

ATTACHMENT A - PART 1



TSA Watch Lists

December 2002



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TSIS 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, 16 individuals were identified as “no transport”
 - Individuals presented a specific known or suspected threat to aviation



~~SENSITIVE SECURITY INFORMATION~~



September 12 - November 2001

- FAA disseminated the FBI *Pentbom* watch list
 - Supported by SD/EA
 - Denied transport
 - FBI controlled contents
 - More than 400 names at peak
- November 2001, FAA assumed responsibility for the list

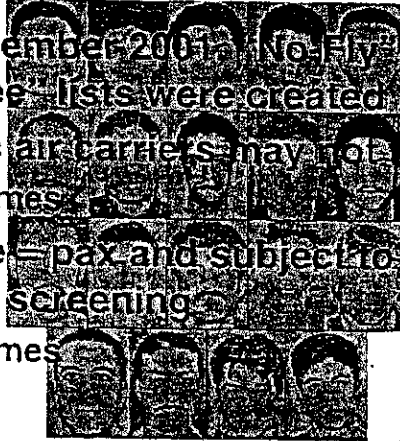


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Current TSA Watch Lists

- Mid-December 2001, "No-Fly" and "Selectee" lists were created
- No-Fly = air carriers may not transport
 - 594 names
- Selectee = pass and subject to additional security screening
 - 365 names



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Criteria & Requirements

- Additions/removals based on request and info from federal LE or Intel agencies
- Two primary guidelines
 - Does the individual present a threat to civil aviation?
 - Is there sufficient unclassified biographical data to ensure proper identification?

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Criteria

- No-Fly = prevent boarding of person who is a known or suspected threat to aviation
- Selectee = additional security for persons who [REDACTED]

* TSA lists are [REDACTED]

SENSITIVE SECURITY INFORMATION

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Requirements

- Must be FOUO releasable biographical data

* [REDACTED]

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Air Carrier Implementation

- TSA depends on private industry to implement the SDs/EAs that support the lists
 - SD/EA is a minimum required
 - Carrier's prerogative to do more
- Variations between carriers and between stations



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LEO Response

- No-Fly
 - Must notify local LEO to compare data
 - If match, must notify FBI [REDACTED]
- Selectee
 - If match, notify FBI [REDACTED]
- Oct 2002 SD 1542-01-07G
 - Requires local LEO to respond to air carriers



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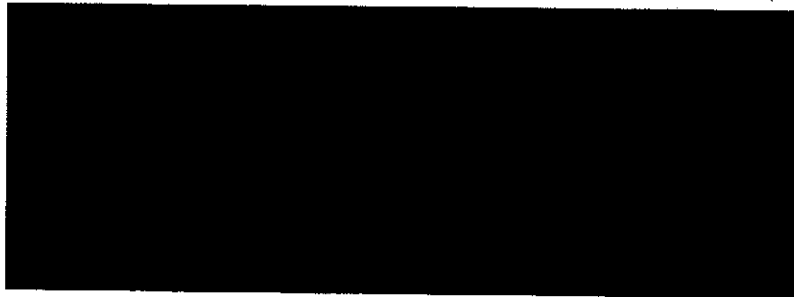
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Problems & Solutions

- Insufficiency of data



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Problems & Solutions

- Access to data
 - [Redacted] FSD should provide lists
 - Need to be treated as SSI



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TSA Initiatives

- **First anniversary of creation of TSA watch lists**
 - Review of criteria & requirements to establish and publish a policy
 - Scrub of lists
- **Working with carriers to develop procedures that will standardize implementation**
- **CAPPS II**

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Conclusion

- **Effective implementation requires a partnership**
 - Communication
 - Working Together

TSA + Air Carriers + FBI = Safe Flying Public

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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]

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(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, and local law enforcement officers (LEOs) and FBI must respond to potential name matches.

[Redacted]

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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]

On September 11, 2001, only three of these SDs were in effect, with a total of 16 names of individuals that air carriers were prohibited from transporting.

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(SSI) Early on September 12, at the request of the FBI, the FAA issued SD-108-01-06/EA 129-01-05, which included a list of individuals developed by the FBI as part of the *Pentbom* investigation. According to the SD/EA, if any persons on the FBI-provided list [redacted] presented themselves for travel, the air carriers* must [redacted]

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[redacted] Air carriers were also instructed to contact the nearest FBI field office [redacted]. The FBI "controlled," both administratively and operationally, the contents of the list and added or removed names in accordance with the *Pentbom* investigation. The FAA received the list from the FBI and disseminated it to air carriers, without any format or contents changes. FAA, in essence, acted as a conduit for the dissemination of their "watchlist." The list of names often changed daily and, at its peak, included more than 400 names. The FAA disseminated this FBI "watchlist" in accordance with this SD/EA* * until November 8, 2001.

(SSI) In November 2001, at the request of the FBI, 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 (16 total) were canceled, and the names were added to the new FAA "No-Fly" list, which was disseminated under this new SD. Approximately 20 names were carried over from the "FBI watchlist" to the "FAA watchlist." In mid December, the "FAA watchlist" was further refined, 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."

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]. Although TSA is responsible for administratively coordinating the two lists, all persons on the two lists are placed there, or removed, based on the recommendation and information [redacted]. The determination on whether an individual is placed on the No-Fly or Selectee list is based on both the request of the originating agency and, absent any direction more specific than "please watchlist," the content, credibility, and specificity of the threat information provided. Names are removed from the two lists when the agency that initiated the watchlist request notifies TSA that, through investigation or development of additional information, the individual is no longer assessed to pose a threat to U.S. civil aviation or National Security.

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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:

- Does the individual present a potential threat to civil aviation?

-- Does FAA have enough unclassified biographical information to ensure that the named individual, if he presents himself/herself, can be identified and properly processed, i.e. denied boarding or subjected to additional security screening?

(FOUO) The essential purpose of the No-Fly list is to prevent the transport of individuals who pose a known or suspected threat to U.S. civil aviation assets. 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. Individuals placed on the Selectee list may be watchlisted

[REDACTED]

The additional security screening is deemed sufficient to ensure these individuals are not a threat to the aircraft, its crew, or passengers.

[REDACTED]

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

(FOUO) These watchlisting criteria are necessarily subjective but provide guidelines for determining whether the information about a specific individual merits the addition of that individual to the No-Fly or Selectee lists. However, the criteria are obviously not "hard and fast" rules. Credible information about an individual who has [REDACTED] will be reviewed, even if the specificity of threat is lacking. Still, the benchmark for credibility must be set sufficiently high to ensure that only individuals who present a danger to U.S. aircraft or aviation assets are prohibited from travel.

C. (FOUO) Requirements: In order for either the No-Fly or the Selectee lists to function efficiently and adequately serve their purposes, biographical data must be released at the "For Official Use Only" level. Unlike databases operated by INS, Customs, and the State Department, the No-Fly and Selectee lists are implemented by the commercial airline industry, which must be able to access the biographical data in order to identify possible name matches. Additionally, as the No-Fly SD requires, local law enforcement personnel are also involved in the adjudication process and need access to information in order to make the determination of whether the passenger is, indeed, the person on the list.

(FOUO) More importantly, however, [REDACTED]

The biographical data allows the airline personnel or law enforcement officer to make an initial determination as to whether the passenger may be a potential name match. Once the airline representative contacts an LEO or FBI agent, that investigator, who is called to interview the potential name match, needs some biographical information based upon which he can make a determination about the veracity of the match. Without any accompanying biographical data, the responding agent cannot make an accurate determination as to whether the passenger is the person on the list.

[REDACTED]

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[Redacted]

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4. (FOUO) Problems and Recommendations:

A. (FOUO) Insufficiency of Data:

[Redacted]

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(FOUO) Solution:

[Redacted]

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B. (FOUO) Availability of Data:

[Redacted]

(FOUO) Solution:

[Redacted]

C. (FOUO) Overseas Problems:

[Redacted]

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[Redacted]

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(FOUO) Solution: [Redacted]

5. (FOUO) Conclusions: After almost one year of administering the growing No-Fly and Selectee lists, the publication of a policy that articulates the criteria and requirements for adding and removing individuals from the No-Fly and Selectee list is critical. TSA continues to receive these requests on a daily basis. [Redacted]

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[Redacted]

Claudio Manno

Claudio Manno



Transportation Security Administration

Transportation Security Administration Aviation Watchlists

Congressional Staff Briefing

November 12, 2002

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Background

- Originated in the 1990's as the Federal Aviation Administration (FAA) identified persons air carriers could not transport due to a threat to aviation

- Persons were

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- Following 9-11, the Federal Bureau of Investigation (FBI) expanded the list from 16 to 400 individuals with frequent changes

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Background (Cont.)

- In November of 2001, the FBI asked FAA/TSA to assume “full administrative” responsibility for the list
- 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)(2) (b)(3) 1520.5(b)(9)(ii)

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Issues

- Difficulty in determining who poses a threat to aviation and why
- Lack of biographical information to make a positive match at the time of flight check-in
- Air carrier application of lists
- Distribution of lists to “need to know”

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Next Steps

- Prepare appropriate implementing documents to:
 - Establish criteria for placement of individuals on the lists
 - Define biographical information for positive match
 - Prescribe uniform distribution and application of the lists
- Legal review and interagency coordination
- Coordination with air carriers and other users

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[Redacted]

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

Chad F. Wolf
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
chad.wolf@tsa.dot.gov

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

From: Sieger, Cori
Sent: Monday, December 02, 2002 2:48 PM
To: Wolf, Chad
Cc: [Redacted] (b)(6)
Subject: No Fly

Chad, thanks for the help. Attached is an article about this gentleman. [Redacted] is going to get us [Redacted]. Please note, Mr. Mussara is a retired Coastie.

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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

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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 or 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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Transportation Security Administration
400 7th Street SW - Rm 10409
Washington, DC 20590
(202) 366-4312 - Phone
(202) 366-7346 - Fax*

0021

December 23, 2002

TO: Tom Blank

FROM: [REDACTED] (b)(6)

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] 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.

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] 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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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.

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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

(b)(6)

From: [redacted]
Sent: Thursday, December 19, 2002 1:49 PM
To: [redacted]; Sieger, Cori; Wolf, Chad
Cc: [redacted]
Subject: FW: False Positive Problem

Reference the attached instructions to assist Mr. Musarra which should help in the short term. However, the procedures outlined therein will not enable him to make reservations on line, etc. without again being flagged.

As background information, which is still being researched and thus not appropriate to share outside of DOT at this time, one of the underlying problems is the way the air carrier computer reservation systems [redacted]

[redacted] Add to that the difficulties the carrier is having in marrying up the names on the lists with the respective biographical information, one begins to understand the magnitude of the problem. At this point in time, there appears to be neither an easy nor quick fix of the problem, but we are working on it diligently.

This being the case, would it be prudent for Public Affairs to craft a set piece that can be used to respond quickly to media and similar inquiries until we can fix the problem?

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

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

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

From: [redacted]@alaskaair.com
Sent: Thursday, December 19, 2002 12:40 PM
To: [redacted]
Cc: [redacted]; Sieger, Cori; Wolf, Chad;
[redacted]@alaskaair.com
Subject: Re: False Positive Problem

1520.5(b)(1)(i)
1520.5(b)(2)(i)
1520.5(b)(8)
1520.5(b)(8)(i)
1520.5(b)(9)(i)
1520.5(b)(9)(ii)

(b)(6)

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

In addition, his reservation is flagged because of [redacted] on the no fly list.

(b)(3)
1520.5(b)(9)(ii)

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.

Sincerely,

[redacted]
Alaska Airlines
[redacted] Aviation Security Compliance
[redacted]
SEAZK
[redacted]@alaskaair.com

[redacted]@tsa.dot.gov writes:

>
>
>

>Reference the attached article concerning Mr. Musarra. Can you shed any light

0024

>on what is happening to him? He is [REDACTED] Many thanks,

(b)(3)
1520.5(b)(9)(ii)

> [REDACTED]
> [REDACTED]

(b)(6)

> <<FW: No Fly>>

>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

>Chad F. Wolf
>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
>chad.wolf@tsa.dot.gov

> -----Original Message-----

>From: Sieger, Cori
>Sent: Monday, December 02, 2002 2:48 PM
>To: Wolf, Chad
>Cc: [REDACTED] (b)(6)
>Subject: No Fly

(b)(6)

>Chad, thanks for the help. Attached is an article about this gentleman.

(b)(3)
1520.5(b)(9)(ii)

> [REDACTED] is going to get us [REDACTED]

Please note, Mr.

>Mussara is a retired Coastie.
>
>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.

>
>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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>
>Cori B. Sieger, 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
>

Memorandum for the Record

SUBJECT: Watchlist Discussion with [REDACTED]

(b)(6)

From: [REDACTED]

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] is being singled out by the air carrier's reservation system.

(b)(2)
(b)(3)
1520.5(b)(1)(i)
1520.5(b)(2)(i)
1520.5(b)(8)
1520.5(b)(9)(i)
1520.5(b)(9)(i)
1520.5(b)(9)(ii)

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

[REDACTED]

(b)(3)
1520.5(b)(1)(i)
1520.5(b)(2)(i)
1520.5(b)(8)
1520.5(b)(8)(i)
1520.5(b)(9)(i)
(b)(2)

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. It has been suggested by some in the TSA that the Administration be the clearinghouse for all false positive situations, or alternatively, TSA publish a "cleared to fly" list. With over 1,000 names currently on the watchlists, this would be a major undertaking for TSA.

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)(2)
(b)(3)
1520.5(b)(1)(i)
1520.5(b)(2)(i)
1520.5(b)(8)(i)
1520.5(b)(9)(i)
(b)(6)

Another problem stems from the LEOs, who must attempt to resolve a false positive, not having access to the watchlists. The air carriers have had the responsibility of providing the watchlists to the FSDs who in turn provide them to the LEO.

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From: Sieger, Cori
Sent: Monday, December 09, 2002 8:46 AM
To: Wolf, Chad
Cc: [REDACTED]
Subject: RE: no-fly follow-up questions

(b)(6)

Chad 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-----
From: Wolf, Chad
Sent: Sunday, December 08, 2002 1:15 PM
To: Sieger, Cori
Cc: [REDACTED]
Subject: no-fly follow-up questions

Cori,
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, I believe the best way to answer the questions is by an informal phone call rather than a formal letter. as you know, this is a sensitive matter and it would be best for all if communication on this subject could be kept verbal.

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?

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 intelligence organizations provide sufficient biographical information about an individual before that person is placed on either watchlist - No-Fly or Selectee. TSA is working to develop clear guidelines to this end.

Q: How many individuals on the lists are U.S. citizens?

A: [REDACTED]

(b)(3)
F20.5(b)
(9)(ii)

I believe there was a question regarding the CR - that has been overtaken by events. I would ignore that one. All of the information is SSI - please insist that they not distribute to general public.

Cori, I'll let you make the appropriate phone calls to those staffers who asked and were interested in these questions.

(b)(6) 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)(3)
1520.5(b)(9)(ii)

Chad F. Wolf
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0041

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. The lists are assembled from information received from federal law enforcement agencies such as the FBI, CIA [REDACTED] about individuals who pose a threat to aviation. (b)(2)
(b)(3)
1520.5(b)(9)(ii)
2. Individuals placed on the Selectee list [REDACTED] and when they check in for an air carrier flight they are subjected to closer screening than other individuals. (b)(3)
1520.5(b)(8)(i)
1520.5(b)(9)(i)
1520.5(b)(9)(ii)
3. Individuals placed on the No Fly list are [REDACTED]. They are denied boarding and reported to the FBI. (b)(2)
4. Watchlists are provided to the air carriers, FSDs and the law enforcement organizations that provide the names of suspect individuals. The lists are Sensitive Security Information which must be properly handled and safeguarded.
5. The air carriers input the names on the watchlists into their reservation systems that then flag an individual's name [REDACTED]. (b)(3)
1520.5(b)(1)(i)
1520.5(b)(2)(i)
1520.5(b)(8)(i)
1520.5(b)(9)(i)
6. When an air carrier agent is confronted with a passenger flagged by the reservation system, [REDACTED]. (b)(2)
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 by the air carrier reservation systems even though they are not on a TSA watchlist.

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0042

8. [REDACTED] (b)(3)
 [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. 1520.5(b)(1)(i)
 1520.5(b)(2)(i)
 1520.5(b)(8)
 1520.5(b)(8)(i)
 1520.5(b)(9)(i)
9. Another problem encountered with some watchlist entries is that little or no biographical information was included when the names of individuals were placed on the lists. [REDACTED] (b)(3)
 [REDACTED] 1520.5(b)(8)
 1520.5(b)(8)(i)
 1520.5(b)(9)(i)
10. TSA is moving to address these problems by establishing firmer guidelines as to the reasons for placing individuals on the watchlists, requiring more biographical data from the organizations wanting individuals on the lists. [REDACTED] (b)(3)
 [REDACTED] 1520.5(b)(1)(i)
 1520.5(b)(2)(i)
 1520.5(b)(8)(i)
 1520.5(b)(9)(i)

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[REDACTED] (b)(6)
From: [REDACTED]
Sent: Monday, December 16, 2002 5:56 PM
To: [REDACTED]
Subject: RE: Release of Information

Ah ha! I think that I have the answer for you -- if I understand the question. [REDACTED] (b)(5)
[REDACTED]

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

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

(b)(6) [REDACTED] (b)(5)
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)(5) In thinking about our meeting yesterday concerning the release for the No Fly List to the [REDACTED] (b)(3) 1520.5(b) (8)(i) 1520.5(b) (9)(i)

[REDACTED] (Apparently, there is some history to that specific request.)
[REDACTED]

0044

[REDACTED]

(b)(5)

Please let me know your thoughts.

Regards,

[REDACTED]

(b)(6)

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

0045



Transportation Security Administration

MEMORANDUM

To: Tom Blank

Date: December 17, 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

Length of Meeting

Approximately 1:00 hour; Location: Conference Room 3522

Issues

TSA is developing a policy to strengthen the process whereby watchlists for the protection of commercial aviation are developed and distributed to the air carriers, FSDs, LEOs and others (Attachment No. 1). The policy is intended to clarify the criteria for placing individuals on either the Selectee or No Fly list depending upon the specific threat to aviation posed by each individual. In addition, the policy will require certain biographical information about each individual before he/she is placed on a list. This information will assist air carriers and LEOs in identifying individuals on the watchlists when they present themselves for air travel. Also it will reduce the number of "false positives". The problem of "false positives" is compounded by air carrier reservation systems [REDACTED]

(Attachment Nos. 2 and 3)

(b)(2)
(b)(3)
1520.5(b)(1)(i)
1520.5(b)(2)(i)
1520.5(b)(8)
1520.5(b)(8)(i)
1520.5(b)(9)(i)
1520.5(b)(9)(ii)

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Things to Watch Out For

We want the air carriers to be: (1) sensitive to the "false positive" problem as it impacts negatively their customers and detracts from the effectiveness of the watchlist program; and (2) proactive in pressuring their reservation system providers to address the [redacted] and reduce mistaken identification of individuals who are not on a TSA watchlist. The air carriers should understand clearly the [redacted] is theirs to fix.

(b)(3)
1520.5(b)(1)(i)
1520.5(b)(2)(i)
1520.5(b)(8)
1520.5(b)(9)(i)
1520.5(b)(9)(ii)

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

-Sec Document No. 34

cc: [redacted] w/attachments (b)(6)
" " "
Chad Wolf " "

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(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 we enter the names [redacted] into a Sabre database. [redacted]

(b)(3)
1520.5(b)(1)(i)
1520.5(b)(2)(i)
1520.5(b)(8)
1520.5(b)(9)(i)
1520.5(b)(9)(ii)

Please briefly explain how the system works?

When a person [redacted] the passengers name is compared against the list in Sabre. If Sabre finds the passenger's name [redacted] one on the list it will restrict our CSAs from checking in the passenger.

(b)(2)

What does Alaska Airlines consider a match? What procedural steps do you take upon receiving a match?

Alaska Airlines definition of a match is the same as described in SD 1544-01-21B and SD 1544-01-20A. Consequently, when a match is found we follow the steps as described in the SD. Any passenger who is not a match is cleared to travel.

Let me know if you have any other questions.

[redacted] (b)(6)
Alaska Airlines

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█ (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. Ask Sabre to program our system to █
█ They won't change the program unless asked by the TSA. (In writing)
2. █
█
3. █
█
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)(2)
 (b)(3)
 1520.5(b)(1)(i)
 1520.5(b)(2)(i)
 1520.5(b)(8)
 1520.5(b)(8)(i)
 1520.5(b)(9)(i)
 1520.5(b)(9)(i)

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

█

(b)(6)

█ 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.
█

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