



**STATEMENT OF THOMAS E. BUSH III  
ASSISTANT DIRECTOR  
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BEFORE THE SENATE COMMITTEE ON HOMELAND SECURITY  
AND GOVERNMENTAL AFFAIRS**

**PASSPORT INFORMATION SHARING WITH DEPARTMENT OF STATE**

**June 29, 2005**

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Greetings Madam Chairwoman, and members of the Committee. I am Thomas E. Bush, III, Assistant Director of the FBI's Criminal Justice Information Services Division, otherwise known as CJIS. Thank you for the opportunity to appear before you and to provide testimony about the National Crime Information Center.

First, let me provide a brief overview of the CJIS Division. CJIS was created in February 1992 to serve as the focal point and central repository for criminal justice information services within the FBI. CJIS is responsible for five services to law enforcement: Fingerprint Identification, Uniform Crime Reporting, National Crime Information Center, National Instant Criminal Background Check System, and Law Enforcement Online. CJIS is the largest Division within the FBI, employing a workforce of 2,382 individuals, with nearly 200 other FBI employees stationed at the Clarksburg, West Virginia, facility in support of CJIS and other FBI operations and programs.

The National Crime Information Center, more commonly known as NCIC, is a computerized database of documented criminal justice information available to virtually every law enforcement agency nationwide, 24 hours a day, 365 days a year. NCIC became operational January 27, 1967, with the mission of assisting law enforcement in apprehending fugitives and locating stolen property. This mission has been expanded over the last thirty-eight years to include locating missing persons and further protecting law enforcement personnel and the public. Since its inception, NCIC has been a highly effective tool for information sharing with local, state, tribal, and federal entities. The FBI provides a host-computer and telecommunication network to

the control terminal agency in each of the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and Canada, as well as federal criminal justice agencies. Those jurisdictions, in turn, operate their own computer systems, providing NCIC access to virtually all local criminal justice agencies in the United States. Through this cooperative network, law enforcement and other criminal justice agencies across the country have direct on-line access to more than 50 million records.

NCIC has operated under a shared management concept between the FBI and state and federal criminal justice users. General policy concerning the philosophy, concept, and operational principles of the NCIC System is based upon the recommendations of the CJIS Advisory Policy Board (APB) to the Director of the FBI. The APB is comprised of top administrators from local, state, and federal criminal justice agencies throughout the United States. Through the APB, its Subcommittee and Working Group input, changes in current applications, the addition of new files, and new procedures are coordinated with all NCIC participants.

The NCIC database currently consists of eighteen files. The seven property files contain records of Stolen Articles, Boats, Guns, License Plates, Parts, Securities, and Vehicles. The eleven person files are the Identity Theft, Supervised Release, Convicted Sexual Offender Registry, Foreign Fugitive, Immigration Violator, Missing Person, Protection Order, Unidentified Person, U.S. Secret Service, Violent Gang and Terrorist Organization, and Wanted Person Files. The Interstate Identification Index, which contains automated criminal history record information, is also accessible through the NCIC network.

During NCIC's first year of operation, two million transactions were processed. In May 2005, NCIC processed an average of 4,618,321 transactions per day with an average response time less than 0.06 seconds. On May 27, 2005, NCIC processed a record 5,255,363 transactions. The FBI's CJIS Division continuously monitors the NCIC System and makes system upgrades to provide quality service.

Now, I will outline some of the NCIC files and features that assist in immigration and border security. The Foreign Fugitive File, established July 1, 1987, contains information on persons wanted in connection with offenses committed outside the United States. There are two types of records in the Foreign Fugitive File: Canadian records and International Criminal Police Organization (otherwise known as INTERPOL) records. Canadian records contain information on persons wanted for violations of the criminal code of Canada based upon Canada-wide warrants. INTERPOL records contain information on persons wanted by authorities in other countries. The INTERPOL National Central Bureau of any country may issue a wanted flyer, known as a red notice, for a fugitive wanted within its respective country. The red notice requests the arrest of the fugitive with the intention that extradition will occur. Upon receipt of a red notice, the United States INTERPOL National Central Bureau reviews the information and enters an NCIC Foreign Fugitive File record if the following conditions are met: 1) the wanting country has an outstanding arrest warrant that charges a crime which would be a felony if committed in the United States; and 2) the wanting country is a signatory to an extradition treaty/convention with the United States. On June 1<sup>st</sup> of this year, there were 1,128 records in the Foreign Fugitive File.

The Immigration Violator File was established on August 25, 2003. In 1996, NCIC implemented the Deported Felon File; today, this is a category of records within the Immigration Violator File. The Immigration Violator File includes two additional categories of records; Absconders and the National Security Entry/Exit Registration System (NSEERS). The Deported Felon Category contains records for previously deported felons convicted and deported for drug trafficking, firearms trafficking, or serious violent crimes. The Absconder Category contains records for individuals with an outstanding administrative warrant of removal from the United States who have unlawfully remained in the United States. The NSEERS Category contains records for individuals whom Department of Homeland Security, Immigration and

Customs Enforcement has determined have violated the requirements of the NSEERS. An Immigration Violator File hit response includes guidance to the local law enforcement agency on handling the hit. The Department of Homeland Security, Immigration and Customs Enforcement, is the only agency authorized to enter and maintain the Immigration Violator File records. On June 1<sup>st</sup> of this year, there were 163,342 records in the NCIC Immigration Violator File.

The Violent Gang and Terrorist Organization File or "VGTOF" was implemented in December 1994. This file is designed to provide identifying information about violent criminal gang and terrorist organization members to protect the law enforcement community and the public. For our purposes today, I will limit my statement to the terrorist records within VGTOF. During security preparations for the 2002 Winter Olympic Games in Salt Lake City, Utah, the FBI determined that it would be advisable to have individuals of FBI domestic or international terrorism investigative interest included in VGTOF. Traditionally, NCIC person records serve the needs of the criminal justice community and are supported by the judicial process. Most typically, a warrant is on file. However, with the creation of VGTOF, that philosophy was expanded to support law enforcement investigative and information needs related to terrorism. The terrorist records, in particular, support national security and homeland security. Based on the positive results during the Olympics, the FBI has continued to make this terrorism information available to the criminal justice community and has enhanced VGTOF to better support these records. The Terrorist Screening Center (TSC) became operational on December 1, 2003, and the FBI CJIS Division has modified the NCIC VGTOF to support TSC's mission. The VGTOF is the means to make the terrorist screening information available to the law enforcement community nationwide. When an officer hits on a VGTOF terrorist record, he is instructed to contact TSC for additional information on the subject.

The Department of State (DOS) Bureau of Diplomatic Security is a fully authorized NCIC user when conducting criminal investigations. Additionally, the FBI has provided the DOS Bureau of Consular Affairs with extracts of the NCIC Wanted Person, Immigration Violator, Foreign Fugitive Files, VGTOF, and the Interstate Identification Index, on a daily and weekly basis, for inclusion in its Consular Lookout and Support System (CLASS) as required by Section 403 of the USA PATRIOT Act in support of the visa adjudication process. The Department of State uses the information to ascertain whether visa applicants have records indexed in NCIC which might preclude the issuance of a visa.

In late April of 2005, CJIS received a request from DOS Passport Services for an extract of the FBI fugitives contained in the NCIC system. Our immediate response was that FBI fugitives in NCIC represent only a fraction of the more than one million felony and serious misdemeanor wanted person records entered into NCIC. We have requested that DOS Passport Services work with the FBI toward the ultimate goal of system interoperability and direct NCIC access for passport screening. As an interim step toward this goal, we have agreed to provide the requested extracts.

The Department of Homeland Security components are indisputably NCIC's largest customer and have been using the system for three decades. NCIC is a valuable tool for immigration and border security as is clearly demonstrated by the fact that one third of NCIC transactions are performed by the Department of Homeland Security, Bureau of Customs and Border Protection. These transactions include inquiries on individuals and property entering and exiting the United States and encompass airline passenger manifests.

Over 17,000 law enforcement agencies query NCIC in the performance of their daily activities, to include routine patrols. The inclusion of the Department of Homeland Security component information in NCIC makes that information instantly available to over 700,000 law enforcement officers nationwide and significantly

multiplies the enforcement resources brought to bear on immigration and border security issues.

In closing, I would like to thank you for allowing me the opportunity to explain the use of NCIC for immigration and border security. I will now answer any questions you might have.