

**Committee on the Judiciary  
United States House of Representatives**

**March 24, 2010**

**Sharing and Analyzing Information to Prevent Terrorism**



**Statement for the Record**

**of**

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Chairman Conyers, Ranking Member Smith, and Members of the Committee: Thank you for your invitation to appear before the committee to discuss terrorist screening procedures in light of the attempted terrorist attack on Christmas Day.

It is my privilege to be accompanied by my colleagues from the Federal Bureau of Investigation and the Departments of State and Homeland Security.

### **Watchlisting Issues Associated with the Incident**

Umar Farouk Abdulmutallab was not watchlisted. This statement will explain the reasons why – addressing the post 9/11 changes in U.S. Government watchlisting practices, the associated standards that were adopted by the U.S. Government, and the application of those standards to the case of Umar Farouk Abdulmutallab. It will also address lessons learned as we strive to improve the Intelligence Community's ability to support watchlisting and screening.

- Before the September 11 terrorist attacks, intelligence databases and watchlisting systems were badly disjointed. They were neither interoperable nor broadly accessible and, as a result, two of the hijackers – although known to parts of the U.S. Government in late-1999, were not watchlisted until late-August 2001.
- To fix that systemic problem, the U.S. Government implemented Homeland Security Presidential Directive-6 (HSPD-6) in the Fall of 2003. Under the construct of HSPD-6, all collectors would provide information on known and suspected terrorists (except purely domestic terrorists) to NCTC which maintains a TOP SECRET database called the Terrorist Identities Datamart Environment (TIDE). Every night a FOR OFFICIAL USE ONLY extract of TIDE is provided to the Terrorist Screening Center (TSC) to support all U.S. Government screening operations.
  - The determination of what information is passed from TIDE to the TSC is governed by the “reasonable suspicion” standard which describes the minimum derogatory information for inclusion on the consolidated watchlist.
  - That criteria, approved by the Deputies Committee in the Fall of 2008, notes that “individuals described as militants, extremists, jihadists, etc should not be nominated without particularized derogatory information.”
  - The implementing instructions further state “those who only associate with known or suspected terrorists, but have done nothing to support terrorism” are ineligible for the No Fly List (NFL) or Selectee List (SL).

Mr. Abdulmutallab was in TIDE, but his name was not passed to the TSC for watchlisting. This was due to two factors:

- The TIDE record that existed on Mr. Abdulmutallab was based primarily on information provided to the U.S. Embassy in Abuja, Nigeria on November 20, 2009. The cable included one general sentence of derogatory information related to his possible association with Yemeni-based extremists. The entire watchlisting community agrees that the level of derogatory information contained in the November 20, 2009 cable did not meet the minimum standard highlighted above and was insufficient for any level of watchlisting---much less either the No Fly List or Selectee lists.
  - As a result, Mr. Abdulmutallab was entered into TIDE November 23, 2009, but his name was not passed to the TSC for watchlisting. Additional biographic information was added to the record over the course of the next week, but no additional derogatory information was provided.
  - In order to provide some context, on any given day hundreds of other names are added to TIDE and virtually all of them would have far more alerting derogatory information than Mr. Abdulmutallab's record.
- While the November 20, 2009 cable formed the basis for the TIDE record and the watchlisting status as of December 25, 2009, we learned after the incident of additional reporting that---had it been linked to the November 20, 2009 cable---could have supported a watchlisting nomination.
  - Had this information been linked to Mr. Abdulmutallab's record, his name undoubtedly would have been entered on the visa screening "lookout" list and the border inspection list.
  - Whether Mr. Abdulmutallab would have been placed on either the No Fly List or the Selectee List would have been determined by the strength of the analytic judgment.
  - It is important to note that the linkage of these pieces of information appears far more apparent in hindsight than it would have at the time. The reporting existed in daily intelligence holdings that number well into the thousands. Partial names and different spellings complicated the linkage. To be sure, the Intelligence Community continues its efforts to improve performance, but linking two pieces of fragmentary information can be a very difficult analytic problem. The two cables existed largely "in the noise" and there was simply nothing particularly alerting about either "dot."

### **Lessons Learned**

- First of all, it is necessary to dispel two myths:
  - This situation doesn't implicate the HSPD-6 watchlisting architecture. The National Counterterrorism Center continues to believe it is fundamentally sound.

- This incident does not raise major information sharing issues. The key derogatory information was widely shared across the U.S. Counterterrorism Community. The “dots” simply were not connected.
- The incident does highlight the following issues:
  - The U.S. Government needs to look at overall standards---those required to get on watchlists in general, and the No Fly List and Selectee List in particular.
  - The U.S. Government needs to improve its overall ability to piece together partial, fragmentary information from multiple collectors. This requirement gets beyond watchlisting support, and is a very complicated challenge involving both numbers of analysts and the use of technology to correlate vast amounts of information housed in multiple agencies and systems.

The men and women of the National Counterterrorism Center and the Intelligence Community are committed to fighting terrorism at home and abroad, and will seek every opportunity to better our analytical tradecraft, more aggressively pursue those that plan and perpetrate acts of terrorism, and effectively enhance the criteria used to keep known or suspected terrorists out of the United States.