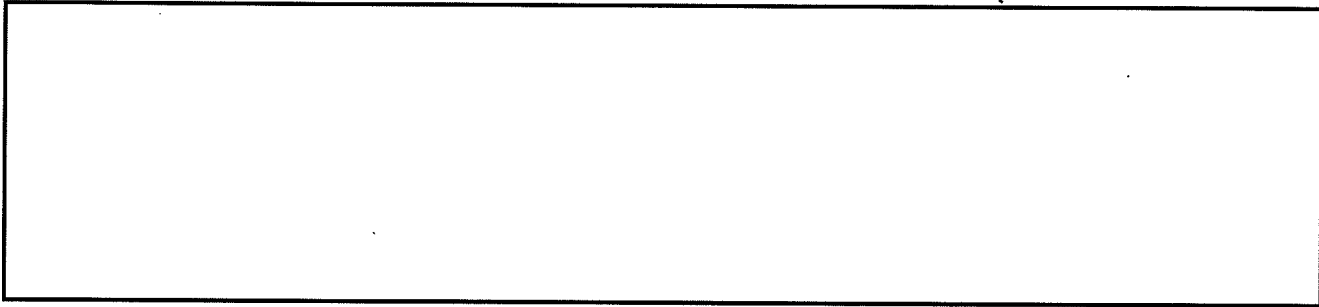
020206

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED.
DATE 05-15-2008 BY 60324 UC BAW/RS/VCF

FROM NCIC ON 02/02/06 AT 14:35:34
1L01CQUQFSD72000720
USINS00T3

PRESS ENTER TO CONTINUE



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b2

14:38

TECS II - NCIC/NLETS RECORD DISPLAY

020206

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 05-15-2008 BY 60324 UC BAW/RS/VCF

[REDACTED]

IF YOU ARE A BORDER PATROL OFFICER

[REDACTED]

[REDACTED]

ORI/DCTSC0200 NAM/

SEX/M RAC/U DOB/

GNC/

SGP/

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[REDACTED]

b2

14:38

TECS II - NCIC/NLETS RECORD DISPLAY

020206



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ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 05-15-2008 BY 60324 UC BAW/RS/VCF

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ECR/H EOP/NONEXP OCA/000000049531

MIS/NONUSPER NC-49531 NAM:



MNU COUNTRY: CHILE

DNA/N



ORI IS

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NIC



DTE/20050507 0340 EDT

b7E



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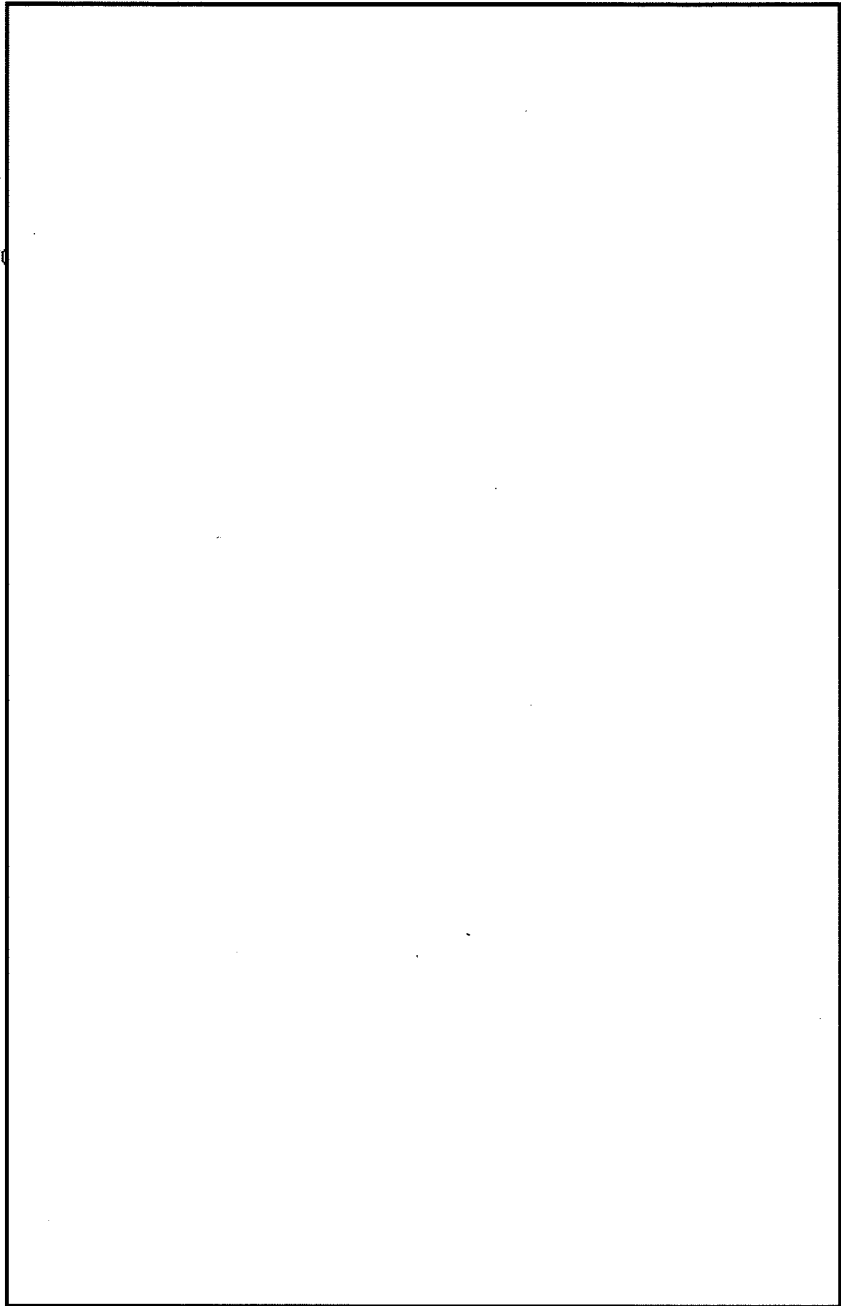
Attn:



File # 17268

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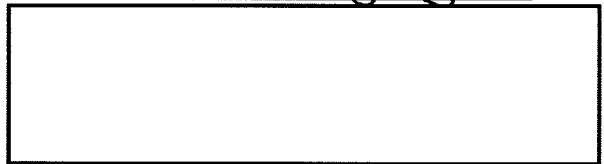
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-15-2008 BY 60324 UC BAW/RS/V



Thank you



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please help

③ [redacted]

From: Rick Kopel
Sent: Tuesday, August 29, 2006 9:27 AM
To: [redacted]
Cc: [redacted]
Subject: FW: Control # 20063982 and TECS record change

Importance: High

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[redacted]

Can someone please take a look at this one?

[redacted]

b6
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Can you get me an update on where are with the new feed (MQ) with CBP?

Thanks,

Rick Kopel
Principal Deputy Director
Terrorist Screening Center

[redacted] (phone)
[redacted] (pager)

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-----Original Message-----

From: [redacted]
Sent: Tuesday, August 29, 2006 8:40 AM
To: Rick Kopel
Subject: Control # 20063982 and TECS record change
Importance: High

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Rick - as per our conversation yesterday, please review the record below and advise asap since I have a congressional reply which needs to be written. thanks

[redacted]

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----- Forwarded by [redacted] NE/USCS on 08/29/2006 08:38 AM -----

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[redacted]
08/28/2006 04:36
PM

To: [redacted]
cc: [redacted]
Subject: Control # 20063982 and TECS

record change

[redacted]

The TECS record changes for the control on [redacted] are as follows:

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TECS Record # [redacted]

Record should have additions from the NCIC information:

Sex = F
Height = 504

Weight = 120
Race = W
POB = US, ST = PA

With these additions, there should be no confusion with similar names and definitely, no males will be referred, such as

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Thank you,

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[redacted] CTD) (CON)

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From: [redacted] (DO) (FBI)
Sent: Tuesday, December 04, 2007 11:15 AM
To: [redacted] (CTD) (CON)
Subject: FOIA Request Regarding TSC Watchlist Mismatches (190-HQ-C1547903-59) - Email 3 of 3

Importance: High

Attachments: Chambliss03222004ltr.pdf

UNCLASSIFIED
NON-RECORD

The attached document, described below, was located in response to the above subject matter.

1) Letter dated 03/22/2004, with enclosure, from AAG William E. Moschella to Senator Saxby Chambliss

This document was located and provided by [redacted] OCA.

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Chambliss03222004
ltr.pdf (4 MB...)

[redacted]

Office of Congressional Affairs

[redacted]

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UNCLASSIFIED



U.S. Department of Justice
Office of Legislative Affairs

FBI

Office of the Assistant Attorney General

Washington, D.C. 20530

March 22, 2004

The Honorable Saxby Chambliss
Subcommittee on Immigration, Border Security
and Citizenship
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed are responses to questions posed to Mr. Larry A. Mefford, Executive Assistant Director of the Federal Bureau of Investigation, following Mr. Mefford's appearance before the Subcommittee on September 23, 2003. The subject of the hearing was "Information Sharing and Watchlisting: Changes Needed to Protect Our Borders."

We hope that this information is helpful to you. Please do not hesitate to call upon us if we may be of additional assistance in connection with this or any other matter.

Sincerely,

A handwritten signature in cursive script that reads "William E. Moschella".

William E. Moschella
Assistant Attorney General

Enclosure

cc: The Honorable Edward M. Kennedy
Ranking Minority Member

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[Redacted] (CTD) (CON)

From: [Redacted] (DO) (FBI)
Sent: Tuesday, December 04, 2007 11:09 AM
To: [Redacted] (CTD) (CON)
Subject: FOIA Request Regarding TSC Watchlist Mismatches (190-HQ-C1547903-59) - Email 2 of 3
Importance: High
Attachments: Simmons03312005ltr.pdf

b6
b7C

UNCLASSIFIED
NON-RECORD

The attached document, described below, was located in response to the above subject matter.

- 1) Letter dated 03/31/2005, with enclosure, from AAG William E. Moschella to Representative Robert R. Simmons

This document was located and provided by [Redacted] OCA.

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Simmons03312005ltr.pdf (312 KB...)

[Redacted]
Office of Congressional Affairs

[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 31, 2005

The Honorable Robert R. Simmons
Chairman
Subcommittee on Intelligence, Information Sharing
and Terrorism Risk Assessment
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed please find responses to questions posed to Ms. Donna Bucella, Director of the Terrorist Screening Center, following Ms. Bucella's appearance before the Subcommittee on March 25, 2004.

As you may know, the FBI's Office of Congressional Affairs furnished draft responses to this Office in June 2004. Due to an inadvertent oversight, however, the draft responses were not reviewed in a timely manner. We regret the delay in responding to the Subcommittee's questions and hope that you have not been unduly inconvenienced.

Thank you for your attention to this matter. Please do not hesitate to call upon us if we may be of additional assistance.

Sincerely,

A handwritten signature in black ink that reads "William E. Moschella".

William E. Moschella
Assistant Attorney General

Enclosure

cc: The Honorable Zoe Lofgren
Ranking Minority Member



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 31, 2005

The Honorable Howard Coble
Chairman
Subcommittee on Crime, Terrorism and Homeland Security
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed please find responses to questions posed to Ms. Donna Bucella, Director of the Terrorist Screening Center, following Ms. Bucella's appearance before the Subcommittee on March 25, 2004.

As you may know, the FBI's Office of Congressional Affairs furnished draft responses to this Office in June 2004. Due to an inadvertent oversight, however, the draft responses were not reviewed in a timely manner. We regret the delay in responding to the Subcommittee's questions and hope that you have not been unduly inconvenienced.

Thank you for your attention to this matter. Please do not hesitate to call upon us if we may be of additional assistance.

Sincerely,

A handwritten signature in black ink that reads "William E. Moschella".

William E. Moschella
Assistant Attorney General

Enclosure

cc: The Honorable Robert C. Scott
Ranking Minority Member

(5b)

[Redacted] (CTD) (CON)

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From: [Redacted] (DO) (FBI)
Sent: Tuesday, December 04, 2007 11:00 AM
To: [Redacted] (CTD) (CON)
Subject: FOIA Request Regarding TSC Watchlist Mismatches (190-HQ-C1547903-59) - Email 1 of 3
Importance: High
Attachments: Specter11302006ltr.pdf

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NON-RECORD

The attached document, described below, was located in response to the above subject matter.

- 1) Letter dated 11/30/2006, with enclosure, from AAAG James H. Clinger to Senator Arlen Specter

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This document was located and provided by [Redacted] OCA.



Specter11302006ltr.pdf (5 MB)

[Redacted]
Special Projects Unit
Office of Congressional Affairs
[Redacted]

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UNCLASSIFIED



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 30, 2006

The Honorable Arlen Specter
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed please find responses to questions posed to FBI Director Robert S. Mueller III, following Director Mueller's appearance before the Committee on May 2, 2006. The subject of the Committee's hearing was "Oversight of the Federal Bureau of Investigation." The FBI submitted these responses for clearance on July 10, 2006. We hope this information is helpful to the Committee.

The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to the submission of these responses. If we may be of additional assistance in connection with this or any other matter, we trust that you will not hesitate to call upon us.

Sincerely,

A handwritten signature in cursive script that reads "James H. Clinger".

James H. Clinger
Acting Assistant Attorney General

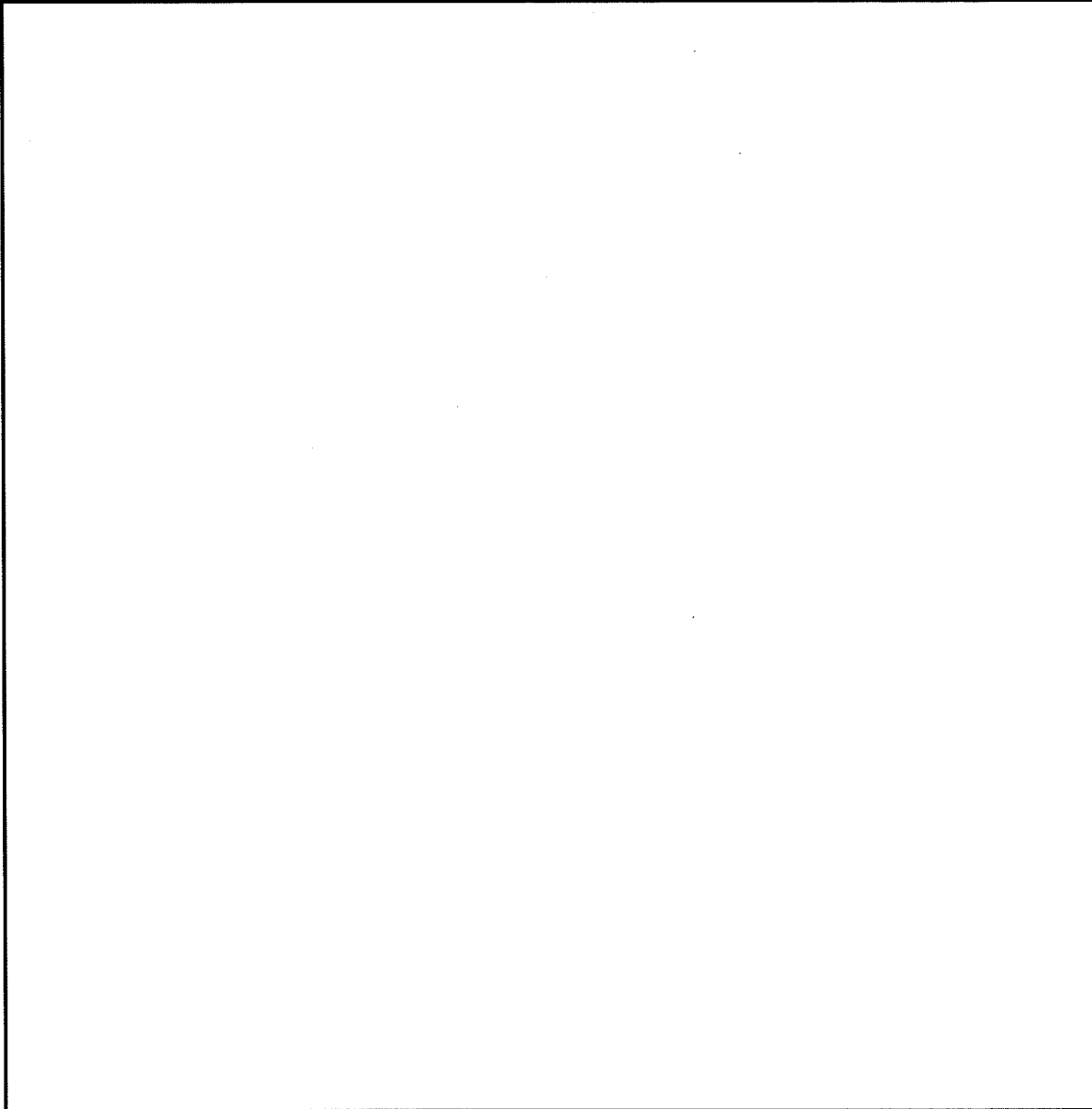
Enclosure

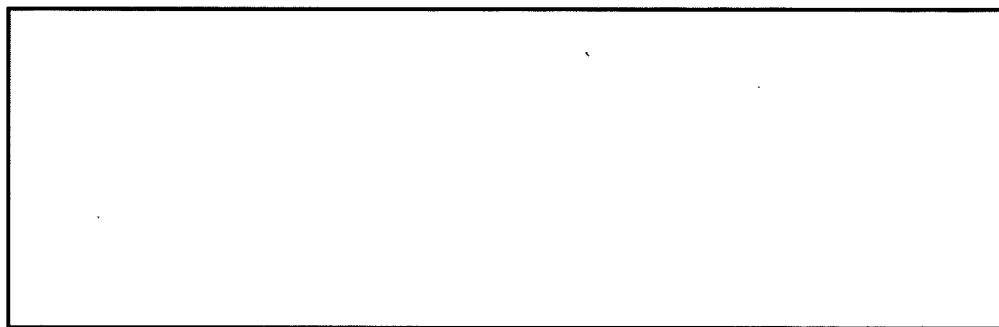
cc: The Honorable Patrick J. Leahy
Ranking Minority Member

**Responses of the Federal Bureau of Investigation
Based Upon the May 2, 2006 Hearing Before the
Senate Committee on the Judiciary
Regarding FBI Oversight**

Outside the Scope

Questions Posed by Senator Specter





25. Committee staff was briefed by the Foreign Terrorist Tracking Task Force (FTTTF) that 2 terrorists a week are detected in the United States and those leads are forwarded to the Joint Terrorism Task Force (JTTF). We know from the FTTTF representative who briefed our staff that 2 of the 9/11 hijackers were on the terror watch list, but the information was not communicated to the JTTF. Have you identified the cause of the breakdown, and taken steps to avoid its reoccurrence?

Response:

Before the attacks of 9/11/01, multiple terrorist watchlists were maintained by various Federal agencies without review by or coordination with other agencies. The two 9/11 hijackers referenced in the question were on the Department of State (DOS) watchlist referred to as TIPOFF at the time of the attacks, but the FBI was not aware of this. Following the 9/11 attacks, HSPD 6 (9/16/03) mandated the creation of the Foreign Terrorist Tracking Task Force (FTTTF) and the Terrorist Screening Center (TSC) to ensure watchlists and terrorist tracking efforts are coordinated throughout the Federal government.

The TSC was created to systematize the Government's approach to terrorist screening and to the maintenance of secure, consolidated terrorist identity information. The TSC shares watchlist information with Federal, state, local, territorial, and tribal law enforcement agencies and with others in the IC.

The FTTTF was created to provide information that helps to keep foreign terrorists and their supporters out of the United States or that leads to their location, detention, removal, prosecution, or other appropriate action. The FTTTF uses innovative techniques to provide the information necessary to fill gaps relating to the location of known or suspected terrorists and terrorism supporters. Like the TSC, the FTTTF shares this information with Federal, state, local, territorial, and tribal law enforcement agencies and with others in the IC.

26. A June 2005 OIG report entitled "A review of the Terrorist Screening Center" found that the watch list could be missing names, some names might be designated at inappropriate threat levels and that the FBI hasn't given other agencies full access to its watch list. Is this still a problem?

Response:

The TSC is charged with developing an accurate watchlist of known and suspected terrorists. These identities and the derogatory information describing their specific nexus to terrorism are passed to the TSC through the watchlist nomination process by either the National Counterterrorism Center (NCTC) (for international terrorism subjects) or the FBI (for domestic terrorism subjects).

Upon the receipt of an NCTC or FBI nomination, the TSC conducts an individual review of the available information, including the derogatory information on which the nomination is based. If this information supports placement on the watchlist, the identity is included on all watchlists for which it qualifies, including the Violent Gang and Terrorist Organization File (VGTOF), the Transportation Security Administration (TSA) Selectee and No Fly lists, DHS' Interagency Border Inspection System, the DOS Consular Lookout and Support System [redacted]

[redacted]

[redacted] Each of these lists has specific minimum criteria for inclusion. For example, inclusion on TSA's No Fly list requires that the nomination contain a [redacted]

[redacted] affects inclusion in [redacted]

[redacted]

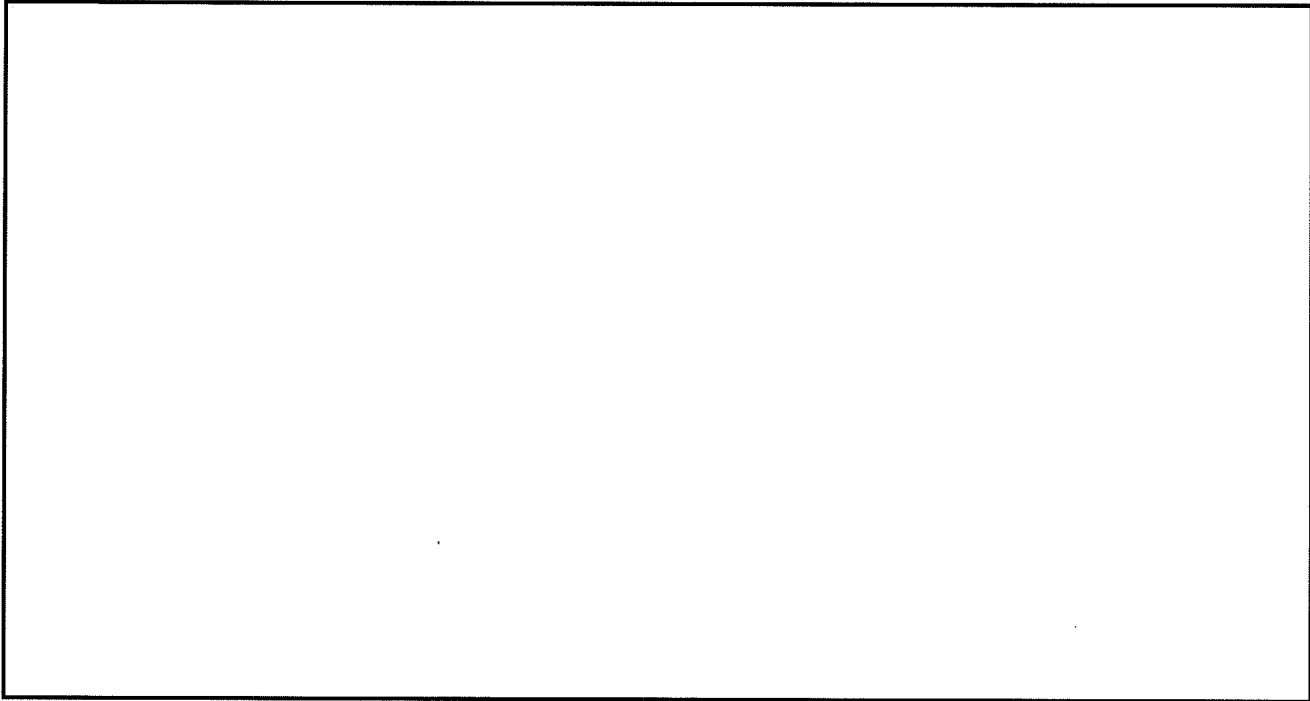
[redacted] Consequently, these identities will also be included in the other watchlists for which the subject qualifies. From these lists, other agencies have access to information regarding FBI subjects.

Outside the Scope

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TERRORIST WATCHLIST

69. During the past year, the Terrorist Screening Center has initiated a record-by-record review of the terrorist screening database to ensure accuracy, completeness, and consistency of the records. Inspector General Fine has reported that the database currently contains more than 235,000 records and that TSC's review will take several years.

a. How can a list this large possibly be helpful to the FBI and its law enforcement partners in the effort to thwart terrorism?

Response:

The suggestion that the "large" size of the Terrorist Screening Database (TSDB) somehow makes it less helpful is incorrect. The size of the TSDB does not adversely affect the efforts of the FBI and its law enforcement partners to thwart terrorism. Rather, the TSDB - as maintained by the TSC - now serves to link the domestic law enforcement and intelligence communities, a link that did not exist before the attacks of 9/11/01. On 9/9/01, one of the 9/11 hijackers was pulled over for speeding by a law enforcement officer in Maryland. Since there was no consolidated watchlist to alert that officer that the individual he had encountered was a known terrorist, the officer did not have a chance to give that terrorist any extra scrutiny.

The June 2005 DOJ OIG Audit Report (Report 05-27) identified the need for a consolidated terrorist watchlist and, based on that recommendation, the TSDB was developed as the U.S. Government's consolidated database of all terrorist identity information based on nominations received from the FBI and the IC. If it comes to the attention of the TSC that an identity no longer exhibits a nexus to terrorism, that identity will be removed from the TSDB. The TSC engages in an ongoing effort to maintain the most thorough, accurate, and current information possible in the TSDB.

Practically speaking, the FBI and its law enforcement partners conduct electronic NCIC queries of the TSDB, so the size of the TSDB is not a factor. If a query results in a positive or possible match, the investigator is advised to contact the TSC; these calls are resolved in approximately five minutes. Unlike the officer who encountered the 9/11 hijacker on 9/9/01, law enforcement officers today who call the TSC receive a quick response advising them whether they are dealing with a known or appropriately suspected terrorist. Armed with that information, these officers are able to ask relevant questions, conduct consensual searches, and be alert to suspicious information or possible associates. Information obtained through these encounters is then fed back to the TSC and the IC for analysis, better enabling the U. S. Government to "connect the dots."

b. How much longer will it take for the TSC to complete its review?

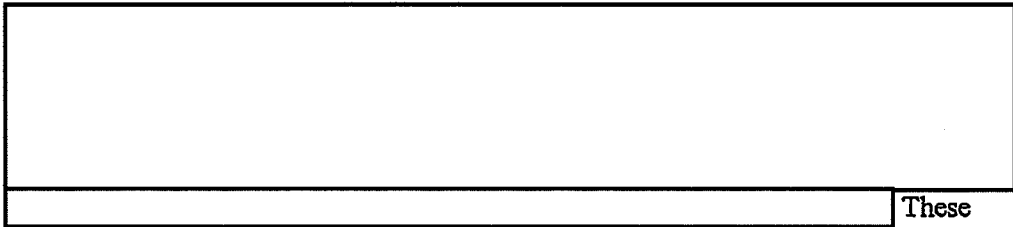
c. What impact will the delay in getting an accurate terrorist watchlist have on the FBI's counterterrorism mission?

Response to subparts b-c:

As of 5/21/06, the Terrorist Screening Data Base (TSDB) contained over 491,000 records, but these records do not represent 491,000 separate individuals, since one individual may have multiple aliases or name variants or may claim multiple dates of birth, each of which is counted as a separate record.

The record-by-record review of existing TSDB records began on 4/1/05, but we cannot predict when this review will be completed because priority reviews of particular segments of information continually intervene. For example, while TSC formerly relied on the accuracy of information provided by agencies nominating individuals for inclusion in the TSDB, in March 2006 TSC began to conduct its own detailed review of each nomination to ensure all placements in the TSDB are appropriate. TSC data integrity analysts have also been asked to review the records of 4,000 frequently encountered individuals to ensure their inclusion on the No Fly list is appropriate, to review [redacted] domestic terrorist subject records to ensure the accuracy of handling codes, and to review records

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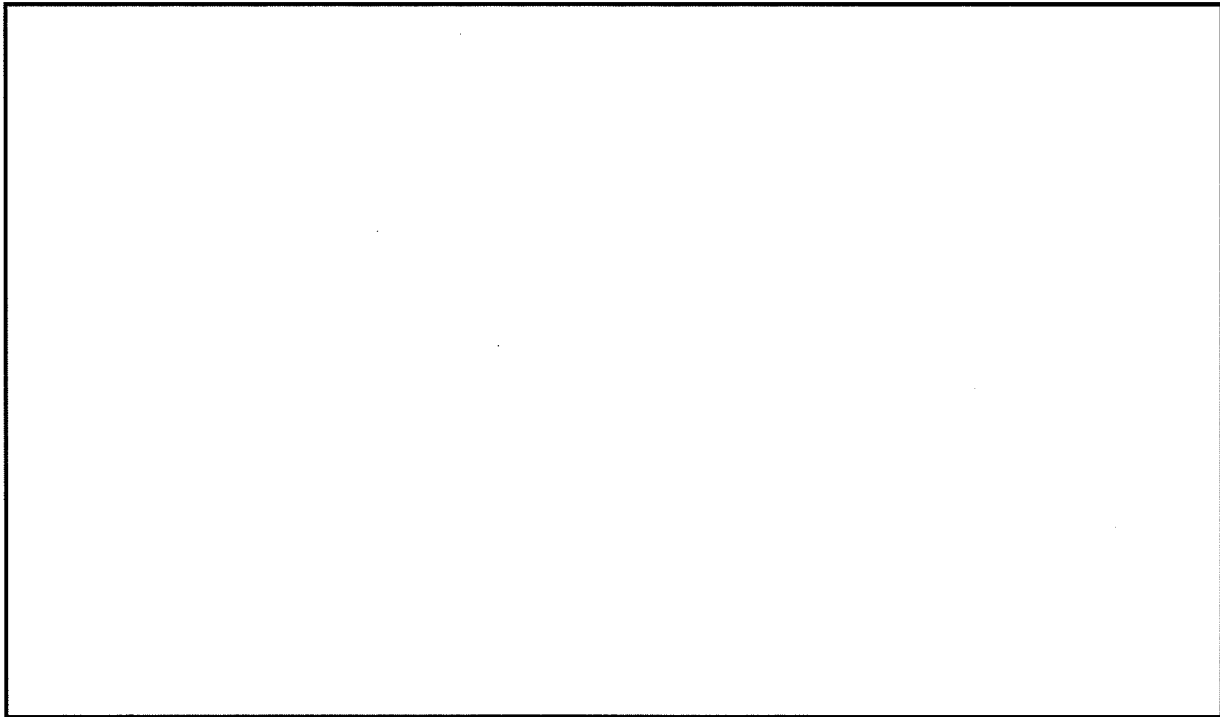


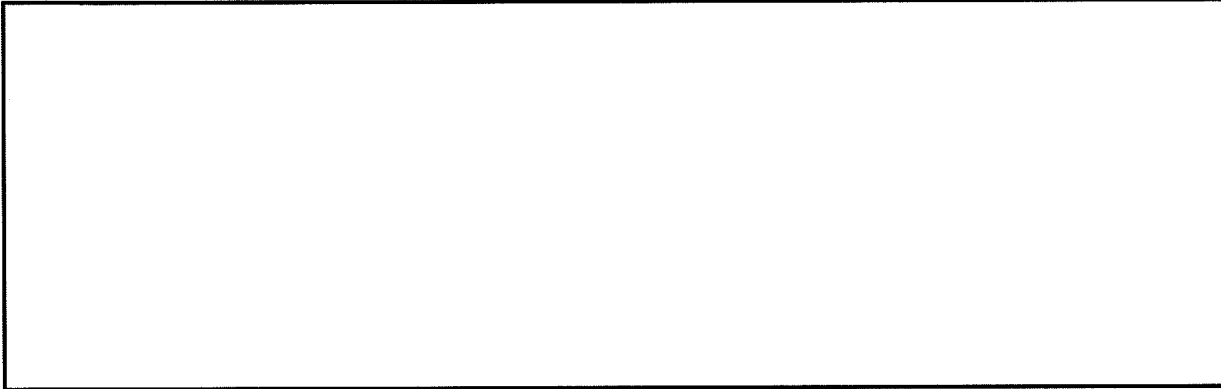
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These high priority reviews are being conducted along with the daily average of 1,000 new nominations and requests for modification of existing records, all of which must also be rigorously reviewed and verified to avoid misidentification.

These reviews are being conducted in order to ensure that individuals who are included in the TSDB erroneously and do not pose a terrorism risk are deleted from the TSDB. Clearly, erroneous inclusion in the TSDB exerts a negative impact on the individual, such as when the person is prohibited by Customs officials from entering the United States or by the TSA from boarding a plane. While the recent review of the records of frequently encountered individuals should minimize such impacts, the FBI takes all errors seriously and is working to eliminate them. A complete record review will not, however, adversely affect our national security, because the errors this review is designed to detect are errors of excessive inclusion in the TSDB rather than omission from it. For this reason, the time required to complete this review will not impede the FBI's counterterrorism mission.

Outside the Scope





Terrorist Watch List

110. I understand that the Terrorist Screening Center at the FBI has a redress process but works behind the scenes with other agencies to try to rectify any problems that individuals experience as a result of being mistakenly placed on a terrorist watch list or mistakenly identified as someone on the list. Should people who believe they are adversely affected by the Terrorist Screening Center watch list have the right to appeal an adverse consequence that results from it, and to take their appeal to court? How do we balance the right to appeal with the need for secrecy?

Response:

TSC believes an effective redress process is critical to the public's trust in the United States Government's terrorist screening efforts and the protection of individuals' civil liberties. Therefore, it is essential that those who believe they have been adversely affected by these screening efforts have access to a review process through which errors can be identified and corrected.

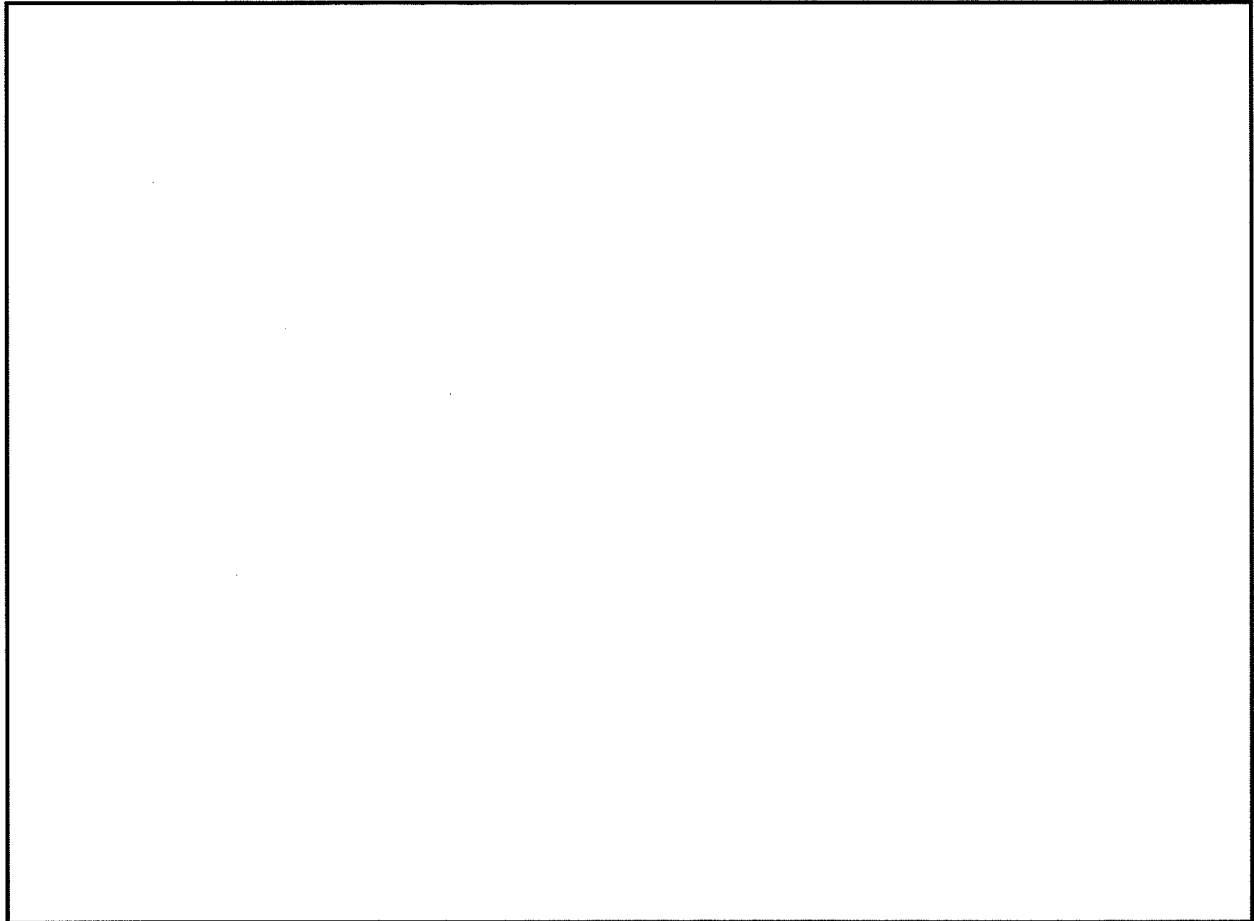
When the terrorist screening process adversely affects an individual's important rights, benefits, or privileges, the individual has the right to independent review of the basis for the adverse action. For most such circumstances, a review process is already in place and is tailored to the specific context in which an individual may be affected by terrorist screening. The consolidated watchlist is largely used by agencies that have existing authority to screen individuals and take action on the grounds of terrorist connections or other disqualifying factors. Depending on what action an agency takes as a result of the terrorist screening process, the individual may have a right to a formal agency appeal or to judicial review under the Administrative Procedure Act or other applicable law.

As the question recognizes, the challenge is to balance the need for access to information in the context of an appeal with the need to protect sensitive or classified information that, if released, could undermine the effectiveness of the

consolidated watchlist or the Government's other counterterrorism efforts. In most instances, a watchlist "hit" serves only to alert the screening agency that intelligence information exists suggesting a nexus to terrorism. The screening agency can then obtain and review this intelligence and decide what action is appropriate consistent with its legal authority. When an agency takes adverse action based on the intelligence information, that information and the fact that the consolidated watchlist led the agency to examine that information become part of the agency record supporting the adverse action.

Thus far, the courts have balanced the right to appeal an agency's action with the need for secrecy by conducting *ex parte, in camera* review of any sensitive or classified information that formed the basis for agency action. This process has worked well and should serve as the model for judicial review of adverse actions that flow from the terrorist screening process.

Outside the Scope





Terrorist Screening Center
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

December 23, 2005

Mr. Charles Bartoldus
Customs and Border Protection
Department of Homeland Security
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

Dear Charles Bartoldus,
Charlie

Since the inception of the Terrorist Screening Center (TSC) in December 2003, the cooperation between TSC and the National Targeting Center (NTC) has been exceptional, with both entities performing vital terrorism screening functions. These mutual investigative efforts have resulted in hundreds of individuals being identified as known or suspected terrorists attempting to enter the United States. Based upon the screening process, many of these individuals were denied entry to the United States.

In order to maintain the exemplary liaison between our agencies, I am personally requesting resolution on an issue which continues to grow. The problem is the referral of excessive negative matches and non-terrorist related records to the TSC. The TSC has been working to address this issue for over a year with the NTC and has been unable to achieve a final resolution.

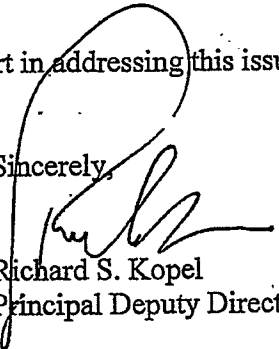
The TSC understands and expects that a certain number of negative matches are to occur based on the volume of individuals encountered as passengers and at the various ports of entry; however, the referenced problem is not related to "expected" negative matches. The unexpected referrals are, for example, date of birth only matches and last name only matches with no additional criteria to match the traveler with the subject. Numerous referrals have been forwarded to TSC with the traveler's age ranging from six months old to the elderly. There were referrals in which only the last name of a passenger matched the last name of a watchlisted subject, but the other identifying data was obviously uncorrelated. The non-terrorist related records of concern are the B-15 TECS records, which are the old TIP-OFF crime records and have no nexus to terrorism.

The TSC is required to account for and document all referrals and records in our Encounter Management Application system. The excessive negative referrals from NTC are negatively impacting the accuracy of the TSC statistical reporting, and are causing both our operations to spend valuable time processing encounters which are obviously no-matches.

I would appreciate any assistance on your part in addressing this issue. Please do not hesitate to contact me directly at

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Sincerely,



Richard S. Kopel
Principal Deputy Director

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Senate Judiciary Committee
Questions For the Record:



20MAY06

Senate Judiciary Committee
Questions For the Record:
20MAY06



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MessageFrom: [redacted] (CTD) (OGA)
Sent: Monday, July 18, 2005 12:59 PM
To: [redacted] (CTD) (CON)
Cc: [redacted] (OGC) (FBI); [redacted] (CTD) (FBI)
Subject: FW: Congressional request for info

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[redacted] Response to #1 below. Given that I use CBP as an example, I don't think it would be a bad idea to at least give DHS a heads up on this, if not asking them to clear it in advance. Thanks.

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1. What mechanism does TSC have in place for innocent individuals to have their names removed from terrorist watch lists/no-fly lists? We should include not only how this works, but how frequently names are removed, and a contact number that can be provided for constituents.

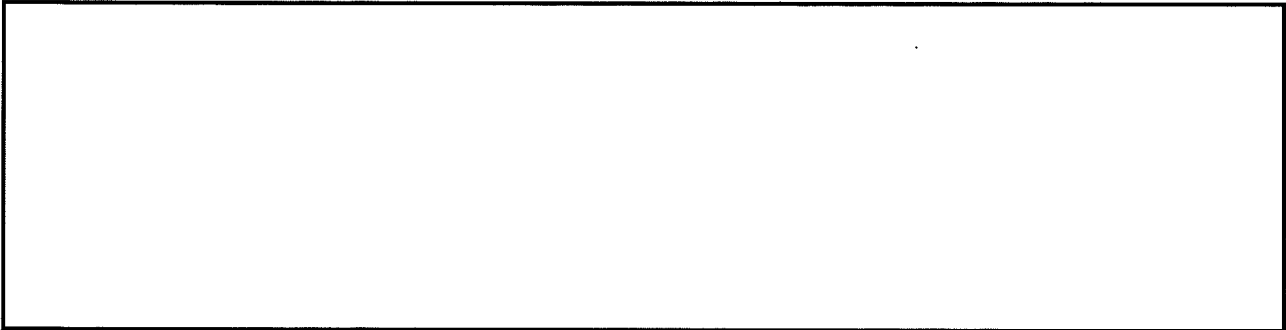
Answer: [redacted]

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-----Original Message-----

From: [redacted] (DO) (FBI)
Sent: Wednesday, July 13, 2005 4:55 PM
To: [redacted] (CTD) (FBI)
Subject: request for info

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The Director met with some of the Senators this week and the following issues have come up. Could you please help with responses.

1. What mechanism does TSC have in place for innocent individuals to have their names removed from terrorist watch lists/no-fly lists? We should include not only how this works, but how frequently names are removed, and a contact number that can be provided for constituents.

2. Are there any private (or quasi-govt) entities that have the ability to run names against the terrorist watch list? The Director mentioned something like a beverage licensing board as a possibility but promised we would get back to the Senator with a definitive response.

Thanks.



(note that this is a new extension number)

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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,

Eleni P. Kalisch
Assistant Director,
Office of Congressional Affairs

1-Honorable Jane Harman



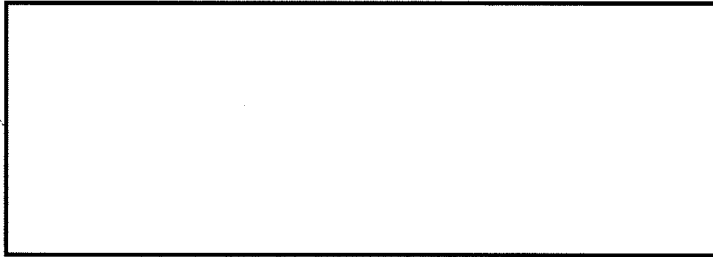
Terrorist Screening Center
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

~~SECRET/NOFORN/ORCON~~

October 26, 2005

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WHERE SHOWN OTHERWISE

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Dear 

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Pursuant to Homeland Security Presidential Directive 6 (HSPD-6), the Terrorist Screening Center (TSC) may watch list only those individuals known or appropriately suspected to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism. At this time, the TSC has insufficient information that the above-named individual meets the HSPD-6 criteria of a "known or appropriately suspected" terrorist.

The Federal Bureau of Investigation had conducted an international terrorism investigation of the above-named individual that was closed in May 2003. Since that time, the TSC has received no derogatory information from any executive agency or department that would establish that the above-named individual is a "known or appropriately suspected" terrorist.

As such, the TSC cannot maintain his identity in the Terrorist Screening Database (TSDB) and he will be removed from the TSDB and all supported screening agency databases, including the No Fly list. Should your agency develop additional intelligence concerning this individual, you may forward that information to the National Counterterrorism Center for nomination to the TSDB.

Sincerely,

A handwritten signature in black ink, appearing to read "D. A. Bucella".

Donna A. Bucella
Director

~~SECRET/NOFORN/ORCON~~

~~SECRET~~ NOFORN

[Redacted] (CTD) (OGA)

From: [Redacted] (CTD)(OGA)
Sent: Tuesday, May 31, 2005 4:53 PM
To: [Redacted] (OI) (OGA)
Cc: [Redacted] (CTD) (FBI); [Redacted] (CTD)(CON); [Redacted] (CTD) (CON)
Subject: TSC Redress #05-046 [Redacted]
Importance: High

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Tracking:

Recipient	Read
[Redacted] (OI) (OGA)	
[Redacted] (CTD) (FBI)	Read: 6/1/2005 6:51 AM
[Redacted] (CTD)(CON)	
[Redacted] (CTD) (CON)	Read: 6/1/2005 9:42 AM

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~~SECRET~~/NOFORN

[Redacted]

Last month, TSC received a redress complaint from a law firm representing [Redacted] [Redacted] is an employee of the Pfizer company and a UK citizen [Redacted] is repeatedly flagged for secondary inspection by CBP and has been [Redacted] CBP, ICE, and FBI have investigated [Redacted] and determined that he is [Redacted] I asked [Redacted] from State to [Redacted] and he concurs.

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Notwithstanding the above, some of [Redacted] information -- including his photograph -- [Redacted] We need NCTC to identify [Redacted] Attached is the information we have about [Redacted] from the CCD visa application record and additional documents provided by [Redacted] himself. Also, we learned from the immigration database that his A# is [Redacted]

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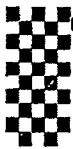
Please have someone get back to me [Redacted] so we can close out this file. Thanks.

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[Redacted]
Privacy Officer
Terrorist Screening Center
[Redacted]

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~~SECRET~~ NOFORN



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DATE 05-09-2008 BY 60324 UC BAW/RS/VCF



EPSTEIN BECKER & GREEN, P.C.

ATTORNEYS AT LAW
250 PARK AVENUE
NEW YORK, NEW YORK 10177-1211
TEL: 212.351.4500
FAX: 212.661.0989

FACSIMILE COVER SHEET

DIRECT: [Redacted]

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PRIVILEGED AND CONFIDENTIAL

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To: [Redacted] Fax Number: [Redacted] Telephone Number: [Redacted]

From: [Redacted] Atty. No. 6878 Pages (including cover): 7

Date: May 24, 2005 Client No.: 51457-001 [Redacted]

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Comments:

RE: Requested documentation for [Redacted]

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Dear [Redacted]

In response to your email dated May 13, 2005 (copy attached), please see the following in response to your requests:

1. We are the Attorney of Record for [Redacted] We enclose a signed Notice of Entry of Appearance as Attorney.
2. Copy of US issued ID card - [Redacted] Driver License
3. Current passport number - Copy of [Redacted] passport, current visa stamp & I-94 card
4. Date of Birth - [Redacted]
5. Current Home & Work Addresses -

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Home Address: [Redacted]

Home Telephone: [Redacted]

Work Address: PFIZER INC. 235 East 42nd Street, New York, NY 10017

Work Telephone: [Redacted]

Thank you for your attention to this matter. Please let us know if you require additional information. For your convenience, this correspondence will also be forwarded to you via response to your email.

Sincerely,

[Redacted Signature]

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NOTICE OF PRIVILEGE AND CONFIDENTIALITY

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RE: TSC Customer Service: Guidance requested

Page 1

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From: [redacted]
To: [redacted]
Date: 5/13/05 1:52PM
Subject: RE: TSC Customer Service: Guidance requested

Good afternoon,

I want to take this opportunity to give you an interim response to your request below. We are working with other federal agencies in an effort to resolve [redacted] situation.

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To aid us, we need the following information from [redacted]

- 1) A statement, signed by [redacted] faxed to us [redacted] that gives us permission to communicate with your law firm on his behalf.
- 2) A copy of any U.S. issued identification card (e.g., driver's license, Visa) faxed to us at the above number.
- 3) His current passport number.
- 4) His date of birth.
- 5) His current home and work addresses.

Receipt of #s 2 through 5 will enable us to work with other agencies to conduct a complete review of his record and, we hope, bring [redacted] situation to a satisfactory conclusion.

Sincerely,

[redacted signature]

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"We need not fear the expression of ideas--we do need to fear their suppression."

--President Harry S Truman

-----Original Message-----

From: [redacted]
Sent: Thursday, April 21, 2005 1:25 PM
To: [redacted]
Subject: TSC Customer Service: Guidance requested

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Dear [redacted]

I am writing from Epstein, Becker & Green, P.C., on behalf of [redacted] immigration counsel to Pfizer Inc.

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We are writing on behalf of [redacted] a valued and central employee at Pfizer worldwide headquarters located on 235 East 42nd Street, New York, New York 10177.

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Pfizer Inc is a research-based, multinational corporation. Pfizer enjoys a well-deserved reputation for high quality pharmaceutical and other healthcare products. Our mission is to discover and develop innovative, value-added products that improve the quality of life of people around the world, helping them enjoy longer, healthier, more productive lives. Together with our subsidiaries, Pfizer employs approximately 120,000 worldwide, and had gross annual revenues in excess of \$52.5 billion (US) for 2004.

[redacted] is one of the key members of Pfizer's organization. As the [redacted] is charged with the worldwide activities of our [redacted] brand products, the most

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RE: TSC Customer Service: Guidance requested

Page 2 b7C

prescribed brand for [redacted] a treatable medical condition that is estimated to affect more than 17 million people in the United States. [redacted] leads his team in overseeing all activities of the brand worldwide, managing the activities of physicians and medical directors in our worldwide organization.

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As required by this essential position [redacted] travels extensively on behalf of Pfizer, usually a few times a month. Although born in Bangladesh, [redacted] is a citizen of the United Kingdom. He has not resided in Bangladesh since he was a young child. Because of country of birth [redacted] has repeated gone through the process of "Special Registration" each time he enters the United States, namely being fingerprinted and interviewed at Secondary Inspection at your office. We respectfully request your guidance on how to relieve [redacted] of repeated Secondary Inspections. Based on 8 CFR Part 264(f)(7)(ii), [redacted] satisfies the requirements of a nonimmigrant alien subject to special registration who may apply for relief from the registration requirements as a Frequent Traveler. Yet, he has been repeated fingerprinted and subjected to harsh interview each and every time he enters the U.S.

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Due to these exigent circumstances and Pfizer's business necessity, we respectfully request your guidance on this matter. [redacted] is a valued employee and a critical contributor to Pfizer's global development efforts. It is his leadership that supports the establishment, implementation and adherence to quality pharmaceutical products standards. He also develops and administers those Pfizer policies and procedures that ensure competitiveness and compliance with all applicable federal, state and local rules and regulations worldwide. [redacted] advises senior management on organizational planning and developmental needs, and then works to implement these needs at all organizational levels. His guidance is extremely important in growing the Pfizer business not only in the United States but in our subsidiaries worldwide as well. As a result [redacted] is a key member and an integral part of both the leadership team in the United States and Pfizer's global operations.

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Consequently, it is extremely important that [redacted] be readmitted without disruption to the United States so that his important function within Pfizer remains uninterrupted.

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Any assistance and guidance regarding this matter will be highly appreciated.

Should you require additional information, please do not hesitate to contact our offices.

Kind regards,

[redacted]
Immigration Paralegal
Epstein, Becker & Green, P.C.
250 Park Avenue
New York, NY 10177-1211

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U.S. Department of Justice
Immigration and Naturalization Service

Notice of Entry of Appearance
as Attorney or Representative

Appearances - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. Availability of Records - During the time a case is pending, and except as otherwise provided in 8 CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.

In re: [Redacted] Date: [Redacted]
File No. [Redacted]

I hereby enter my appearance as attorney for (or representative of), and at the request of the following named person(s):

Name: [Redacted] Petitioner Applicant
 Beneficiary
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)
[Redacted]
Name: [Redacted] Petitioner Applicant
 Beneficiary
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)
[Redacted]

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Check Applicable Item(s) below:

1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia
NY & NJ and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.
 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
 3. I am associated with the attorney of record previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)
 4. Others (Explain Fully.)

SIGNATURE [Redacted] COMPLETE ADDRESS Epstein, Becker & Green, P.C.
250 Park Avenue
New York, NY 10177-1211
NAME (Type or Print) [Redacted] TELEPHONE NUMBER [Redacted] FAX (212) 661-0989

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PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:
[Redacted]
(Name of Attorney or Representative)
THE ABOVE CONSENT TO DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:
All immigration matters for [Redacted]
Name of Person Consenting [Redacted] Signature of Person Consenting [Redacted] Date 4/26/05

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(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is contained in 8CFR 103.10 and 103.20 Et. SEQ.

Form G-28 (09/26/00)Y

Government Accountability Office Review of Terrorist Watch Lists

May 15, 2006



GAO Audit 440374

Questions for Department of Justice and TSC: Governmentwide Redress

Date: April 28, 2006

Subject: Terrorist Screening and Governmentwide Redress Initiatives

I. Background

A. Redress Initiative by Terrorist Screening Center and Department of Justice:

According to the Terrorist Screening Center (TSC), there should be a more consolidated or governmentwide approach for redress pertaining to terrorist watch listing than what is currently available. To help accomplish this objective, TSC is working with the Department of Justice (DOJ) Office of Legal Policy to reach an agreement among screening agencies for a uniform redress process. A goal of the TSC/DOJ joint initiative is to develop a memorandum of understanding that can be agreed to by all relevant agencies, particularly regarding redress for individuals who complain that they are mistakenly listed in TSC's Terrorist Screening Database (TSDB). Efforts to achieve this goal are still evolving.

Regarding initial steps, as of January 2006, to serve as a starting point for discussions on a governmentwide redress process, TSC had submitted a draft memorandum of understanding to the DOJ Office of Legal Policy for review, and the office was identifying potential members to participate in a working group. In addition to TSC and DOJ, anticipated working group members included representatives from Customs and Border Protection (CBP), the Transportation Security Administration (TSA), the Federal Bureau of Investigation (FBI), the Department of Defense (DoD), the Department of State (DOS), and intelligence community (IC) agencies (such as the CIA, National Security Agency, and National Counterterrorism Center).

In further response to our inquiry in January 2006, the DOJ Office of Legal Policy said that the first meeting of the working group was expected to occur by spring 2006, if not earlier in the year. Also, the Office of Legal Policy explained that a goal of the working group will be to harmonize and formalize the redress process across screening agencies. As an example of harmonization, the Office of Legal Policy noted the need to develop a standardized letter template for use by all agencies in providing initial responses to complainants.

B. Another Redress Initiative Announced by State and Homeland Security:

Also, in January 2006, the Secretary of State and the Secretary of Homeland Security jointly announced plans for a governmentwide redress process. Without further elaboration of the process, the Secretary of Homeland Security noted that:

“Our goal is to establish a government wide traveler screening redress process before the end of this year to enable travelers who have complaints or have legitimate issues to resolve those questions with one-stop shopping.”¹

II. Questions

- A. Please articulate and discuss the goal(s) of the redress initiative which is being undertaken by TSC and the Department of Justice (DOJ) in addition to answering the questions below.

TSC Response:

In January 2005, TSC established a multi-agency redress process to handle complaints posed by individuals who are experiencing delays or other difficulty during a screening process related to the terrorist watchlist. From the beginning, that process has involved the TSC, the National Counter Terrorism Center (NCTC), screening agencies such as the Department of Homeland Security (DHS) and the Department of State (DOS), and nominating agencies such as the Central Intelligence Agency (CIA) and the Federal Bureau of Investigation (FBI). Since January 2005, TSC has taken various steps to make the process more uniform and formal, including conducting outreach to participating agencies, creating a “Redress Fact Sheet for Federal Agencies” to explain how screening agencies refer complaints to TSC’s watchlist redress process, and developing a written Standard Operating Procedure (SOP) to govern how TSC processes redress complaints.

In the Fall of 2005, TSC and DOJ decided to draft a multi-agency Memorandum of Understanding (MOU) to document the understanding of the parties that participate in the watchlist redress process. The goal of the MOU was to reduce to writing the agreement of the various agencies to develop, follow, and support a coordinated watchlist redress process. The MOU is not intended to address redress matters that are not related to the consolidated terrorist watchlist, known as the Terrorist Screening Database (TSDB).

1. To what extent is the redress initiative covering all categories of complainants—(a) persons who complain that they are mistakenly listed in the TSDB, (b) persons who complain that they are being misidentified and inconvenienced because they have a name similar to someone who is watch listed, and (c) other categories of complaints received?

TSC Response:

The multi-agency watchlist redress process is intended to deal with complaints from individuals in categories (a) and (b), *i.e.*, individuals who complain of screening difficulties that are related to the TSDB, either because they are on the TSDB or because they have a name that is similar to someone on the TSDB. The

¹Department of Homeland Security, Office of the Press Secretary, “Remarks by Homeland Security Secretary Michael Chertoff on Secure Borders and Open Doors in the Information Age, at an Event at the Department of State” (Jan. 17, 2006).

process is not intended to and does not accept complaints that are not related to the TSDB.

Again, it is important to emphasize that this is a bounded effort to ensure a robust redress process exists for only those individuals having terrorist watchlist-related difficulties during a government screening process. It is not intended to create a general redress process for individuals whose adverse screening experiences are unrelated to the terrorist watchlist. For example, the TSC effort is not intended to address the complaints of individuals who must go through secondary screening at the U.S. border because of immigration or drug concerns.

2. Also, please confirm the accuracy of the background information presented in IA above; or, if applicable, indicate what corrections should be made.

TSC Response:

I.A. suggests that a government-wide terrorist watchlist redress process does not currently exist but will be created by this MOU. That is incorrect. As stated above, TSC created the watchlist redress process in January 2005 and it has been operational ever since. The DOJ/TSC effort to establish a multi-agency MOU on watchlisting redress is intended to document the existing process, identify and resolve any areas of concern or conflict, and ensure that participating agencies commit appropriate resources to the redress effort to ensure its continuing success.

3. If available, please provide a copy of the memorandum of understanding.

TSC Response:

The DOJ has circulated a draft MOU for discussion purposes and is in the process of revising the document based on the comments it has received to date. In addition, a number of agencies still are in the process of reviewing the draft MOU. Because the MOU is far from being finalized, it will be premature for us to provide a copy.

- B. What is the current status of the TSC/DOJ redress initiative, and what results have been achieved to date?

TSC Response:

The draft MOU was distributed to various agencies on March 29, 2006 and comments were requested by April 17, 2006. As discussed above, a number of agencies still are in the process of reviewing the draft MOU and have requested additional time to provide comments. The DOJ currently is in the process of revising the MOU based on the initial comments it has received. Once all of the comments have been received, a new working draft will be circulated for review.

1. Which agencies are represented in the working group?

TSC Response:

Until comments are received from all agencies, working group meetings will not be held.

2. On what dates has the working group met? If available, please provide a copy of minutes of the meetings.

TSC Response:

N/A.

- C. What is the relationship between the TSC/DOJ initiative (see IA) and the State/Homeland Security initiative (State/DHS) (see IB)?

1. Please articulate and discuss the scope and intent of the State/DHS redress initiative.

TSC Response:

The DOS and DHS are in the best position to discuss the scope of their redress initiative.

2. Is the State/DHS redress initiative confined to traveler screening redress or is it more broadly a governmentwide redress process?

TSC Response:

The DOS and DHS are in the best position to discuss the scope of their redress initiative.

3. To what extent do these two initiatives above (TSC/DOJ and State/DHS) have overlapping or duplicative objectives?

TSC Response:

The DOJ will be working with the DOS and DHS to ensure that its efforts to develop a redress MOU will be complementary and not duplicative of the efforts being undertaken as part of the DOS/DHS redress initiative. DHS and DOS are two of the agencies that are reviewing the draft redress MOU. The MOU will not be implemented without their concurrence.

4. To what extent does the existence of the two initiatives indicate a need for better integration or coordination of efforts to develop and implement a governmentwide redress process?

TSC Response:

As discussed above, the DOJ will be working with the DOS and DHS regarding the development of a redress MOU. TSC is the agency with primary responsibility for the TSDB, therefore, it makes sense for the DOJ to take the lead in developing a MOU addressing redress concerning the TSDB. This MOU is not

intended to be duplicative of the efforts being undertaken as part of the larger
DOS/DHS redress initiative.

Government Accountability Office Review of Terrorist Watch Lists

May 15, 2006



GAO Audit 440374

GAO Audit 440374 - Redress questions (2005.11.06). doc

GAO Audit 440374



June 2006

GAO Audit 440374 JUN06. doc

**Review of the Terrorist Screening Center's efforts to support the
Secure Flight program:
Actions Necessary to Close Report**

Question #1(a).

1(a). How many calls related to encounters have you received from screening agencies and how many of these calls have turned out to be persons misidentified to the watch list from the time TSC began recording them until May 2006? Please show the above statistics monthly and cumulatively by screening agency.

TSC Response:

Enter response here.

Question #1(b).

1(b). From the subset of total misidentifications, how many represent unique (onetime only) persons?

TSC Response:

Enter response here.

Question #1(c).

1(c). How many of the subset of total misidentifications represent repeatedly misidentified persons? How many persons have been misidentified twice? Three times? Four times? More than four times?

TSC Response:

Enter response here.

Question #1(d).

1(d). Explain the number of State Department Security Advisory Opinions or SAOs TSC reported as having reviewed. Specifically are they visa applicants who are initially matched by State Department consular officers to at least one TSDB record? If yes, how many SAO's were determined by TSC to be misidentifications? If no, they why is TSC reviewing them?

How many SAOs were reviewed by TSC from December 2003 until May 2006 and how many of them were misidentifications? Please show the statistics on SAOs (total and misidentified) monthly and cumulatively?

TSC Response:

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Question #2(a).

2(a). Identify the sources (screening agencies, departments, locations) for misidentifications in rank order of frequency along with the cumulative number.

TSC Response:

Enter response here.

Question #3(a).

3(a). Identify the causes of misidentifications.

TSC Response:

Enter response here.

Question #4(a).

4(a). What is the average and the range of time it takes for TSC call center personnel to verify misidentifications? What factors affect processing time?

TSC Response:

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Question #5(a).

5(a). Describe how the Encounter Management Application (EMA) supports analyses of trends in misidentification rates.

TSC Response:

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Question #6(a).

6(a). Describe what you know to be the adverse effects from agency screening processes on persons who are frequently misidentified.

TSC Response:

Enter response here.

Question #7(a).

7(a) Characterize the reliability of EMA records and data. Identify a point of contact for follow up questions related to reliability of EMA, its records, system, and data.

TSC Response:

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Question #7(b).

7(b) Identify the DOJ/IG report (Review of the Terrorist Screening Center, Audit Report 05-27 (June 2005)) findings and recommendations related to TSDB and EMA data reliability and describe the status of TSC's efforts to remedy the problems.

TSC Response:

Enter response here.

Question #7(c).

7(c). How is EMA being used to identify problem records in TSDB that might cause a disproportionately high number of misidentifications?

TSC Response:

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Question #7(d).

7(d). Does TSC store the personal identifying information of misidentified persons or frequently misidentified persons in EMA, why is such information retained and how is it used?

TSC Response:

Enter response here.

Question #7(d).

7(d). Does TSC store the personal identifying information of misidentified persons or frequently misidentified persons in EMA, why is such information retained and how is it used?

TSC Response:

Enter response here.

Question #8(a).

8(a). Describe current and planned initiatives, by TSC or jointly in collaboration with TSC, intended to improve data reliability (accuracy, currency, completeness of records) and data integrity (including an update to the quality assurance initiatives list and the status of those initiatives already provided to GAO's watch list team (440374).

TSC Response:

Enter response here.

Question #8(b).

8(b). Describe current and planned initiatives to reduce the occurrence of misidentifications.

TSC Response:

Enter response here.

Question #8(c).

8(c). Describe how EMA is used to identify problem records that are disproportionately responsible for misidentifications, and what TSC is doing to fix such records.

TSC Response:

Enter response here.

Question #8(d).

8(d). What is the status of TSC actions to implement the redress recommendation in the DOJ/IG report cited above and in footnote 1?

TSC Response:

Enter response here.

Question #8(e).

8(e). Describe how, if at all, EMA is used to expedite frequently misidentified persons through agency screening processes.

TSC Response:

Enter response here.

Question #8(f).

8(f). Describe how you are using biometrics to reduce misidentifications.

TSC Response:

Enter response here.

Question #8(g).

8(g). Describe planned use of biometrics to reduce misidentifications.

TSC Response:

Enter response here.

Question #8(h).

8(h). Status of TSC's initiative called "Query." Explain the purpose or intent of "Query" and what anticipated impact "Query" will have on the watch list matching process, if implemented.

TSC Response:

Enter response here.

Question #9(a).

9(a). Describe the risks and vulnerabilities you are aware of in agency screening methods and technologies that can result in persons on the terrorist watch list passing undetected through agency screening or that cause misidentifications.

TSC Response:

Enter response here.

Question #10(a).

10(a). Please describe progress (i.e., text, not just a table) to date on goals and tasks under broad goals III and IV below (particularly as they pertain to record reliability, misidentifications, and redress)

(i) III Develop and Maintain Thorough, Accurate, and Current Identity Information... and;

(ii) IV: Ensure TSC activities are carried out in a manner consistent with the U.S. Constitution... (pages 10-13).

TSC Response:

Enter response here.

Question #11(a).

11(a). Cite TSC's legal authority to use, store, and disseminate personal information on misidentified persons stored in EMA.

TSC Response:

Enter response here.

Question #11(b).

11(b). Under what documentation (e.g., PIA, SORN, etc.) does EMA operate to disclose that it contains personal information on misidentified persons?

TSC Response:

Enter response here.

Question #12(a).

12. What is TSC's policy on minimizing the occurrence of misidentifications as opposed to managing its occurrence?

TSC Response:

Enter response here.

OIG Recommendation #4.

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Develop an aggressive schedule for the completion of the record-by-record review of the TSDB and encourage participating agencies to improve overall data accuracy, completeness, and thoroughness.

Requirement to Close: To close this recommendation, please provide evidence of your attempts to expedite the TSC's record-by-record review of the TSDB. The TSC should establish aggressive milestones for the successful completion of the project and track its progress against these milestones. In addition, please provide documentation to support your interaction with participating agencies related to improving the overall accuracy, completeness, and thoroughness of terrorist watch list data.

TSC Response to #4:

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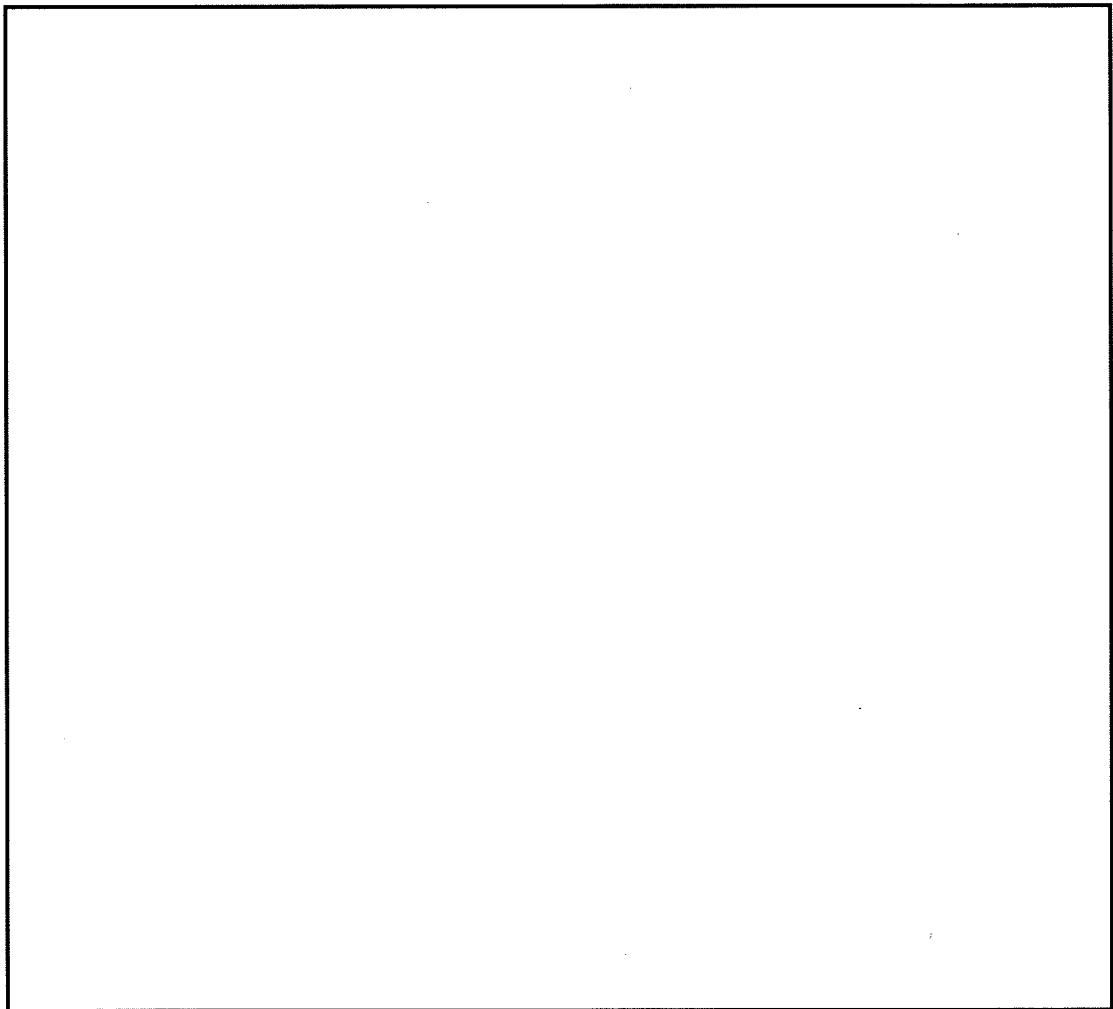
OIG Recommendation #4.

Develop an aggressive schedule for the completion of the record-by-record review of the TSDB and encourage participating agencies to improve overall data accuracy, completeness, and thoroughness.

Requirement to Close: Given the current rate, it will still take the TSC over 10 years to complete the record-by-record review. While the TSC's response reported that the review is ongoing, it did not address what specific steps the TSC has taken to expedite the record-by-record review. Further, while the TSC reported on the progress of the review, it did not provide the OIG with any aggressive milestones that have been established for completing the review. Therefore, we are unable to determine whether the TSC has successfully expedited the record-by-record review process.

As a result, this recommendation can be closed when the TSC provides evidence of its attempts to expedite the record-by-record review and its efforts to establish and track its progress against aggressive milestones.

TSC Response to #4:



Original Recommendation #10:

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Review and correct the 31 duplicate records identified in the TSDB 1B.

Requirement to Close:

This recommendation can be closed when the TSC provides evidentiary support, such as database query results, showing the removal of these duplicate records from the database. In addition, we request that the TSC provide us with documentation to support the actions taken for each of the 10 records under review by the NCTC, once completed.

Response:

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Original Recommendation #22:

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In coordination with the supporting agencies, establish procedures to identify and resolve missing and conflicting record information.

Requirement to Close:

This recommendation can be closed when we receive a finalized, signed copy of the Data Quality Improvement Plan, ensuring that TSC management is committed to this weekly review.

Response:

A signed finalized version of the *Data Quality Improvement Plan* is enclosed in **Exhibit #22A**. This signed *Plan* shows TSC Management's commitment to the weekly review of data as outlined in the *Plan*. Since the data integrity program began, a wide variety of tests have been run on a continuing basis to determine accuracy, currency, and thoroughness of the TSDB data. These runs have been conducted at least weekly, usually more often. A sample of these recurring runs is provided as documentary evidence as **Exhibit #22B**.

Since the TSC has complied with the requirements of this request as specifically outlined by the DOJ/OIG, the TSC considers this matter closed.

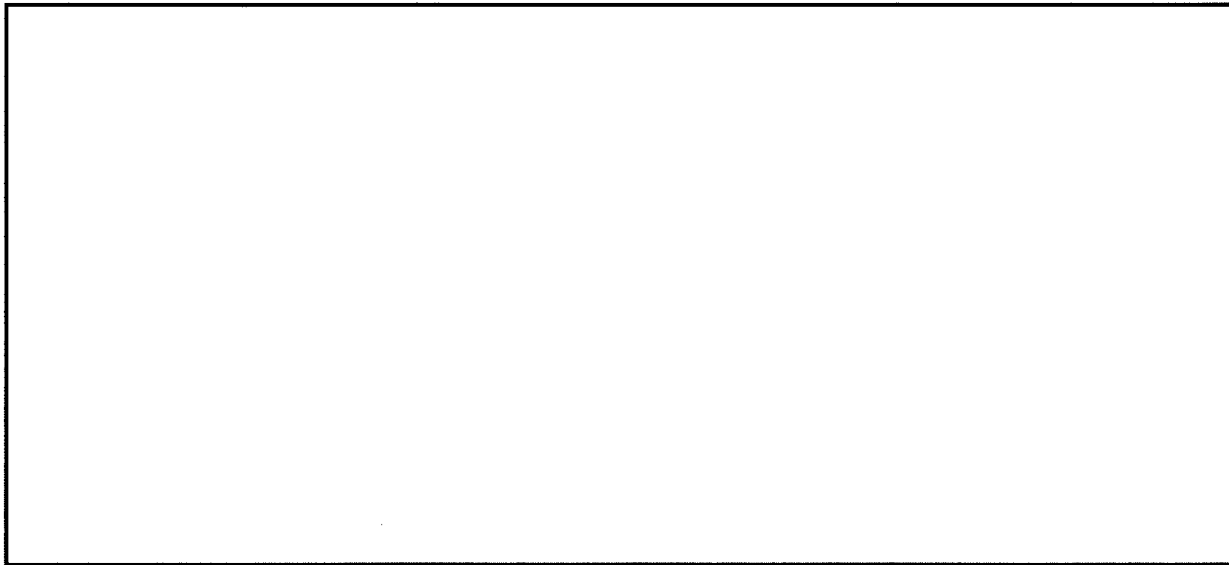
Original Recommendation #27:

Develop an automated method for flagging records in the Encounter Management database that require follow-up actions, and establish procedures to complete the necessary follow-up conducted within a reasonable period of time.

Requirement to Close:

This recommendation can be closed when we receive evidence that the Encounter Management database Version 2.0 has been enhanced to allow for tracking capability and timely follow-up measures for encounters.

Response:



Original Recommendation #35:

Strengthen procedures for handling misidentifications and articulate in a formal written document the protocol supporting such procedures, as well as provide training to staff on the proper way to manage misidentifications.

Requirement to Close:

This recommendation can be closed when we receive evidence that training on these new SOPs was provided to staff, such as a training sign-in sheet or log of attendees.

Response:

The Privacy Officer provided training to TSC's Data Integrity staff on the redress Standard Operating Procedure (SOP) on July 18, 2005. The sign in sheet for that training is being provided in **Exhibit #35**.

Since the TSC has complied with the requirements of this request as specifically outlined by the DOJ/OIG, the TSC considers this matter closed.

Original Recommendation #36:

Develop a formal process for evaluating the effectiveness of the TSC.

Requirement to Close:

This recommendation can be closed when we receive evidence that the TSC has developed this comprehensive metrics plan for evaluating the effectiveness of the TSC.

Response:

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[Redacted] (CTD) (CON)

From: [Redacted] (CTD)(OGA)
Sent: Monday, August 22, 2005 1:36 PM

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To: [Redacted]

Cc: BUCELLA, DONNA A. (CTD) (OGA); HEALY, TIMOTHY J (WF) (FBI); KOPEL, RICHARD S (CTD)(OGA) [Redacted]

Subject: RE: Questions for the Record - Due 08/26/2005

Attachments: QFR.Justice.Comm7.27.05.doc

UNCLASSIFIED
NON-RECORD

The response to 42 is attached.

-----Original Message-----

From: [Redacted] (CTD) (FBI)
Sent: Sunday, August 21, 2005 4:50 PM
To: [Redacted]

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Cc: BUCELLA, DONNA A. (CTD) (OGA); HEALY, TIMOTHY J. (CTD) (FBI); KOPEL, RICHARD S (CTD)(OGA); [Redacted]
Subject: Questions for the Record - Due 08/26/2005
Importance: High

UNCLASSIFIED
NON-RECORD

To All,

Per the morning meeting on Thursday, August 18, 2005, attached are the grid of assignments and Word document describing the questions the TSC is responsible for answering. These each have primary responsibility indicated by the first individual listed in the box from the Excel spreadsheet, and secondary assistance indicated beyond the first individual listed. The due date for this information is **08/26/2005** and it should be returned to [Redacted] with a copy to [Redacted] in electronic form. Please use the attached Word document in which you should write your response. Electronic versions of the response, and electronic as well as hard copy versions should be forwarded to [Redacted] of any attachments that are referenced. Please let me know if you have questions or if there are potential misassignments.

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Thanks in advance for your cooperation and assistance.

[Redacted]
Administrative Officer
Terrorist Screening Center
Office: [Redacted]
Facsimile: [Redacted]
Cellular: [Redacted]

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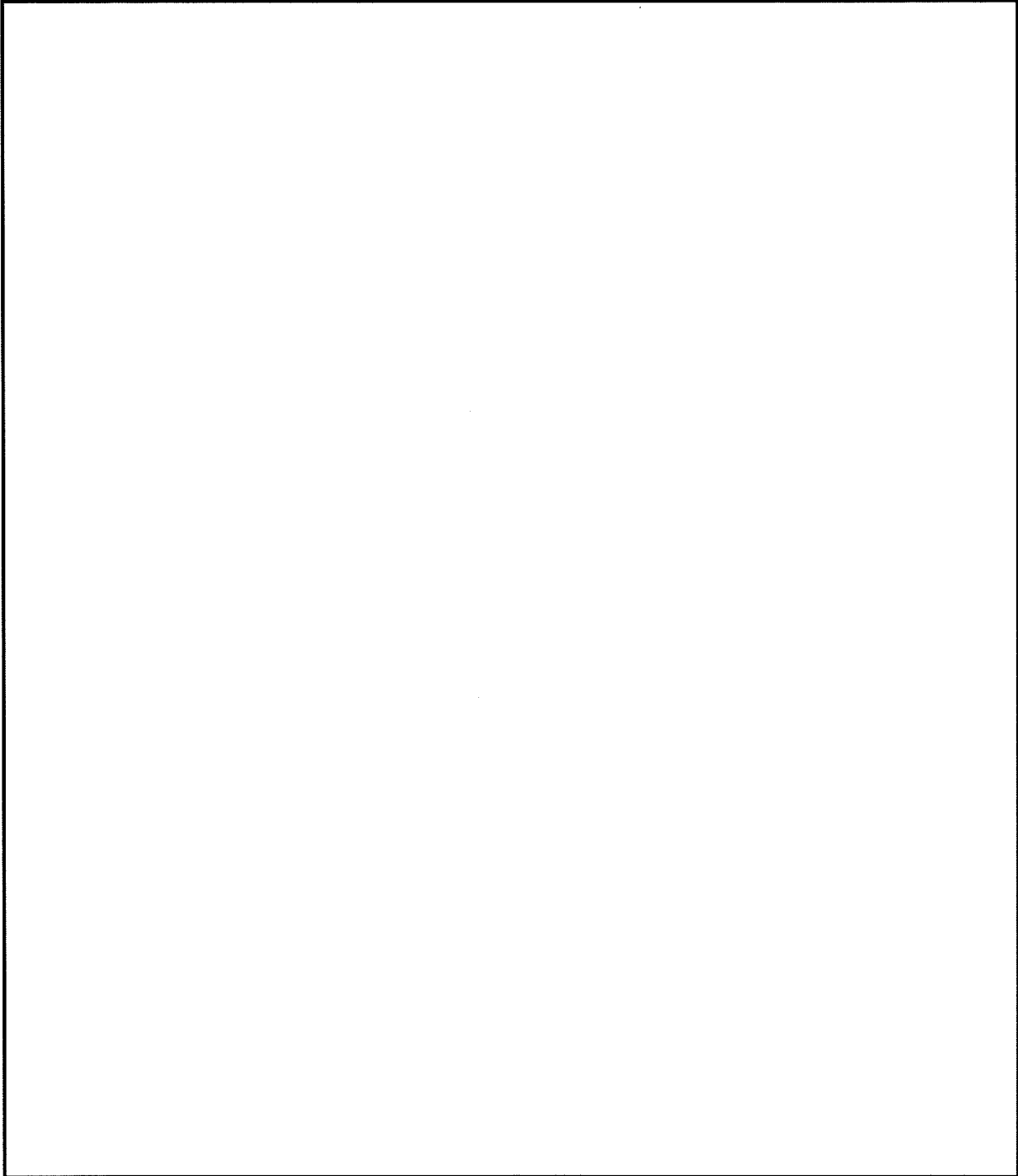
Questions for the Record - Due 08/26/2005, msg

3/25/2008

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-01-2008 BY 60324 UC BAW/RS/VCF

Terrorist Screening Center
Response to Questions for the Record
Deadline 09/06/2005

Outside the Scope



Outside the Scope

42. Thank you for your prior responses to questions about the operations of the Terrorist Screening Center (TSC). You explained in those responses that TSC has hired a Privacy Officer to help address complaints about the operation of the TSC

watch lists. Please explain the role of the Privacy Officer. Who does the Privacy Officer report to? Does the Privacy Officer have full clearance to review all TSC data?

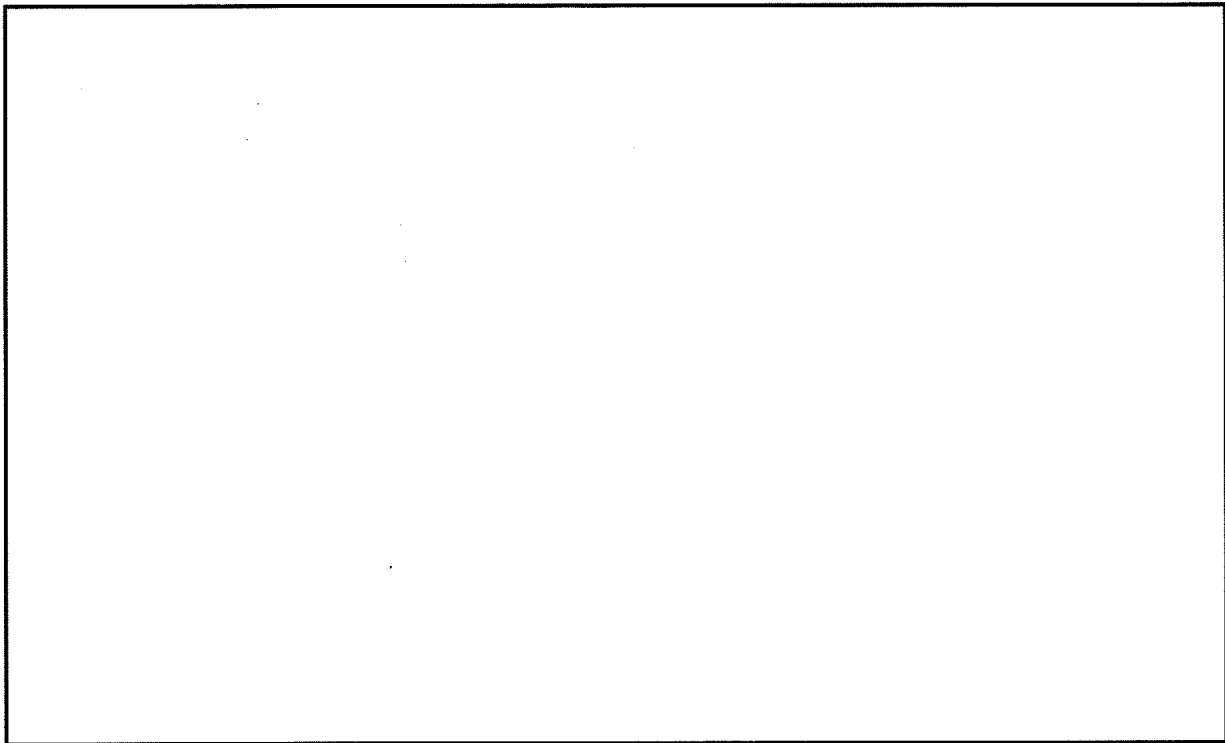
Response

The TSC Privacy Officer reports to the Director of the TSC, with a dotted line to the TSC Chief of Staff to ensure proper coordination of assignments and other matters. The Privacy Officer is responsible for establishing internal policies and procedures to ensure that TSC is in compliance with laws and policies related to the handling of personal information, as well as to recommend additional policies that are appropriate or necessary to comply with fair information principles. The Privacy Officer has full clearance to access to all data maintained and used by the TSC in the performance of its mission.

43. The June Inspector General report evaluating TSC identified problems with the completeness and accuracy of the watch list data, in terms of both omitting known terrorists and including inaccurate information about individuals. What steps is the TSC taking to rectify this problem?

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Outside the Scope

Response



[Redacted] (CTD) (CON)

From: [Redacted] (CTD) (FBI)
Sent: Monday, June 05, 2006 3:22 PM
To: [Redacted] (CTD) (CON)
Subject: TSCs QFRs

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Attachments: TSC [Redacted] 4-28-06.RG..doc; TSC OCA Resp_060904.wpd; QFRS_Pistole 8_23_04 No-Fly Rules.doc

UNCLASSIFIED
NON-RECORD



TSC

TSC OCA

QFRS_Pistole

[Redacted] 4-28-06_060904.wpd (2823_04 No-Fly Ru

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[Redacted]
Attached is what I was able to find in our share drive from 2004. This is by no means inclusive.

SSA [Redacted]
CTD, Executive Staff
[Redacted]
Room # 4981

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TSC's QFRS -msg

**Questions for the Record
from EAD John Pistole's Testimony
9/11 Commission Hearing on August 23, 2004**

1. To Pistole and Brennan: How is the data base for "no fly" made up and how over-inclusive is it? What is the procedure for getting off the "no fly" and other watch lists? What is the function of the Ombudsman re watch lists and how well is it working?

Response: The current No-Fly list is updated on a daily basis by the Terrorist Screening Center (TSC) assignees from the Transportation Security Agency (TSA). The TSC receives a file containing the names and identifiers of terrorist records that are recommended to be included, updated, or deleted from the Terrorist Screening Data Base (TSDB). Records received into the TSDB which meet certain criteria are then included in the No-Fly List.

The basic criteria for inclusion of a record on the No-Fly list are:

Those individuals who are known to pose or are suspected of posing:

- a threat to transportation or national security;
- a threat of air piracy or terrorism;
- a threat to airline or passenger security; or
- a threat to civil aviation security.

The No-Fly list is not over-inclusive, but is distributed to all air carriers flying into or out of the United States. This is cause for great concern and there is a high degree of risk the list may be compromised. The current initiative to handle the entire screening process within the government (i.e. Secure Flight) and to stop distribution of the list should address this problem.

The processes for removal from the No-Fly list are as follows:

- 1) Removal is initiated by the government official that originated the information causing the individual to be placed on the No-Fly. This request is sent to the TTIC (international terrorist) or the FBI (domestic terrorist) and they will review all the information available before, if appropriate, requesting removal.
- 2) Removal is initiated by the TSC during the quality assurance and encounter management processes. This process is performed by the TSC and the TSA, but only after coordination with all government entities possessing derogatory information on the individual. This process ensures everybody has an opportunity to weigh in on the removal and that it is in the best interest of the government.

In addition, the TSA maintains an Ombudsman Office. To access this office, an individual must contact the TSA Ombudsman to request a review of the record for corrective action. This process is managed exclusively by TSA, but is only initiated after an encounter has occurred.

[Redacted] (CTD) (CON)

From: [Redacted] (CTD) (CON)
Sent: Friday, June 02, 2006 2:40 PM
To: [Redacted] (CTD) (FBI)
Cc: [Redacted] (CTD) (FBI); [Redacted] (CTD) (FBI)
Subject: RE: QFRs re TSC Due 5/22/06
Attachments: QFR.SenateJudiciary5.22.06.doc

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[Redacted]

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Here you go. Hard copy will follow via snail mail.



QFR.SenateJudic
iary5.22.06.doc...

v/r,

[Redacted]

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-----Original Message-----

From: [Redacted] (CTD) (FBI)
Sent: Tuesday, May 30, 2006 11:36 AM
To: [Redacted] (CTD) (FBI)
Cc: [Redacted] (CTD) (CON)
Subject: RE: QFRs re TSC Due 5/22/06

UNCLASSIFIED
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Thanks,

[Redacted]

Administrative Officer
Terrorist Screening Center

Office: [Redacted]
Facsimile: [Redacted]
Cellular: [Redacted]

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-----Original Message-----

From: [Redacted] (CTD) (FBI)
Sent: Tuesday, May 30, 2006 8:43 AM
To: [Redacted] (CTD) (FBI)
Subject: RE: QFRs re TSC Due 5/22/06

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[Redacted]

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Luckily they postponed our deadline. I will need it by COB 6/1/06, but OCA needs it a few days later. However, I

QFRs re TSC Due 5/26/06.msg

will need to package it with around 20 other QFR's for our reformatting, AD Hulon's approval and there are always revisions, so I need to leave a few days for that process.

[Redacted]

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-----Original Message-----

From: [Redacted] (CTD) (FBI)
Sent: Friday, May 26, 2006 5:43 PM
To: [Redacted] (CTD) (FBI)
Subject: RE: QFRs re TSC Due 5/22/06

UNCLASSIFIED
NON-RECORD

[Redacted]

What is OCA's drop dead date?

Thanks,

[Redacted]

Administrative Officer
Terrorist Screening Center

Office: [Redacted]
Facsimile: [Redacted]
Cellular: [Redacted]

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-----Original Message-----

From: [Redacted] (CTD) (FBI)
Sent: Friday, May 26, 2006 9:20 AM
To: [Redacted] (CTD) (FBI)
Subject: FW: QFRs re TSC Due 5/22/06

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[Redacted]

I am forwarding you the below in [Redacted] absence.

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Thanks,

[Redacted]

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-----Original Message-----

From: [Redacted] (CTD) (FBI)
Sent: Friday, May 26, 2006 9:17 AM
To: [Redacted] (CTD) (CON)
Subject: RE: QFRs re TSC Due 5/22/06

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NON-RECORD

[Redacted]

OCA gave us an extension for this QFR, however, that extension date will be approaching. Please keep me informed as to the status of these QFRs/

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Thanks,

[Redacted]

CTD Executive Staff

[Redacted]

b2

-----Original Message-----

From: [Redacted] (CTD) (CON)
Sent: Tuesday, May 16, 2006 1:42 PM
To: [Redacted] (CTD) (FBI)
Cc: [Redacted] (CTD)(OGA); [Redacted] (CTD) (FBI)
Subject: RE: QFRs re TSC Due 5/22/06

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NON-RECORD

[Redacted]

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In reference to #110 below, TSC needs coordinate this with DOJ for an answer and will probably need more time. FYI, we plan on coordinating with [Redacted] at DOJ, unless you have someone else in mind. Let me know your concerns.

v/r,

[Redacted]

-----Original Message-----

From: [Redacted] (CTD) (FBI)
Sent: Friday, May 12, 2006 5:52 PM
To: [Redacted] (CTD) (CON); [Redacted] (CTD) (FBI)
Subject: QFRs re TSC Due 5/22/06
Importance: High

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[Redacted]

The below 3 Questions for the Record (QFR) are based on the Director's 5/2/06 Senate Judiciary oversight hearing. **Please provide your response to me by COB 5/22/06. Your response will require DAD approval prior to submission.**

26. CTD. A June 2005 OIG report entitled "A review of the Terrorist Screening Center" found that the watch list could be missing names, some names might be designated at inappropriate threat levels and that the FBI hasn't given other agencies full access to its watch list. Is this still a problem?

69. CTD. During the past year, the Terrorist Screening Center has initiated a record-by-record review of the terrorist screening database to ensure accuracy, completeness, and consistency of the records. Inspector General Fine has reported that the database currently contains more than 235,000 records and that TSC's review will take several years.

a. How can a list this large possibly be helpful to the FBI and its law enforcement partners in the effort to thwart terrorism?

b. How much longer will it take for the TSC to complete its review?

c. What impact will the delay in getting an accurate terrorist watchlist have on the FBI's counterterrorism mission?

110. CTD. I understand that the Terrorist Screening Center at the FBI has a redress process but works behind the scenes with other agencies to try to rectify any problems that individuals experience as a result of being mistakenly placed on a terrorist watch list or mistakenly identified as someone on the list. Should people who believe they are adversely affected by the Terrorist Screening Center watch list have the right to appeal an adverse consequence that results from it, and to take their appeal to court? How do we balance the right to appeal with the need for secrecy?

Thanks,

SSA [redacted]
CTD, Executive Staff
[redacted]
Room # 4981

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[Redacted] (CTD) (CON)

From: [Redacted] (CTD) (CON)
Sent: Thursday, August 18, 2005 4:18 PM
To: [Redacted] (CTD) (FBI)
Subject: RE: Congressional Questions from Director's 7/27/05 Senate Judiciary Committee Hearing
Attachments: QFR.Justice.Comm7.27.05.doc; QFR.Matrix.JusticeComm.27JUL05x.xls

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[Redacted]

As requested, see attached QFR template with questions written in and the updated matrix with #6..

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I think the QFR is closed because we already answered it with the letter to Senator Leahy. The letter was in the attachment from [Redacted] as the answer to 29a & 29b.

v/r,

[Redacted]

-----Original Message-----

From: [Redacted] (CTD) (FBI)
Sent: Thursday, August 18, 2005 12:48 PM
To: [Redacted] (CTD) (CON)
Cc: [Redacted] (CTD)(FBI)
Subject: RE: Congressional Questions from Director's 7/27/05 Senate Judiciary Committee Hearing

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[Redacted]

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Go ahead and use the template to add in our questions and return it to me. Also - you note that one issue is closed. Do you have that response already? Go ahead and add in #6 and assign it to [Redacted] in your grid. When I get the materials back, I will make the assignments and point them back to you and [Redacted]

Thanks,

[Redacted]

Administrative Officer
Terrorist Screening Center

Office: [Redacted]
Facsimile: [Redacted]
Cellular: [Redacted]

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-----Original Message-----

From: [Redacted] (CTD) (CON)
Sent: Wednesday, August 17, 2005 3:36 PM
To: [Redacted] (CTD) (FBI)

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Congressional Questions from Director's 7/27/05 Senate Judiciary Committee Hearing in sg

3/25/2008

Subject: RE: Congressional Questions from Director's 7/27/05 Senate Judiciary Committee Hearing

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[Redacted]

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Attached is a standard FBI format for QFR answers (provided by [Redacted] and a QFR matrix.

In addition to the QFR's you listed below, take a look at QFR #6 (What is the FBI doing to actively improve the flow of terrorism information between the FBI and state and local law enforcement agencies?) I think TSC is a part of this answer. Let me know if you would like to include it in this QFR tasker for TSC, or not.

v/r,

[Redacted]

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-----Original Message-----

From: [Redacted] (CTD) (FBI)
Sent: Wednesday, August 17, 2005 11:39 AM
To: [Redacted] (CTD) (CON)
Subject: FW: Congressional Questions from Director's 7/27/05 Senate Judiciary Committee Hearing
Importance: High

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[Redacted]

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I have identified #s 29, 30, 31, 42, 43, 45, & 46. Please review and determine if we have any more, or if there are others to which we should contribute. Set up a format for response, and a solicitation format with assigned areas of responsibility for my review and then we will get this out to everyone.

Thanks,

[Redacted]

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Administrative Officer
Terrorist Screening Center

Office: [Redacted]
Facsimile: [Redacted]
Cellular: [Redacted]

-----Original Message-----

From: [Redacted] (OCA) (FBI)
Sent: Tuesday, August 16, 2005 1:21 PM
To: [Redacted]

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[Redacted] BUCELLA,

DONNA A. (CTD) (OGA); [Redacted]

KALISCH, ELENI P. (OCA) (FBI)

Cc: [Redacted] HEALY,

TIMOTHY J. (CTD) (FBI); [Redacted]

[Redacted]

[Redacted]

KALTSCH, FLENT P. (OCA) (FBI)

[Redacted]

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Subject: Congressional Questions from Director's 7/27/05 Senate Judiciary Committee Hearing

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We have received Questions for the Record (QFRs) based on the 7/27/05 Senate Judiciary Committee hearing.

Those questions are attached, along with an indication of the Division to which each question is assigned.

Please **provide written responses** to these questions, ready for provision to the Hill and **approved at the DAD level or higher**, by email by **COB Tuesday, 9/6/05**. These responses may be in WordPerfect, Word, or in the body of the transmittal email, as convenient.

If you believe a question has been improperly assigned to you, please notify me by **COB Wednesday, 8/17/05** so I can reassign the question and allow the new assignee adequate time to respond.

Below are the questions assigned to each Division. Please note that many questions have multiple subparts.

Thanks for your assistance!

[Redacted]

Office of Congressional Affairs
JEH Building Room 7252
(Send mail to Room 7240)

[Redacted]

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ASSIGNMENTS BY DIVISION

Deputy Director's Office [Redacted] - Q 3

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CTD - Qs 1a, 4, 5, 8, 19, 20, 22, 26

CTD (TSC) - Qs 29, 30, 31, 42, 43, 45, 46

DI - Qs 2, 6, 7, 10, 12, 27

DI (LSS) - Qs 13, 14, 15, 16, 17, 18, 32, 33, 34, 35

OGC - Qs 36, 40, 41, 47

ASD - Qs 1b, 23, 24

CD - Q 21

OCA - 37, 38, 44

CID - Q 25

CJIS - Q 28

OCIO - Q 11, 39

OPA - Q 9

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[Redacted] (CTD) (CON)

From: [Redacted] (CTD) (FBI)

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Sent: Sunday, August 21, 2005 4:50 PM

To:

[Redacted]

Cc: BUCELLA, DONNA A. (CTD) (OGA); HEALY, TIMOTHY J (WF) (FBI); KOPEL, RICHARD S (CTD)(OGA); [Redacted]

Subject: Questions for the Record - Due 08/26/2005

Importance: High

Attachments: QFR.Justice.Comm7.27.05.doc; QFR.Matrix.JusticeComm.27JUL05x.revkeh.xls

UNCLASSIFIED
NON-RECORD

To All,

Per the morning meeting on Thursday, August 18, 2005, attached are the grid of assignments and Word document describing the questions the TSC is responsible for answering. These each have primary responsibility indicated by the first individual listed in the box from the Excel spreadsheet, and secondary assistance indicated beyond the first individual listed. The due date for this information is 08/26/2005 and it should be returned to [Redacted] with a copy to [Redacted] in electronic form. Please use the attached Word document in which you should write your response. Electronic versions of the response, and electronic as well as hard copy versions should be forwarded to [Redacted] of any attachments that are referenced. Please let me know if you have questions or if there are potential misassignments.

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Thanks in advance for your cooperation and assistance.

[Redacted]

Administrative Officer
Terrorist Screening Center

Office [Redacted]
Facsimile [Redacted]
Cellular [Redacted]

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UNCLASSIFIED

Questions for the Record - Due 08 26 2005. msg

3/25/2008

QFR's Justice Comm 07-27-05.MATRIX

QFR #	TSC POC	QFR Summary	QFR OIG Status	QFR Due Date
6		Improve the flow of information between the FBI and state and local LE	Resolved - Provide Data	8/26/2005
29		LE Officer Safety correlation to VGTOF Codes	Determine if Additional Response is Required and is Consistent with Previous OIG Response	8/26/2005
30.a.		TSC Strategic Plan	Resolved - Provide Data	8/26/2005
30.b.		TSC Performance-Evaluation	Resolved - Provide Data	8/26/2005
31.a.	Legal	Steps TSC has taken to share TSDB and wanted persons list with DOS	Resolved - Provide Data	8/26/2005
31.b.	Legal	Obstacles to TSC-DOS info-sharing agreement	Resolved - Provide Data	8/26/2005
42.a.		Role of Privacy Officer	Resolved - Provide Data	8/26/2005
42.b.		Privacy Officer reports to?	Resolved - Provide Data	8/26/2005
42.c.		Privacy Officer holds full clearance for access?	Resolved - Provide Data	8/26/2005
43		Accuracy of TSDB Data	Resolved - Provide Data	8/26/2005
45		List TSC federal customers and each screening purpose (include private sector screenings)	Resolved - Provide Data	8/26/2005
46		List TSC state & local customers and each screening purpose	Resolved - Provide Data	8/26/2005

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-01-2008 BY 60324 UC BAW/RS/VCF

[Redacted] (CTD) (CON)

From: [Redacted] (CTD)(CON)

Sent: Friday, August 26, 2005 11:04 AM

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To: [Redacted] (CTD) (CON); [Redacted] (CTD)(FBI)

Cc: [Redacted] (WF) (FBI); HEALY, TIMOTHY J (WF) (FBI)

Subject: Question for the Record (QFR) due 8/26/05

Attachments: QFR.Justice.Comm7.27.05.doc

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Attached are response for the QFR. These include those for Unit Chief [Redacted] # 6, #45 and # 46. and for Unit Chief [Redacted] # 30.b

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Question for the record (QFR) due 8/26/05.msg

3/25/2008

[Redacted] (CTD) (CON)

From: [Redacted] (CTD) (FBI)
Sent: Tuesday, May 23, 2006 2:44 PM
To: [Redacted] (CTD) (FBI)
Cc: [Redacted] (CTD) (CON)
Subject: QFRs Due to HQ 5/22/2006

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Importance: High

Attachments: QFR.SenateJudiciary5.22.06.revkeh.doc

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[Redacted]

Attached are the revisions to your response please evaluate and advise of your concurrence/disapproval and addition of the missing information ASAP.



QFR.SenateJudic
iary5.22.06.rev...

Thanks,

[Redacted]

Administrative Officer
Terrorist Screening Center
Office: [Redacted]
Facsimile: [Redacted]
Cellular: [Redacted]

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UNCLASSIFIED

QFRs Due to HQ 5222006.msg¹

[Redacted] (CTD) (CON)

From: [Redacted] (CTD) (CON)
Sent: Friday, August 26, 2005 3:03 PM
To: [Redacted] (CTD) (FBI)
Subject: QFRs complete
Attachments: QFR.Justice.Comm7.27.05.doc

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[Redacted]

Here is the TSC response to all QFR's.

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v/r,

[Redacted]

UNCLASSIFIED

QFRs complete, msg
~~QFR Justice.Comm7.27.05.doc~~

3/25/2008

[redacted] (CTD) (CON)

From: [redacted] (CTD) (CON)
Sent: Friday, August 26, 2005 2:46 PM
To: [redacted] (CTD) (FBI)
Subject: QFR's (#43 missing)
Attachments: QFR.Justice.Comm7.27.05.doc

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NON-RECORD

[redacted]

Here is an advance copy of the QFRs for you to get a jumpstart on. Still waiting on #43 from [redacted]

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v/r,

[redacted]

UNCLASSIFIED

QFR's (#43 missing) msg

3/25/2008

[Redacted] (CTD) (CON)

From: [Redacted] (CTD) (FBI)
Sent: Monday, May 29, 2006 4:39 PM
To: [Redacted] (CTD) (CON)
Cc: [Redacted] (CTD)(CON)
Subject: QFRs - 5/22/2006

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Attachments: QFR.SenateJudiciary5.22.06.revkeh05292006.gold.doc

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[Redacted]

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This is my final cut on this. I have received Donna's input and incorporated it. Please attach all final versions previous write-ups to the DOJ/OIG on number 17. Assemble and pass the hard copy back to me for one last review before sensitivity/classification review and passage to HQ.



QFR.SenateJudiciary5.22.06.rev...

Thanks,

[Redacted]

Terrorist Screening Center
Office: [Redacted]
Facsimile: [Redacted]
Cellular: [Redacted]

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UNCLASSIFIED

QFR 5- 5/22/2006

Senate Judiciary Committee
Questions For the Record:
May 30, 2006



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-29-2008 BY 60324 UC BAW/RS/VCF

[Redacted] (CTD) (CON)

From: [Redacted] (CTD) (CON)

Sent: Friday, September 16, 2005 1:47 PM

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To: [Redacted]

Cc:

Subject: QFR Tasking (CJSJ House Approps Subcomm) due 9/30/05

Attachments: OIG Secure Flight Closeout.doc

UNCLASSIFIED
NON-RECORD

To All,

Attached is a Word document with Congressional questions for the record (QFR's) the TSC is responsible for answering. These each have primary responsibility indicated by the first individual listed and secondary/tertiary assistance indicated beyond the first individual listed. The due date for this information is **Friday, 09/30/2005** and it should be returned to [Redacted] with a copy to [Redacted] in electronic form. Please use the attached Word document in which you should write your response. Electronic responses (and electronic attachments) as well as hard copy responses should be forwarded to [Redacted]

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Thanks in advance for your cooperation and assistance.

v/r,

[Redacted]

UNCLASSIFIED

QFR Tasking (CJSJ House Approps Subcomm) due 9/30/05. msg

3/25/2008

[Redacted] (CTD) (CON)

From: [Redacted] (CTD) (FBI)
Sent: Monday, July 25, 2005 8:06 AM
To: [Redacted] (CTD) (CON)
Subject: FW: responses

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[Redacted] Let's keep this verbage for future responses. [Redacted]

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Donna, below are questions posed by Senators who had courtesy visits with the Director last week. The questions are followed by responses based on input from [Redacted] and [Redacted] I just want to ensure that you are comfortable with the response before I give it to Eleni for final response to the Senators.

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1. What mechanism does TSC have in place for innocent individuals to have their names removed from terrorist watch lists/no-fly lists? We should include not only how this works, but how frequently names are removed, and a contact number that can be provided for constituents.

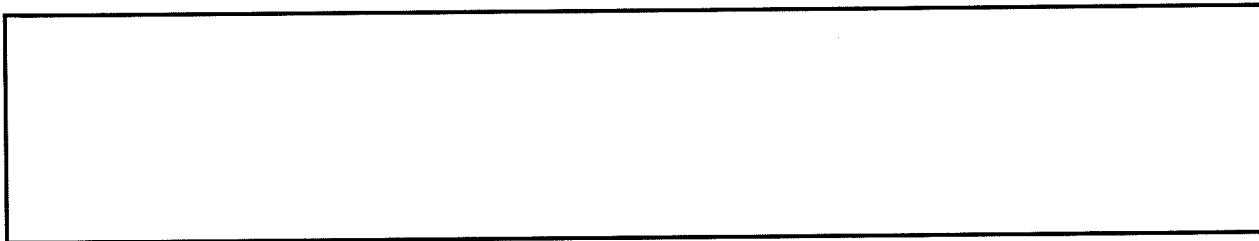
[Redacted]

b5

[Redacted]

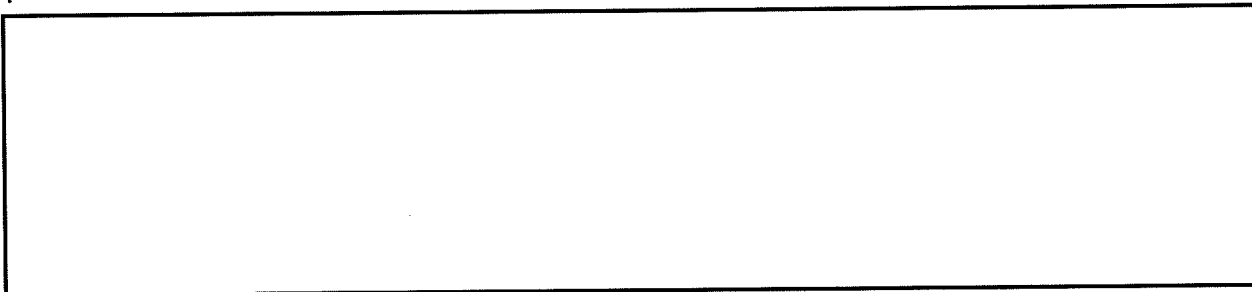
b5

FW Responses.msg
3/25/2008



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2. Are there any private (or quasi-govt) entities that have the ability to run names against the terrorist watchlist? The Director mentioned something like a beverage licensing board as a possibility but promised we would get back to the Senator with a definitive response.



b5

UNCLASSIFIED

[Redacted] (CTD) (CON)

From: [Redacted]
Sent: Tuesday, August 23, 2005 1:48 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Questions for the Record - Due 08/26/2005
Importance: High
Attachments: QFR.Justice.Comm7.27.05.doc; QFR.Matrix.JusticeComm.27JUL05x.revkeh.xls

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UNCLASSIFIED
NON-RECORD

My adds are in the documents.

[Redacted]

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-----Original Message-----

From: [Redacted] (CTD) (FBI)
Sent: Sunday, August 21, 2005 4:50 PM
To: [Redacted]
Cc: BUCELLA, DONNA A. (CTD) (OGA); HEALY, TIMOTHY J. (CTD) (FBI); KOPEL, RICHARD S (CTD)(OGA); [Redacted]
Subject: Questions for the Record - Due 08/26/2005
Importance: High

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UNCLASSIFIED
NON-RECORD

To All,

Per the morning meeting on Thursday, August 18, 2005, attached are the grid of assignments and Word document describing the questions the TSC is responsible for answering. These each have primary responsibility indicated by the first individual listed in the box from the Excel spreadsheet, and secondary assistance indicated beyond the first individual listed. The due date for this information is 08/26/2005 and it should be returned to [Redacted] with a copy to [Redacted] in electronic form. Please use the attached Word document in which you should write your response. Electronic versions of the response, and electronic as well as hard copy versions should be forwarded to Mr. Brown/Yates of any attachments that are referenced. Please let me know if you have questions or if there are potential misassignments.

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Thanks in advance for your cooperation and assistance.

[Redacted]
Administrative Officer
Terrorist Screening Center
Office: [Redacted]
Facsimile: [Redacted]
Cellular: [Redacted]

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3/25/2008

FW Questions for the Record - Due 08/26/2005. msg

UNCLASSIFIED

UNCLASSIFIED

[Redacted] (CTD) (CON)

From: [Redacted] (CTD) (FBI)
Sent: Monday, May 22, 2006 2:18 PM
To: [Redacted] (CTD) (CON)
Cc: [Redacted] (CTD) (FBI)
Subject: FW: Due Thursday morning (5/18)!!

Attachments: QFR 26.doc; qfr 69.doc

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NON-RECORD

[Redacted]

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Please put this in the appropriate format - get [Redacted] input on item C ASAP, and send back to me.

Thanks,

[Redacted]

Administrative Officer
Terrorist Screening Center
Office: [Redacted]
Facsimile: [Redacted]
Cellular: [Redacted]

b2
b6
b7C

-----Original Message-----

From: [Redacted] (CTD)(CON)
Sent: Monday, May 22, 2006 1:40 PM
To: [Redacted] (CTD) (FBI)
Subject: RE: Due Thursday morning (5/18)!!

b6
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Here are the responses with the modifications after my review. As we discussed, QFR # 69 requires a response to item #C.



QFR 26.doc (14 KB) qfr 69.doc (23 KB)

-----Original Message-----

From: [Redacted] (CTD) (FBI)
Sent: Sunday, May 21, 2006 10:09 PM
To: [Redacted] (CTD)(CON)
Subject: FW: Due Thursday morning (5/18)!!
Importance: High

b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Can you please edit first - thanks.

[Redacted]

Administrative Officer
Terrorist Screening Center

b6
b7C

FW Due Thursday morning (5/18)!! .msg

Office: [redacted]
Facsimile: [redacted]
Cellular: [redacted]

b2

-----Original Message-----

From: [redacted] (CTD) (FBI)
Sent: Sunday, May 21, 2006 5:45 PM
To: [redacted] (CTD) (FBI)
Cc: [redacted] (CTD) (CON)
Subject: FW: Due Thursday morning (5/18)!!
Importance: High

b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

As usual, I'm requesting your assistance. I've attached my "cut" at these responses. B/C of your familiarity w/ all of the related responses to various people/groups, etc. (OIG, Secure Flight, others that I probably am not even aware of) concerning issues such as these, I think it is important that you review to ensure consistency among the responses.

b6
b7C

I will obtain specific numbers from IT in the morning to fill in the blanks.

Thanks,

[redacted] << File: qfr 69.wpd >> << File: QFR 26.wpd >>

-----Original Message-----

From: [redacted] (CTD) (CON)
Sent: Tuesday, May 16, 2006 12:53 PM
To: [redacted] (CTD)(OGA)
Subject: Due Thursday morning (5/18)!!
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

[redacted]

Here are some QFR's that need a quick turnaround. Due Thursday morning 5/18.

b6
b7C

[redacted] you have #26 and #69

[redacted] you have #110.

v/r,

[redacted]

The below 3 Questions for the Record (QFR) are based on the Director's 5/2/06 Senate Judiciary oversight hearing. Please provide your response to me by COB 5/22/06. Your response will require DAD approval prior to submission.

26. CTD. A June 2005 OIG report entitled "A review of the Terrorist Screening Center" found that the watch list could be missing names, some names might be designated at inappropriate threat levels and that the FBI hasn't given other agencies full access to its watch list. Is this still a problem?

69. CTD. During the past year, the Terrorist Screening Center has initiated a record-by-record review of the terrorist screening database to ensure accuracy, completeness, and consistency of the records. Inspector General Fine has reported that the database currently contains more than 235,000 records and that TSC's review will take several years.

a. How can a list this large possibly be helpful to the FBI and its law enforcement partners in the effort to thwart terrorism?

b. How much longer will it take for the TSC to complete its review?

c. What impact will the delay in getting an accurate terrorist watchlist have on the FBI's counterterrorism mission?

110. CTD. I understand that the Terrorist Screening Center at the FBI has a redress process but works behind the scenes with other agencies to try to rectify any problems that individuals experience as a result of being mistakenly placed on a terrorist watch list or mistakenly identified as someone on the list. Should people who believe they are adversely affected by the Terrorist Screening Center watch list have the right to appeal an adverse consequence that results from it, and to take their appeal to court? How do we balance the right to appeal with the need for secrecy?

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SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

QFR #110.

Question: I understand that the Terrorist Screening Center at the FBI has a redress process, but works behind the scenes with other agencies to try to rectify any problems that individuals experience as a result of being mistakenly placed on a terrorist watch list or mistakenly identified as someone on the list. Should people who believe they are adversely affected by the Terrorist Screening Center watch list have the right to appeal an adverse consequence that results from it, and to take their appeal to court? How do we balance the right to appeal with the need for secrecy?

TSC Response to #110:

TSC believes that an effective redress process is critical to the public's trust in the U.S. government's terrorist screening efforts and the protection of individuals' civil liberties. Therefore, it is essential for people who believe they have been adversely affected by these screening efforts have access to a review process through which errors can be identified and corrected.

Where a terrorist screening process adversely affects important rights, benefits, and privileges, the individual has the right to an independent review of the basis for any adverse action. In most cases, such a review process is already in place and is tailored to the specific context in which individuals may be affected by terrorist screening. The consolidated terrorist watchlist is largely used by agencies that have existing authority to screen individuals and take action on the grounds of terrorism or other disqualifying factors. Depending on what action an agency takes as a result of the terrorist screening process, the individual may have a right to a formal agency appeal and judicial review under the Administrative Procedure Act or other applicable law.

The challenge is to balance the need for access to information in the context of an appeal with the need to protect the sensitive or classified information that, if released, could undermine the effectiveness of the consolidated watchlist and the government's counterterrorism efforts. In most instances, the presence of a known or suspected terrorist on the watchlist serves only as a pointer to notify the screening agency that intelligence information exists suggesting a nexus to terrorism. Agencies can then obtain and review the intelligence and decide what action is appropriate pursuant to their legal authority. Where an agency takes an adverse action based on the intelligence information, that information and the fact that the consolidated watchlist led the agency to examine that information become a part of the agency record supporting their action.

Thus far, the courts have addressed the need to balance the right to appeal an agency's action with the need for secrecy through conducting *ex parte, in camera* review of sensitive and classified information that formed the basis for an agency action. This process has worked well, and the TSC believes it should serve as the model for judicial review of adverse actions that flow from a terrorist screening process.

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DATE 08-01-2008 BY 60324 uc baw/rs

Senate Judiciary Committee
Questions For the Record:
20MAY06



5-22-06 QFR. SENATE JUDICIARY 5.2206 doc

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DATE 08-01-2008 BY 60324 uc baw/rs

Senate Judiciary Committee
Questions For the Record:
20MAY06



5-20-06 QFR.doc

Outside the Scope

Question #54: You recently disclosed that the Terrorism Screening Database (“TSDB”) contains 491,000 records and that the FBI’s review of the database to ensure the accuracy of these records will take years. The glaring errors in the FBI’s Terrorist Watchlist – including the names of Members of Congress, infants and even nuns – clearly make the case for why this review is needed. These errors also suggest that any review of the TSDB must also include finding out how the bad information that is in this database got there in the first place.

a. What is the FBI doing to find out how bad data got into the TSDB and onto the terrorist watchlist?

b. Is there any procedure in place that requires the FBI to conduct an internal investigation whenever errors are detected in the TSDB? Should there be?

TSC Response (a & b): It is important to note at the beginning of this response that records in the TSDB meet only the threshold for suspicion of terrorism for inclusion in the database. Once the suspicion has been established, the identity is appropriate for watch listing. As more information becomes available, the record may be updated or removed from TSDB. This is not an indication the record was in error, but rather a reflection of the additional information that has been evaluated and the records new status. It has been widely reported in the media that persons who are wholly inappropriate for watchlisting, such as members of Congress and young children, are on the terrorist watchlist and as a result, have had difficulty boarding planes. These reports are highly misleading in that they suggest every individual who has had delays or difficulties during a screening process is on the terrorist watchlist. Additionally, unnecessary alarm is often caused by airline ticket agents who erroneously inform travelers that they are "on a watchlist" if they have any difficulty during the security screening process. Unfortunately, individuals who share an identical or similar name with a watchlisted person may experience inconveniences at various points of screening (e.g., U.S. ports of entry, airports, etc.). The person may experience a delay until the screener can verify they are not the person on the watchlist. These individuals are commonly referred to as "misidentified persons" because their inconvenience is due to a temporary misidentification with a watchlist record, but who are not actually on the watchlist. GAO recently issued a detailed report (GAO 06-1031) on this problem and the executive branch's efforts to minimize the inconvenience caused to these persons. TSC's efforts to assist misidentified persons include an operational procedure to maintain records of encounters with misidentified persons and check those records when a new encounter occurs so TSC can rapidly identify and clear known misidentified persons during screening. TSC has also established an inter-agency redress process for persons having watchlist-related screening difficulties.

The TSDB contains data on known and appropriately suspected terrorists, which is provided to the TSC by either the National Counterterrorism Center (NCTC) (for international terrorists) or the FBI (for purely domestic terrorists). The TSDB was initially created by consolidating all data in U.S. government data systems into a single database. Because of the urgency of getting a consolidated watchlist established, terrorism data from other systems was dumped into the TSDB with limited review and quality controls. As a result, much of the quality assurance efforts that ideally would have been performed prior to compiling TSDB were, by necessity, pushed to the backend of the process. Since TSDB was created, significant efforts have been underway at the TSC to (1) establish strong gatekeeping controls to prevent inappropriate records from being added to the TSDB, and (2) review existing TSDB records to ensure they are appropriate for watchlisting.

TSC has developed numerous internal quality controls for the various stages of the watchlist process to increase the quality of the TSDB. These quality control efforts are discussed at length in response to Question 152. While there is no policy requiring a formal investigation when watchlist errors are identified, TSC takes appropriate steps to determine if the error was an isolated one or part of a larger problem involving multiple records which now must be reviewed and corrected. TSC also provides feedback to the nominating agencies when errors are made in the nomination process that would degrade the quality of the watchlist.

TSC's ability to improve the quality of the watchlist is limited, however, as TSC is not in a position to validate information provided by nominating agencies to justify adding a person to the TSDB. For example, TSC has no ability to investigate, verify, or judge whether information in an intelligence cable is accurate as reported or from a reliable source. TSC must rely upon the agencies that investigate terrorism and gather and analyze intelligence to provide accurate, complete and current information to support terrorist watchlist nominations, and to critically review that information before making a nomination to the watchlist. Through the TSC Governance Board, inter-agency working groups, and other means, TSC works closely with nominating agencies to clarify watchlist standards and streamline operational protocols to improve the quality of the watchlist data that is sent to TSC daily. TSC respectfully suggests, however, that the agencies that nominate individuals to the watchlist are in the best position to represent their own quality assurance efforts to improve the accuracy and reliability of the underlying intelligence and investigatory data that support their nominations to the watchlist.

Background: In your recent written responses, you noted that the so-called terrorist watchlist – the FBI's Terrorist Screening Data Base, or TSDB – now contains almost half a million records. You agreed that erroneous inclusion in the TSDB “exerts a negative impact on the individual,” and said that “the FBI takes errors seriously and is working to eliminate them.”

Question #105: What is the current backlog for such reviews, and has it increased or decreased in the past year? By how much? What is your definition of “backlog” in this context, and has it changed over the years?

TSC Response: As stated in the preamble to the question, the TSC and FBI do take errors seriously and work hard to eliminate them with a variety of approaches. There is no “backlog” regarding special projects or record reviews because quality assurance efforts will always be layered and ongoing as long as the terrorist watchlist is in existence. The TSC has ongoing quality assurance initiatives that are intended to identify errors in TSDB and correct them expeditiously. The following approaches have been implemented to ensure that the data in the TSDB is current, accurate, and thorough:

Analysts in the TSC's Nominations and Data Integrity Unit review terrorist records submitted by NCTC and the FBI on a daily basis. The analysts review the records for biographical accuracy and derogatory accuracy through a software application called the Single Review Queue (SRQ). This application enables the TSC to review every nomination of Known or Suspected Terrorists (KST) before it is added to the TSDB. As a result of this review, the analysts ensure that the records are exported to the appropriate support systems for screening opportunities based upon the requirements of the respective screening agencies (i.e., Customs, State Department, FBI, State and Local Police). For example, individuals nominated to TSA's No Fly List must meet the established criteria, and also possess a complete name and date of birth (carrier requirement).

In addition to the daily quality assurance provided by the SRQ, Nominations and Data Integrity analysts conduct various proactive quality assurance projects. For example, the Nominations and Data Integrity analysts are currently “scrubbing” TSA's No Fly List. The “scrub”, which has also

been supported by 10 TDY Federal Air Marshals (FAMS), involves a thorough review of every TSDB record currently exported to TSA's No Fly List. The "scrub" of TSA's No Fly List should be complete near the end of January 2007. The next planned "scrub" for Nominations and Data Integrity analysts is TSA's Selectee List. The Selectee scrub is scheduled to begin in approximately February of 2007.

The Nominations and Data Integrity analysts also conduct encounter driven quality assurance. When a known or appropriately suspected terrorist is encountered by a law enforcement officer, border official, etc., the records associated with that individual are immediately reviewed for completeness and accuracy. If the records are determined to be accurate and complete, they are maintained as they are. If the records require modifications or removal, the analyst coordinates with the appropriate entity (either NCTC or the FBI) and ensures that record is adjusted or removed accordingly.

Question #106: What is the timeline for resolving the backlog of challenges from those who claim they have been placed on this watchlist improperly?

TSC Response: Complaints from individuals who are having watchlist-related screening problems are handled through the watchlist redress process, by which individual complaints of adverse screening experiences (e.g., denied boarding on a plane, repeated secondary screening) are referred to the TSC when it appears the complainant is a watchlisted person. TSC established its formal redress process in January 2005 and now has a redress office dedicated to researching and resolving these matters. TSC accepts referrals from screening agencies that receive complaints from individuals when it appears that individual is in the TSDB. Because of the in-depth research and analysis that TSC performs on each redress matter, and the fact that most redress matters require that TSC consult with and/or seek additional information from other agencies, TSC does not consider any redress matter to be overdue (and therefore part of a backlog) unless it has not been concluded within 60 calendar days from the date TSC received the referral.

TSC's statistics for redress matters as of January 3, 2007, are listed below. Statistics are currently maintained by calendar year.

	CY2005	CY2006
Total Redress Matters Received	134	253
Total Closed	134	197
Total Pending	0	56
Average Completion Time (Calendar Days)	86	49
Backlog (Number of Pending Matters Open More Than 60 Calendar Days)	0	20

Question #107: If there is a problem processing this backlog, what resources would be necessary to fix it?

TSC Response to #107: The TSC redress office requires sufficient staffing to handle the volume of redress matters that are referred to the TSC in a timely manner. As noted in the response to Question 106 above, in 2006 TSC experienced an 89% increase in the number of redress matters it received from the previous year. TSC increased its redress staffing in Fiscal Year 2006 by adding a dedicated redress supervisor, an additional full-time analyst, and several temporary-duty personnel. Based upon our experience, the TSC has identified the need for additional permanent staff in Fiscal Year 2007 to address the increased workload. Therefore, TSC is in the process of adding four new redress analysts to the redress staff during Fiscal Year 2007, which would increase the compliment of full-time, permanent redress analysts from two to six. Under a recently signed agreement between TSC and DHS, DHS has agreed to provide staff to fill the four redress analyst positions during this fiscal year.

It is important to note that redress backlogs also can develop when other agencies do not respond in a timely manner to TSC's request for consultation or additional information on a pending redress matter. For the past year, TSC has been leading an effort to establish a multi-agency memorandum of understanding (MOU) to be signed by all agencies that participate in the watchlist redress process. Among other things, the MOU would secure a commitment from these agencies to provide adequate resources to support the redress process and to respond to requests for assistance from the TSC in a timely manner. The MOU also seeks to document the existing inter-agency redress process to reduce confusion and to establish procedures to resolve conflicts among agencies, which TSC believes will streamline the process and thereby speed the resolution of most redress matters. The MOU would also require each signatory agency to designate a senior official for redress to ensure that the obligations under the MOU are properly carried out. Currently, the MOU is in the interagency clearance process and is expected to be signed by the heads of the participating agencies in the near future.

Question #152: Multiple watchlists that existed before 9/11 have now been consolidated into the terrorist screening database (TSDB) maintained by the FBI's Terrorist Screening Center (TSC). Nevertheless, Inspector General Glenn Fine has identified inherent problems with the master list such as missing names and incomplete/inaccurate data. With this in mind, please answer the following questions:

- a. How accurate and complete is the consolidated terrorist screening database?

TSC Response: The TSDB contains data on known or appropriately suspected terrorists, which is provided to the TSC by either the National Counterterrorism Center (NCTC) (for international terrorists) or the FBI (for purely domestic terrorists). As stated earlier, TSC is not in a position to validate the derogatory information that justifies placement of an individual on the TSDB. For example, TSC has no ability to verify or judge whether information in an intelligence cable is accurate or from a reliable source. TSC must rely upon the agencies that investigate terrorism and gather and analyze intelligence to provide accurate, complete and current information to support terrorist watchlist nominations. TSC respectfully suggests that the agencies that nominate individuals to the watchlist are in the best position to respond to questions regarding the quality controls for the underlying intelligence and investigatory data that supports the inclusion of individuals on the watchlist.

TSC has developed quality controls for the various stages of the watchlist process to increase the quality of the TSDB. First, since March 2006, TSC has used a newly developed business process (Single Review Queue) to ensure that every new nomination modification of a watchlist record is reviewed by a TSC Subject Matter Expert. TSC analysts review the nominations to ensure, to the extent possible, the accuracy of the biographical data provided for watchlisting, and that the derogatory information supporting the watchlist nomination is sufficient. Nominations are refused if they are not supported by sufficient biographical information or by adequate derogatory information that indicates the individual has a nexus to terrorism. TSC also has developed technology business rules in TSDB to enforce minimum data and export requirements, to identify and correct records that appear to have erroneous, inconsistent, or otherwise discordant data.

Based on our experience with the current No Fly and Selectee criteria the TSC initiated an interagency working group to review the criteria. The group determined the criteria was valid, but the guidelines for implementing the criteria needed revising. Based on this, TSC initiated effort, analysts are currently conducting a record-by-record review of the TSA No Fly List. This review consists of a thorough examination of every record currently included in the No Fly List to identify records no longer meeting the criteria and remove them from the list. The No Fly List review is expected to be completed near the end of January 2007. At the conclusion of the effort, the TSC is planning to conduct a similar review of the TSA Selectee List.

TSC has also developed procedures to ensure that every time a possible encounter with a watchlisted person is phoned into the TSC, TSC's call center staff reviews the TSDB and other relevant data systems to identify records where the status has changed and updates are necessary. When a watchlisted person is encountered by a law enforcement officer, border official, etc., the records associated with the watchlisted person are immediately reviewed for completeness and accuracy. If the record is determined to be accurate and complete, it is maintained. However if modifications or removal are required, TSC coordinates with the nominating agency and the NCTC to ensure that record is adjusted or removed accordingly.

TSC's redress process is also an important part of ensuring the accuracy and completeness of the TSDB. The redress process is discussed in response to the next subpart of this question, below.

b. What mechanisms or processes are afforded to those individuals incorrectly placed on the TSDB, or those whose name is confused with that of a suspected terrorist, who seek to challenge the accuracy of the government's information?

TSC Response: In January 2005, TSC established a formal watchlist redress process. The process allows agencies that use the consolidated terrorist watchlist data during a terrorism screening process (screening agencies) to refer individuals' complaints to the TSC when it appears those complaints are watchlist related. The goals of the redress process are to provide for timely and fair review of individuals' complaints, and to identify and correct any data errors, including errors in the terrorist watchlist itself.

TSC's redress process consists of a procedure to receive, track, and research watchlist-related complaints, and to correct the watchlist or other data that was causing an individual unwarranted hardship or difficulty during a screening process. TSC has worked closely with screening agencies to establish a standardized process for referral of and response to redress complaints from the public. TSC also works with federal law enforcement agencies and the Intelligence Community, which nominate individuals to the watchlist, to review the redress complaint of any individual on the terrorist watchlist, evaluate whether that person was properly watchlisted and that the associated information was correct, and make any corrections that were appropriate, including removal from the watchlist when warranted.

The terrorist watchlist is an effective counterterrorism tool because its contents are not revealed. Therefore, the redress process does not inform individuals whether they are or are not on the terrorist watchlist. The inability to provide transparency to affected individuals means that the burden is on the government to perform a critical, in-depth review of the information supporting the person's placement on the watchlist and ensure that it meets the watchlisting criteria. If sufficient information does not exist to justify the person's inclusion on the TSDB, or inclusion on one of the subsets of the TSDB such as the No Fly List, the person will be removed. There is an enhanced redress process for individuals on the No Fly List that provides for an administrative appeal of any adverse redress decision, the ability to request any releasable information, and allows a complainant to submit information for consideration during the appeal.

Persons who are misidentified with a watchlisted individual can experience varying levels of difficulty when they fly or are at the border. Misidentified persons often file redress complaints and corrective action is usually taken by the screening agency in response. GAO recently completed a comprehensive review of the ongoing interagency efforts to improve the experience of misidentified persons, including efforts by DHS agencies to annotate their record systems to help distinguish those persons more quickly in the future. See GAO Report 06-1031 for a complete discussion of the efforts in this area. TSC's efforts to assist misidentified persons include an operational procedure to maintain records of encounters with misidentified persons and check those records when a new encounter occurs so TSC can rapidly identify and clear known misidentified persons during screening.

Information about the watchlist redress process and how to file a complaint with a screening agency is available to the public on TSC's website at www.fbi.gov. Other agencies that use TSDB data for screening, such as TSA, also have redress information on their websites.

Outside the Scope

Question #54: You recently disclosed that the Terrorism Screening Database (“TSDB”) contains 491,000 records and that the FBI’s review of the database to ensure the accuracy of these records will take years. The glaring errors in the FBI’s Terrorist Watchlist – including the names of Members of Congress, infants and even nuns – clearly make the case for why this review is needed. These errors also suggest that any review of the TSDB must also include finding out how the bad information that is in this database got there in the first place.

a. What is the FBI doing to find out how bad data got into the TSDB and onto the terrorist watchlist?

b. Is there any procedure in place that requires the FBI to conduct an internal investigation whenever errors are detected in the TSDB? Should there be?

TSC Response (a & b): It has been widely reported in the media that persons who are wholly inappropriate for watchlisting, such as members of Congress and young children, are on the terrorist watchlist and as a result, have had difficulty boarding planes. These reports are highly misleading in that they suggest every individual who has had delays or difficulties during a screening process is on the terrorist watchlist. Additionally, unnecessary alarm is often caused by airline ticket agents who erroneously inform travelers that they are "on a watchlist" if they have any difficulty during the security screening process. Unfortunately, individuals who share an identical or similar name with a watchlisted person may experience inconveniences, such as those reported by the media, at various points of screening (e.g., U.S. ports of entry, airports, etc.). The person will be delayed until the screener can verify they are not the person on the watchlist. These individuals are commonly referred to as "misidentified persons" because their inconvenience is due to a temporary misidentification with a watchlist record, but who are not actually on the watchlist. GAO recently issued a detailed report (GAO 06-1031) on this problem and the executive branch's efforts to minimize the inconvenience caused to these persons. TSC's efforts to assist misidentified persons include an operational procedure to maintain records of encounters with misidentified persons and check those records when a new encounter occurs so TSC can rapidly identify and clear known misidentified persons during screening. TSC has also established an inter-agency redress process for persons having watchlist-related screening difficulties.

The consolidated terrorist watch list, known as the Terrorist Screening Database (TSDB), is as accurate and complete as the source data that feeds it. The TSDB contains data on known and appropriately suspected terrorists, which is provided to the TSC by either the National Counterterrorism Center (NCTC) (for international terrorists) or the FBI (for purely domestic terrorists). The TSDB was initially created by consolidating all data in U.S. government data systems into a single database. Because of the urgency of getting a consolidated watchlist established, terrorism data from other systems was dumped into the TSDB with limited review and quality controls. As a result, much of the quality assurance efforts that ideally would have been performed prior to compiling TSDB have been by necessity pushed to the backend of the process. Since TSDB was created, significant efforts have been underway at the TSC to (1) establish strong gatekeeping controls to prevent inappropriate records from being added to the TSDB, and (2) review existing TSDB records to ensure they are appropriate for watchlisting.

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Question #105: What is the current backlog for such reviews, and has it increased or decreased in the past year? By how much? What is your definition of “backlog” in this context, and has it changed over the years?

TSC Response: As stated in the preamble to the question, the TSC and FBI do take errors seriously and work hard to eliminate them with a variety of approaches. There is no “backlog” regarding special projects or record reviews because quality assurance efforts will always be layered and ongoing as long as the terrorist watchlist is in existence. The TSC has ongoing quality assurance initiatives that are intended to identify errors in TSDB and correct them expeditiously. The following approaches have been implemented to ensure that the data in the TSDB is current, accurate, and thorough:

Analysts in the TSC's Nominations and Data Integrity Unit review terrorist records submitted by NCTC and TREX on a daily basis. The analysts review the records for biographical accuracy and derogatory accuracy through a software application called the Single Review Queue (SRQ). Upon review, the analysts ensure that the records are exported to the appropriate support systems for screening opportunities based upon the requirements of the respective support system (i.e., IBIS, VGTOF, CLASS, [REDACTED]). For example, individuals nominated to TSA's No Fly List must meet the Homeland Security Council's No Fly criteria, and they must also possess a complete name and date of birth.

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In addition to the daily quality assurance provided by the SRQ, Nominations and Data Integrity analysts conduct various proactive quality assurance projects. For example, the Nominations and

Data Integrity analysts are currently "scrubbing" TSA's No Fly List. The "scrub", which has also been supported by 10 TDY Federal Air Marshals (FAMS), involves a thorough review of every TSDB record currently exported to TSA's No Fly List. The "scrub" of TSA's No Fly List will be complete at the end of January 2007. The next planned "scrub" for Nominations and Data Integrity analysts is TSA's Selectee List. The Selectee scrub is scheduled to begin in approximately February of 2007.

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Backlog (Number of Pending Matters Open More Than 60 Calendar Days)	0	20

Question #107: If there is a problem processing this backlog, what resources would be necessary to fix it?

TSC Response to #107: The TSC redress office requires sufficient staffing to handle the volume of redress matters that are referred to the TSC in a timely manner. As noted in the response to Question 106 above, in 2006 TSC experienced an 89% increase in the number of redress matters it received from the previous year. While TSC increased its redress staffing in Fiscal Year 2006 by adding a dedicated redress supervisor, an additional full-time analyst, and several temporary-duty personnel, additional permanent staff are necessary in Fiscal Year 2007 to address the increased workload. Therefore, TSC intends to add four new redress analysts to the redress staff during Fiscal Year 2007, which would increase the compliment of full-time, permanent redress analysts from two to six. Under a recently signed agreement between TSC and DHS, DHS has agreed to provide staff to fill the four redress analyst positions during this fiscal year.

It is important to note that redress backlogs also can develop when other agencies do not respond in a timely manner to TSC's request for consultation or additional information on a pending redress matter. For the past year, TSC has been leading an effort to establish a multi-agency memorandum of understanding (MOU) to be signed by all agencies that participate in the watchlist redress process. Among other things, the MOU would secure a commitment from these agencies to provide adequate resources to support the redress process and to respond to requests for assistance from the TSC in a timely manner. The MOU also seeks to document the existing inter-agency redress process to reduce confusion and to establish procedures to resolve conflicts among agencies, which TSC believes will streamline the process and thereby speed the resolution of most redress matters. The MOU would also require each signatory agency to designate a senior official for redress to ensure that the obligations under the MOU are properly carried out. Currently, the MOU is in the interagency clearance process and is expected to be signed by the heads of the participating agencies in the near future.

Question #152: Multiple watchlists that existed before 9/11 have now been consolidated into the terrorist screening database (TSDB) maintained by the FBI's Terrorist Screening Center (TSC). Nevertheless, Inspector General Glenn Fine has identified inherent problems with the master list such as missing names and incomplete/inaccurate data. With this in mind, please answer the following questions:

- a. How accurate and complete is the consolidated terrorist screening database?

TSC Response: The consolidated terrorist watch list, or Terrorist Screening Database (TSDB), is as accurate and complete as the source data that feeds it. The TSDB contains data on known or appropriately suspected terrorists, which is provided to the TSC by either the National Counterterrorism Center (NCTC) (for international terrorists) or the FBI (for purely domestic terrorists). TSC is not in a position to validate the derogatory information that justifies placement of an individual on the TSDB. For example, TSC has no ability to verify or judge whether information in an intelligence cable is accurate or from a reliable source. TSC must rely upon the agencies that investigate terrorism and gather and analyze intelligence to provide accurate, complete and current information to support terrorist watchlist nominations. TSC respectfully suggests that the agencies that nominate individuals to the watchlist are in the best

position to respond to questions regarding the quality controls for the underlying intelligence and investigatory data that supports the inclusion of individuals on the watchlist.

TSC has developed quality controls for the various stages of the watchlist process to increase the quality of the TSDB. First, since March 2006, TSC has used a newly developed business process to ensure that every nomination to or request for modification of a watchlist record is reviewed. TSC analysts review the nominations to ensure, to the extent possible, the accuracy of the biographical data provided for watchlisting, and that the derogatory information supporting the watchlist nomination is sufficient. Nominations are refused if they are not supported by sufficient biographical information or by adequate derogatory information that indicates the individual has a nexus to terrorism. TSC also has developed technology business rules in TSDB to enforce minimum data and export requirements, to identify and correct records that appear to have erroneous, inconsistent, or otherwise discordant data.

On an ongoing basis, TSC also engages in various proactive quality assurance projects. For example, TSC analysts are currently conducting a record-by-record review of the TSA No Fly List. This review consists of a thorough examination of every TSDB record currently exported to the No Fly List to identify ineligible records and remove them. The No Fly List review is expected to be completed in approximately February of 2006. TSC also plans to conduct a similar review of the TSA Selectee List.

TSC has also developed procedures to ensure that every time a possible encounter with a watchlisted person is phoned into the TSC, our call center staff review the TSDB and other relevant data systems to identify errors or other problems that require research and correction. When a watchlisted person is encountered by a law enforcement officer, border official, etc., the records associated with the watchlisted person are immediately reviewed for completeness and accuracy. If the record is determined to be accurate and complete, it is maintained as is. If the record requires modifications or removal, TSC coordinates with the nominating agency and the NCTC to ensure that record is adjusted or removed accordingly.

TSC's redress process is also an important part of ensuring the accuracy and completeness of the TSDB. The redress process is discussed in response to the next subpart of this question, below.

b. What mechanisms or processes are afforded to those individuals incorrectly placed on the TSDB, or those whose name is confused with that of a suspected terrorist, who seek to challenge the accuracy of the government's information?

TSC Response: In January 2005, TSC established a formal watchlist redress process. The process allows agencies that use the consolidated terrorist watchlist data during a terrorism screening process (screening agencies) to refer individuals' complaints to the TSC when it appears those complaints are watchlist related. The goals of the redress process are to provide for timely and fair review of individuals' complaints, and to identify and correct any data errors, including errors in the terrorist watchlist itself.

TSC's redress process consists of a procedure to receive, track, and research watchlist-related complaints, and to correct the watchlist or other data that was causing an individual unwarranted

hardship or difficulty during a screening process. TSC has worked closely with screening agencies to establish a standardized process for referral of and response to redress complaints from the public. TSC also works with federal law enforcement agencies and the Intelligence Community, which nominate individuals to the watchlist, to review the redress complaint of any individual on the terrorist watchlist, evaluate whether that person was properly watchlisted and that the associated information was correct, and make any corrections that were appropriate, including removal from the watchlist when warranted.

Because the terrorist watchlist is an effective counterterrorism tool because its contents are not revealed, the redress process does not inform individuals whether or not they are on the terrorist watchlist. The inability to provide transparency to affected individuals means that the burden is on the government to perform a critical, in-depth review of the information supporting the person's placement on the watchlist and ensure that it meets the watchlisting criteria. If sufficient information does not exist to justify the person's inclusion on the TSDB, or inclusion on one of the subsets of the TSDB such as the No Fly List, the person will be removed. There is an enhanced redress process for individuals on the No Fly List that provides for an administrative appeal of any adverse redress decision, the ability to request any releasable information, and submission of information by the complainant for consideration during the appeal.

Persons who are misidentified with a watchlisted individual can experience varying levels of difficulty when they fly or at the border. Misidentified persons often file redress complaints and corrective action is usually taken by the screening agency in response. GAO recently completed a comprehensive review of the ongoing interagency efforts to improve the experience of misidentified persons, including efforts by DHS agencies to annotate their record systems to help distinguish those persons more quickly in the future. See GAO Report 06-1031 for a complete discussion of the efforts in this area. TSC's efforts to assist misidentified persons include an operational procedure to maintain records of encounters with misidentified persons and check those records when a new encounter occurs so TSC can rapidly identify and clear known misidentified persons during screening.

Information about the watchlist redress process and how to file a complaint with a screening agency is available to the public on TSC's website on www.fbi.gov. Other agencies that use TSDB data for screening, such as TSA, also have redress information on their websites.

Terrorist Screening Center (TSC) Responses to
Senate Judiciary Committee
Questions For the Record:
06 December 2006

Question #129: According to your recent response to a written question from Senator Leahy after the last oversight hearing, as of May 2006 there were 491,000 records in the Terrorist Screening Database. You also stated that the Terrorist Screening Center began its own record-by-record review in March to make sure that each entry actually belongs on the list. This is obviously a massive task with respect to a database with nearly half a million entries, but it is also important – to make sure that mistakes do not keep people off airplanes or otherwise adversely affect them. How long do you believe it will take to complete the review of the Terrorist Screening Database?

TSC Response: We cannot predict when the record-by-record review of existing TSDB records will be completed because the review of new nominations (an average of 1,000 each day), requests for modification of existing records, and priority reviews of particular segments of information continually intervene. (The segment reviews include the records of 4,000 frequently encountered individuals to ensure their inclusion on the No Fly list is appropriate, review of 1,383 domestic terrorist subject records to ensure the accuracy of handling codes, and review of records marked in VGTOF as "silent hits.") Clearly, erroneous inclusion in the TSDB exerts a negative impact on the individual, such as when the person is prohibited by Customs officials from entering the United States or by the TSA from boarding a plane. While the recent review of the records of frequently encountered individuals should minimize such impacts, the FBI takes all errors seriously and is working to eliminate them. A complete record review will not, however, adversely affect our national security, because the errors this review is designed to detect are errors of excessive inclusion in the TSDB rather than omission from it. For this reason, the time required to complete this review will not impede the FBI's counterterrorism mission.

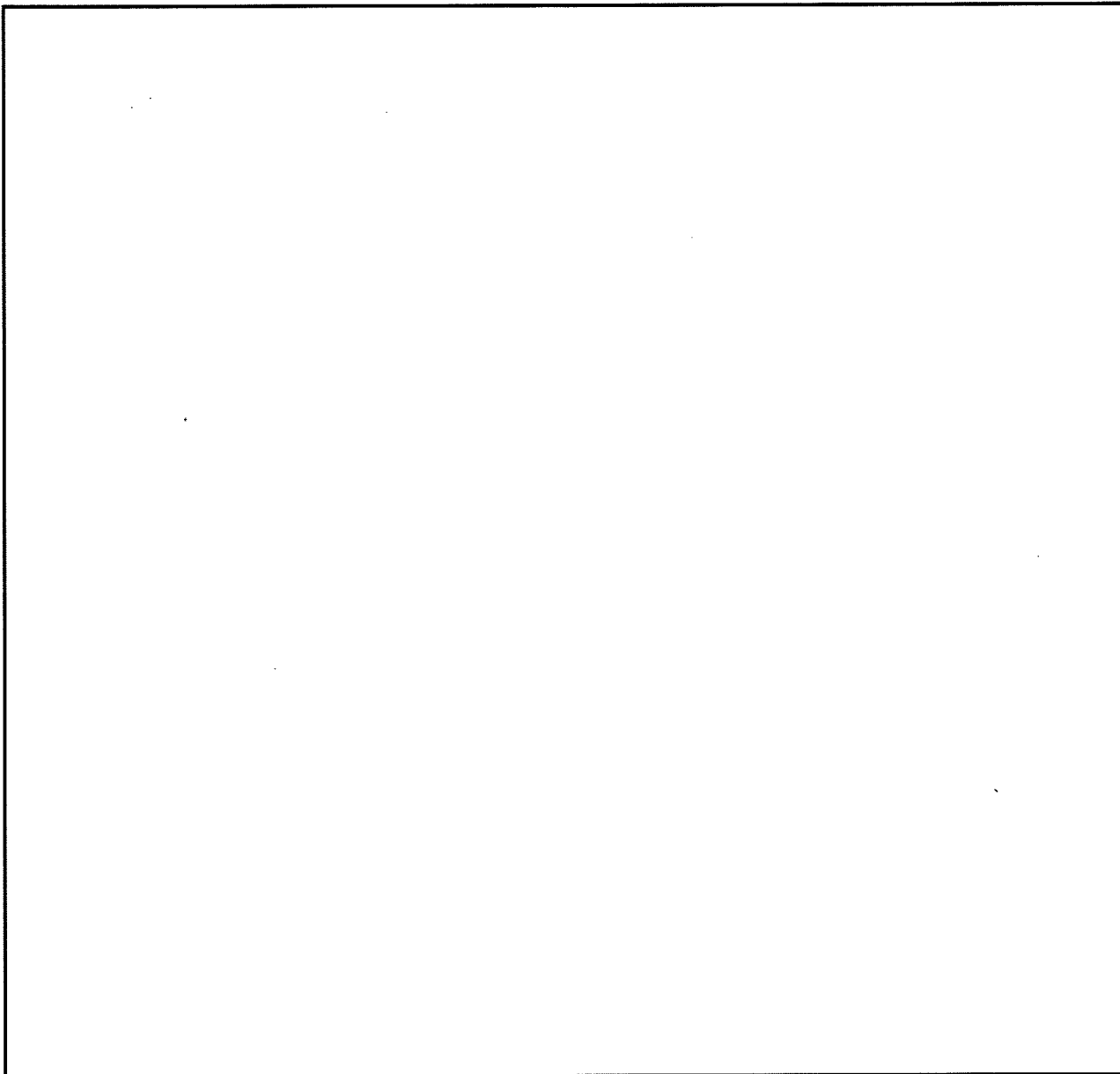
ENCLOSURE

QUESTION 29

**8/1/05 RESPONSE TO SENATOR LEAHY
CONCERNING:**

**“Alerting Law Enforcement Officers
to Terrorism Suspects
Through VGTOF”**

* A scanned copy of the 8/1/05 letter and its attachment will be substituted for the following.



b5