



**Statement of Rick Kopel,
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Terrorist Screening Center,
Before the House of Representatives
Committee on Homeland Security,
Subcommittee on Transportation Security and
Infrastructure Protection,
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Good afternoon Chairwoman Jackson-Lee, Ranking Member Lungren, and members of the Subcommittee. Thank you for the opportunity to discuss the Terrorist Screening Database (known as the TSDB or “terrorist watch list”) and the watchlisting process at large. The Terrorist Screening Center (TSC) is dedicated to consolidating and coordinating the U.S. Government’s approach to terrorism screening and facilitating information sharing to protect the nation and the international community. In addition, the TSC is dedicated to performing its mission while protecting privacy and civil liberties. The dedicated employees at the TSC take their responsibility to these two priorities very seriously.

Since it began operations on December 1, 2003, the Terrorist Screening Center (TSC) has assumed a critical role in securing our borders and the safety of the American people by providing to the nation’s entire screening and law enforcement communities the identities of known and suspected terrorists. As directed by Homeland Security Presidential Directive 6 (HSPD-6) *Integration and Use of Screening Information*, the TSC has combined the numerous terrorist watchlists existing on September 11, 2001 and created the United States Government’s single consolidated Terrorist Screening Data Base (TSDB). Every day, the TSC adds, updates and removes records in the TSDB and makes the information available to Federal/State/Local entities for terrorist screening.

HSPD-6 did not contain any new legal authorities and all screening is performed under the existing legal authority of the screening agency. The TSC also provides:

- (1) A single coordination point for terrorist screening data;
- (2) A 24/7 call center to provide identification assistance to screening agencies;
- (3) Access to a coordinated law enforcement response for any encounter with a watchlisted person;
- (4) A formal process for tracking all positive encounters;
- (5) Feedback on all positive encounters with Known and Suspected Terrorists (KST) to the originator, FBI, and other appropriate entities;

The Terrorist Screening Center has been the focus of significant attention from Congress and various governmental auditors. The TSC has worked to develop a strong relationship and open communications with Congress and appreciates the support, oversight and constructive criticism it receives from the various Committees with which it works. The TSC has taken advantage of the external reviews of its processes and is focused on using the results of these reviews to identify ways to improve its operations. Generally, these auditors have found that the watchlist performs a critical function in securing the nation from terrorist threats while protecting privacy and civil liberties. Specifically, GAO report 08-110 states, “[GAO’s] analysis of data on outcomes and our interviews with screening agency, law enforcement, and intelligence community officials indicate that the use of the watch list has enhanced the government’s counterterrorism efforts.” It also reports that “[t]he TSC plays a central role in the real-time sharing of information, creating a bridge among screening agencies.” The TSC has not only assisted in eliminating historical cultural boundaries between and among the intelligence and law enforcement communities but also has provided a physical mechanism to ensure information sharing is done in an efficient manner. The TSC looks forward to continuing the healthy working relationship that it currently has with this and the other committees and subcommittees with which it works.

Further, the TSC is working to provide the public with an increased understanding of its mission through the press. The TSC has hosted news reporters and has been

engaged with various press outlets to answer questions and clarify the role of the TSC for the American Public. It is through this openness that the TSC hopes to rectify many of the misconceptions about its mission, and responsibilities. It is with this in mind that the TSC is reaching out to describe the watchlisting process and to demonstrate its efforts to protect individuals' civil liberties and privacy. Due to the national security nature of TSC's work, however, it is impossible to explain in precise detail how the watchlist is managed.

Often, an individual believes he or she is on the watchlist because of an encounter with law enforcement, airport screening or another security-related entity. The actuality is that there are many reasons a person may experience Law Enforcement/Screening delays and only one of these reasons is the watchlist. The TSC works closely with the Department of Homeland Security, the Transportation Security Administration, the FBI, and Federal, State and local law enforcement agencies, and other partners to minimize inconvenience to individuals that are not on the watchlist, but nevertheless have a name that is similar to the name of a known or suspected terrorist.

Inclusion on the watchlist is based on specific criteria and a name can be removed from the TSDB by the nominating and investigating agencies reasonably determining the individual is not engaging in terrorism or terrorist activity.

It is also critical to understand that the TSC serves to facilitate information sharing on Known or Suspected Terrorists with its partner agencies in the law enforcement, screening and intelligence communities. The watchlist is a tool to assist the screening agency in its legally mandated responsibilities to determine if an individual has a possible connection to terrorist activity. It is a pointer to additional information and is not used to determine if any adverse action should be taken. The TSC, when contacted, will provide identification support and, if the identity is confirmed, will ensure all appropriate information on the individual is supplied to the screening agency to help determine what action, if any, is to be taken.

The size of the watchlist is often misreported and there is considerable confusion about the difference between the number of records and individuals. The TSDB reflects sensitive but unclassified identity information concerning individuals reasonably suspected to be engaged in terrorism or terrorist activities. The TSDB is updated daily and contains approximately:

Number of Records:	1,000,000 Records;
Number of Individuals:	400,000 (3 % of which are U.S. Persons);

Reason for difference: A separate record is created for each name, alias and name variant. A single individual may have multiple records and the TSDB averages just over 2 records for every individual.

It is also critical to clarify that the No Fly list is not synonymous with the TSDB; rather, it is a small subset of the TSDB and pertains specifically to commercial aviation. Inclusion on the No Fly list requires that an individual meet very specific criteria and are or may be a threat to civil aviation (i.e, the aircraft, its passengers, crew members, and others). As such, not every record in the TSDB would be appropriate for inclusion on the No Fly List. The TSC works with its screening partners to determine what level of information is required to meet that entity's particular screening needs and is consistent with its legal authorities. This is one manner in which the TSC works to limit any inconvenience the watchlist may have on the innocent travelling public.

The US Government (USG) has many controls in place to ensure that only Known or Suspected Terrorists are nominated to the watchlist. The nomination process for including someone on the watchlist is a multi-agency, multi-tiered process. Each International Terrorist (IT) nomination comes through the National Counterterrorism Center (NCTC), and each Domestic Terrorist (DT) nomination comes through the Federal Bureau of Investigation. Nominations are first reviewed at the field level, reviewed again at the NCTC or FBI, and again at the TSC before inclusion in the TSDB.

While the TSDB is critical to counterterrorism efforts at the Federal, State and local levels, the TSC is aware that the watchlist has an impact on the travelling public.

As such, the TSC takes all steps possible to limit this impact and balance privacy and civil liberties with its critical terrorist screening mission. The TSC strives to reduce the time it takes to resolve encounters with screening agencies. The average encounter currently takes just under eight (8) minutes to resolve. Further, the TSC reviews each nominated record for completeness and the appropriateness of its inclusion on the watchlist. The TSC similarly reviews all nominated change and removal requests to ensure that the watchlist contains the most thorough, accurate and current information possible.

The TSC's Redress program also conducts a comprehensive review of records related to requests referred to the TSC by its screening partners through their respective redress programs, including DHS TRIP. This provides a mechanism for persons who feel they are inappropriately watchlisted or misidentified to seek redress. In addition, in April 2008, the TSC initiated the Terrorist Encounter Review Process (TERP) to automatically review the terrorist watchlist records of frequently encountered individuals even if no formal redress requests are filed. TERP provides a guaranteed review of such records to ensure they are thorough, accurate and current.

Conclusion

The TSC continues to play a vital role in the war on terrorism. Multiple auditors all concur that the TSC has made a significant, positive impact in terrorist screening operations, ensuring that Federal, State, and local law enforcement and screening partners have the information they need to identify terrorists abroad, at our borders, and within our country. The TSC will continue to work hard to identify means to increase efficiency and limit the impact on the American public, while effective terrorist screening operations are conducted. This can only be accomplished through a continuous process of internal and external review and unremitting vigilance. Chairwoman Jackson-Lee, Ranking Member Lungren, and members of the Committee, thank you again for the opportunity to address this esteemed body, and I look forward to answering your questions.