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NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

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Seventh public hearing of the National Commission on Terrorist Attacks Upon the United States

Statement of Donna A. Bucella to the National Commission on Terrorist Attacks Upon The United States January 26, 2004

Good morning Chairman Kean, Vice Chairman Hamilton, and members of the Commission. Thank you for this opportunity to discuss the mission and objectives of the new Terrorist Screening Center (TSC). The TSC was created to ensure that government investigators, screeners, agents and state and local law enforcement officers have ready access to the information and expertise they need to respond quickly when a suspected terrorist is screened or stopped. The TSC will consolidate access to terrorist watch lists from multiple agencies and provide 24/7 operational support for thousands of federal screeners and state and local law enforcement officers across the country and around the world. When fully operational, the

Current News

The Commission has released its final report. [\[more\]](#)

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Vice Chair

TSC will dramatically increase our ability to ensure that federal, state, and local officials are working off of the same unified, comprehensive set of anti-terrorist information.

This is an enormous task, and it requires cooperation and coordination from multiple agencies. Pursuant to Homeland Security Presidential Directive 6, (HSPD 6), the FBI administers the TSC with the support from the Intelligence Community, the Department of Justice, the Department of Homeland Security, and the Department of State. The Department of Justice, the Department of Homeland Security, and the Department of State have representatives assigned to the TSC, and each is responsible for specific aspects of the TSC's mission.

TSC Capabilities

Under its implementing agreement, TSC, through the FBI, was required to achieve an initial operating capability on December 1, 2003 -- only 75 days from its inception on September 16, 2003. This milestone was achieved and since December 1, 2003, TSC has been providing key resources for screeners and law enforcement personnel. These include:

- a single coordination point for terrorist screening data;
- a consolidated 24/7 call center for encounter identification assistance;
- a coordinated law enforcement response to federal, state and local law enforcement; and,
- a formal process for tracking encounters and ensuring feedback is supplied to the appropriate entities.

The TSC's initial capabilities are limited due to the need to integrate records in a way that ensures that the data about suspected terrorists is as accurate as possible. Each agency

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contributing data to the TSC is using its own database. These databases, which were created to support the mission of the individual agencies, are in many instances, their case management systems, not terrorist watch lists.

The TSC has approached the challenge to consolidate terrorists watch lists by implementing a "phased in" approach. Since December 1, 2003, the TSC has had the ability to: (1) make the names and identifying information of terrorists, known to or suspected by the U.S. Government, accessible to federal, state and local law enforcement; (2) have a system for properly reviewing whether a known or suspected terrorist should be included in or deleted from additional screening processes; (3) administer a process to ensure that persons, who may share a name with a known or suspected terrorist, are not unduly inconvenienced in U.S. Government screening processes; and, (4) implement a system to adjust or delete outdated or incorrect information to prevent problems arising from misidentifications.

By this summer, TSC will have a single, consolidated Terrorist Screening Database (TSDB). Before the end of this year, the TSC will create a more dynamic database and use a single, integrated system for ensuring known or suspected terrorists' identities are promptly incorporated into all appropriate screening processes. The terrorist screening database will allow private sector entities, such as operators of critical infrastructure facilities or organizers of large events, to submit a list of persons to the U. S. Government to identify possible terrorists. In addition, the TSC will begin to implement mechanisms for sharing terrorist screening information with cooperating countries. The Department of State is currently working on this issue.

Consolidated Terrorist Screening Database

The consolidated Terrorist Screening Database (TSDB) will be a continuously updated, unclassified law enforcement sensitive database, containing identifying information of all known or suspected terrorists.

The TSC allows the consolidation of disparate information, currently held by multiple agencies and used in different ways, to be brought together for a single purpose -- To help identify and detain potential terrorists to prevent future terrorist attacks.

The TSC will receive the vast majority of its information about known or suspected international terrorists from the Terrorist Threat Integration Center (TTIC), which will assemble and analyze information from a wide range of sources to identify potential terrorists. The FBI will provide the TSC with information about purely domestic terrorism – that is, information that has been determined to have no link to foreign intelligence, counterintelligence, or international terrorism. The TSC will then consolidate this identifying information from these records and make it accessible for queries from federal, state, and local agencies for screening purposes.

When a nomination is received at the TSC, it is reviewed by assignees to the TSC from participating agencies, who, in consultation with their assigning member agencies, determine how an encounter with this individual will be handled. The system is tailored to give different instructions depending on where the encounter takes place. For example, an FBI representative who reviews a record may determine that an individual is subject to a criminal warrant and needs to be detained by state and local law enforcement, while the Transportation Security Administration (TSA) representative may decide that the individual is to be placed on the “No-fly” list. This tailoring ensures that specific instructions are provided to federal, state, and local agencies based on their legal authority.

Currently, most calls to the TSC come from Customs and Border Protection based on encounters made at our borders. Other inquiries are made by state and local police departments and the Department of State's Bureau of Consular Affairs.

Let me take a moment to describe for you the typical process for a TSC inquiry. When a passenger arrives in the United States and he is a possible match to the TSC record, Customs and Border Protection contacts the TSC for assistance in the identification process. The TSC, taking advantage of its electronic access to all of the information contained in the FBI and the Terrorist Threat Integration Center (TTIC) databases, attempts to determine if the person is a positive or negative match to the record. All positive or inconclusive matches are then passed to the FBI Counterterrorism Watch (CT Watch) for follow-up action, and the results of the follow-up are then shared with and communicated back to the originating agency. This action includes the review of sensitive information to assist the officer and provides instruction to that officer as to how the person should be handled. For example, the officer may be instructed-- in appropriate and lawfully authorized circumstances -- to arrest, detain or question the individual. The Counterterrorism Watch simultaneously coordinates with the Joint Terrorism Task Force (JTTF) within that area of concern for the coordinating law enforcement response. The results of the follow-up are then shared with and communicated back to the originating agency.

In the case of a police inquiry, the TSC receives a call from a local police department. By querying the National Crime Information Center (NCIC) database which contains an instruction to contact the TSC, for the first time, a local police officer who pulls an individual over during a routine traffic stop will now know if the person encountered is a known or suspected terrorist.

If there is a positive or inconclusive identification match, the TSC follows its procedure and telephonically conferences in the FBI's Counterterrorism Watch for specific instructions about appropriate action that may be taken. Such specific instructions may include -- in appropriate and lawfully authorized circumstances -- arresting, detaining, or questioning the individual. Lastly, the FBI's Counterterrorism Watch reports the final case resolution to the TSC, and the TSC's call center then facilitates feedback to the Terrorist Threat Integration Center (TTIC) and appropriate agencies. As a result, the originating agencies' file will constantly be updated with fresh and pertinent information for further analysis by that agency.

Safeguarding Civil Liberties

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

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

The TSC's primary mission is to ensure that the identities data that is already known to the U.S. Government is held in one location where it can be queried by those who need it, including federal security screeners and state and local law enforcement officers. The structures which are in place also ensure that information about U.S. persons that has been determined to be

purely domestic terrorism information with no link to foreign intelligence, counterintelligence, or international terrorism does not go through the Terrorist Threat Integration Center, but instead is placed directly into the TSC by the FBI. The Attorney General has also been directed to implement procedures and safeguards with respect to information about U. S. persons, in coordination with the Secretary of State, the Secretary of Homeland Security, and the Director of Central Intelligence.

We are also committed to addressing the issues and inconveniences arising from the misidentification of persons under previous watchlisting practices. Procedures are in place to review and promptly adjust or delete erroneous or outdated information, and several such records have already been identified, and updated or removed. In addition, we are currently in the process of creating the Office of Ombudsman to handle the misidentification process for the TSC.

The creation of the Terrorist Screening Center marks a significant step forward in protecting America's communities and families by detecting, disrupting, or preempting terrorist threats. The TSC builds on the improvements to U.S. watch list capabilities that began following the horrific September 11th attacks. The TSC is already contributing to nationwide efforts to keep terrorists out of the U.S. and locate those who may already be in the country. The TSC will be able to fulfill this mission more effectively and efficiently after we achieve full operating capability later this year. I appreciate the Commission's interest in the TSC's activities and the work all of you are doing. I would be happy to answer any questions the Commission may have.

Donna A. Bucella is the Director of the Terrorist Screening Center. Ms. Bucella is on detail to the FBI from the Transportation Security Administration (TSA) where she was the

Southeast Area Director. While at TSA, Ms. Bucella was responsible for the daily operations at the commercial airports in the southeast area of the United States. Ms. Bucella has had an extensive career in public service as well as experience in the private sector.

Ms. Bucella began her legal career in 1984 in the United States Army Judge Advocate Generals Corps where she was a Defense Counsel assigned to the Trial Defense Service at Ft. Belvoir, Virginia. Later she was a Procurement Attorney in the Litigation Division of the Office of the Judge Advocate General.

In 1987, she became an Assistant United States Attorney in the Southern District of Florida where she prosecuted drug, corruption and complex white-collar crimes. She later became a supervisor in the Major Crimes Section.

In 1993, Ms. Bucella became the Director of the Office of Legal Education, Department of Justice, and was responsible for training over 11, 000 Department of Justice employees and Executive Branch attorneys annually.

In 1994, Ms. Bucella became the Principal Deputy Director of the Executive Office for United States Attorneys, the second highest position responsible for operating the 94 United States Attorneys' offices, composed of over 10,000 employees and an appropriation of over \$1 billion.

In May of 1994, she became the Interim United States Attorney for the Middle District of Florida where she was the Chief Law Enforcement Officer for 35 counties in Central Florida. Her jurisdiction spanned from Naples to Orlando to Jacksonville, Florida. Ms. Bucella returned to the Executive Office for United States Attorneys and in October 1995 resumed her duties as the Principal Deputy Director.

In April 1995, she responded to the Oklahoma City Bombing and was one of the first prosecutors on the ground responsible for the investigation and prosecution. For her extraordinary work on the Oklahoma City Bombing investigation among other achievements she received the Attorney General's Exceptional Service Award, the highest award given by the Attorney General to one or two recipients annually out of over 100,000 employees.

In 1997, Ms. Bucella was selected to be the Director of the Executive Office for United States Attorneys where she worked closely with the Attorney General and provided legal, management, operational, policy and security oversight and support to the 94 United States Attorneys Offices.

In 1999, Ms. Bucella was appointed by the President and confirmed by the United States Senate to be the United States Attorney for the Middle District of Florida, where she was responsible for the prosecution of all federal criminal and civil offenses and the defense of all civil actions against the United States.

Prior to being appointed to her current position, Ms. Bucella was a partner at the law firm of Steel Hector & Davis LLP, in Miami, Florida where her areas of practice included corporate compliance and complex civil and criminal litigation.

Ms. Bucella has served in the United States Army Reserve since 1987 and is currently a Lieutenant Colonel in the Army Judge Advocate General Corps.

She is licensed member of the Florida and Virginia Bars and is admitted to practice before the United States Court of Appeals for the Eleventh Circuit. The United States District Court for the Middle and Southern Districts of

Florida and the United States Court of Appeals for the Armed Forces. Ms. Bucella received her Bachelor of Arts Degree from the University of Virginia in 1978 and her Juris Doctorate Degree from the University of Miami, School of Law in 1983.

National Commission on Terrorist Attacks Upon the United States
The Commission closed on August 21, 2004. This site is archived.