

Office of Investigations

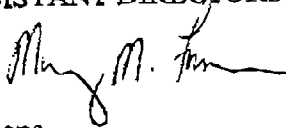
U.S. Department of Homeland Security  
425 I Street, NW  
Washington, DC 20536



U.S. Immigration  
and Customs  
Enforcement

MAR 28 2005

MEMORANDUM FOR: ALL SPECIAL AGENTS IN CHARGE  
ALL ATTACHÉS  
ALL DEPUTY ASSISTANT DIRECTORS

FROM: Marcy M. Forman   
Director  
Office of Investigations

SUBJECT: Modification of All "Terrorist" Records Maintained in TECS by  
ICE Office of Investigations

Purpose

To implement procedures within ICE Office of Investigations (OI) to conform with Homeland Security Presidential Directive - 6 (HSPD-6), which directs that all existing watch-lists be consolidated into one United States Government terrorist watch-list.

Background

Prior to the events of 9/11, over twelve (12) separate systems and databases (including TECS) were maintained by nine (9) Federal agencies for the purpose of tracking suspected terrorists and their activities. These disparate systems, and the separate criteria under which each agency identified and tracked terrorists, led to extreme difficulties in sharing, consolidating and disseminating information for potential action.

To strengthen the United States Government's approach to terrorism screening and provide for the appropriate and lawful use of terrorist information in screening processes, the President ordered the implementation of HSPD-6, which, in addition to establishing a common watch-list, provided for the establishment of the Terrorist Screening Center (TSC).

Discussion

The TSC is responsible for managing the Terrorist Screening Database (TSDB) that contains the names of subjects who have been nominated and approved via the National Counterterrorism Center (NCTC), formerly referred to as the Terrorist Threat Integration Center (TTIC). All other Government watch-lists, including No-Fly/Selectee, National Crime Information Center, Consular Lookout and Support System, and Interagency Border Inspection System are subsets of the TSDB.

The process and threshold for nomination of a subject into the TSDB is currently being reviewed and revised in an effort to eliminate duplication, avoid auto-populating, and establish a government-wide threshold and procedure for the nomination of subjects.

At present, there are approximately 12,000 TECS records that are classified as "terrorist" in either the status code ST (suspected terrorist), SK (known terrorist), SF (TSA No Fly List subject), SX (associate of terrorist), or S9 (TSA Selectee List subject) and/or the category code TR (terrorist) field. ICE personnel within the Offices of Investigations, Intelligence, and International Affairs, are the owners of approximately 4,000 of these records. Inquiries by Congress, the Government Accounting Office and the DHS Office of the Inspector General regarding watch-listing have indicated that ICE has "terrorist" subjects in TECS that are not on the TSC watch list. This could result in the assumption that TECS is maintaining a separate terror watch-list, which, as noted above, is in direct conflict with HSPD-6.

#### Action

In compliance with HSPD-6, ICE will modify or remove all ICE-generated TECS records designated as "terrorist". Modifications to each subject record should be made in the status and/or category field that contain "terrorist" to reflect the nature of the underlying investigation. For example, if a subject is suspected of being involved in terrorist financing, the category should be Financial (category FI). If they are suspected of smuggling terrorists, the category should be Human Smuggling/Trafficking (category HS), etc. The status field should be amended accordingly. A complete breakdown of these records by office and location will be distributed to the National Security Assistant Special Agent-in-Charge (ASAC) in each SAC office for immediate review and revision. *All records must be modified by April 11, 2005.*

At present, and until further notice, the procedure for ICE to nominate a subject to a TSDB watch-list is to submit the name to the FBI for nomination, through the FBI Joint Terrorism Task Force structure. While the nomination is pending, TECS records created relating to the subject will reflect "one day lookout" or "other."

If an immediate or imminent threat to national security is encountered, expedited requests for nomination to the TSDB will be coordinated through the local National Security ASAC. Upon ASAC authorization, ICE field components will contact the National Targeting Center, ICE Duty Liaison Officer, at [REDACTED], who will facilitate the creation of a record in the TSDB by TSC. When a record is created in the TSDB, an automatic TECS/TIPOFF lookout will be generated through the TSC/TECS interface. ICE field components will provide supporting documentation as soon as practicable to the ICE NTC Duty Liaison Officer to ensure subjects are appropriately maintained in the TSDB. ICE Headquarters is working to establish a permanent mechanism and standard procedure for ICE to nominate future watch-listed personnel. Guidance will be provided to the field as soon as the process is finalized.

If you have any questions regarding the watch-list procedure or other information in this memo, please contact Susan Aarons, ICE NTC Section Chief, at [REDACTED]. An ICE NTC Duty Liaison Officer can be reached 24/7 at [REDACTED].