



**Transportation Security  
Administration**

July 15, 2003

Ms. Jayashri Srikantiah  
American Civil Liberties Union  
1663 Mission Street  
Suite 460  
San Francisco, CA 94103

FOIA Case Number: TSA03-101 and TSA03-118

Dear Ms. Srikantiah:

This is in response to your two letters of December 12, 2002, in which you requested the following information under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a:

1. All records prepared, collected, or maintained by the Department of Transportation (DOT) and/or the Transportation Security Administration (TSA) in connection with the placement of Ms. [Rebecca A.] Gordon's and Ms. [Janet A.] Adams' name or other identifying information on any lists of individuals considered potential threats to transportation or national security, including lists maintained pursuant to the Aviation Transportation Security Act of 2001 (hereinafter "watchlists").
2. All records prepared, collected, and/or maintained by the DOT and/or TSA about the placement of Ms. Gordon's and Ms. Adams' name or identifying information on the list commonly referred to as the "no fly" list.
3. All records, including memoranda of understanding and correspondence, transmitted between DOT, TSA, and/or Federal Bureau of Investigation (FBI) and any airport or local police department, including SFO and SFPD, regarding sharing or gathering information related to a "no fly" list or any watchlist.
4. All records, including memoranda, policy directives, and guidance, issued by the TSA and/or DOT and distributed to any airport or local police department, including SFO or SFPD, regarding the "no fly" list or any watchlist.
5. All records, including policy directives, procedures, and guidance, regarding access to the "no fly" list and any watchlist by any individual agency, including airline or airport employees.
6. All records, including policy directives, procedures, and guidance, concerning how individuals are placed on and removed from the "no fly" list or any watchlist.
7. All records, including policy directives, procedures, and guidance, regarding whether political beliefs, membership in groups, or any other First Amendment activity is a factor in placing individuals on the "no fly" list or any watchlist.

8. All records, including policies, procedures, guidance, and evaluations, regarding the use and accuracy of the "no fly" list or any watchlist and any procedures to correct errors or remove names from those lists.
9. All files and records maintained by the DOT and TSA indexed or maintained under the name or identifying information of Ms. Gordon and Ms. Adams.

You further requested agency records containing the following information, if such information is not already contained in the records from items 1 through 9 above:

- A. Agency records containing information on the number of names on the "no fly" list and all watchlists as of December 12, 2002
- B. Agency records containing information on the number of times since the creation of the "no fly" list and effective date of the Aviation Transportation Security Act (ATSA) that the DOT, TSA, FBI, or local or state law enforcement, including SFPD, has stopped or questioned individuals at airports, including SFO, because those individuals were believed to be on the "no fly" list or any watchlist.
- C. Agency records containing information on the number of times since the creation of the "no fly" list or the ATSA's effective date that an individual was incorrectly identified (even briefly) as being on the "no fly" list or any watchlist.
- D. Agency records containing information the name(s) of the agency or agencies that maintain(s) the "no fly" list or any watchlist.

To ensure aviation security, TSA does not disclose the names and identifying information of individuals on TSA's watch lists. The watch lists are appended to and a part of Security Directives and Emergency Amendments issued to air carriers, and constitute sensitive security information (SSI) under the governing regulation. 49 C.F.R. § 1520.7(a), (b), (c), and (j). Similarly, any draft, proposed or recommended change to these Directives and Amendments, including the appended watch lists, are SSI under the governing regulation. 49 C.F.R. § 1520.7(l). Notwithstanding the requirements of the FOIA, the Privacy Act, or other laws, SSI is not available for public inspection and copying, nor is SSI released to the public. 5 U.S.C. § 552(b)(3); 49 U.S.C. §§ 114(s) and 40119(b); 49 C.F.R. § 1520.3(a) and (b). In addition, records relating to individuals on the watch lists are part of the Investigative Records System which is exempt from the pertinent provisions of the Privacy Act under 5 U.S.C. §§ 552a(j)(2), (k)(1), and (k)(2), and 49 C.F.R. §§ 10.61 and 10.63. To confirm or deny that a particular individual is on a TSA watch list or the existence of related documents would disclose SSI and be detrimental to the security of transportation. Accordingly, with respect to items 1 and 2, and with respect to item 9 to the extent that it seeks records relating to individuals named on a watch list, TSA can neither confirm nor deny the existence of responsive records under the provisions cited above.

With respect to the remaining portions of your request, a search was conducted and no responsive documents were found for item 7, item 9 insofar as it pertains to records other than those relating to individuals included on watch lists, and items B and C. Of the responsive material found in the search, we are withholding five documents, consisting of 99 pages, in their entirety. In addition, we have determined that 17 documents, consisting of 62 pages, are appropriate for partial release, and are releasing all reasonably segregable portions of each record after deleting any exempt

material. The documents or portions of documents being withheld (or redacted as appropriate) are exempt from the disclosure requirements under Exemptions 2, 3, 5, and 6 of the FOIA, and 49 U.S.C. §§ 114(s) and 40119(b). A more complete explanation of the exemptions claimed is outlined below.

Exemption 2 protects information the disclosure of which would risk the circumvention of a statute or agency regulation. See 5 U.S.C. § 552(b)(2).

Exemption 3 protects information specifically exempted from disclosure by another Federal statute. See 5 U.S.C. § 552(b)(3). Section 114(s) of Title 49, United States Code, exempts from disclosure under FOIA information that would be “detrimental to the security of transportation” if disclosed. The TSA regulations implementing Section 114(s) and its predecessor (formerly codified at 49 U.S.C. § 40119(b)) are found in 49 CFR Part 1520.

TSA is withholding information under Exemption 3 that falls within the scope of 49 C.F.R. § 1520.7(a)-(c), (j), and (l). Public disclosure of this information is prohibited by 49 C.F.R. § 1520.3. Section 1520.7(a) exempts from disclosure “Any approved, accepted, or standard security program under the rules listed in § 1520.5(a)(1) through (6), and any security program that relates to United States mail to be transported by air (including that of the United States Postal Service and of the Department of Defense); and any comments, instructions, or implementing guidance pertaining thereto.” Among other things, this section encompasses emergency amendments to TSA-approved security programs. Section 1520.7(b) exempts from public disclosure “Security Directives and Information Circulars under § 1542.303 or § 1544.305 of this chapter, and any comments, instructions, or implementing guidance pertaining thereto.” Section 1520.7(c) exempts from public disclosure any selection criteria used in any security screening process, including for persons, baggage, or cargo under the rules listed in § 1520.5(a)(1) through (6). Specific details of aviation security measures whether applied directly by the TSA or entities subject to the rules listed in § 1520.5(a)(1) through (6) are exempt from public disclosure pursuant to Section 1520.7(j). Section 1520.7(l) exempts from public disclosure any draft, proposed, or recommended changes to the information and records identified in § 1520.7, Sensitive Security Information.

Exemption 5 protects deliberative, pre-decisional materials covered by the deliberative-process privilege, such as advice, opinions, and recommendations rendered by agency staff in the course of reaching a final determination or position on any policy, program, or other matter under agency consideration. See 5 U.S.C. 552(b)(5). The documents being withheld contain copies of summaries of discussions/meetings, talking points for briefings, and recommended actions to and from other TSA/FAA team members discussing proposed policies and procedures relative to “watchlist” policy and procedures. To allow release of this information would discourage the open and frank discussions between agency employees, which are helpful in policy development and create confusion in those cases where recommendations and opinions are not adopted.

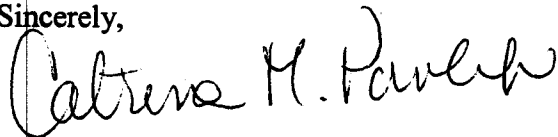
Exemption 6 protects information that pertains to an individual and “the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” See 5 U.S.C. 552(b)(6). In this instance, personal information such as the names of private individuals and government employees is being withheld from disclosure. Under Exemption 6, agencies are required to

identify and balance relevant privacy and public interests. In this instance, the individuals' privacy interests outweigh any public interest in disclosure of information tending to reveal the identity of individuals named in the email and agency correspondence.

I have determined that there is no fee associated with processing this request because the search time was less than two hours and duplication costs were minimal.

As TSA's response to these requests is currently in litigation, the appeal rights that normally accompany a release have not been included in this letter.

Sincerely,



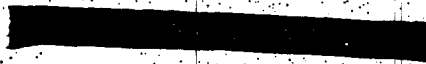
*for*  
Patricia M. Riep-Dice  
Associate Director  
Freedom of Information Act  
And Privacy Act Division

Enclosures



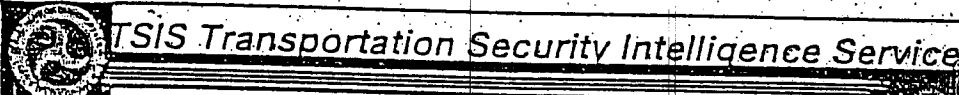
# TSA Watch Lists

December 2002



(b)(6)

TSA Transportation Security Intelligence Service



## *Topics for Discussion*

- Background & Evolution
  - Pre & Post September 11, 2001
- “The Lists”
  - Criteria & Requirements
- Implementation
  - Air Carriers & LEOs
- Problems and Issues
  - TSA Initiatives

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### Pre- September 11, 2001

- SDs and EAs identified specific individuals whom carriers could not transport
  - On September 11, [REDACTED] were identified as "no transport"
  - [REDACTED]



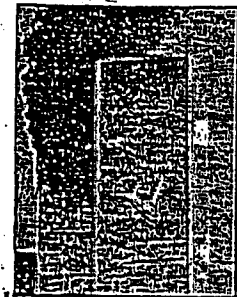
(b)(2)  
(b)(3)  
1520.7(b), (c)

SENSITIVE SECURITY INFORMATION



### September 12 - November 2001

- FAA disseminated the [REDACTED] watch list
  - Supported by SD/EA
  - Denied transport
  - [REDACTED]
  - [REDACTED]
- November 2001, FAA assumed responsibility for the list



(b)(2)  
(b)(3)  
1520.7(b)

SENSITIVE SECURITY INFORMATION



### Current TSA Watch Lists

- Mid-December 2001 "No-Fly" and "Selectee" lists were created
- No-Fly = air carriers may not transport  
- [REDACTED]
- Selectee = passengers subject to additional security screening  
- [REDACTED]

(b)(2)  
(b)(3)  
1520.7(b)

SENSITIVE SECURITY INFORMATION



### Criteria & Requirements

- Additions/removals based on request and info from federal LE or Intel agencies
- Two primary guidelines  
- [REDACTED]  
- [REDACTED]

(b)(2)  
(b)(3)  
1520.7(c)

SENSITIVE SECURITY INFORMATION



### Criteria

- No-Fly = prevent boarding of person who is a [REDACTED]
- Selectee = additional security for persons who [REDACTED]

★ TSA lists are [REDACTED]

(b)(2)  
(b)(3)  
1520.7(c)

(b)(5)

SENSITIVE SECURITY INFORMATION



### Requirements

- [REDACTED]
- ★ [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

(b)(2)  
(b)(3)  
1520.7(c)

SENSITIVE SECURITY INFORMATION





# Air Carrier Implementation

- TSA depends on private industry to implement the SDs/EAs that support the lists
  - SD/EA is a minimum required
  - [REDACTED]

(b)(5)

- [REDACTED]



SENSITIVE SECURITY INFORMATION

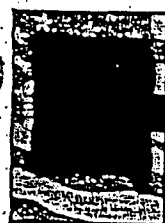


# LEO Response

- No-Fly
  - [REDACTED]
- Selectee
  - [REDACTED]
- Oct 2002 SD 1542-01-07G
  - [REDACTED]

(b)(3)  
1520.7(b)

(b)(2)



SENSITIVE SECURITY INFORMATION



TSIS Transportation Security Intelligence Service

# Problems & Solutions

[REDACTED]

[REDACTED]

SENSITIVE SECURITY INFORMATION

(b)(2)

(b)(5)

(b)(3)

1520.7(c), (

(j)



TSIS Transportation Security Intelligence Service

# Problems & Solutions

[REDACTED]

[REDACTED]

SENSITIVE SECURITY INFORMATION

(b)(5)

(b)(3)

1520.7(L)



## TSA Initiatives

- First anniversary of creation of TSA watch lists

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- CAPPS II

SENSITIVE SECURITY INFORMATION

(b)(5)  
(b)(3)  
1520.7(L)



## Conclusion

- Effective implementation requires a partnership
  - Communication
  - Working Together

TSA + Air Carriers + FBI = Safe Flying Public

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**TSIS Transportation Security Intelligence Service**

**Questions?**

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# Memorandum

U.S. Department of Transportation  
Transportation Security Administration

Subject: INFORMATION: TSA "Watchlists"

Date:

October 16, 2002

Reply to

From: Acting Associate Under Secretary, Transportation Security Intelligence, TSI-1

To: Associate Under Secretary, Security Regulation and Policy

1. (FOUO) Summary: Since November 2001, the FAA/TSA "watchlist" has expanded almost daily as Intelligence Community (IC) agencies and the Office of Homeland Security continue to request the addition of individuals to the No-Fly and Selectee lists.

[REDACTED]

(b)(5)

(FOUO) Although TSA compiles the lists from requests made by IC agencies, the airline companies are responsible for implementing the security directives (SDs) that support the two lists.

[REDACTED]

(b)(5)

(b)(2)

(b)(3)

1520.7(b)

(j)

2. (SSI) Background: Between 1990 and September 11, 2001, the FAA issued several Security Directives (SDs) and companion Emergency Amendments (EAs) that identified persons whom air carriers could not transport, because they were determined to pose a direct threat U.S. civil aviation.

[REDACTED]

(b)(2)

(b)(3)

only three of these SDs were in effect, with a total of [REDACTED] names of individuals that air carriers were prohibited from transporting.

On September 11, 2001,

1520.7(b)

(c)(j)

(SSI) Early on September 12, [REDACTED] the FAA issued SD-108-01-06/EA 129-01-05, [REDACTED]

[REDACTED]

(b)(2)  
(b)(3)  
1520.7(b),  
(c), (j)

(SSI) In November 2001, [REDACTED] the FAA assumed full administrative responsibility for the "watchlist" and issued SD-108-01-19. At that time, the three active FAA SD/EAs that had listed names of individuals to be denied transport [REDACTED] were canceled.

[REDACTED]

and the SD was broken out into two separate "name lists:" No-Fly and Selectee. SD-108-01-20\*\*\* supports the list of persons to be denied transport, this list is commonly referred to as the "No-Fly list." SD-108-01-21\*\*\* supports the list of persons whom air carriers are required to "select" for additional security screening prior to boarding the individuals on an aircraft; this list is referred to as the "Selectee list."

(b)(2)  
(b)(3)  
1520.7(b),  
(j)

3. (FOUO) Discussion:

A. (FOUO) Current Procedures: All individuals placed on the No-Fly and Selectee lists since November 2001 have been added or removed (or moved from one list to the other) based on the request of and information provided, almost exclusively, [REDACTED]

[REDACTED]

the two lists when [REDACTED]

[REDACTED] longer assessed to pose a threat to U.S. [REDACTED]

Names are removed from [REDACTED]

[REDACTED] the individual is no [REDACTED]

(b)(2)  
(b)(3)  
1520.7(j)  
(c)

B. (FOUO) Criteria: Since FAA/TSA assumed administrative control of the "watchlist" in November 2001, the placement of individuals on the No-Fly or Selectee lists has been guided by two primary principles:

[REDACTED]

(b)(2)  
(b)(3) 001

[REDACTED]

(b)(2)

(b)(3)

1520.7(c)

(FOUO) The essential purpose of the No-Fly list is to prevent the transport of individuals who [REDACTED] The Selectee list is a less restrictive measure that requires named individuals to be subjected to additional security screening measures before being allowed to board an aircraft.

(j)

b(2)

b(3)

1520.7(c)

(j)

[REDACTED]

b(5)

TSA's immediate concern is the safety of the flying public.

(FOUO)

[REDACTED]

(b)(2)

(b)(5)

(b)(3)

1520.7(c)

(j)

C. (FOUO) Requirements:

[REDACTED]

b(2)

b(3)

1520.7(c)

(j)

(FOUO)

[REDACTED]

(b)(2)

(b)(3)

1520.7(b)

(j)

[REDACTED]

b(2)  
(b)(3)  
520.7(b)  
(j)

4. (FOUO) Problems and Recommendations:

A. (FOUO)

[REDACTED]

b(2)  
(b)(5)  
(b)(3)  
1520.7(b)  
(c), (j)

(FOUO) Solution:

[REDACTED]

(b)2  
(b)(5)  
(b)(3)  
1520.7(c),  
(j), (L)

B. (FOUO)

[REDACTED]

(b)(2)  
(b)(5)  
(b)(3)

(FOUO) Solution:

[REDACTED]

1520.7(b),  
(L)

C. (FOUO)

[REDACTED]

(b)(2)  
(b)(5)  
(b)(3)  
1520.7(b)



[REDACTED]

(b)(2)  
(b)(5)  
(b)(3)  
1520.7C

(FOUO) Solutions:

[REDACTED]

(b)(5)  
(b)(3)  
1520.7C

5. (FOUO) Conclusions:

[REDACTED]

continues to receive these requests on a daily basis.

ISA

[REDACTED]

b(5)

*Claudio Manno*

Claudio Manno



*Transportation Security Administration*

# Transportation Security Administration Aviation Watchlists

Congressional Staff Briefing

November 12, 2002

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IN CIVIL PENALTY OR OTHER ACTION FOR U.S. GOVERNMENT AGENCIES, PUBLIC  
AVAILABILITY TO BE DETERMINED UNDER 5 U.S.C. 552

# Background

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- Originated in the 1990's as the Federal Aviation Administration (FAA) identified persons air carriers could not transport due [REDACTED] (b)(2) (b)(3) /520.7(c)
- [REDACTED] (b)(2) (b)(3) /520.7(c)
- Following 9-11, the [REDACTED] (b)(2) (b)(3) /520.7(b) expanded the list from [REDACTED] individuals with frequent changes

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AVAILABILITY TO BE DETERMINED UNDER 5 U.S.C. 552

# Background (Cont.)

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- In November of 2001, [REDACTED] asked FAA/TSA to assume (b)(3) "full administrative" responsibility for the list 1520.7(c), (j)
- The watchlist was broken down into two components, SELECTEE and NO FLY
- SELECTEES are subject to additional screening while those individuals on the NO FLY list are denied boarding
- Individuals are placed/removed from the lists almost exclusively by [REDACTED] (b)(3) 1520.7(c), (j)

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AVAILABILITY TO BE DETERMINED UNDER 5 U.S.C. 552.

# Issues

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(b)(5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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AVAILABILITY TO BE DETERMINED UNDER 5 U.S.C. 552.

# Next Steps

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- Prepare appropriate implementing documents to:

(b)(5)

(b)(3)

1520.7(4)

▶ [REDACTED]

▶ [REDACTED]

▶ [REDACTED]

- Legal review and interagency coordination
- Coordination with air carriers and other users

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PERMISSION OF THE SECURITY AGENCIES

From: [REDACTED]  
Sent: Monday, December 02, 2002 4:33 PM  
To: [REDACTED]  
Subject: FW: No Fly

(b)(6)

Special Assistant to the Associate Under  
Secretary for Security Regulation & Policy  
U.S. Department of Transportation  
Transportation Security Administration  
Room 3034, GSA Building  
400 Seventh Street, S.W.  
Washington, DC 20590  
Tel: (202)385-1257  
Fax: (202)493-1735  
[REDACTED]@tsa.dot.gov

-----Original Message-----

From: [REDACTED]  
Sent: Monday, December 02, 2002 2:48 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: No Fly

Ex 6

Print Page Close Window  
Military retiree on FBI list  
NOT CLEARED TO FLY: Larry Musarra doesn't know why his name shows up.

The Associated Press

(Published: September 16, 2002)

Juneau -- Larry Musarra's trouble with the FBI began in late June, when the retired Coast Guard lieutenant commander, his wife, LinDe, and their 12-year-old son, Tim, checked in at the Juneau Airport.

They were on their way to Portland, Ore., where Tim, who is disabled, would attend a special school.

At the Alaska Airlines electronic check-in kiosk, Musarra typed in his confirmation code and the machine displayed a message asking him to see an attendant.

At the counter, Musarra and his family waited while the customer service representative clicked on a keyboard. The clerk became puzzled and said she couldn't get a boarding pass either. She called her supervisor. They called Seattle. Finally, 30 minutes later, the supervisor explained.

"She said, 'We are having trouble clearing your name. Actually, we can't clear your name. You are on an FBI list,'" Musarra said.

Musarra, 47, is a father of three who works for the U.S. Forest Service at the Mendenhall Glacier Visitor Center. He is white, of Italian and Irish ancestry, and was born in New Jersey. He has lived in and flown out of Juneau for seven years. Because of his work with the Coast Guard and the Forest Service, he has

had more federal background checks than he can remember.

For a reason Alaska Airlines, the FBI, the Federal Aviation Administration and the newly created Transportation Safety Administration cannot or will not say, Musarra's name, which is Sicilian of Arabic origin, is on a list of suspects who pose a potential threat to airline security. And, at this point, there is no way for his name to be removed.

"I'm not the type of person who makes a fuss, but I am this all-American boy, and here I'm targeted as terrorist. It is just kind of funny," he said. "I'm betting it's the name. My name sounds Arabic."

On the way to Portland, the Musarra family was given an exhaustive screening with metal detector wands, their shoes were X-rayed, their belts removed and their bags searched before they were allowed on the plane.

On the way back, the check-in clearance took so long an airline agent had to hand-write Larry and LinnDe Musarra's boarding pass and escort them on the aircraft minutes before take off. Their seats already had been filled with standby passengers who then had to get off the plane.

"Everyone has been really nice," LinnDe Musarra said. "But if you are traveling with children who have special needs, this circumstance produces tremendous anxiety."

Musarra heard from other relatives with the same last name who had similar experiences. Since June, his brother has had his bags searched every time he flies. An uncle, traveling with a 91-year-old relative in a wheelchair, was searched and told he, too, was on the FBI list.

When his uncle called the FBI, he was told no list existed, Musarra said.

Musarra called the local field office of the FBI, where an agent found his name on a list and said there was no way to have it removed. She told him the best thing to do was to call the airline ahead of the time when he is going to fly, to prepare them for the complications, he said.

Juneau FBI Agent Mary Beth Kepner confirmed she had a conversation with Musarra, but directed all calls about the nature of the list to the FBI office in Anchorage.

Eric Gonzalez, FBI special agent in Anchorage, said the list airlines use was controlled by the Transportation Safety Administration, a new homeland security organization formed by the Bush administration since Sept. 11, 2001.

Alaska Airlines spokesman Jack Evans agreed that the airline gets the list from the TSA, and he said the airline is mandated to use the list in the passenger-screening process. Evans and Gonzalez said they did not know of a way to remove Musarra's name from the list.

From there, the origin of the list and the reason Musarra is on it are unclear, and mired in a world of federal, interdepartmental "information sharing" that has caused confusion since the inception of the TSA earlier this year.

Dave Steigman, spokesman for the TSA, said revealing any of the reasons a name may end up on the list could jeopardize national security. He denied the TSA had a list containing many spellings of Arab or Arab-sounding names.

"The TSA does not profile by ethnicity, ethnic origin, race or religion," Steigman said, and then directed all inquiries about the list to the Federal Aviation Administration or back to the FBI.

Tommy Dome, a TSA employee, answered the phone at the FAA office in Anchorage.

"We're taking names of the people who hijacked airplanes. If you have a name like that you are probably going to get looked at more," Dome said.

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At the FBI headquarters in Washington, D.C., FBI spokeswoman Lauren Gulotti said it was possible Musarra also was the name of another person who was a suspected threat, but then referred questions to the Department of Justice, saying the lists actually came from that department.

Drew Wade, a spokesman for the Department of Justice, said the lists come from the FBI, adding that if someone was on a "no fly" list and was a serious threat, it was unusual that they would be allowed on a plane. Instead, they would be detained, he said.

"Something doesn't add up here," Wade said.

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 Associate Director  
TSA Legislative Affairs Office - TSA5  
Transportation Security Administration  
400 7th Street SW - Rm 10409  
Washington, DC 20590  
(202) 366-4312 - Phone  
(202) 366-7346 - Fax

(b)(6)

December 23, 2002

TO: [REDACTED]

(b)(6)

FROM: [REDACTED]

SUBJECT: Watch List False Positive - Mr. [REDACTED]

As follow up to the December 20, 2002 memorandum, same subject, a check with the TSA Secretariat and the Customer Response Center indicates there is no previous or open written correspondence pertaining to Mr. [REDACTED]. However, TSA responded on July 18, 2002 to Congresswoman Louise Slaughter (NY) who had written on behalf of a Mr. [REDACTED]. Mr. [REDACTED] has had difficulty obtaining clearance from several air carriers for weekly flights between Rochester, NY and Harrisburg, PA. Apparently, Mr. [REDACTED]'s name is identical to an individual on the No Fly Watchlist.

The TSA July 18, 2002 response, Attachment No. 1, stated: "Now we have modified procedures so that airlines can use procedures to determine if a name match requires law enforcement notification. While this has not eliminated the delay a passenger might experience when his or her name matches a name on our Watch List, it has certainly minimized the delays for those persons who can be cleared by the airline". No details were provided as to the "modified procedures", but apparently Mr. [REDACTED] has had some success with flight clearances from the air carriers.

EX6

Subsequently, Congresswoman Slaughter wrote to TSA forwarding a recommendation from Mr. [REDACTED] that a "Trusted Traveler" screening process be implemented. The proposed response, Attachment No. 2, is being held by the Secretariat pending our review of the [REDACTED] situation. TSA Intelligence confirmed again today Mr. [REDACTED] is not on the Selectee or the No Fly Watch Lists; it also confirmed background information for the Mr. [REDACTED] on the No Fly list includes date of birth and nationality. This should facilitate air carrier clearance of persons with like or similar names. Accordingly, there is no reason to hold the response to Congresswoman Slaughter concerning Mr. [REDACTED]'s suggestion, and a verbal response can be provided to the Council on American Islamic Relations relative to Mr. [REDACTED].

The verbal response would be along the lines outlined in the December 20 memorandum. In addition, it will be suggested that whenever Mr. [REDACTED] makes an air carrier reservation, he email the carrier in advance with his date of birth and other identifying information.

Attachments: as

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0022

23B



United States Department of Transportation  
TRANSPORTATION SECURITY ADMINISTRATION

400 Seventh Street, S.W.  
Washington D.C. 20590

JUL 18 2002

The Honorable Louise Slaughter  
Member, United States House of Representatives  
3120 Federal Building  
100 State Street  
Rochester, NY 14614-1309

Dear Congresswoman Slaughter:

Thank you for your March 19 letter on behalf of Mr. [REDACTED] expressing disappointment in the passenger screening procedures at Rochester International Airport on February 17 and 18, and at Harrisburg International Airport on February 21. We appreciate your letting us know of the difficulties Mr. [REDACTED] encountered.

EX 6

The Transportation Security Administration (TSA) has issued a directive to airlines requiring that they compare passengers names to those provided to the TSA in the form of a Watch List, provided by other federal law enforcement agencies. When this process began, we required that a law enforcement officer be summoned every time there was a name match from the Watch List to a passenger checking in for a flight. Now we have modified the procedures so that the airlines can use established procedures to determine if a name match requires law enforcement notification. While this has not eliminated the delay a passenger might experience when his or her name matches a name on our Watch List, it has certainly minimized the delays for those persons who can be cleared by the airline.

If you or a member of your staff needs further assistance, please contact Mr. Sean B. O'Hollaren, Assistant Secretary for Governmental Affairs, at (202) 366-9714.

Sincerely yours,

Willie J. Gripper, Jr.  
Director, Civil Aviation Security Operations

Enclosure  
Transmitted Correspondence

cc: Washington Office

Attachment No. 1

0023

From:  
Sent:  
To:  
Cc:  
Subject:

Thursday, December 19, 2002 1:49 PM

FW: False Positive Problem

(b)(6)

EX 5

[REDACTED]

[REDACTED]

EX 1  
49CF  
152  
Ka  
(b)(c)  
(d)

If you have any questions, please do not hesitate to contact me

EX 5

-----Original Message-----

From: [REDACTED]@alaskaair.com  
Sent: Thursday, December 19, 2002 12:40 PM  
To: [REDACTED]  
Cc: [REDACTED]@alaskaair.com  
Subject: Re: False Positive Problem

(b)(6)

(b)(6)

Per our phone conversation, [REDACTED] can contact [REDACTED] of our Corporate Security office to be assisted for pre-clearance prior to [REDACTED] arriving at the airport. Her contact information is [REDACTED]@alaskaair.com or [REDACTED]

(b)(6)

EX. 3. 49CFR  
15.20.7 (b)(c)

[REDACTED]

Thanks for your help. If there is anything I can do, please don't hesitate to contact me. Alaska Airlines definitely wants a solution since we have 1 lawsuit already pending due to this issue.

(d)

Sincerely,

[REDACTED]

(b)(6)

tsa.dot.gov writes:

[REDACTED]

(b)(6)

>Reference the attached article concerning [REDACTED]

EX 5 0024  
22

> <<FW: No Fly>>

(b)(6)

EX 5

EX 3

1520.7(b), (c), (d)

>Senior Advisor  
>Office of Security Regulation and Policy  
>Room 3522, GSA Building  
>400 7th Street, S.W.  
>Washington, D.C 20590  
>202-385-1820

>-4312 - Phone  
>> (202) 366-7346 - Fax

>Special Assistant to the Associate Under  
> Secretary for Security Regulation & Policy  
>U.S. Department of Transportation  
>Transportation Security Administration  
>Room 3034, GSA Building  
>400 Seventh Street, S.W.  
>Washington, DC 20590  
>Tel: (202) 385-1257  
>Fax: (202) 493-1735  
>tsa.dot.gov

(b)(6)

> -----Original Message-----  
>From: [redacted]  
>Sent: Monday, December 02, 2002 2:48 PM  
>To: [redacted]  
>Cc: [redacted]  
>Subject: No Fly

EX 6

>Print Page Close Window  
>Military retiree on FBI list  
>NOT CLEARED TO FLY: Larry Musarra doesn't know why his name shows up.  
>  
>The Associated Press  
>  
>(Published: September 16, 2002)  
>  
>Juneau -- Larry Musarra's trouble with the FBI began in late June, when the  
>retired Coast Guard lieutenant commander, his wife, LinnDe, and their 12-year-  
>old son, Tim, checked in at the Juneau Airport.  
>  
>They were on their way to Portland, Ore., where Tim, who is disabled, would  
>attend a special school.  
>  
>At the Alaska Airlines electronic check-in kiosk, Musarra typed in his  
>confirmation code and the machine displayed a message asking him to see an  
>attendant.  
>  
>At the counter, Musarra and his family waited while the customer service  
>representative clicked on a keyboard. The clerk became puzzled and said she  
>couldn't get a boarding pass either. She called her supervisor. They called  
>Seattle. Finally, 30 minutes later, the supervisor explained.

>"She said, 'We are having trouble clearing your name. Actually, we can't clear  
>your name. You are on an FBI list," Musarra said.  
>  
>Musarra, 47, is a father of three who works for the U.S. Forest Service at the  
>Mendenhall Glacier Visitor Center. He is white, of Italian and Irish ancestry,  
>and was born in New Jersey. He has lived in and flown out of Juneau for seven  
>years. Because of his work with the Coast Guard and the Forest Service, he has  
>had more federal background checks than he can remember.  
>  
>For a reason Alaska Airlines, the FBI, the Federal Aviation Administration and  
>the newly created Transportation Safety Administration cannot or will not say,  
>Musarra's name, which is Sicilian of Arabic origin, is on a list of suspects  
>who  
>pose a potential threat to airline security. And, at this point, there is no  
>way  
>for his name to be removed.  
>  
>"I'm not the type of person who makes a fuss, but I am this all-American boy,  
>and here I'm targeted as terrorist. It is just kind of funny," he said. "I'm  
>betting it's the name. My name sounds Arabic."  
>  
>On the way to Portland, the Musarra family was given an exhaustive screening  
>with metal detector wands, their shoes were X-rayed, their belts removed and  
>their bags searched before they were allowed on the plane.  
>  
>On the way back, the check-in clearance took so long an airline agent had to  
>hand-write Larry and LinnDe Musarra's boarding pass and escort them on the  
>aircraft minutes before take off. Their seats already had been filled with  
>standby passengers who then had to get off the plane.  
>  
>"Everyone has been really nice," LinnDe Musarra said. "But if you are  
>traveling  
>with children who have special needs, this circumstance produces tremendous  
>anxiety."  
>  
>Musarra heard from other relatives with the same last name who had similar  
>experiences. Since June, his brother has had his bags searched every time he  
>flies. An uncle, traveling with a 91-year-old relative in a wheelchair, was  
>searched and told he, too, was on the FBI list.  
>  
>When his uncle called the FBI, he was told no list existed, Musarra said.  
>  
>Musarra called the local field office of the FBI, where an agent found his  
>name  
>on a list and said there was no way to have it removed. She told him the best  
>thing to do was to call the airline ahead of the time when he is going to fly,  
>to prepare them for the complications, he said.  
>  
>Juneau FBI Agent Mary Beth Kepner confirmed she had a conversation with  
>Musarra,  
>but directed all calls about the nature of the list to the FBI office in  
>Anchorage.  
>  
>Eric Gonzalez, FBI special agent in Anchorage, said the list airlines use was  
>controlled by the Transportation Safety Administration, a new homeland  
>security  
>organization formed by the Bush administration since Sept. 11, 2001.  
>  
>Alaska Airlines spokesman Jack Evans agreed that the airline gets the list  
>from  
>the TSA, and he said the airline is mandated to use the list in the passenger-  
>screening process. Evans and Gonzalez said they did not know of a way to  
>remove  
>Musarra's name from the list.  
>  
>From there, the origin of the list and the reason Musarra is on it are  
>unclear,

>and mired in a world of federal, interdepartmental "information sharing" that  
>has caused confusion since the inception of the TSA earlier this year.  
>  
>Dave Steigman, spokesman for the TSA, said revealing any of the reasons a name  
>may end up on the list could jeopardize national security. He denied the TSA  
>had  
>a list containing many spellings of Arab or Arab-sounding names.  
>  
>"The TSA does not profile by ethnicity, ethnic origin, race or religion,"  
>Steigman said, and then directed all inquiries about the list to the Federal  
>Aviation Administration or back to the FBI.  
>  
>Tommy Dome, a TSA employee, answered the phone at the FAA office in Anchorage.  
>  
>"We're taking names of the people who hijacked airplanes. If you have a name  
>like that you are probably going to get looked at more," Dome said.  
>  
>At the FBI headquarters in Washington, D.C., FBI spokeswoman Lauren Gulotti  
>said  
>it was possible Musarra also was the name of another person who was a  
>suspected  
>threat, but then referred questions to the Department of Justice, saying the  
>lists actually came from that department.  
>  
>Drew Wade, a spokesman for the Department of Justice, said the lists come from  
>the FBI, adding that if someone was on a "no fly" list and was a serious  
>threat,  
>it was unusual that they would be allowed on a plane. Instead, they would be  
>detained, he said.  
>  
>"Something doesn't add up here," Wade said.  
>  
>  
>  
>  
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>  
>██████████ Associate Director  
>TSA Legislative Affairs Office - TSA5  
>Transportation Security Administration  
>400 7th Street SW - Rm 10409  
>Washington, DC 20590  
>(202) 366-4312 - Phone  
>(202) 366-7346 - Fax  
>

(b)(6)

Memorandum for the Record

SUBJECT: Watchlist Discussion with [REDACTED]

(b)(6)

From: [REDACTED]

(b)(6)

Date: December 5, 2002

The oversigned discussed the situation of a [REDACTED] who frequently has been subjected to No Fly or Selectee list restrictions when trying to board air carrier flights. [REDACTED] indicated [REDACTED] is not on either TSA watchlist. However, it is possible he could be on a U.S. Immigrations Service "Prevent Departure" list; or possibly [REDACTED]

(b)(6)

(b)(3)

1520.7(c)

1520.7(b)

1520.7(c)

[REDACTED] Thus, the traveler's name may be linked to an individual on one of the watchlists. [REDACTED]

It appears that in some cases the air carriers are passing false positive situations to the TSA for resolution. Currently, about 30 calls per day are received from the carriers for this purpose. [REDACTED]

(b)(3)

1520.7(a)

1520.7(b)

1520.7(c)

1520.7(j)

The air carriers, according to EA 1546-01-17A, are required to: [REDACTED]

[REDACTED]. According to [REDACTED] not all air carriers comply with this requirement.

(b)(3)

1520.7(a)

1520.7(b)

1520.7(c)

1520.7(j)

Another problem stems from the LEOs, [REDACTED]

(b)(3)

1520.7(a)

1520.7(b)

1520.7(c)

1520.7(j)

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[redacted] (b)(6)

From: [redacted]  
Sent: (b)(6) Monday, December 09, 2002 8:46 AM  
To: [redacted]  
Cc: [redacted]  
Subject: RE: no-fly follow-up questions

(b)(6) [redacted] and [redacted], thanks so much--this is great and I'll get the info to the staffers with appropriate SSI warnings, of course.  
Thanks again!

-----Original Message-----

(b)(6) From: [redacted]  
Sent: Sunday, December 08, 2002 1:15 PM  
To: [redacted]  
Cc: [redacted]  
Subject: no-fly follow-up questions

this is in response to the few questions we recieved when we briefing the Hill on the Watchlists. I thought this was taken care of so I apologize for the late response. Just to refresh,

(b)(5) [redacted]

Here are the questions as I see them:

Q: How many "false positives" occur and does TSA keep track of them? If so, how many are on record?

(b)(3) A: While a few carriers keep track of "false positives," the majority do not. Consequently, TSA does not have the ability to record this data nor is there a pressing need to do so. TSA believes the most effective way to avoid "false positives" is to be sure the [redacted] - No-Fly or Selectee. TSA is working to develop clear guidelines to this end.

(b)(3) Q: How many individuals on the lists are U.S. citizens?

1520.7(a) [redacted]  
1520.7(b) [redacted]  
1520.7(c) [redacted]

(b)(5) [redacted]

(b)(6) [redacted] I'll let you make the appropriate phone calls to those staffers who asked and were interested in these questions.

Special thanks to [redacted] for bringing this info together. We'll let you know how the [redacted] issue is coming this week. thanks.

(b)(6)

(b)(6)

Special Assistant to the Associate Under Secretary for Security Regulation & Policy  
U.S. Department of Transportation  
Transportation Security Administration  
Room 3034, GSA Building  
400 Seventh Street, S.W.  
Washington, DC 20590  
Tel: (202)385-1257  
Fax: (202)493-1735

(b)(6)

TALKING POINTS

WATCHLIST CONFUSION

December 11, 2002

1. There have been a number of derogatory media articles concerning the two watchlists the TSA publishes, a Selectee list and a Non Fly list. [REDACTED]

(b)(3)  
1520.7(j)

2. Individuals placed on the Selectee list [REDACTED] when they check in for an air carrier flight they are subjected to closer screening than other individuals.

(b)(3)  
1520.7(a)  
1520.7(b)  
1520.7(c)  
1520.7(j)

3. Individuals placed on the No Fly list are [REDACTED]

4. [REDACTED] The lists are Sensitive Security Information which must be properly handled and safeguarded.

5. [REDACTED]

(b)(3)  
1520.7(a)  
1520.7(b)  
1520.7(j)

6. [REDACTED]

(b)(3)  
1520.7(a)  
1520.7(b)  
1520.7(c)  
1520.7(j)

7. Problems have arisen wherein individuals have been subjected to additional screening, or denied boarding, when in fact they were not on either TSA watchlist. Several such cases are under investigation to determine why the individuals are flagged [REDACTED] even though they are not on a TSA watchlist.

(b)(3)  
1520.7(a)  
1520.7(b)  
1520.7(j)

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8. [REDACTED] Alternatively, the individuals might be on a U.S. Immigrations Service or other federal agency list. However, it is unclear how these lists might interface with the air carrier reservation systems.

(b)(3)  
1520.7(a)  
1520.7(b)  
1520.7(c)  
1520.7(j)

9. [REDACTED]

10. TSA is moving to address these problems by establishing firmer guidelines [REDACTED] requiring more biographical [REDACTED]

(b)(3)  
1520.7(a)  
1520.7(b)  
1520.7(c)  
1520.7(h)  
1520.7(j)  
1520.7(i)  
(b)(5)

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[REDACTED]

From: [REDACTED]  
Sent: Monday, December 16, 2002 5:56 PM  
To: [REDACTED]  
Subject: RE: Release of Information

(b)(6)

Ah ha! I think that I have the answer for you – if I understand the question. [REDACTED]

(b)(3)

Let me know if that answers your question.

[REDACTED] (b)(6)

-----Original Message-----

From: [REDACTED]  
Sent: Monday, December 16, 2002 5:20 PM  
To: [REDACTED]  
Subject: FW: Release of Information

(b)(6)

My understanding is that you are our "man in Havana" concerning SSI. What are your thoughts about the attached?

(b)(3)

(b)(3)

1520.7(1)

[REDACTED]

(b)(3)

1520.7(1)

(b)(3)

Note the section entitled "Organizations Eligible to Receive Watchlists" starting on page 3 of draft policy No. 7.

[REDACTED]

Your thoughts will be most appreciated.

[REDACTED] (b)(6)

-----Original Message-----

From: [REDACTED]  
Sent: Wednesday, December 11, 2002 4:52 PM  
To: [REDACTED]  
Subject: Release of Information

(b)(6)

(b)(3)

1520.7(1)

(b)(3)

In thinking about our meeting yesterday concerning the [REDACTED]  
[REDACTED]  
(Apparently, there is some history to that specific request.)

In looking at 49 CFR 1520, and in discussing this issue with my colleagues, I don't think section 1520 applies [REDACTED]

(b)(3)

[REDACTED]

(b)(5)



Please let me know your thoughts..

Regards,

(b)(6)



Office of Law Enforcement and Security Liaison  
202-385-1379



To:

[REDACTED]

(b)(6)

Date: December 17<sup>8</sup>, 2002

From:

[REDACTED]

Re: Meeting - Watchlist "False Positive" Problem: December 18, 2002, 3:00 p.m.

Meeting Overview

To discuss the proposed Watchlist policy generally and to solicit air carrier support for efforts to reduce the incidents of "false positives", i.e., the mistaken identification of air travelers who are not on either of the two TSA watchlists.

Attendees

[REDACTED], ATA; [REDACTED], ATA  
[REDACTED], NACA  
[REDACTED], ACAA

(b)(6)

Length of Meeting

Approximately 1:00 hour; Location: Conference Room 3522

Issues

[REDACTED]

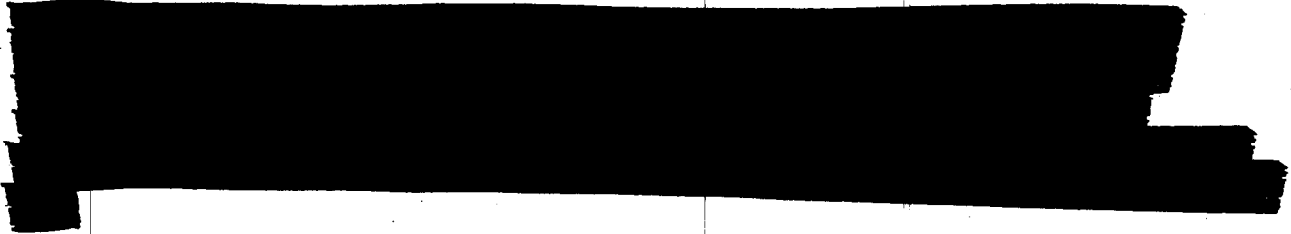
(Attachment Nos. 2 and 3)

(b)(3)  
1526.7(a)  
1526.7(b)  
1526.7(c)  
1526.7(i)

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Things to Watch Out For



(b)(5)  
(b)(3)  
1520.7(a)  
1520.7(b)  
1520.7(c)  
1520.7(d)

-Sec Document No. 34

Attachments

- No. 1: Draft Policy No. 7, dated December 11, 2002
- No. 2: Alaskan Airlines Email dated December 11, 2002
- No. 3: Alaskan Airlines Email dated December 16, 2002

cc: [redacted] w/attachments



"  
"

(b)(6)

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[REDACTED] (b)(6)

Below are the answers to your questions.

How does Alaska Airlines' system works in terms of handling Selectee/No Fly list passengers?

When Alaska Airlines receives a new list from the TSA

[REDACTED]

(b)(3)  
1520.7(c)  
1520.7(j)  
(b)(2) H1G1H

Please briefly explain how the system works?

When a person

[REDACTED]

[REDACTED]

(b)(3)  
1520.7(a)  
1520.7(b)  
(b)(2) H1G1H

Let me know if you have any other questions.

[REDACTED]

(b)(6)

Alaska Airlines

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21B

0048



(b)(6)

I've asked Sabre since October to help us fix this problem, but they don't feel it is urgent enough and are dragging their feet.

A few options that may work.

- 1. [REDACTED]
- 2. [REDACTED] They won't change the program unless asked by the TSA. (In writing)
- 3. [REDACTED]
- 4. Get CAPPS II up and running so the government handles the name lists. Alaska Airlines would be very interesting in testing CAPPS II.

(b)(3)  
 1520.7(c)  
 1520.7(j)  
 1520.7(l)  
 (b)(2) HIGH

Thanks for working with us. This has been such a headache for me. Any solutions or combinations would be greatly appreciated.

(b)(6)

[REDACTED]

[REDACTED]

@tsa.dot.gov writes:

Many thanks to both of you for the information. It is a big help to understanding the problem of people being pulled aside when they are not on a watchlist. Any suggestions how to assist the passenger who is continually flagged by Sabre but not on a TSA watchlist?

(b)(6)

Again, many thanks.

[REDACTED]



# Memorandum

United States Department of Transportation  
Transportation Security Administration

Subject: Development of Watch List Policy

Date: January 7, 2003

From: [Redacted] (b)(6)  
To: [Redacted] (b)(6)

Reply to  
Attn. of:  
CC [Redacted] (b)(6)

You requested a list of areas in which we will need support to finalize a watch list policy. The deadline established by Adm. Schor for completion of the policy is January 20, 2003.

(b)(5)  
(b)(3)  
1520.7(i)

Please note that during the briefing for Adm Schor on January 6, Maritime and Land Security proposed that [Redacted]. Adm. Schor expressed reservation whether it is appropriate, at this time, to take this step. However, he instructed [Redacted] to work with Intel and Regulation and Policy on the proposal.

(b)(6)

The following are the areas in which we need support to finalize the watch list policy.

(b)(5)  
(b)(3)  
1520.7(c)  
1520.7(j)  
1520.7(i)

1. [Redacted]
2. [Redacted]
3. [Redacted]

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(b)(5)

4.

(b)(5)

5.

(b)(3)

1520.7(c)

6.

1520.7(j)

1520.7(l)

(b)(5)

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[REDACTED]  
From: [REDACTED]  
Sent: Tuesday, February 04, 2003 3:16 PM  
To: [REDACTED]  
Subject: FW: Watch List Work Group

Importance: High

-----Original Message-----

(b)(6)  
From: [REDACTED]  
Sent: Tuesday, January 07, 2003 4:49 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: Watch List Work Group  
Importance: High

On January 6, Adm Schor was briefed on "Watch List" issues. At the end of the briefing, Adm Schor directed us to formalize a "Watch List" policy no later than January 20.

[REDACTED] has the lead on this effort for Policy. [REDACTED] will be assisting [REDACTED]. They are pulling together a working group to address the issues related to the Watch List and to coordinate a written policy.

The following are the areas in which we need support to finalize the watch list policy.

(b)(5)  
(b)(3)  
1520.7(c)  
1520.7(j)  
1520.7(i)


1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]

(b)(5)  
(b)(5)  
(b)(3)  
1520.7(c)  
1520.7(j)  
1520.7(i)  
(b)(5)

We would appreciate it if you would designate someone to represent your organization on this workgroup so the policy can be developed and coordinated in time to meet Adm

Schor's suspense date.

Thanks for your assistance.

 (b)(6)

WATCH LIST WORKING GROUP  
COORDINATION MEETING

AGENDA

1. Sign In
2. Review Briefing for Vadm Skhor
3. Review Issues and Task Assignments  
Develop TSA Policy Document that:

(b)(3)  
1520.7(a)  
1520.7(b)  
1520.7(j)  
1520.7(i)

[REDACTED]

(b)(5)

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4. Straw man Draft Policy
5. Working Group Schedule
6. Next Coordination Meeting (date/time/place)

WATCH LIST WORKING GROUP SCHEDULE

January 10, 2003

Friday, January 10

First coordination meeting; task assignments

Monday, January 13

Second coordination meeting; identification of major issues requiring policy decision

Tuesday, January 14

Submission to Policy by COB of written input (via email) for draft policy

Wednesday, January 15

Compile input into policy and distribute draft to working group for review, final comments

Thursday, January 16

Final comments to Policy by noon (via email)

Friday, January 17

Final draft policy to working group members for sign off by principals

Monday, January 20

Final sign off complete by noon; submission of Final Draft Policy to Vadm Skhor

27B

0056



WATCH LIST WORKING GROUP  
COORDINATION MEETING NO. 2

AGENDA

1. Pass Sign-in Sheet
2. Review Progress of Work for Each Issue
3. Review Input from Office of Intelligence
  - Discuss Alternative View
  - Discuss Additions/Deletions, if any
4. Review MOU Input
  - Discuss Alternative View
5. Discuss Other Concerns/Issues
6. Revise Work Schedule
7. Next Meeting of Working Group

WATCH LIST WORKING GROUP  
TASK PROGRESS UPDATE

Issue No. 1:

Action:

Status:

(b)(6)

(b)(3)  
1520.7(1)

Issue No. 2:

Action:

Status:

(b)(6)

(b)(5)

Issue No. 3:

Action:

Status:

(b)(6)

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0058  
27D

Issue No. 4: Standardize air carrier implementation of watch lists, i.e., [REDACTED]

Action: [REDACTED] (b)(6)

Status: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Issue No. 5: [REDACTED]

Action: [REDACTED] (b)(6)

Status: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Issue No. 6: [REDACTED]

Action: [REDACTED] (b)(6)

Status: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b)(5)  
(b)(3)  
§20.7(1)

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Issue No. 7:

[REDACTED]

Action:

[REDACTED]

(b)(6)

Status:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b)(5)  
(b)(3)  
1520.7(1)

Issue No. 8:

[REDACTED]

Action:

[REDACTED]

(b)(6)

Status:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Issue No. 9: Provide coordinated TSA public affairs response to watch list inquiries

Action:

[REDACTED]

(b)(6)

Status:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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[REDACTED]

(b)(5)  
(b)(3)  
1520.7(c)  
1520.7(j)

-----Original Message-----

From: [REDACTED]  
Sent: Wednesday, January 22, 2003 5:54 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: Council on American Islamic Relations (CAIR) - [REDACTED]

(b)(6)

Need some help.

[REDACTED]

(b)(6)  
(b)(5)  
(b)(3)  
1520.7(c)

[REDACTED]

I should get back to her soon, if possible.  
Many thanks,

[REDACTED] (b)(6)

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From:  
Sent:  
To:  
Subject:

Wednesday, January 22, 2003 6:31 PM

RE: Council on American Islamic Relations (CAIR)

(b)(6)

[Redacted]

(b)(6)  
(b)(6)

-----Original Message-----

From: [Redacted]  
Sent: Wednesday, January 22, 2003 5:54 PM  
To: [Redacted]  
Cc: [Redacted]  
Subject: Council on American Islamic Relations (CAIR) - Asif Iqbal

(b)(6)

Need some help.

[Redacted]

(b)(6)  
(b)(5)  
(b)(7)  
(S20.7)(c)

I should get back to her soon, if possible.  
Many thanks,

[Redacted]

(b)(6)

Senior Advisor  
Office of Security Regulation and Policy  
Room 3522, GSA Building  
400 7th Street, S.W.  
Washington, D.C 20590  
202-385-1820

0062

RSA

# Transportation Security Administration (TSA)

## GAO Survey of Federal Agencies' Use of "Watch lists" of Domestic and International Terrorists and Criminals

### Agency Contact Information:

Name: [REDACTED]  
Title: Intelligence Operations Officer  
Organization: Transportation Security Intelligence Service, TSA  
Telephone: [REDACTED]  
Fax: [REDACTED]  
E-Mail: [REDACTED]

7

b(6)

]

### I. Definition of Domestic and International Terrorist and/or Criminal

TSA uses the definition of terrorism contained in Title 22 of the United States Code, Section 2656f(d). That statute contains the following definitions:

--The term "terrorism" means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.

--The term "international terrorism" means terrorism involving citizens or the territory of more than one country.

TSA does not specifically define "criminal," as TSA does not watch list criminals.

### II. Watch List Development and/or Maintenance

*\*\*Please note that the current TSA watch lists only identify potential threats to aviation and are only implemented by air carriers. TSA does not currently administer watchlists for any other mode of transportation.*

Name of Watch list: No-Fly List

Purpose of Watch list: The purpose of the No-Fly list is to prevent the transport of individuals who [REDACTED]

b(3)

1520.7(c)

1. Terrorists Only

2. Both electronically and manually

3. As of August 1, 2002, there were [REDACTED] individuals listed on the No-Fly list.

b(3)

1520.7(a)(b)

4. External Only

b(2)

5. All individuals placed on the No-Fly list are added or removed based on the request of and/or information provided by a U.S. federal intelligence or law enforcement agency.

[REDACTED] b(3)  
[REDACTED] 1520.7(c)  
[REDACTED] (j)

[REDACTED]. Since TSA has two watch lists, No-Fly and Selectee, the determination of the list on which the individual is placed is based upon [REDACTED]

[REDACTED]

The placement of individuals on the No-Fly list is guided by two primary principles:

[REDACTED] b(3)  
[REDACTED] 1520.7(c)  
[REDACTED] (j)

However, these principles are necessarily subjective, providing guidelines, not "hard and fast" rules.

[REDACTED] b(5)  
[REDACTED] b(3)  
[REDACTED] 1520.7(c)  
[REDACTED] (j)

6. The requests for the addition of names to the No-Fly list must be conveyed via record message traffic or a paper request (faxed or emailed), which ensures a paper trail on how the request came to TSA and what the justification was for the request. Any aberrations in application of the watchlisting criteria are noted and maintained in a file. The [REDACTED] b(6)  
[REDACTED] reviews all additions before the list is amended and disseminated.

7. [REDACTED] b(3)  
[REDACTED] 1520.7(c)  
[REDACTED] (j)

8. The requests for the removal of names to the No-Fly list must be conveyed via record message traffic or a paper request (faxed or emailed), which ensures a paper trail on the justification for the removal request. Any aberrations in application of the removal criteria are noted and maintained in a file. The [REDACTED] b(6)  
[REDACTED] reviews all removals before the list is amended and disseminated.



9. The list is updated as necessary, if requests are received for additions/removals. [REDACTED]

b(3)  
1520.7(j)

10. The information is classified "For Official Use Only." Additionally, it is labeled as Sensitive Security Information (SSI), which is a handling and dissemination caveat, which specifies that only personnel involved in aviation security are allowed to have access to the list and its contents. SSI ensures that only individuals who are involved in aviation security are allowed to review and handle the list and its contents.

11. [REDACTED]

b(3)  
1520.7(a)

12. [REDACTED]

(b)  
(j)

13. A. [REDACTED]

B. The following biographical data is included in the No-Fly list: [REDACTED]

b(3)  
1520.7(a)

C. [REDACTED]

(b)

D. [REDACTED]

(c)

E. [REDACTED]

(j)

14. TSA shares all or some of this information with select Federal, state, and local agencies, as well as private sector firms.

15. A. Federal Agencies: law enforcement and intelligence. [REDACTED]

b(3)

[REDACTED] TSA shares information with other federal agencies based on the release given by the agency that provided the information on the particular individual on the No-Fly list. [REDACTED]

1520.7(j)

B. State agencies: law enforcement, if personnel are directly involved in aviation security.

C. Local agencies: law enforcement, if personnel are directly involved in aviation security.

D. Private Sector: Commercial Airlines.

[REDACTED]

b(3)  
1520.7(a)  
(b)  
(j)

16. [REDACTED]

This data is shared with Federal law and intelligence agencies, which are either involved in aviation security or are granted access to the information by the originator of that information. TSA also shares this information from the No-Fly list with state and local law enforcement personnel that are directly involved with aviation security. TSA disseminates the [REDACTED]

b(3)  
1520.7(a)  
(b)  
(c)  
(j)

[REDACTED]

[REDACTED]

b(3)  
1520.7(j)

17. Whether federal, state, local, or private sector, TSA provides watch list data only to persons who "need to know" the information to perform their duties in aviation security, or are permitted access to the information by the originating agency. Agencies that provide the information to TSA do so with the understanding that it will only be shared with those persons. Unauthorized disclosure would jeopardize other agencies' willingness to provide information to TSA in the future.

Name of Watch list: Selectee List

Purpose of Watch list: The purpose of the Selectee List is to ensure additional security screening measures are applied to individuals [REDACTED]

b(3)  
1520.7(c)

[REDACTED]. These individuals are [REDACTED]

The additional security screening is deemed sufficient to ensure these persons are not a threat to an aircraft, its passengers, or crewmembers.

1. Terrorists Only

2. Both electronically and manually

3. As of August 1, 2002, there were [REDACTED] individuals listed on the Selectee list.

b(2)  
b(3)  
1520.7(a)(b)

4. External Only

5. All individuals placed on the Selectee list are added or removed based on the request of [REDACTED] and/or information provided by a U.S. federal intelligence or law enforcement agency.

[REDACTED]

b(3)  
1520.7(c)  
(j)

[REDACTED]

b(3)  
1520.7(c)  
(j)

[REDACTED]

b(3)  
1520.7(c)

6. The requests for the addition of names to the Selectee list must be conveyed via record message traffic or a paper request (faxed or emailed), which ensures a paper trail on how the request came to TSA and what the justification was for the request. Any aberrations in application of the watchlisting criteria are noted and maintained in a file. [REDACTED] reviews all additions before the list is amended and disseminated.

b(6)

7. [REDACTED]

b(3)  
1520.7(c)  
(j)

8. The requests for the removal of names to the Selectee list must be conveyed via record message traffic or a paper request (faxed or emailed), which ensures a paper trail on the justification for the removal request. Any aberrations in application of the removal criteria are noted and maintained in a file. [REDACTED] reviews all removals before the list is amended and disseminated.

b(6)

9. The list is updated as necessary, if requests are received for additions/removals. [REDACTED]

b(3)  
1520.7(j)

10. The information is classified "For Official Use Only." Additionally, it is labeled as Sensitive Security Information (SSI), which is a handling and dissemination caveat, which specifies that only personnel involved in aviation security are allowed to have access to the list and its contents. SSI ensures that only individuals who are involved in aviation security are allowed to review and handle the list and its contents.

11. [REDACTED]  
12. [REDACTED]

b(3)  
1520.7  
(a)  
(b)  
(j)

13. A. [REDACTED]  
B. The following biographical data is included in the Selectee list: [REDACTED]

b(3)  
1520.7(a)-(c)  
(j)

C. [REDACTED]  
D. [REDACTED]  
E. [REDACTED]  
F. [REDACTED]

14. TSA shares all or some of this information with select Federal, state, and local agencies, as well as private sector firms.

15. A. Federal Agencies: law enforcement and intelligence. [REDACTED] TSA shares information with other federal agencies based on the release given by the agency that provided the information on the particular individual on the Selectee list. [REDACTED]

b(3)  
1520.7(j)

B. State agencies: law enforcement, if agency is directly involved in aviation security.

C. Local agencies: law enforcement, if agency is directly involved in aviation security.

D. Private Sector: Commercial Airlines. [REDACTED]

b(3)  
1520.7(a)  
(b)

16. [REDACTED] This data is shared with Federal law and intelligence agencies, which are either involved in aviation security or are granted access to the information by the originator of that information. TSA also shares this information from the Selectee list with state and local law enforcement personnel that are directly involved with aviation security. TSA disseminates [REDACTED]

b(3)  
1520.7  
(a-c)  
(j)

b(3)  
1520.7(j)

17. Whether federal, state, local, or private sector, TSA provides watch list data only to persons who "need to know" the information to perform their duties in aviation security, or are permitted access to the information by the originating agency. Agencies that provide the information to TSA do so with the understanding that it will only be shared with those persons. Unauthorized disclosure would jeopardize other agencies' willingness to provide information to TSA in the future.

### III. Watch list Policies and Procedures

1. No

2. No, TSA does not have an official watch list data sharing agreement with any agency. However, TSA does have general memorandums of understanding and [REDACTED]

b(3)  
1520.7(a-c)  
(j)

3. Yes. TSA directly shares the No-Fly and Selectee lists with [REDACTED]. TSA shares this information with other agencies on an ad hoc basis, depending on involvement in aviation security and release by originating agency. [REDACTED] and state and local law enforcement agencies may be provided this information as required and approved.

b(3)  
1520.7(b)  
(c)  
(j)

4. Electronically.

5. TSA shares the lists electronically via telecommunications links and web access.

### IV. Watch list Users—Those Who Access and Use Other Agencies' Watch lists

Name of Watch list: [REDACTED]

Agency Providing Watch list: [REDACTED]

7  
b(2) high  
b(3) 1520.7(j)

How Does Your Agency Use This Watch list: TSA only has direct access to one intelligence or law enforcement watch list [REDACTED]

1. Terrorists only.

2. Electronically.

3. Intelink.

4. Yes.

5. Real-time.

6. Yes.

7. [Redacted]

b(3)  
1520.7 (a)  
(b)  
(j)

8. [Redacted]

9. Yes.

V. Information/Data Architecture

[Redacted]

b(2) high  
b(3)  
1520.7(j)  
/ b(6)

VI. Consolidation of Watch lists

1. Yes.

2. No.

3. N/A

4. Each agency's watch list serves a purpose particular to the interests and missions of that agency. For example, the TSA No-Fly and Selectee lists contain names of individuals who may [Redacted]

b(3)  
1520.7(c)  
(j)

[Redacted] The overriding concern is the safety of the flying public on American air carriers or in U.S. airspace.

[Redacted]

b(5)

5. [Redacted]

b(5)

[REDACTED]

b(5)

However, on an ad hoc basis, when TSA has requested information from other agencies on a specific watchlisted individual, those agencies have been very responsive in providing what information they have available, usually in hard copy.

[REDACTED]

b(3)  
1520.7(j)

b(5)

[REDACTED]

b(5)

6. [REDACTED]

A. [REDACTED]

b(5)  
b(3)  
1520.7(j)  
(1)

B. [REDACTED]

b(5)

7. TSA shares the No-Fly and Selectee lists with [REDACTED] commercial air carriers, as well as [REDACTED]. This information can also be shared with state and local law enforcement entities when [REDACTED]

b(3)  
1520.7(a)  
(b)

responsible for aviation security, such as law enforcement officers at airports. However, this information is shared on a strict "need to know" basis when law enforcement involvement is necessary.

8.

[REDACTED]

b(2) high  
b(3)  
15207(j)

9. No.

10.

[REDACTED]

b(5)

11.

[REDACTED]

b(5)

b(3)

1520.7(j)



Mathison, Ted

From: [redacted]  
Sent: Wednesday, December 11, 2002 6:11 PM  
To: [redacted]@faa.gov  
Cc: [redacted]  
Subject: Re: Selectee/No Fly Listing Procedures

} b(6)

[redacted] b(6)

Below are the answers to your questions.

How does Alaska Airlines' system works in terms of handling Selectee/No Fly list passengers?

When Alaska Airlines receives a new list from the TSA [redacted]

Please briefly explain how the system works?

When a person [redacted]

} b(3)  
1520.7(c)  
1520.7(j)  
b(2)

[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

} b(3)  
1520.7(a)  
1520.7(b)  
b(2)

Let me know if you have any other questions.

[redacted]  
Alaska Airlines

b(6)

[redacted] a.gov writes: ) b(6)

>Morning [redacted]

>Could you please advise; per TSA Intelligence (TSI) request, how does  
>Alaska Airlines' system works in terms of handling Selectee/No Fly list  
>passengers? Please briefly explain how the system works? What does Alaska  
>Airlines consider a match? What procedural steps do you take upon receiving  
>a match?

>Apparently there have been a couple of instances whereupon an individual  
>has been on a list, however they are not on the TSI listing, hence we  
>[redacted] and myself) are trying to clear up this problem and  
>need your assistance in describing your procedures.

>Thanks in Advance,  
>

} b(6)

Mathison, Ted

From: [redacted]@alaskaair.com]  
Sent: Monday, December 16, 2002 4:47 PM  
To: [redacted]  
Cc: [redacted]  
Subject: Re: RE: Selectee/No Fly Listing Procedures

} b(6)

b(6)

I've asked Sabre since October to help us fix this problem, but they don't feel it is urgent enough and are dragging their feet.

A few options that may work.

1. [redacted]
2. [redacted]. They won't change the program unless asked by the TSA. (In writing)
3. [redacted]

} b(3)  
152a.7(c)  
152a.7(j)  
1520.7(1)  
b(2)

4. Get CAPPS II up and running so the government handles the name lists. Alaska Airlines would be very interesting in testing CAPPS II.

Thanks for working with us. This has been such a headache for me. Any solutions or combinations would be greatly appreciated.

} b(6)

[redacted].dot.gov writes:

- >Many thanks to both of you for the information. It is a big help to
- >understanding the problem of people being pulled aside when they are not on a
- >watchlist. Any suggestions how to assist the passenger who is continually
- >flagged by Sabre but not on a TSA watchlist?
- >
- >Again, many thanks.

b(6)

Alaska Airlines

SEAZK

} b(6)