

Judge Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHELLE D. GREEN, et al.,

Plaintiffs,

v.

TRANSPORTATION SECURITY
ADMINISTRATION, et al.,

Defendants

NO. C04-763 Z

**NOTICE OF FILING EXPEDITED
NO FLY LIST AND SELECTEE
LIST CLEARANCE PROCEDURES**

Pursuant to the Court's Order of October 29, 2004, defendants Transportation Security Administration (TSA), David M. Stone, Administrator of the TSA, the Department of Homeland Security (DHS), and Tom Ridge, Secretary of the DHS, are filing herewith a copy of the following publicly available documents:

- A. Transportation Security Administration Expedited No-Fly List and Selectee List Clearance Procedures (October 20, 2004);
- B. Transportation Security Administration Expedited No Fly List Clearance Procedures (June 4, 2003);
- C. Passenger Identity Verification Form;

- 1 D. Sample Letter to John Doe transmitting Passenger Identity Verification Form;
2 E. Sample Letter To John Doe notifying him that delays encountered do not result
3 from being mistaken for an individual on a TSA watch list;
4 F. Sample Letter regarding verification of identity.

5 These documents describe the expedited No Fly List and Selectee List clearance process
6 administered by the Office of the Ombudsman of the TSA. As explained in Attachment A, this
7 process is available to a person who: (a) has been delayed as a result of the No Fly List and
8 Selectee List clearance procedures when checking in for a boarding pass for scheduled or charter
9 flights, and (b) is seeking expedited No Fly List and Selectee List clearance procedures to aid in
10 expediting the person's check-in process for a boarding pass.

11
12 Dated: November 2, 2004

PETER D. KEISLER
Assistant Attorney General

13
14 JOHN MCKAY
United States Attorney

15 BRIAN C. KIPNIS
16 Civil Chief
United States Attorney's Office

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22 Transportation Security Administration
23 Department of Homeland Security
601 S. 12th Street
24 Arlington, VA 22202

s/ Joseph W. LoBue

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Attorneys for Defendants

1 **CERTIFICATE OF SERVICE**

2 I certify that, on November 2, 2004, I electronically filed the foregoing Notice of Filing
3 Expedited No Fly list and Selectee List Clearance procedures with the Clerk of the Court using
4 the CM/ECF system which will send notification of such filing to the following:

5 Reginald T. Shuford
6 Catherine Y. Kim
7 ACLU
8 125 Broad Street, 18th Floor
9 New York, NY 10013

10 Aaron Kaplan
11 ACLU of Washington
12 705 Second Avenue, Suite 300
13 Seattle, Washington 98104

14 Michael E. Kipling
15 Summit Law Group PLLC
16 315 Fifth Avenue South, Suite 1000
17 Seattle, Washington 98104

18 s/ Joseph W. LoBue
19 JOSEPH W. LOBUE

ATTACHMENT A



Transportation
Security
Administration

TRANSPORTATION SECURITY ADMINISTRATION EXPEDITED NO FLY LIST AND SELECTEE LIST CLEARANCE PROCEDURES

◆ **Who may apply for help from this process?**

This process only applies to a person who has been delayed as a result of the No Fly List and Selectee List clearance procedures when checking in for a boarding pass for scheduled or charter flights.

NOTE: This process does not apply to persons who undergo enhanced screening at airport security checkpoints.

◆ **Who to contact:**

Transportation Security Administration (TSA), Office of the Ombudsman, at any one of the following:

Office of the Ombudsman

TSA Headquarters
601 South 12th Street – West Tower, TSA-22
Arlington, VA 22202

Phone: (571) 227-2383 or Toll-free: (866) 2-OMBUDS

Email: TSA.ombudsman@dhs.gov

◆ **How the process works:**

- A person may contact the Office of the Ombudsman as specified above if that person has been delayed when checking in for a boarding pass due to the No Fly List and Selectee List clearance procedures.
- The Office of the Ombudsman will ask the person to explain their experience to ensure that the delay they encountered is of a type that may be addressed by these procedures. Once the Office of the Ombudsman confirms that the person's experience may be addressed by these

procedures, TSA will send a Passenger Identity Verification Form to that person for completion and return.

- TSA requests that the person submit a completed Passenger Identity Verification Form to the TSA, at the address shown on the TSA letter that accompanies the form. This information may aid TSA's ability to expedite the person's check-in process for a boarding pass. Please note that only the person seeking expedited No Fly List and Selectee List clearance procedures may submit the Passenger Identity Verification Form. We ask that other individuals or organizations not act on their behalf.
- The personal information requested on the Passenger Identity Verification Form consists of two parts:
 - ◆ The first part includes: name; current address; gender; place of birth; date of birth; social security number; height; weight; hair color; eye color; and home and work telephone numbers.
 - ◆ The second part requires the person to submit notarized copies for at least three of the following documents: passport (including number and country); visa (including number and place of issuance); **birth certificate** (including number and place of issuance)- **If you select to use this document, it must be a certified copy of the original**; naturalization certificate; certificate of citizenship; voter registration card; military discharge paper; driver's license (including number and state of issuance); government identity card (city, State, or Federal); or military identification card.
- The Passenger Identity Verification Form also requires that the person sign and date the submission under: (i) a Privacy Act notice that explains the purpose and routine use of the information provided by the person; and (ii) a statement attesting to the truthfulness of the information and that knowingly and willfully making any materially false statement, or omission of a material fact, can be punished by fine, imprisonment, or both pursuant to 18 USC § 1001.
- TSA will review the submission and reach a determination of whether the Expedited No-Fly List and Selectee List clearance procedures may aid in expediting the person's check-in process for a boarding pass.
- If the Expedited No Fly List and Selectee List clearance procedures will aid in expediting the person's check-in process, TSA will contact the appropriate parties, such as the airlines, to help streamline this process for the person. TSA will also notify the person in writing of its finding. While TSA cannot ensure that these clearance procedures will relieve all delays, it should facilitate a more efficient check-in process.
- Persons who have received TSA's written notification that the check-in process for a boarding pass has been streamlined should be aware that the notification letter will not aid in their clearance at the check-in counter. No Fly List clearance and Selectee List clearance at the check-in counter is based solely on the information that TSA provides to the airlines.
- There are over 600 million travelers in the United States each year, and there are many persons involved in carrying out the No Fly List and Selectee List clearance process.
- If you encounter continuing delays in the issuance of a boarding pass during flight check-in, please contact Virginia Skroski in TSA Office of the Ombudsman at: (571) 227-1449, or e-mail: TSA.ombudsman@dhs.gov

October 20, 2004

ATTACHMENT B



TRANSPORTATION SECURITY ADMINISTRATION EXPEDITED NO-FLY LIST CLEARANCE PROCEDURES

◆ **Who may apply for help from this process?**

This process only applies to a person who has been delayed as a result of No-Fly List clearance procedures when checking in for a boarding pass for scheduled or charter flights.

NOTE: This process does not apply to persons who undergo enhanced screening at airport security checkpoints.

◆ **Who to contact:**

Transportation Security Administration (TSA), Office of the Ombudsman, at any one of the following:

Office of the Ombudsman
TSA Headquarters, West Tower
243N, TSA-22
400 Seventh Street, SW
Washington, DC 20590

Phone: (571) 227-2383

Email: Ombudsman@dhs.gov

◆ **How the process works:**

- A person may contact the Office of the Ombudsman as specified above if that person has been delayed when checking in for a boarding pass due to No-Fly List clearance procedures.
- The Office of the Ombudsman will ask the person to explain their experience in writing (e.g., letter or e-mail) to ensure that the delay they encountered is of a type that may be addressed by these procedures. Once the Office of the Ombudsman confirms that the person's experience may be addressed by these procedures, TSA will send a Passenger Identity Verification Form to that person for completion and return.

- TSA requests that the person submit a completed Passenger Identity Verification Form to the TSA Assistant Administrator for Intelligence, at the address shown on the TSA letter that accompanies the form. This information may aid TSA's ability to expedite the person's check-in process for a boarding pass. Please note that only the person seeking expedited No-Fly List clearance procedures may submit the Passenger Identity Verification Form. We ask that other individuals or organizations not act on their behalf.
- The personal information requested on the Passenger Identity Verification Form consists of two parts:
 - ◆ The first part includes: name; current address; gender; place of birth; date of birth; social security number; height; weight; hair color; eye color; and home and work telephone numbers.
 - ◆ The second part requires the person to submit certified copies for at least three of the following documents: passport (including number and country); visa (including number and place of issuance); birth certificate (including number and place of issuance); naturalization certificate; certificate of citizenship; voter registration card; military discharge paper; driver's license (including number and state of issuance); government identity card (city, State, or Federal); or military identification card.
- The Passenger Identity Verification Form also requires that the person sign and date the submission under: (i) a Privacy Act notice that explains the purpose and routine use of the information provided by the person; and (ii) a statement attesting to the truthfulness of the information and that knowingly and willfully making any materially false statement, or omission of a material fact, can be punished by fine, imprisonment, or both pursuant to 18 USC § 1001.
- TSA will review the submission and reach a determination of whether the Expedited No-Fly List Clearance Procedures may aid in expediting the person's check-in process for a boarding pass.
- If the Expedited No-Fly List Clearance Procedures will aid in expediting the person's check-in process, TSA will contact the appropriate parties, such as the airlines, to help streamline this process for the person. TSA will also notify the person in writing of its finding. While TSA cannot ensure that these clearance procedures will relieve all delays, it should facilitate a more efficient check-in process.
- Persons who have received TSA's written notification that the check-in process for a boarding pass has been streamlined should be aware that the notification letter will not aid in their clearance at the check-in counter. No-Fly List clearance at the check-in counter is based solely on the information that TSA provides to the airlines.
- There are over 600 million travelers in the United States each year, and there are many persons involved in carrying out the No-Fly List clearance process. If you encounter continuing delays in the issuance of a boarding pass during flight check-in, please contact the TSA Ombudsman at: (571) 227-2383, or email: Ombudsman@dhs.gov

June 4, 2003

ATTACHMENT C



PASSENGER IDENTITY VERIFICATION FORM

I. PERSONAL INFORMATION

NAME: _____
FIRST MIDDLE LAST

ADDRESS: _____
STREET APT #

CITY STATE ZIPCODE

SEX BIRTH PLACE DATE OF BIRTH SOCIAL SECURITY #

HEIGHT WEIGHT HAIR COLOR EYE COLOR

HOME TELEPHONE WORK TELEPHONE

II. DOCUMENTATION

You must provide certified or notarized copies for at least three of the following documents to process your request. **(Only birth certificates need to be certified, all of the other documents may be notarized):**

PASSPORT NUMBER COUNTRY

VISA NUMBER PLACE OF ISSUE

BIRTH CERTIFICATE NUMBER PLACE OF ISSUE

NATURALIZATION CERTIFICATE CERTIFICATE OF CITIZENSHIP

VOTER REGISTRATION CARD MILITARY DISCHARGE PAPER

DRIVER'S LICENSE NUMBER STATE OF ISSUE

GOVERNMENT IDENTITY CARD (CITY, STATE, OR FEDERAL)

MILITARY IDENTITY CARD

The information I have provided on this application is true, complete, and correct to the best of my knowledge and is provided in good faith. I understand that knowingly and willfully making any materially false statement, or omission of a material fact, on this application can be punished by fine or imprisonment or both (see section 1001 of Title 18 United States Code).

Privacy Act Notice:

Authority: The authority for collecting this information is 49 U.S.C. 114.

Purpose: This voluntary submission is provided to afford you the ability to confirm your identity as distinct from an individual on the No-Fly List. Your Social Security Number (SSN) will be used to verify your identity. Furnishing this information, including your SSN, is voluntary; however, TSA may not be able to confirm your identity without this information.

Routine Uses: Routine uses of this information includes disclosure to appropriate governmental agencies for law enforcement or security purposes, or to airports or air carriers to verify your identity for purposes of security screening.

I understand the above information and am voluntarily submitting this information to the Transportation Security Administration (TSA).

(Signature) _____

(Date) _____

ATTACHMENT D



Transportation
Security
Administration

Mr. John Doe
123 Main Street
Anywhere, USA 12345

Dear Mr. Doe

This letter is in response to your inquiry with the Transportation Security Administration's (TSA) Office of the Ombudsman regarding check-in delays at airports.

As part of the security administered at airports, TSA requires airlines to verify the identity of passengers in order to implement a number of security procedures, including those connected with TSA's watch lists. TSA prepares and maintains watch lists of persons who are known to pose, or suspected of posing, a threat to civil aviation or national security. These watch lists are compiled from information provided by Federal intelligence and law enforcement agencies. Inclusion on one watch list, the No Fly List, involves a prohibition from traveling by commercial aviation. TSA also maintains a Selectee List. Individuals on the Selectee List are permitted to fly, but are subject to enhanced screening at the passenger screening checkpoints.

TSA recognizes that some people have been inadvertently subjected to frustrating delays at airports as a result of being mistaken for an individual who, in fact, is on a watch list. We regret this inconvenience and have developed a procedure that is designed to expedite the clearance process for individuals who experience these delays.

As part of this procedure, we ask that you complete the enclosed Passenger Identity Verification (PIV) Form to assist us in assessing your situation. TSA will be unable to process your request for assistance without the information requested on the PIV Form. We will use the information provided to research your specific case and will notify you in writing of our determination. If your information distinguishes you from an individual on a TSA watch list, we will contact the appropriate parties, including the airlines, in an effort to streamline your check-in process.

While TSA cannot ensure that this procedure will alleviate all delays, we hope it will facilitate a more efficient check-in process for you. Additionally, TSA has issued guidance to the airlines to further clarify the watch list clearance protocol. The airlines may still require a brief period of time to comply with identity verification requirements prior to issuing your boarding pass. Please be assured that the passenger identity verification information, including biographic data, which is provided to U.S. and foreign air carriers is considered Sensitive Security Information and, as such, is protected from unauthorized disclosure.

If you wish to proceed with this process, please forward the completed PIV Form (with your original signature) along with the requested notarized/certified copies of records to the following address:

Transportation Security Administration
TSA-10
601 South 12th Street
Arlington, VA 22202

If you have any questions, please contact (571) 227-2383.

Sincerely yours,

Transportation Security Administration

Enclosure

ATTACHMENT E

U.S. Department of Homeland Security
Arlington, VA 22202-4220



**Transportation
Security
Administration**

Mr. John Doe
123 Main Street
Anywhere, USA 12345

Dear Mr. Doe:

Thank you for submitting your inquiry to the Transportation Security Administration (TSA). We recognize that you received a message that TSA Office of the Ombudsman would provide a Passenger Identity Verification Form to you within 72 hours; however, we are pleased to report that upon further review of the information you provided, we have determined that the delays you have encountered do not result from being mistaken for an individual on a TSA watch list. We apologize for any confusion that may have resulted from our previous communication with you.

Furthermore, while TSA could not determine the reasons why you have encountered unusual delays at airline ticket counters, we are working with the airlines to streamline and clarify implementation of check-in identification procedures in an effort to mitigate unwarranted delay to passengers.

Please note that any passenger may experience enhanced screening at security screening checkpoints that is not associated with check-in procedures relating to a TSA watch list. For example, an individual may be selected by TSA for enhanced screening in order to resolve an alarm of the walk-through metal detector, or as a result of selection by the Computer-Assisted Passenger Prescreening System (CAPPS), which identifies passengers for additional screening either on a random basis or based on certain factors reflected in their reservation information.

If you have additional questions, please call (571) 227-2383, send an email to TSA.Ombudsman@dhs.gov or write to the following address:

Headquarters Transportation Security Administration
601 South 12th Street – TSA-22 West Tower 271N
Attn: Office of the Ombudsman
Arlington, VA 22202

Transportation Security Administration

Enclosure

ATTACHMENT F



Transportation
Security
Administration

Mr. John Doe
123 Main Street
Anywhere, USA 12345

Dear Mr. Doe:

Thank you for submitting the Passenger Identity Verification (PIV) Form. Based on the information you provided and our subsequent investigation, the Transportation Security Administration (TSA) has verified your identity. Accordingly, we have provided sufficient personal information to the airlines to distinguish you from other individuals and assist them in issuing your boarding pass more efficiently.

Upon your arrival at the ticket counter, in addition to your principal identification, please have ready one or more of the documents that you submitted with the PIV Form (e.g., your passport, birth certificate, or driver's license) to help expedite receipt of a boarding pass. An airline may require a brief period of time to verify your information, but the process should not result in extensive delays.

While TSA cannot ensure that your travel will be delay free, these procedures should streamline your check-in process. Please note that the PIV clearance process does not affect other standard screening procedures at the security checkpoint. You may experience enhanced screening at security screening locations that is not associated with a TSA watch list. For example, an individual may be selected by TSA for enhanced screening in order to resolve an alarm of the walk-through metal detector, or as a result of selection by the Computer-Assisted Passenger Prescreening System (CAPPS), which identifies passengers for additional screening either on a random basis or based on certain factors reflected in their reservation information.

If you have additional questions, please call (571) 227-1449 or write to the following address:

Headquarters Transportation Security Administration
601 South 12th Street – TSA-22 West Tower 271N
Attn: Virginia E. Skroski
Arlington, VA 22202

Sincerely yours,

Virginia E. Skroski
Office of the Ombudsman

ATTENTION: AIRLINE PERSONNEL AND LAW ENFORCEMENT OFFICERS

1. The individual named herein may have the same or a similar name to a person prohibited from flying or requiring additional screening before flying.
2. **Please compare the personal identification documents presented to you by the individual with the information contained in a TSA watch list.**
3. TSA includes names and personal identifying data on cleared individuals as additional information on the TSA watch lists.