



Department of Homeland Security Office of Inspector General

~~**SENSITIVE SECURITY INFORMATION**~~

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

(REDACTED)



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Office of Inspector General

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

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Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the department.

This report addresses the effectiveness of DHS' Traveler Redress Inquiry Program (TRIP). It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, and a review of applicable documents.

The recommendations herein have been developed to the best knowledge available to our office, and have been discussed in draft with those responsible for implementation. We trust this report will result in more effective, efficient, and economical operations. We express our appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in cursive script that reads "Richard L. Skinner".

Richard L. Skinner
Inspector General

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Abbreviations

APIS	Advance Passenger Information System
CBP	U.S. Customs and Border Protection
CRCL	Office for Civil Rights and Civil Liberties
DHS	Department of Homeland Security
DOJ	Department of Justice
DOS	Department of State
FAQ	Frequently Asked Question
FBI	Federal Bureau of Investigation
GAO	Government Accountability Office
HSA	<i>Homeland Security Act of 2002</i>
ICE	U.S. Immigration and Customs Enforcement
IT	Information Technology
OIG	Office of Inspector General
OTSR	Office of Transportation Security Redress
PLOR	Primary Lookout Over-Ride
PRIV	Office of Privacy
RCI	Rice-Chertoff Initiative
RMS	Redress Management System
SCO	Screening Coordination Office
TSA	Transportation Security Administration
TSDB	Terrorist Screening Database
DHS TRIP	Traveler Redress Inquiry Program
TSC	Terrorist Screening Center
U.S.C.	United States Code
USCIS	U.S. Citizenship and Immigration Services
US-VISIT	United States Visitor Immigrant Status Indicator Technology

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*Department of Homeland Security
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Executive Summary

The Department of Homeland Security's Traveler Redress Inquiry Program is a multiagency effort designed to provide fair and timely redress, or remedy, to travelers who have difficulties with federal government screening and border crossing processes. We evaluated the program's effectiveness in response to a request from U.S. Representative Bennie G. Thompson, Chairman of the House Committee on Homeland Security. Our objectives were to determine whether the Traveler Redress Inquiry Program is (1) collecting, processing, and safeguarding information as intended; (2) processing responses to individual requests in a timely manner; and (3) accelerating the refinement and correction of erroneous screening information, and contributing to screening process improvements.

Unlike previous redress programs, the Traveler Redress Inquiry Program offers a central point of intake for redress-seekers who face different types of travel difficulties. The program also coordinates cases involving multiple agencies and has created a forum for redress personnel from different agencies to assist one another. Although the Traveler Redress Inquiry Program has enhanced some redress processes, several areas need improvement. For example, the program's information technology system does not meet program needs, and the program is constrained by authorities and responsibilities that could be defined more clearly.

If provided additional funding for information technology enhancements and adequate overall support, the Traveler Redress Inquiry Program could also focus on implementing improvements in a number of other areas. First, the program must address why it does not always provide meaningful solutions to redress-seekers' travel difficulties. At present, the program's redress solution for most redress-seekers does not positively affect their travel experience. Second, the program does not provide an independent review of redress petitions, but instead submits those petitions for exclusive consideration of offices that are the source of the grievance.

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Finally, Department of Homeland Security components do not share information about redress case results where such sharing would be beneficial to the redress-seeker.

The Traveler Redress Inquiry Program could also effect positive changes in security, privacy, reliability, timeliness, transparency, and performance management. We are making 24 recommendations to address program challenges in these areas and suggesting other areas that require attention.

In response to our report, the Department of Homeland Security has proposed plans and taken action that, once fully implemented, will reduce a number of the deficiencies we identified. Although the department concurred with most of our recommendations, a number of its proposed plans focus on solutions that will take more than a year to develop, rather than near-term corrective actions consistent with the pressing nature of the underlying issues. The department concurred with 20 recommendations, concurred in part with 1 recommendation, and did not concur with 3 recommendations.

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Background

Established in February 2007, the Department of Homeland Security Traveler Redress Inquiry Program (DHS TRIP) is to serve as the federal government's one-stop traveler redress process for coordinating the review, adjudication, and response to traveler redress requests.¹ Travelers can use TRIP to inquire about their travel difficulties or request corrections to government information that may have caused the difficulties. Units in several federal departments—the Departments of Justice (DOJ), State (DOS), and DHS—support TRIP. Within DHS, the Transportation Security Administration (TSA), U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), Privacy Office (PRIV), Office for Civil Rights and Civil Liberties (CRCL), United States Visitor Immigrant Status Indicator Technology (US-VISIT) program, and the Policy Office's Screening Coordination Office (SCO) have roles in the program. Refer to Appendix E for information on participating agencies' redress programs.

Previous Government Redress Efforts

Several government traveler redress efforts predate TRIP. TSA, CBP, US-VISIT, CRCL, and DOJ's Terrorist Screening Center (TSC) all operated redress programs before TRIP was conceived.

TSA's redress efforts began shortly after its inception in 2002. Initially, TSA did not publicize its redress efforts; but in time, the administration publicly acknowledged its redress program and formed a separate redress office. In November 2004, TSA established an independent Office of Transportation Security Redress (OTSR). TSA advertised that OTSR could assist travelers with aviation screening difficulties related to misidentification with an individual on a government watch list or unwarranted placement on such a watch list.

CBP has maintained an avenue for travelers to file complaints regarding inaccurate information in the electronic systems that support its border

¹ The proper acronym for the Department of Homeland Security Traveler Redress Inquiry Program is "DHS TRIP." In the interest of brevity, the report hereinafter refers to the program as "TRIP."

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inspections for a number of years. These complaints were exclusively reviewed and processed by CBP's Office of Field Operations until 2006, when CBP's Office of Public Affairs began coordinating all customer complaints and inquiries through its Customer Service Center.

US-VISIT announced its redress program, through which travelers could request amendments or corrections to their US-VISIT data, in April 2004. The process later included a redress request form for travelers to complete and mail to the US-VISIT privacy officer.

Prior to TRIP, CRCL provided travelers with an avenue to resolve their travel-related complaints. CRCL often worked with the TSC, ICE, and CBP to identify the source of and resolve the complainant's travel difficulties.

In early 2005, the TSC—the DOJ-administered center that maintains the federal government's consolidated terrorist watch list, the Terrorist Screening Database (TSDB)—created an office to examine and resolve complaints from individuals who believed that they were incorrectly placed on a terrorist watch list or had been misidentified as a watch-listed individual. Immigration, security screening, and law enforcement authorities at the federal, state, and local levels use the TSDB to perform terrorist screening or vetting activities.

Also in 2005, recognizing the need for a consolidated approach to receiving and reviewing terrorist watch list-related redress requests, the government convened an interagency working group to develop a redress memorandum of understanding to expand upon and link existing government watch list redress efforts. The resulting memorandum of understanding was signed on September 19, 2007.

TRIP Origins and Early Program Challenges

On January 17, 2006, Secretaries Chertoff and Rice announced jointly their vision for "Secure Borders and Open Doors in the Information Age." Commonly referred to as the Rice-Chertoff Initiative (RCI), the statement called for enhancing the security benefits of traveler screening, while improving its efficiency and convenience to the traveler. One objective of

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the RCI was to establish a “one stop” government-wide redress process to assist travelers who are incorrectly selected for additional screening.

DHS worked with other federal agencies to develop a government-wide program to address travel-related difficulties arising in the screening process. In 2006 and early 2007, traveler and immigration screening representatives from several agencies convened to assess existing redress programs and procedures, and create a one-stop shop for traveler redress, TRIP. In developing TRIP, these officials were able to build upon prior redress-related efforts. They leveraged earlier progress made in developing an interagency process to address redress petitions related to the TSDB. TRIP planners also used information on previous DHS component redress efforts to inform discussions about how to structure TRIP. Ultimately, each of these existing redress programs was integrated into or otherwise linked to TRIP.

Time Constraints Influenced Early Program Considerations

TRIP faced several challenges and setbacks in its early development. For example, DHS officials faced significant time constraints when they considered how to create a one-stop shop for government redress. Although the RCI announcement was made in January 2006, DHS officials did not meet until August 2006 to discuss how to structure the program. In August 2006, DHS appointed officials from SCO, US-VISIT, and CRCL as chairs of an RCI Governance Board, which included officials from a number of other federal agencies. DHS leadership tasked the Governance Board with establishing the means and process for making one-stop redress a reality. The Governance Board sought to do so within one year of the RCI announcement. As a result, DHS had only five months from the start of its formal planning process to establish a redress program.

Time constraints reportedly led DHS decision-makers to favor program options they thought expedient but not always optimal. TSA reportedly offered to assume responsibility for day-to-day management and support of the TRIP effort, as TSA handled the largest volume of redress cases in the department and had a relatively large and well-established office for this purpose. DHS officials on the Governance Board agreed to use TSA’s existing

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redress platform and organization to support the program, and designated TSA's OTSR as the TRIP business owner.

However, Governance Board members disagreed about which information technology (IT) application offered the most functionality for the least cost. TSA advocated using its Redress Management System (RMS), a custom-built case management system and web intake portal that the agency had recently procured. Others recommended a commercial off-the-shelf application that CBP used to connect with customers online and manage its redress caseload. Despite misgivings on the part of some members, the board agreed to use RMS to support TRIP's IT needs, at least in part on the strength of TSA's commitment to provide management for the program's day-to-day operations.

Initial Problems With Website Security and Domain Designation

RMS modifications to meet TRIP multiagency intake and case management requirements progressed more slowly than planned, delaying the program's public launch. A week before DHS was prepared to launch TRIP, members of the public identified security and privacy weaknesses in TSA's RMS-supported redress intake website. Among the concerns was that the OTSR website was hosted on a commercial ".com" website, rather than a government ".gov" website, and that OTSR had not applied sufficient security protocols to ensure that redress-seekers' personally identifiable information would not be compromised. TSA immediately rectified those weaknesses, and on February 13, 2007, transferred the OTSR intake portal to a .gov domain. On February 21, 2007, DHS launched TRIP from the same .gov website.

TSA conducted an internal review of RMS system security in March 2007. The review identified a number of other system issues and recommended corrective actions related to the business environment, information security management, and contract oversight and execution. In particular, TSA's internal reviewers recommended that TSA terminate its contract with the RMS system developers and transfer the system from the contractor's servers to TSA's. TSA acted on those recommendations and took RMS offline from late May to late July 2007 to transfer the system

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from the contractor's platform to one in a TSA facility. However, the migration from the contractor's servers into TSA's environment was not seamless. TSA had to reprogram RMS to bring the application up to TSA's technology standards and protocols. During this time, redress-seekers were unable to submit redress requests online, and TRIP program staff could not enter or electronically monitor redress requests received by conventional mail or email. Refer to Appendix I for a timeline of significant redress developments.

TRIP Requirements and Applicability

TRIP is to operate according to a number of statutory, regulatory, and policy requirements. Several of these requirements predate the program, while others emerged with recent border security and traveler screening initiatives since the program began operating.

With the *Intelligence Reform and Terrorism Prevention Act of 2004*, Congress directed TSA to establish a means for passengers who are misidentified or have been otherwise delayed or prohibited from boarding to correct erroneous information about them. The Act required TSA to develop an avenue for redress for travelers on domestic and international flights passing through commercial airports and other transportation venues.²

In 2007, Congress expanded DHS redress requirements in the *Implementing Recommendations of the 9/11 Commission Act of 2007*. The Act requires DHS to establish a timely and fair appeal and redress process for individuals who believe that they were delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat.³ The Act also requires DHS to enable travelers to initiate this process at airports with a major DHS presence.⁴ In addition, the Act mandates that DHS establish an Office of Appeals and Redress to preside

² *Intelligence Reform and Terrorism Prevention Act of 2004* (P.L.108-458), § 4012(a)(1) and (2); codified at 49 U.S.C. § 44903(j)(2)(G) and 44909(c)(6)(B).

³ *Implementing Recommendations of the 9/11 Commission Act of 2007* (P.L. 110-53), § 1606(a); codified at 49 U.S.C. § 44926(a).

⁴ *Implementing Recommendations of the 9/11 Commission Act of 2007* (P.L. 110-53), § 1606(a); codified at 49 U.S.C. § 44926(b)(5).

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over the redress process.⁵ This office is to provide information to air carriers to reduce false positives, and requires that air carriers take action to identify passengers determined to have been wrongly identified as a threat.⁶

Other TRIP requirements stem from executive branch actions. The general expectations for TRIP were first outlined in the RCI. The two secretaries committed “to establish a government-wide traveler screening redress process to resolve questions when travelers are incorrectly selected for additional screening.”⁷ TRIP is to realize this commitment.

To outline TRIP parameters, on January 18, 2007, DHS issued a Privacy Impact Assessment and System of Records Notice for the program in the *Federal Register*. The Privacy Impact Assessment describes program goals, management and operational plans, program applicability, information collection and sharing, and information security. In addition, the assessment indicates that the program will provide potential redress-seekers with access to frequently asked questions, and an email acknowledgment following receipt of their redress inquiry. Further, the assessment limits the collection of personally identifiable information to what is necessary to process redress requests. The System of Records Notice describes plans for TRIP, its IT system, and allowable routine uses of program data.

In keeping with a one-stop approach to traveler redress, a number of new and existing government transportation security programs and initiatives have opted to use TRIP for redress. For example, in April 2008 CBP issued a *Federal Register* notice and rule related to new Western Hemisphere travel requirements that indicate that TRIP is an appropriate venue for the public to petition for related redress. In addition, TSA’s October 2008 final rule on Secure Flight program implementation indicates that TRIP will provide redress.

⁵ *Implementing Recommendations of the 9/11 Commission Act of 2007* (P.L. 110-53), § 1606(a); codified at 49 U.S.C. § 44926(b)(1).

⁶ *Implementing Recommendations of the 9/11 Commission Act of 2007* (P.L. 110-53), § 1606(a); codified at 49 U.S.C. § 44926(b)(3)(C).

⁷ DHS, *Fact Sheet: Secure Borders and Open Doors in the Information Age*, released January 17, 2006, available at http://www.dhs.gov/xnews/releases/press_release_0838.shtm

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Apart from its obligation to support a growing number of DHS travel security programs, TRIP's website lists a series of other program functions. According to the website, the program is to provide redress for travelers who believe that they have experienced watch list misidentification issues, screening problems, or have been unfairly or incorrectly delayed or denied boarding. The website indicates that TRIP is meant to apply to entry/exit program data issues, some difficulties encountered by foreign students and exchange visitors, trusted traveler programs, immigrant visa and other travel-related benefits, and passport issues. Travelers are also offered the opportunity to request redress in cases where they feel they have been discriminated against or their personal information has been misused. As of October 2008, TRIP had received 47,825 formal redress requests. Of these, it had closed 30,276, or 63%. A number of TRIP cases remained open pending submission of additional documentation by redress-seekers.

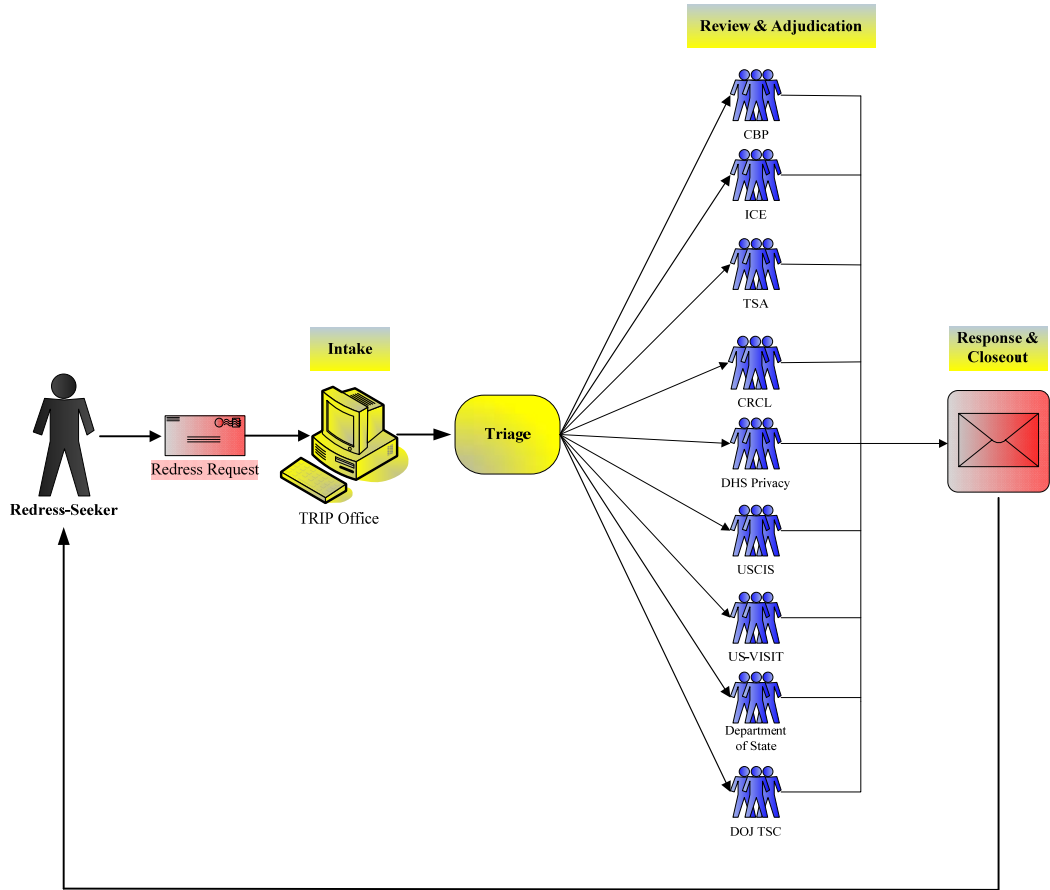
TRIP Process Overview

TRIP serves as a central point for the intake and processing of travel-related redress requests. There are four principal stages in the TRIP redress process: intake; triage; review and adjudication; and response and closeout.

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Figure 1: TRIP Redress Process



Source: OIG Analysis of TRIP Program Materials and Information

Intake Process

Travelers may initiate redress requests on their own or designate a representative, such as an attorney, to do so on their behalf. In the latter circumstance, travelers must sign and submit an authorization to release their redress information to another person. For the program to consider a redress case, DHS must receive a completed traveler inquiry form and privacy release form. In addition, to review and resolve some specific types of redress requests effectively, the program solicits redress-seekers to submit

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copies of personal identifying information, such as a passport or driver's license.

The TRIP office receives redress inquiries through mail, its secure online portal, and email. However, redress-seekers who initiate the redress inquiry process online cannot submit supporting identifying documents through the intake portal, and generally provide these materials by mail or email. Information provided online is automatically reflected in TRIP's RMS system, whereas redress inquiries and supporting materials provided by mail or email must be entered into RMS. Contractors working for OTSR typically perform this function.

Triage Process

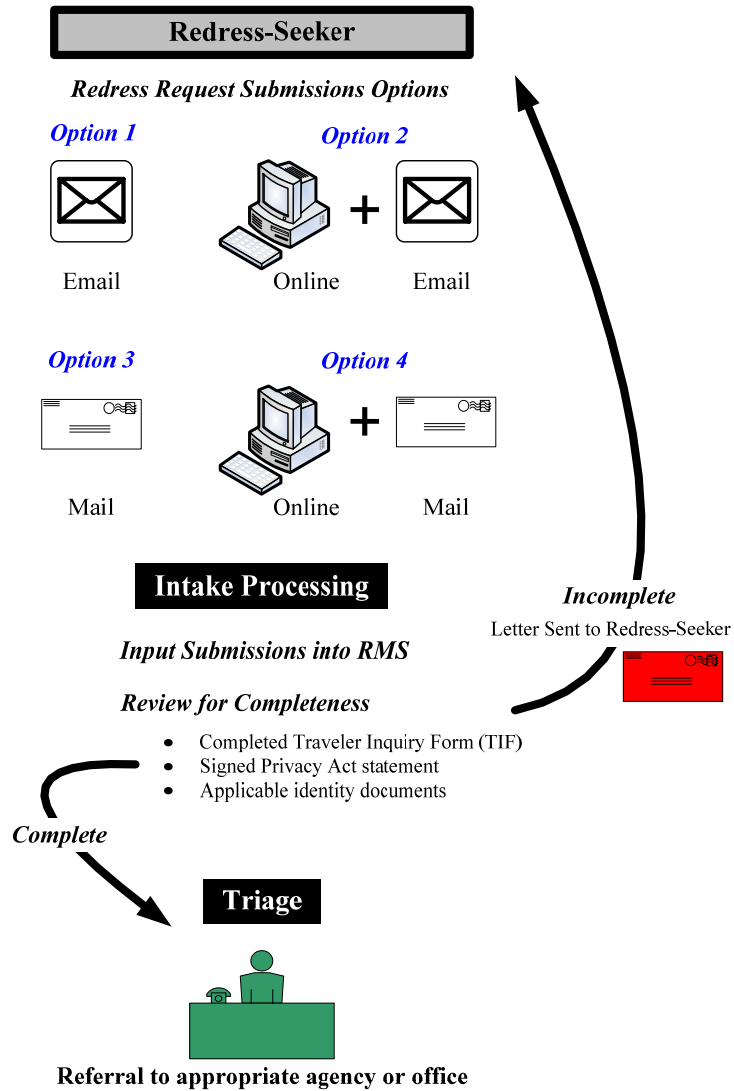
TSA contractors and staff review redress request submissions for completeness, ensuring that the redress-seeker has signed and submitted a privacy release, completed a traveler inquiry form, and included copies of all necessary identifying documents. The program sends letters to redress-seekers who have submitted incomplete redress requests notifying them that TRIP requires additional information to process their cases. The program sets these cases aside until it receives all the necessary forms and information to proceed with its case review activities.

TSA and CBP representatives review complete redress inquiries, determine what agencies or offices should review the case, and task corresponding staff to review the case. In addition to TSA and CBP, when appropriate, TRIP inquiries are reviewed by five other DHS components: ICE, CRCL, PRIV, USCIS, and US-VISIT. TRIP cases are also examined by representatives of agencies outside of DHS, when appropriate. TRIP cases that pertain to a TSDB record are referred to DOJ's TSC for watch list reviews. TRIP cases related to visa and passport issues are referred to the DOS units responsible for visa and passport-related data.

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Figure 2: TRIP Intake and Triage



Source: OIG Analysis of TRIP Program Materials and Information

Review and Adjudication Processes

Once a participating agency is assigned a TRIP case, it applies its own internal approach to evaluate the case and determine what action, if any, is required. In some cases, agencies have a single TRIP point of contact who reviews and adjudicates cases. Other

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agencies perform additional case vetting and monitoring activities before referring cases to other offices within the agency for final review and adjudication.

TRIP cases that require review by multiple agencies are assigned a lead agency. In most cases, this lead role is assigned to TSA, whereas in other cases CBP is the designated lead. TSA is designated the lead when a traveler's redress request indicates difficulties related to TSA and other TRIP participants. For multiagency cases that involve CBP but do not involve TSA, CBP is designated the lead agency.⁸ The lead agency in multiagency cases is responsible for ensuring that all the necessary parties have had an opportunity to review the case and have taken responsive action when warranted. Once all involved agencies have reviewed and taken appropriate action to address a case, the lead agency closes the case record in the RMS system.

Response and Closeout Process

Upon completion of the review and adjudication of a case, the lead agency determines how to respond to the redress-seeker. All TRIP redress-seekers are to receive a response letter after their case has been closed. Most response letters are modeled after one of several TRIP letter templates. The lead agency for the case selects the appropriate response template, and the TRIP office prepares and sends the letter. Copies of [REDACTED] are included in Appendix G. The lead agency also updates case records with final comments and updates, and closes the RMS record.

Additional Efforts to Reduce Traveler Difficulties

TRIP is not the sole option for the public to address difficulties they face while travelling. TRIP is designed to respond to past difficulties that travelers have brought to DHS' attention so that those adverse experiences are not repeated. Other government programs offer more proactive

⁸ ICE is responsible for coordination with TSC in multiagency cases for which CBP is the designated lead agency.

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approaches. In addition, the commercial aviation sector offers a private sector alternative to TRIP.

Proactive DHS Approaches to Reduce Additional Traveler Inspection

CBP has a number of traveler-based programs to expedite the border crossing process. CBP programs such as Global Entry, NEXUS, the Secure Electronic Network for Travelers Rapid Inspection, and Free and Secure Trade programs are fee-based and offer memberships for low-risk travelers after they submit to a vetting process. Once travelers are enrolled in one of these programs, they are offered expedited border crossing, but they are still subject to random or selective secondary inspections.

CBP also takes proactive steps to address traveler misidentifications. Travelers are often referred to secondary inspections when seeking entry into the United States because they are believed to be a match to a “lookout” in TECS. These lookouts, which are generated by a number of federal agencies, relate to the past violation or suspicion of violation of various laws and border crossing requirements. In some cases, however, TECS lookouts contain limited biographical information on lookout targets, and individuals who are not the intended target are subjected to secondary inspections, mainly due to the similarity of their biographical information. To ensure that travelers who are not the intended lookout target are not repeatedly referred to secondary inspections, CBP created a Primary Lookout Over-Ride (PLOR) feature in TECS. CBP officers began using PLORs in 2006, and are now required to create lookout overrides in all cases of secondary inspections in which the traveler is determined not to be the intended lookout that prompted the additional scrutiny.

In another effort to reduce traveler difficulties, TSA has collaborated with the private sector to develop its Registered Traveler program. The program provides expedited passenger screening for prequalified travelers by using dedicated security lanes. Although the program provides travelers with a means to reduce airport travel difficulties, it does not screen participants against the watch lists. By late January 2009, the Registered

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Traveler program was operational at 20 airports and had 188,858 active participants.

Terrorist Screening Center's Terrorist Encounter Review Process Assists Frequently Encountered Travelers

The TSC, which manages the federal government's consolidated terrorist watch list, has also established a process to aid individuals who are subjected to additional security scrutiny. In 2008, the TSC initiated a Terrorist Encounter Review Process to analyze and review the TSDB records of watch-listed individuals who are frequently encountered by the government. TSC "encounters" are reported contacts by local, state, and federal law enforcement personnel with individuals listed in the TSDB. Under the Terrorist Encounter Review Process, the TSC reviews TSDB records to ensure that targeted individuals warrant continued placement on the terrorist watch list. The TSC also examines these records to ensure that they contain current and accurate information, and to determine whether any additional information could be added to the records to reduce misidentifications in the future.

Private Sector Efforts Help Reduce Traveler Difficulties

A number of commercial air carriers have developed programs to reduce traveler difficulties associated with terrorist watch lists. For several years, a number of major air carriers have maintained lists of precleared passengers determined not to be a match to terrorist watch lists. DHS' Secretary officially recognized these passenger preclearance programs in 2008. In April 2008, the Secretary announced that DHS had authorized commercial air carriers to capture and store passenger dates of birth to help reduce the number of watch list misidentifications. Participating air carriers are now required to make preclearance program benefits available to all passengers, regardless of their frequent flier or air carrier rewards program enrollment status.

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Results of Review

TRIP Has Brought Some Noteworthy Improvements to Traveler Redress Efforts

TRIP has brought some noteworthy improvements to government traveler redress efforts. TRIP provides for centralized intake of redress requests and multiagency case review and coordination, and has assembled expert staff from participating agencies.

TRIP Offers a Central Point of Intake for Redress-Seekers With Travel Difficulties

TRIP's centralized intake of redress requests benefits the public and eases government efforts to respond to redress requests. It assists the public by removing much of the guesswork about where to seek assistance. The program offers a single point of contact for information and redress related to travel screening difficulties at air, land, and sea ports of entry, and transportation hubs. Past redress efforts placed the onus on travelers to identify the proper agency and redress venue. TRIP shifts this responsibility to the government. This is a valuable change, because redress cases frequently involve information from agencies that travelers may not realize were associated with their travel difficulties.

TRIP Permits Redress-Seekers to Address Multiple Travel Issues At Once

TRIP's centralized intake portal permits travelers to address multiple travel difficulties at once by allowing travelers to start the review of several travel-related difficulties. In the past, persons having difficulties in aviation security settings, as well as entering the country at ports of entry, might have required redress support from both TSA and CBP, and had to submit separate redress claims to each agency. TRIP eliminates some of this inconvenience and cost. Multiagency redress requests filed through TRIP call for the redress-seeker to submit one set of supporting documents. Redress-seekers with multiple travel issues no longer incur additional costs associated with multiple filings,

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such as extra postage, copying or scanning, or notary fees. TRIP's consolidated intake approach unburdens the redress-seeker from trying to determine what to send, to which agency, and with what specific requirements. TRIP fulfills the aim stated in its privacy impact assessment of simplifying the process for travelers wishing to submit a redress request.

TRIP's Consolidated Intake Approach Provides Economies for Travelers and the Government

The availability of a centralized portal for traveler redress also eases the burden on the government. Members of the public often address their grievances to public-facing government representatives who have little or no direct involvement in the redress process. In the past, these government representatives might have had to devote significant time to research which government agency was best situated to address the traveler's complaints. TRIP removes some of this obligation from public-facing staff, by offering a single place to direct travelers with complaints.

TRIP's consolidated approach to intake may also benefit the government by reducing the number of misdirected or duplicative redress requests received by different agencies. In the past, a number of travelers experiencing screening difficulties submitted complaints to multiple agencies, perhaps because they had difficulty identifying the most appropriate office to address their concerns. TRIP affords redress-seekers greater assurance that their issues will be reviewed by the appropriate agency. Redress officials perceive that the number of duplicative traveler redress filings with different agencies has declined as a result.

TRIP Coordinates Redress Cases Involving Multiple Agencies

An advantage of TRIP compared to previous efforts is that it offers multiagency review and coordination of redress cases. This is helpful because traveler difficulties are sometimes associated with multiple agencies. For example, a traveler who has been referred to secondary inspection by CBP may be the subject of lookouts from multiple agencies. In other cases, one agency cannot

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effectively resolve a traveler's issue until another agency has provided certain information. DOS, for instance, may need to receive confirmation from USCIS on whether a traveler was granted legal permanent resident status before it can remove what may be an outdated visa overstay ineligibility from DOS' consular lookout records.

To address these types of issues effectively, each applicable agency must review the case, share information, and take appropriate action to address the underlying complaint. This type of case coordination was not common in the past. Some redress officials said that before TRIP began operating, they often had difficulty obtaining the information they needed to address redress requests from other agencies. Redress inquiries that relate to multiple agencies are now distributed to all concerned agencies for their review through TRIP. With TRIP, agencies have access to shared information on the case and the opportunity to communicate about it using common terms of reference.

TRIP case coordination activities represent an important step in government redress efforts. Since TRIP became operational, thousands of redress-seekers have benefitted from multiagency reviews of their travel issues. As of October 2008, 5,256 TRIP cases had been reviewed by multiple agencies. Refer to Appendix E for information on participating agencies' redress programs.

Redress Personnel From Agencies Participating in TRIP Serve as Resources for One Another

While redress representatives from multiple agencies have come together to support TRIP case processing, their association has produced intangible benefits external to TRIP. TRIP has fostered information sharing and exchange between agency redress representatives, where little or no contact had existed before.

Several DHS components that participate in TRIP continue to maintain their own redress intake channels. Because the underlying cause of a traveler's difficulties is not always apparent to the traveler, these components sometimes receive misdirected

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complaints that they cannot resolve. In the past, some redress staff in these components reported that they did not know how to address misdirected complaints and inquiries. In some cases, they had no redress point of contact in agencies they believed were better suited to address the traveler's issue, and sought assistance from inappropriate sources.

With the multiagency coordination efforts surrounding TRIP, redress staff now have access to redress points of contact in ten government agencies and offices. These points of contact help redress representatives channel misdirected redress requests. They also serve as technical resources and facilitators to address questions outside of the redress process. Several agency representatives told us that they were able to leverage their redress contacts in other agencies to assist them in other important aspects of their work. In other instances, redress points of contact have provided insight into their organizations, and linked staff with other offices and points of contact in their agency.

TRIP Has Not Received the Technical or Executive Support It Needs to Succeed

TRIP has not received required support in two areas. First, the program's primary IT system does not meet key requirements and functional capabilities. Efforts by the program manager and others to modify or replace this IT system have been unsuccessful. Second, the program does not have clearly established lines of operational authority to all participating units. As a result, TRIP cannot guarantee effective handling of its customers' redress cases.

TRIP's Information Technology System Does Not Meet Program Needs, and the Program Has Not Received Support to Replace It

TRIP's primary IT system is RMS, a customized case management system. TSA originally developed RMS for its redress program prior to TRIP. Later, RMS was modified to accommodate TRIP's multiagency case processing demands. Since then, DHS has performed two separate IT assessments that identified high-level system requirements for TRIP. In its current form, however, RMS

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does not address all of the key program requirements or functional capabilities identified in those assessments. In particular, RMS does not have the case management and workflow, document management, interoperability, and reporting features that TRIP requires.

RMS Case Management and Workflow Features Do Not Meet TRIP Requirements

TRIP receives redress inquiries related to many different travel- and screening-related complaints. As a result, different redress cases require review and action by different agencies. Given this requirement, TRIP redress personnel need access to a system with effective case management and workflow features. That is, they need a system that enables them to assign and prioritize cases, view assignments, determine case history information, and receive notifications of case and assignment status changes, as well as case disposition information.

RMS has some case management and workflow features, but they do not fully meet user requirements. RMS users have access to some case history information, which is reflected in brief notes that users can add to the case record. Users can also access the system's audit log, which reflects when changes were made to information in a case record, what changes were made, and what user made the change. RMS also permits users to assign tasks to other users and to comment on the tasks. Users can view information on assigned tasks and task status for any given record. Users can also view all open tasks assigned to them in a separate window in the system. These features notwithstanding, limitations in RMS' case management and workflow capabilities prevent users from readily assessing all of the information they need about their caseloads and related case processing milestones.

RMS users cannot, for instance, send or receive alerts or notifications of actions taken or required in a case. Redress staff who assign case tasks do not receive any system notification when the tasks are received or completed, nor do they have any means of readily tracking the status of tasks they assigned to others. As a result, the TRIP program office relies on certain staff to manually

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track and follow up on cases that appear to be languishing. This activity is time consuming, and diminishes the ability of staff to address other priorities.

Because of RMS' inability to send or receive alerts and notifications, virtually all RMS users we spoke with observed that case coordination takes place outside of RMS by other means, usually via email or telephone. However, such improvised approaches are not being consistently followed across program offices. Most users we spoke with said that RMS needs a more viable means to communicate about cases within the system. One user relied solely on the previous case reviewer sending an email message before taking any action to review a case. This and other improvised notifications outside of RMS reflect the need for more effective system communication tools surrounding case management.

Users are also unable to use the system to prioritize their workload. The system's presentation of case records and assigned tasks is static, and cannot be adjusted to suit user needs better. Although managers identify some cases for expedited processing, RMS case records cannot be sorted with ease to identify and prioritize these actions. Newly assigned tasks that have not been reviewed are indistinguishable from older task assignments that have been reviewed. Because many redress staff also perform other duties, some do not log into RMS more than once a week and cannot always identify newly assigned tasks as a result. Users cannot sort or readily identify RMS tasks using other helpful criteria. For example, they cannot easily select or identify tasks associated with particular kinds of cases or task assignments that are simply overdue. This limits their ability to focus on overdue tasks and contributed to the case processing environment we observed during our field work; an environment in which almost 800 open cases were associated with task assignments that had been pending for more than six months.

This situation is aggravated by redress managers' and supervisors' inability to view or adjust individual user RMS task assignments to respond to backlogs and redistribute case work without difficulty. Task assignments are easily accessible to the assigned user but

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more difficult for other users to monitor. Managers and supervisors do not have access to a list of open tasks assigned to subordinates in RMS. Nor can they readily edit or reassign tasks. RMS does not permit all redress managers to shift tasks from one user to another to respond to case processing delays, extended employee absences, or staff departures.

RMS Document Management Capabilities Are Limited

TRIP requires redress-seekers to submit intake forms and typically needs copies of identifying documents to process their cases. As such, effective document management tools are necessary.

Redress-seekers begin the redress process by submitting a redress intake form. When redress-seekers apply for redress online through the program's intake portal, their redress intake form information is automatically integrated into RMS. A copy of the online traveler inquiry form is in Appendix F. Other redress-seekers mail or email their intake forms to the TRIP office. TRIP program staff must then append these intake forms, along with copies of identifying documents, to case records in RMS. RMS permits them to link the documents to existing redress cases.

RMS' primary document management limitation is that it does not permit online redress-seekers to submit electronic copies of their identifying documents directly to the system. This is inconvenient for redress-seekers and costly for the program. Online redress-seekers must go through more steps to submit their requests. It is also burdensome for the government, as contractors and program staff must dedicate time to create electronic copies of materials for inclusion in RMS because the redress-seekers cannot. This manual process also introduces a measure of ineffectiveness and risk, as copies of identifying documents could be linked to the wrong case record or not scanned into the system at all. RMS' document management limitations have contributed to an intake backlog that reduces the program's case processing timeliness.

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RMS Interoperability Issues Create Additional Work and Inefficiencies

Several agencies that participate in TRIP have established separate redress case management systems. Staff in these agencies use other IT systems to perform TRIP tasks as well as other functions. Several agencies use alternative case management systems, for example, to track complaints and inquiries they receive directly from the public or from other government sources. Several key program participants including CBP, USCIS, CRCL, and ICE, maintain or have created such systems. A few of these systems predate TRIP. Given this operating environment and the key roles that these other agencies have in TRIP, it would be beneficial for TRIP's IT system to be compatible and capable of sharing information with the other agency systems. However, RMS does not permit this type of sharing.

RMS' limitations have an effect on redress staff outside of TSA. Many are required to enter redress case information manually from RMS into their systems every time a new TRIP case is assigned. After performing what amounts to duplicate data entry, they are also responsible for updating and revising case information in two systems. In addition to being inefficient, these activities expose the program to increased risk of data entry errors or accidental omissions.

TRIP and its users would benefit from a case management system that can directly connect with or export data to systems used by other redress offices. This kind of interconnectivity has the potential to reduce or eliminate redundant data entry. It could also improve the integrity and consistency of redress data maintained in these different systems.

RMS Has Limited Reporting Features

RMS has some limited reporting features, but they do not satisfy program needs, according to redress personnel. RMS can generate eight different types of reports on case status, assigned user, and reported travel difficulty. These reports can be customized to

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some degree. Case status reports can, for example, be developed for a particular agency or user.

Nonetheless, the system does not have a number of standardized and *ad hoc* reporting capabilities that could improve the transparency of case workflow, trends, and timeliness. Redress staff in several agencies decried RMS' limited reporting capabilities. TRIP staff indicated that they could serve redress-seekers better with a more comprehensive system with *ad hoc* reporting and trend analysis capabilities. RMS does not have an automated reporting function that users can set to generate reports at predetermined intervals. RMS users cannot design new types of reports without programming support, nor can they prepare them on an *ad hoc* basis through the system. Moreover, system users do not have access to trend analysis tools to help identify changes in processing dynamics and recognize complaint activity patterns. Such features could provide redress officials with more insight into their operations, and help improve the handling of redress petitions.

Program staff compensate for RMS' limited reporting capabilities by developing their own reports outside of RMS. Some produce *ad hoc* reports, while others rely on manual tallies to report on case activity. The most detailed and extensive TRIP report is issued by SCO. SCO prepares and disseminates weekly reports on TRIP activity that highlight the length of time cases have been in process, redress-seekers' identified travel difficulties, and participant case assignments. To prepare these reports, SCO staff extract data from RMS, convert select data fields to a different format, and execute a series of cross-tabulations. Because this process is time intensive, SCO has dedicated a half of a contractor's time to prepare these reports. SCO makes these reports available to TRIP redress officials through an online portal.

The TRIP program office develops its own reports reflecting program activity in certain areas. However, program staff are sometimes unable to extract the data required for these reports from RMS, and in other cases, RMS does not contain the needed data. Consequently, many of these reports are based on manual

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tallies by program staff. Some of the methods program staff use to compile statistics are inexact and unverifiable.

Other program participants such as CBP, ICE, and CRCL also prepare their own reports because they are unable to use RMS effectively for this purpose. Users gather the data for their reports from the RMS data entered into their own systems and spreadsheets, paper records, and manual tallies. Some program staff prepare reports using simple aggregate counts of certain kinds of cases or case activities, while others report on specific types of referrals and case dispositions, often preparing customized reports in response to specific requests for information.

TRIP redress personnel devote significant effort to developing work-around solutions to needs that RMS does not satisfy. Despite these efforts, program staff acknowledge they are unable to maintain a complete operating picture for the program or accurately identify processing and caseload trends in all cases. Although DHS indicated that TRIP will seek to identify areas that need additional support and collect information on lessons learned about the screening and redress process, the department does not because of RMS' limitations. Staff acquainted with the system and its reporting capabilities indicate that it would be very difficult to modify RMS to gather and report this kind of information.

Finally, RMS does not provide redress managers with a customizable display of key program indicators to enable them to monitor performance statistics and processing issues, such as overdue cases that require attention. Without this type of reporting, redress managers cannot easily monitor TRIP's effectiveness, set benchmarks for success, or identify needed improvements.

TRIP Faces Obstacles to Replacing RMS

Redress managers believe that TRIP needs a new IT system, but the program had not received the necessary support to move forward with plans to replace RMS at the time of our field work. TSA managers we spoke with acknowledged that RMS does not meet user needs, and one redress official outside of TSA described

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the system as “cumbersome and disjointed.” Program staff and system users in several other agencies said that RMS does not meet their needs and interferes with their productivity and effectiveness, and that TRIP would benefit greatly from a new and improved IT system. Faced with these shortcomings, system users have resorted to more time-intensive and less reliable alternatives, or have simply given up on addressing shortcomings.

RMS would be difficult to modify to meet all of the program’s needs. The system was originally built to address TSA’s particular redress needs, not DHS’ needs as a whole. It was created by system developers using customized programming code, and those programmers are no longer under contract with TSA to support the system. After TSA terminated the developers’ contract, the system was moved into an operating environment for which it was not designed. The TSA personnel and contractors currently responsible for RMS’ maintenance and repair said that the system is somewhat fragile as a result. Because the system was developed using customized code and current staff are not as familiar with the underlying code as the system developers, code changes to address emerging program needs sometimes have unintended negative effects on other parts of the system. Major changes to the RMS could, therefore, prove difficult to implement.

Commercially available, off-the-shelf products could address program requirements more effectively. When TSA examined enterprise-wide case management system solutions in 2008, it identified three commercial off-the-shelf products that fully met program requirements. However, TRIP’s program office had been unsuccessful in obtaining funding to upgrade or replace RMS for several years. The office requested funding for a replacement system in its FY 2008, 2009, and 2010 budget requests. The FY 2008 and 2009 requests were denied, and the FY 2010 request was pending at the time of our field work. The department should take action to remedy this situation.

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Recommendation

We recommend that the Director of the Screening Coordination Office in collaboration with the Assistant Secretary for the Transportation Security Administration:

Recommendation #1: Replace TRIP's current case management system with a system that fully meets the program's functional requirements for case management and workflow, document management, interoperability, and reporting.

Management Comments and OIG Analysis

We evaluated DHS' written comments and have made changes to the report where we deemed appropriate. A summary of DHS' written response to the report's recommendations and our analysis of the response follows each recommendation. A copy of DHS' response, in its entirety, is included as Appendix B. We also received written comments from DOJ and DOS and made changes to the report in response to those comments. Copies of the DOJ and DOS responses, in their entirety, are included in Appendix C and D respectively. DOJ's response to this redacted version of the report is slightly different from its response to the Sensitive Security Information version of this report. In addition, we received technical comments from SCO, TSA, CBP, US-VISIT, PRIV, DOJ, the TSC, and DOS, and have incorporated some associated changes into the report. In response to the comments we received, we withdrew Recommendation #14 and revised Recommendation #20. We appreciate the comments and contributions made by each entity.

While DHS concurred with the majority of our recommendations, a number of the department's proposed corrective actions will not be implemented for some time. These plans will be helpful in the future, but our analysis reflected a need for near-term actions to provide critical operational improvements and enhanced management oversight. We have closed two recommendations because we are satisfied that DHS has taken corrective actions to address them, and withdrew one recommendation in response to comments we received. Our remaining 21 recommendations are

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open. Of these, three are unresolved because DHS did not concur with our recommendation or did not propose appropriate actions to begin addressing it.

DHS Response: DHS concurred with Recommendation 1. In its response, DHS management said that efforts are underway to replace RMS with a system that would address TRIP user requirements in the areas of case management, reporting, privacy, and internal controls. In May and June 2008, TSA collected IT requirements from TRIP users. In August 2008, DHS coordinated a review of TRIP operations that focused on a strategy to replace RMS. TSA identified funds in its FY 2009 budget to replace RMS, and DHS provided a line item of \$1.3 million for TRIP in its FY 2010 budget, including \$556,088 to replace RMS with a new case management system.

OIG Analysis: We consider DHS' proposed actions responsive to the intent of this recommendation, which is resolved and open. This recommendation will remain open pending our receipt of documentation that demonstrates the procurement, development, and deployment of a replacement TRIP case management system. This documentation must also establish that the replacement system meets the functional requirements we identified for TRIP case management and workflow, document management, interoperability, and reporting.

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TRIP Responsibilities and Authorities Are Not Clearly Defined

The ten federal agencies and offices that participate in TRIP have a central role in the redress process. Each entity reviews and adjudicates redress cases, and helps prepare responses to individual redress-seekers. In many instances, the program relies on case review and reporting activities by several agencies to address a single redress petition fully. Consequently, TRIP requires the cooperation and support of all participating entities to operate effectively. Overall, these agencies and offices have worked well together and supported the broader aims of the TRIP effort. This has not always been the case, however, and efforts to advance larger program interests have been hampered by an unclear and incomplete authority, adjudication, and reporting structure.

The program has no clear authority to promote effective participation by the ten participating agencies and offices. These agencies and offices are only responsible for committing resources to perform a subset of redress activities related to terrorism watch lists. Otherwise, none of the agencies and offices supporting TRIP are formally bound by any written agreement, arrangement, or directive to commit resources on an ongoing basis or to perform any related case activities. Furthermore, there is no memorandum of agreement or understanding among the participants on how to handle, process, or communicate on case status or disposition.

Three entities within DHS have informal authority regarding certain aspects of the program, but these authorities do not cover the program as a whole. Strategic oversight and direction for TRIP is generally seen as the province of the RCI Governance Board and the board's chair, the Director of DHS' SCO. The Governance Board consists of representatives from a number of the participating agencies and offices who convene to discuss high-level program considerations. The board has no formal authority over the program, however, or any charter or codified decision-making process.

In addition to serving as the chair of the Governance Board, the SCO Director is responsible for coordinating DHS screening initiatives and programs, and developing DHS screening policies.

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Although the SCO Director does not have a direct line of authority to the TRIP program manager or participants, SCO's role on the Governance Board and in DHS-level screening coordination and policy development contributes to a sense among participating staff that SCO is in a position of authority. The breadth of SCO's responsibilities and its modest staff size, however, limit its managerial engagement with TRIP to providing strategic direction and occasionally intervening in significant disagreements between participating agencies.

The third entity is TSA's OTSR. Its Director serves as TRIP's program manager and operational leader. TSA is the business owner for TRIP, and, according to SCO, OTSR's Director is responsible for "the health of the program at large." While OTSR has operational responsibility for the program, it does not have authority over all aspects of program operations. OTSR has direct authority over TSA redress staff who are responsible for the bulk of TRIP's case intake and triage activities, part of the process for providing formal responses to redress-seekers, and some of TRIP's case review and adjudication efforts. However, OTSR has no authority over DHS components' or other agencies' redress personnel involved in the TRIP process. As other agencies engage in some triage activities, are central to much of the case review and adjudication process, and are key in processing responses to redress-seekers, OTSR is unable to provide operational management of the entire program.

This discrepancy between OTSR's responsibilities and operational authorities places the office in an awkward position. For example, the OTSR Director's signature appears on virtually all TRIP letter responses to redress-seekers. These letters advise redress-seekers that DHS has completed its review of their case and made appropriate changes or corrections to underlying data or information when necessary. Although the Director provides these assurances, he is in no position to ensure that they are true or accurate.

A number of redress representatives indicated that limits on OTSR's operational authority have contributed to program challenges. For one, TRIP redress staff acknowledged that having

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the office within TSA has exposed it to internal TSA pressures. Pressures on the program are intensified by TSA's control of the TRIP program office budget. At times, TSA management interests have driven TRIP action in ways that had significant effects on other agencies' redress efforts. For example, in 2007 TSA's Assistant Secretary unilaterally decided to take TRIP's case management system offline and transfer the system to servers at TSA headquarters. TSA's Assistant Secretary sought to improve the security and privacy capabilities of the case management system, but did not consult first with other agencies that relied on the system before doing so. As the system was offline for more than two months, this decision had a significant effect on other agencies' redress efforts.

In addition, according to redress personnel in several agencies, the TRIP program manager is regarded as a peer rather than an executive agent possessing operational authority over the program. As a result, these agencies do not always respond promptly to the TRIP program manager's requests for action. On occasion, participating agencies have rejected the TRIP program manager's requests entirely.

The absence of formal agreements or clear operational authority has also resulted in some unreliable and fluctuating support from participating agencies. These agencies made a number of informal commitments to TRIP during the program's planning and development process. Some agencies agreed to provide staff and financial support to TRIP but have not consistently delivered on these commitments. For example, CBP was to provide a full-time subject matter expert to the TRIP program office to help triage redress cases. The program operated for several months without a CBP detailee onsite, and during another period CBP provided an onsite detailee only a few days a week. CBP's detailee to the TRIP program office is responsible for determining the underlying basis for some redress-seekers' travel difficulties and performs an important triage function in determining what other offices and agencies may need to review a case. As a result, CBP's inconsistent staff commitments may have adversely affected redress efforts by other participating agencies and slowed overall redress case processing.

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Participating components outside of TSA have not supported TRIP on a consistent and satisfactory basis. Nine agencies and offices outside of TSA agreed to provide funds to the program in 2007. According to OTSR, three of these entities did not provide any funds to the program despite their commitment. As we noted earlier, outside agencies participating in the program have not always honored staff support commitments either.

Managers in several participating offices do not appear to place much emphasis on addressing TRIP cases, and support for TRIP has varied. Several agencies and offices have devoted only one employee to TRIP efforts on a part-time basis. Faced with competing priorities, some employees have spent little time on TRIP-related work, which has contributed to a redress case processing backlog. In these cases, we learned that agency managers had not monitored or sought reporting on employees' progress in completing TRIP case work.

Without clear TRIP operational authorities and responsibilities, some participating agencies' program support has flagged. TRIP's success depends on the cooperation and support of agencies and offices that have no set responsibilities or clear accountability for the quality or extent of their participation in the program. DHS should articulate the authorities available to TRIP managers and the responsibilities of participating agencies. Moreover, to ensure that TRIP is managed consistent with departmental interests rather than those of a single agency, DHS must provide independent funding for the program.

Recommendations

We recommend that the Director of the Screening Coordination Office, in consultation with the Assistant Secretary for the Transportation Security Administration:

Recommendation #2: Define and communicate strategic and operational management roles for TRIP, and participant and program manager responsibilities, roles, and authorities.

We recommend that the Director of the Screening Coordination Office:

Recommendation #3: Seek independent funding for TRIP through a line item in the department's budget or that of one of its components.

Management Comments and OIG Analysis

DHS Response: DHS concurred with Recommendation 2. The department indicated that SCO will lead the effort to document TRIP strategic and operational management responsibilities, roles, and authorities, in consultation with TRIP participants for approval by the RCI Governance Board. DHS plans to approve and distribute a signed DHS informational memorandum on these topics by the first quarter of FY 2010.

OIG Analysis: We consider DHS' proposed actions responsive to the intent of this recommendation, which is resolved and open. This recommendation will remain open pending our receipt of documentation that clearly defines TRIP's strategic and operational management roles, to include participant and program manager responsibilities, roles, and authorities.

DHS Response: DHS concurred with Recommendation 3. DHS management noted that the DHS FY 2010 budget contains an independent line item of \$1.3 million for TRIP.

OIG Analysis: We consider DHS' actions fully responsive to the intent of this recommendation, which is resolved and closed.

TRIP Does Not Always Provide Meaningful Resolutions to Redress-Seekers' Travel Difficulties

To be successful and responsive, TRIP must provide redress-seekers with meaningful results that have appreciable benefits. To do so, TRIP must resolve the travel difficulties it claims it can. The TRIP website advises travelers that the program can assist them with resolving a range of travel difficulties. Our review of redress results revealed that those claims are

overstated. While TRIP offers effective solutions to some traveler issues, it does not address other difficulties effectively, including the most common—watch list misidentifications in aviation security settings. TRIP’s inability to provide meaningful solutions in this area could damage the program’s credibility.

To deliver meaningful results, a redress process requires independent and impartial judgment in reviewing cases. Most TRIP cases are reviewed by staff outside the traveler screening and vetting units that are the most common source of travel difficulties and subsequent complaints. This independence gives redress staff greater latitude to make determinations that may be critical of or effectively reverse decisions made by screeners, inspectors, or investigators. However, the disposition of two important types of redress cases is left to the source of the original determination that redress-seekers are petitioning to reverse.

Most Redress Cases Relate to Two Types of Underlying Issues

TRIP redress inquiries stem from many different adverse travel experiences. Those experiences are the product of a range of underlying issues that TRIP is intended to address. Nevertheless, most TRIP cases relate to two types of underlying issues. Redress-seekers may have been inconvenienced because they were (1) misidentified with or (2) correctly matched to government data used by screening agencies.

The overwhelming majority of TRIP cases relate to traveler difficulties in an aviation security setting or at a U.S. port of entry. TSA is charged with traveler screening in aviation settings, while CBP is responsible for screening and admissibility determinations at ports of entry. In aviation security settings, redress-seekers generally petition to address instances in which they perceive they were either misidentified with or correctly matched to a record on a terrorist watch list. At ports of entry, redress-seekers may have been misidentified with or correctly matched to a record in one of many government systems, including the terrorist watch list.

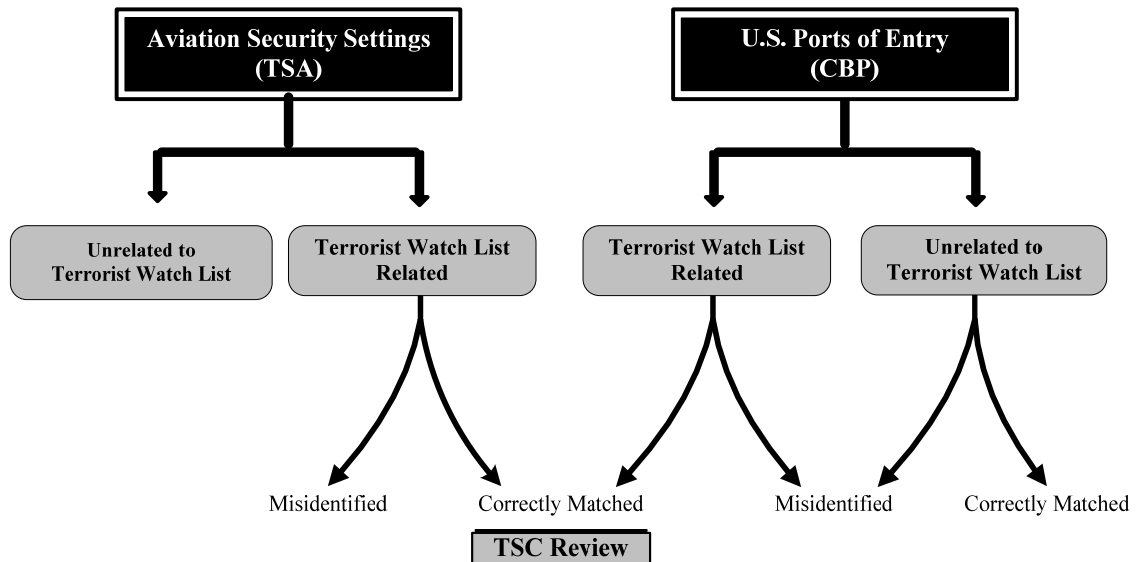
Consequently, both TSA and CBP process redress cases that relate to misidentifications and terrorist watch list matches. Because CBP uses data from a number of other government systems to

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inform its screening and admissibility decisions, CBP also receives redress cases related to correct matches to data in other systems. To resolve issues related to correct matches to records in government systems, CBP and TSA refer redress cases to the agencies that maintain those systems. When a redress case pertains to a correct match to the terrorist watch list, for example, TSA and CBP refer the case to TSC, which maintains the federal government’s consolidated terrorist watch list, or TSDB. A number of TSA and CBP-related redress cases may not pertain to data in government systems as both agencies employ other techniques in identifying individuals for additional security scrutiny. TSA, for example, uses behavioral indicators and random selection techniques to identify passengers for additional screening.

Figure 3: Aviation Security and Port of Entry Travel Issues



Source: OIG Analysis

TRIP’s Primary Redress Tool Does Not Assist Travelers in Many Cases

Most TRIP redress requests stem from watch list misidentifications in commercial aviation security settings. TRIP’s primary redress

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tool to address these misidentifications is the cleared list. Redress-seekers, however, rarely benefit from TSA's efforts to add them to the cleared list, as air carriers seldom use the list. TSA could do more to promote use of the list.

Watch List Misidentifications Related to Commercial Aviation Security Are the Principal Source of TRIP Redress Requests

TSA works with air carriers to identify individuals believed to pose a threat to commercial aviation security. To identify these individuals, the federal government has developed two watch lists, the No Fly and Selectee lists. These lists are subsets of the larger TSDB discussed earlier in this report. Individuals on the No Fly list are prevented from boarding an aircraft, while those who match the Selectee list are subjected to additional security screening.

Under the present procedures for terrorist watch list vetting, a large number of air travelers are identified as possible matches to TSA's No Fly or Selectee list. The vast majority of travelers identified as a possible match to these lists are ultimately determined not to be the individuals of interest. These initial misidentifications are referred to as false positives.

TSA requires air carriers to vet passenger data against the No Fly and Selectee lists and identify possible matches for additional scrutiny. For security reasons, TSA provides air carriers with little information about individuals on the No Fly and Selectee lists. The watch lists that TSA makes available to the air carriers contain only first names, last names, and dates of birth. For their part, air carriers collect limited information about passengers during the reservation process. Because reservation information generally did not include dates of birth, air carriers made initial determinations about whether a traveler is a possible match to the watch lists exclusively based on first and last name information. This approach yields a large number of false positives.

False positives are costly to passengers, air carriers, and the government. Misidentified passengers cannot select seats or print a boarding pass until their identifying information is verified by an air carrier representative. For frequent travelers, these delays may

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be very inconvenient. Air carriers incur additional costs when a passenger who could otherwise check in online or use an airport ticket kiosk is directed to a ticket agent for identity verification. Meanwhile, the federal government expends time and resources reviewing and correcting false positives. When air carriers cannot definitively distinguish between a traveler and a No Fly or Selectee list record, they contact TSA for assistance. Because many of these calls pertain to false positives, TSA staff expend time reviewing information on passengers who pose no threat.

False positives adversely affect the traveling public, air carriers, and government because they occur in large numbers on a daily basis. In April 2008, DHS' Secretary observed, "one major air carrier has reported roughly 9,000 false positives every day."⁹ From August 2008 to October 2008, seven major U.S. air carriers reported that they diverted 476,094 passengers, or an average of more than 5,100 per day, to ticket counters because of watch list misidentifications. Most false positives inconvenience passengers and air carriers alone and are not brought to TSA's attention. Nevertheless, even the small percentage of false positives that prompt the air carriers to contact TSA are significant in number. In June 2008, about [REDACTED] of the approximately [REDACTED] calls TSA received from air carriers concerning possible passenger matches to the No Fly or Selectee list were false positives.

Most TRIP petitioners seek resolution of watch list misidentification issues that came to their attention in an aviation setting. During the first seven months of 2008, 72% of TRIP petitioners indicated that their travel difficulties occurred in an aviation security setting. TRIP does not seek to determine definitively the underlying source of these petitioners' travel difficulties in most cases; rather, it assumes that their difficulties stem from either their inclusion on the No Fly or Selectee list or their misidentification as someone on these lists. Because very few redress-seekers positively match the No Fly or Selectee list, most redress-seekers were likely to have been misidentified during the watch list vetting process.

⁹ http://www.dhs.gov/xnews/releases/pr_1209473895546.shtm.

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TRIP's Primary Tool to Address Watch List Misidentifications—
the Cleared List—Is Often Ineffective Because Air Carriers Use It
Sparingly

TRIP advertises that it “can help travelers work to resolve” watch list misidentifications that arise in aviation settings. The TRIP website indicates that the program “is a central gateway to address watch list misidentification issues.”¹⁰ It also indicates that the program can assist in the resolution of travel issues that stem from watch list misidentifications, such as being unable “to print a boarding pass from an air carrier ticketing kiosk or from the Internet....”¹¹

Despite the website's declarations about the program's ability to address watch list misidentifications, TRIP's primary redress tool for this purpose—the cleared list—does not assist travelers in many cases. TRIP's primary approach to resolve aviation-related watch list misidentifications is to create a cleared list record for the misidentified individual. TSA, in turn, provides the cleared list to air carriers to use in vetting passengers against the No Fly and Selectee lists.

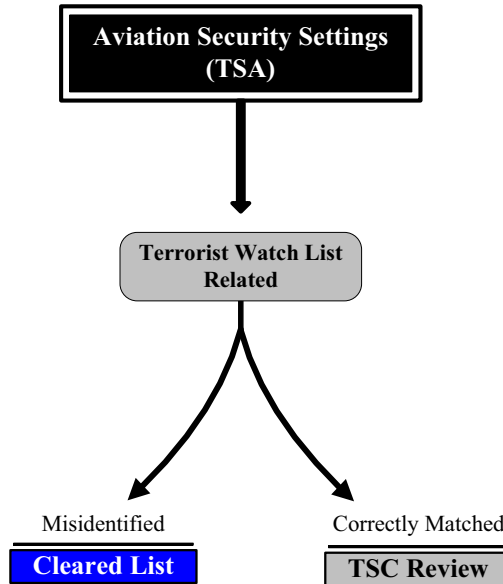
¹⁰ http://www.dhs.gov/xtrvlsec/programs/gc_1169676919316.shtm.

¹¹ http://www.dhs.gov/xtrvlsec/programs/gc_1169699418061.shtm.

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Figure 4: TRIP Approach to Watch List Misidentifications in Aviation Security Settings



Source: OIG Analysis

The cleared list’s shortcomings and continued watch list misidentifications do not occur because of a lack of effort or attention. TSA has devoted significant time and resources to maintain the cleared list. TSA staff vet biographical information against the No Fly and Selectee lists, and sometimes refer this information for further checks by the TSC. TSA then populates the cleared list with the vetted biographical information. In some cases TSA enters this information in both TRIP’s case management system and the cleared list itself. By June 2008, program staff had added biographical information on almost 71,000 individuals to the cleared list. TSA has also invested in IT resources to support cleared list programming and maintenance, and to ensure that air carriers have access to updated versions of the cleared list.

Many misidentifications occur because air carriers’ use of the cleared list is very limited. TSA requires air carriers to review identifying documents for all passengers identified as a possible No Fly or Selectee list match regardless of cleared list status. Most

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air carriers accomplish this through in-person identity verification checks, although some permit passengers to scan identifying documents at airport kiosks. Passengers identified as possible watch list matches are not permitted to print boarding passes online, and are generally unable to do so at an airport kiosk. This is the most common traveler inconvenience associated with watch list vetting, and travelers on the cleared list are rarely able to avoid it. This occurs because air carriers must review identifying documents for all individuals who are a possible watch list match, regardless of whether their identifying information more closely matches a record on the cleared list.

Usually, air carrier representatives are able to rule out watch list misidentifications when passengers present themselves at a ticket counter and provide additional information, such as their date of birth. In exceptional cases, should a passenger's name and date of birth match a record on the No Fly or Selectee list, air carriers may use the cleared list to assist them in ruling out the match. Air carriers can use the extensive identifying information on the cleared list to identify passengers who, despite similar identifying information to a watch list record, have successfully completed the redress process and been determined not to be the focus of a watch list record. Nonetheless, a number of air carriers do not use this information. When air carrier representatives are unable to rule out a watch list match, they contact TSA to make a final determination on whether an individual is the intended target of a watch list record.

Air carriers use the cleared list sparingly, and in some cases not at all. In September 2008, the Government Accountability Office (GAO) reported that representatives from 4 of 14 air carriers surveyed said that their air carrier did not use the cleared list. Eleven air carriers indicated that individuals on the cleared list still must check in at a ticket counter.¹²

We spoke with representatives of five major air carriers and reviewed materials related to two more. We also discussed the

¹² GAO, *Aviation Security – TSA Is Enhancing Its Oversight of Air Carrier Efforts to Identify Passengers on the No Fly and Selectee Lists, but Expects Ultimate Solution To Be Implementation of Secure Flight*, GAO-08-992, September 2008, p. 50.

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practices of 14 other air carriers with TSA. Of these 21 air carriers, only 1 used the cleared list to assist it in ruling out possible watch list matches in the process of initially vetting reservation data. Three others used the cleared list to assist in ruling out false positives at the ticket counter when a passenger's name and date of birth were identical or very similar to those in a No Fly or Selectee record. Representatives from two major air carriers acknowledged that they did not use the cleared list at all.

TSA Bears Some Responsibility for Air Carriers' Limited Use of the Cleared List

Although TSA maintains and distributes the cleared list so air carriers can use it to reduce the incidence of false positives, TSA has created a regulatory environment that contradicts this aim. In addition, the cleared list that air carriers receive is not a complete list of all cleared individuals, but a subset of those who currently match the No Fly or Selectee list.

While TSA has placed intense pressure on air carriers to ensure that they identify possible watch list matches, it has created a regulatory environment that places little emphasis on clearing misidentified passengers. TSA's guidance to air carriers on matching passenger data to the No Fly and Selectee lists itemizes specific matching requirements, and TSA has studied and tested air carriers' effectiveness in identifying passengers who match watch list records. When TSA has learned that an air carrier failed to identify a passenger who is on the No Fly or Selectee list, the air carrier has been fined.

By contrast, TSA's security directives require air carriers to use the cleared list but do not stipulate how. TSA guidance mandates that air carriers have verifiable systems that use the cleared list to clear individuals. However, TSA has never sought to verify that such systems are in place. TSA transportation security inspectors said that they knew of air carriers that did not use the cleared list, but these air carriers have not been sanctioned or penalized. TSA's pressure on air carriers not to miss watch-listed passengers exceeds its pressure on them to use the cleared list to reduce false positives.

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Moreover, TSA has constrained air carriers' access to the full cleared list. In so doing, TSA excludes information on some individuals who air carriers would be able to clear more easily. Rather than giving air carriers access to all records on the cleared list, TSA gives them access to a subset of records: permanent and active records.

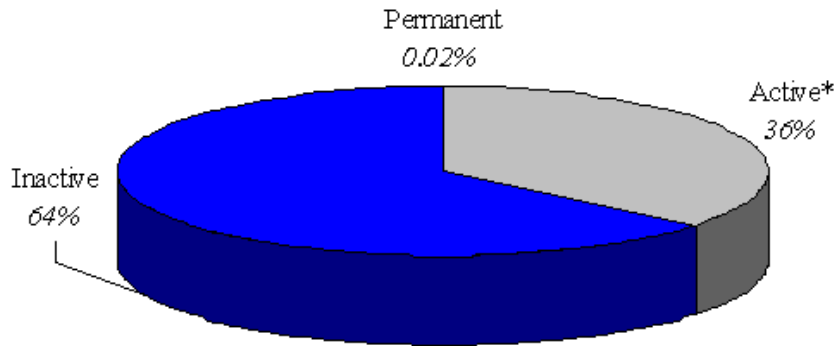
TSA considers a cleared list record permanent when at the time of the traveler's redress request, the traveler's record is a match to a No Fly or Selectee list record on the basis of last name, first name, and date of birth. TSA works with the TSC to vet all subjects of permanent cleared list records to ensure that, despite the similarity of their identifying information, they are not the intended target of a watch list record. TSA considers a cleared list record active when the record has a last name and first initial that match the last name and first initial on a current No Fly or Selectee record. TSA also considers cleared list records active when the record has a first name and last name that, when reversed, match the first name and last name of a current No Fly or Selectee record. TSA considers the remaining cleared list records inactive.

TSA considers most cleared list records inactive and does not provide them to air carriers. TSA had almost 71,000 cleared list records as of May 30, 2008. Of these, TSA protocols rendered approximately 45,391, or 64%, inactive.

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Figure 5: Distribution of Cleared List Records as of May 30, 2008



* Figures do not add up to 100% due to rounding error.

Source: OIG Analysis of Cleared List Records

Air carriers use a range of matching techniques to determine whether a traveler is a possible match to the No Fly or Selectee list. An April 2008 TSA security directive requires air carriers to use [redacted] name-matching protocols when comparing passenger data to information on the No Fly and Selectee lists. Some air carriers perform additional watch list checks on passenger data, including checks that account for common alternative spellings of certain names, as well as phonetic variations of name spellings.

Because the criteria that TSA uses to identify permanent and active cleared list records are not aligned with air carrier watch list matching protocols, air carriers do not receive cleared list information on some cleared travelers who are possible matches to the watch lists. For example, TSA requires air carriers to consider individuals possible watch list matches if their names match to names on a No Fly or Selectee list record [redacted]. However, TSA does not consider cleared list records that match No Fly or Selectee list records on the same grounds to be active records, and does not share them with the air carriers. Thus, [redacted] who completed the redress process and was added to the cleared list, will be identified by air carriers as a possible watch list match to a No Fly list record [redacted] but the air carriers will not have access to her cleared list record because TSA considers it inactive.

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These abstract differences in watch list matching protocols have a practical effect on air carriers' ability to clear passengers. Some inactive cleared list records match the No Fly and Selectee lists when air carrier matching protocols are used. Therefore, when air carriers identify passengers with inactive cleared list records as possible watch list matches, they have no way of knowing that those passengers have already been cleared by TSA.

To determine the effect of this inconsistency in TSA's approach to watch list matching, we matched inactive cleared list records from May 30, 2008, to No Fly and Selectee records from the same date. We used the matching routines that TSA requires air carriers to use when vetting passenger data to identify inactive records that air carriers could have used to clear passengers. Our research revealed that 2,904 inactive cleared list records—6.4% of inactive cleared list records—were a match to the No Fly or Selectee list using the matching routines TSA requires air carriers to use. If any of these individuals on the cleared list had attempted to fly on May 30, 2008, they would have been identified by their air carrier as a possible watch list match. When air carrier representatives consulted the cleared list to rule them out as a match, however, they would not have found them because the abbreviated version of the cleared list that TSA provided did not include their cleared list record.

TSA representatives told us that they do not share the full cleared list with the air carriers for two reasons. First, they are concerned about air carriers' ability to regularly access and process the entire cleared list. At the time of our fieldwork, however, air carriers were already successfully downloading a larger data set than the cleared list—the Selectee list—from TSA on a regular basis. Air carriers should be able to download and process the full cleared list as well.

Second, TSA officials said that several years ago they learned that an air carrier used the cleared list to vet passenger data in the same way it used the No Fly and Selectee lists. This meant that all individuals on the cleared list were allegedly required to report to a ticket counter for an identity check, regardless of whether they

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matched a No Fly or Selectee record. Essentially, this air carrier allegedly penalized cleared passengers for being on the cleared list. TSA representatives indicated that the air carrier in question used the cleared list in this manner because it had tied the cleared list to the same programming code it associated with the No Fly and Selectee lists. The air carrier reportedly did not have the IT programming resources to develop a new, more productive way to use the cleared list in the passenger watch list vetting process. In the future, TSA should respond to such cases by working with the air carrier in question to resolve the matter, rather than using such cases to determine whether to provide the full cleared list to air carriers.

Aggrieved travelers invest time and resources submitting information to TSA that TSA, in turn, expends time and resources entering into the cleared list. However, these efforts rarely benefit travelers due to the air carriers' limited application of the cleared list. Air carriers could apply the cleared list in a comprehensive way if TSA reshaped the regulatory environment, and provided them with either the full cleared list or a more substantial portion of it.

While TSA could do more to encourage use of the cleared list to rule out possible watch list matches, the air carriers have taken independent action to reduce false positives. Several air carriers concerned about the volume of false positives created their own passenger preclearance programs. As noted earlier, these preclearance programs typically pair frequent flier or air carrier rewards program data with passenger reservation information to help rule out possible watch list matches. Some air carriers have invested significant resources in their preclearance programs, and these efforts are commendable.

Nevertheless, enrollment in air carrier passenger preclearance programs is not an optimal solution for a number of travelers inconvenienced by frequent watch list misidentifications. Many passengers do not have the option of enrolling in a preclearance program because their air carrier does not have such a program. A passenger who flies on an air carrier with a preclearance program must be enrolled in that air carrier's program to receive benefits.

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Consequently, many frequent travelers would have to enroll in a number of preclearance programs to receive benefits every time they fly.

TSA could leverage the cleared list more in implementing air carrier passenger preclearance programs, but it has not done so. DHS' authorization of air carrier preclearance programs could have provided for air carriers to collect redress control numbers, and thus link records to the cleared list, but it did not. We encourage TSA to study this option should full implementation of the Secure Flight program, discussed in the following section, be delayed.

In the meantime, TSA could help reduce the incidence of false positives by communicating clearer requirements for air carriers' use of the cleared list, establishing a monitoring regime to enforce compliance with those requirements, and providing air carriers with more of the cleared list.

Recommendations

We recommend that the Assistant Secretary for the Transportation Security Administration:

Recommendation #4: Revise aviation security directives to specify how air carriers are to use the cleared list, and develop and apply inspection protocols that monitor air carriers' use of the cleared list.

Recommendation #5: Provide more of the cleared list to air carriers, at minimum ensuring that they receive all cleared list records that match the current No Fly and Selectee lists using all required matching routines.

Management Comments and OIG Analysis

DHS Response: DHS did not concur with Recommendation 4. In its response, DHS management acknowledged commercial air carriers' financial challenges and competing requirements for their investments, particularly related to their IT systems and Secure

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Flight program requirements. DHS said that rather than revising aviation security directives, TSA will implement Secure Flight to perform watch list and cleared list matching. Further, DHS indicated it would revise the Transportation Security Inspection Handbook to define inspection protocols to monitor both cleared list and other No-Fly list requirements.

OIG Analysis: DHS' comments were not responsive to the intent of this recommendation, which remains unresolved and open. Although TSA has maintained the cleared list for more than four years, it has yet to provide guidance to the airlines on how to use it. Aviation security directives distributed to air carriers include No Fly and Selectee watch list requirements, but do not provide guidance on cleared list use. While Secure Flight employs the cleared list in its passenger vetting process, Secure Flight is not scheduled to vet all domestic air passengers until the end of 2010. TSA should pursue necessary regulatory changes now so that passengers on the cleared list can obtain meaningful relief in the interim. TSA guidance and specifications for air carriers' cleared list use need not focus on standards that will require air carriers to modify their IT systems. However, TSA requirements in this area could prompt some air carriers to speed their transition to Secure Flight.

This recommendation will remain open until TSA revises its aviation security directives to provide air carriers with guidance and specifications on use of the cleared list, and modifies its inspection protocols to monitor compliance with these guidelines.

DHS Response: DHS did not concur with Recommendation 5. DHS management said that its current sharing practices are designed to provide air carriers with data needed to effectively perform watch list matching. According to DHS, inactive cleared list records are not provided to air carriers in order to aid watch list matching. When the watch listed record causing the misidentification has been removed from the No-Fly and Selectee lists, the corresponding cleared list record becomes inactive.

Further, DHS officials said that air carriers cite the costs of IT system modifications as a reason for not using more of the cleared

list. DHS said that our analysis of the expanded cleared list use resulting in a 6.5% performance improvement is not a sufficient incentive for air carriers to make the necessary IT investments for full cleared list use. DHS also indicated that the implementation of Secure Flight by the end of 2010 makes this recommendation unnecessary.

OIG Analysis: DHS' comments were not responsive to the intent of this recommendation, which remains unresolved and open. We highlighted the differences between TSA's criteria for identifying permanent and active cleared list records, and its watch list matching protocols, and discussed the effect this has on air carriers' ability to clear passengers. Air carriers' receive and process TSA's Selectee list, which at the time of our field work was longer than the full cleared list. Therefore, air carriers are not likely to require significant IT system modifications to receive more of the cleared list. As Secure Flight is not expected to vet all domestic passengers until the end of 2010, TSA should take the steps necessary to share more of the cleared list with air carriers now. This recommendation will remain open until TSA provides air carriers all cleared list records that match current No Fly and Selectee lists using all required matching routines.

Plans for Secure Flight Promise Increased Cleared List Use But Raise Other Issues

TSA asserts that use of the cleared list will improve with the expansion of the Secure Flight program. Whereas most air carriers are currently responsible for vetting domestic passengers against the No Fly and Selectee lists, TSA began assuming this responsibility in January 2009 under the Secure Flight program. TSA maintains that Secure Flight will provide more thorough and uniform vetting of air carrier passenger data, thereby reducing threats to aviation. TSA also holds that Secure Flight will reduce the incidence of false positive matches to the No Fly and Selectee lists.

The Secure Flight program vets air carrier passenger data against the No Fly and Selectee lists in a three-stage process. The first stage of the process is automated, while the remaining two stages

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involve manual vetting by government analysts. The Secure Flight program will use the cleared list in each of these vetting stages. Once the Secure Flight program receives air carrier passenger data and performs initial automated vetting of these data against the No Fly and Selectee lists, it checks potential No Fly and Selectee matches against the cleared list. Passengers who are initially identified as a potential watch list match but are also an exact match to a cleared list record are cleared by Secure Flight and not subjected to any special security screening. Secure Flight analysts manually vet potential watch list matches that remain after this process is complete. TSA reported that the cleared list would be available to these analysts to assist them in ruling out some remaining possible watch list matches.

If Secure Flight plans are properly implemented, the program will increase the overall use of the cleared list. These plans, however, raise other concerns related to the cleared list and redress of traveler grievances.

According to the Secure Flight Final Rule, all domestic air carriers will be required to collect additional information on passengers. Whereas air carriers collected only passenger names under past requirements, the new rule requires them to collect passengers' dates of birth, gender, and, when available, redress control numbers. TRIP assigns a redress control number to redress cases for tracking purposes. Secure Flight uses these redress control numbers to link travelers to cleared list records. Secure Flight's automated passenger data vetting process does not consider a passenger record a cleared list match unless the passenger's information is an exact match to the first name, last name, and date of birth of a cleared list record and includes the corresponding redress control number.

This approach poses two significant challenges. First, it is unreasonable to expect people on the cleared list to supply redress control numbers to air carriers during the reservation process. Travelers who petitioned for redress before October 2007 never received redress control numbers. Redress-seekers who received redress control numbers since then have not been advised to retain the number after completing the redress process. During our

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fieldwork, TRIP had not advised redress-seekers that their redress control numbers could help them avoid future watch list misidentifications.

Second, at the time of our fieldwork the cleared list did not contain redress control numbers, and TSA may experience difficulties linking cleared list records to redress control numbers. Redress control numbers are maintained in TRIP's RMS. However, during our field work there was no direct link between RMS and the cleared list, and RMS did not contain reliable information on whether a cleared list record was created in response to a given redress request. In addition, some cleared list records may be associated with multiple redress control numbers because the same cleared individual may have submitted multiple redress requests. At the time of our fieldwork, TSA had yet to develop a plan to address these issues.

Secure Flight plans also suggest that the program will use the cleared list less extensively than is advisable. According to Secure Flight plans, the program is to receive only the active and permanent subsets of the cleared list. By using only these subsets for vetting purposes, Secure Flight limits the number of possible watch list matches it can rule out.

Secure Flight applies complex algorithms to matching passenger data to No Fly and Selectee records. [REDACTED]

Secure Flight has set a high standard for determining whether a passenger is on the cleared list. [REDACTED]

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[REDACTED] Minor data issues associated with air carrier reservation systems or data entry errors on the part of TRIP redress staff could also work against cleared-listed individuals' prospects of being cleared.

Secure Flight's [REDACTED] will prevent some aggrieved individuals from receiving effective redress. This requirement is unnecessary, and contrasts with Secure Flight's approach to watch list matching.

[REDACTED]

Recommendations

We recommend that the Assistant Secretary for the Transportation Security Administration:

Recommendation #6: Develop and implement a plan for the Office of Transportation Security Redress to address Secure Flight requirements that, at minimum, provide for notifying current redress applicants that their redress control numbers may be useful in future air carrier reservations, and establishes how TSA will incorporate redress control numbers into the cleared list.

Recommendation #7: Use all cleared list records to assist in ruling out all possible passenger data matches to the watch lists identified through Secure Flight, and evaluate options for applying matching thresholds for cleared list matches to account for possible cleared-list passenger data entry errors.

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Management Comments and OIG Analysis

DHS Response: DHS concurred with Recommendation 6. DHS management advised that all cleared list records have been updated with redress control numbers. As of January 2009, OTSR provides the cleared list to Secure Flight daily. Secure Flight and OTSR are coordinating a letter to redress applicants who filed before October 2006 to provide them with a redress control number and information on its intended use. TSA plans to send these letters by the end of the 4th quarter of FY 2009.

OIG Analysis: DHS' proposed actions are partially responsive to this recommendation, which is resolved and open. Although TSA will send letters with redress control numbers to those redress seekers who filed for redress prior to October 2006, TSA should also seek to alert any subsequent redress-seekers of the potential benefit of retaining and using their redress control numbers when making future air travel reservations. Further, in order to fully comply with our recommendation, TSA must develop a means of advising pending and future redress-seekers of how they can use their redress control numbers. This recommendation will remain open until TSA demonstrates to us that it has provided all of the notifications described above.

DHS Response: DHS concurred with Recommendation 7. As of January 2009, Secure Flight receives and uses the full cleared list, and employs matching algorithms to identify exact and near matches to the cleared list.

OIG Analysis: DHS' actions are responsive to this recommendation, which is resolved and open. This recommendation will remain open until TSA has provided documentation that Secure Flight is using the full cleared list, and employing the algorithms to identify near matches to the cleared list matches to account for possible cleared-list passenger data entry errors.

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The Primary Redress Tool for Difficulties at Ports of Entry Is Often Effective, but Could Be Improved

The second largest group of TRIP redress requests pertains to difficulties at U.S. ports of entry. Twenty-eight percent of TRIP redress-seekers who submitted complaints during the first seven months of 2008 indicated that their travel issues related to a port of entry. CBP's primary instrument to address related difficulties is the PLOR. CBP creates PLORs for travelers who are subjected to secondary inspections upon entering the country because they have been misidentified as someone of interest to the government. PLORs provide meaningful assistance to many travelers, but have some limitations.

Many travelers who enter the United States are required to submit to secondary inspections by CBP officers. Travelers may be directed to secondary inspections based on observations by CBP officers at primary inspection stations, in response to a CBP intelligence-driven operation, or because their identifying information matches a lookout in TECS. These lookouts, which are generated by a number of federal agencies, relate to a past violation or suspicion of violation of various laws and border crossing requirements.

Sometimes travelers selected for secondary inspections based on a TECS lookout are not the lookout's intended target. This is because some TECS lookouts contain limited biographical information on the target, and a number of travelers may match the lookout's limited biographical profile. While those travelers are subjected to secondary inspections because of the lookout, many are not its intended target. Secondary inspections may take more than a half an hour and frequently involve separating the subject of the inspection from family members. Secondary inspections resulting from lookout misidentifications, therefore, represent a major inconvenience to travelers.

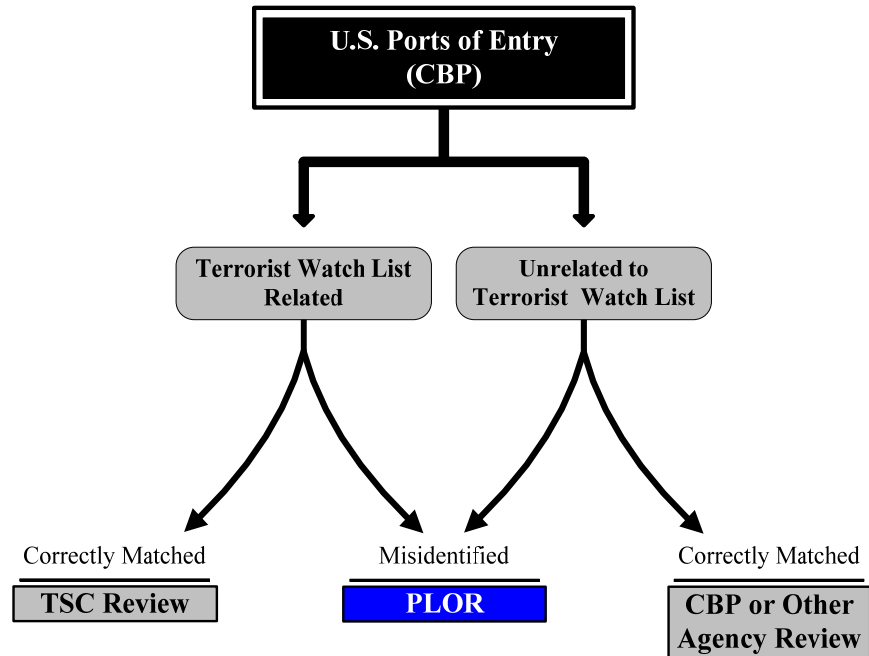
When, following a secondary inspection, a CBP officer determines that a traveler is not the intended focus of a TECS lookout, the officer is to create a PLOR in TECS. The PLOR is designed to override the TECS lookout that prompted the traveler's secondary

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inspection automatically. When the traveler passes through a port of entry in the future, that TECS lookout will not prompt officers to refer the traveler to secondary inspection again.¹³ By creating PLORs, CBP lowers the incidence of repeat traveler misidentifications, reduces traveler inconvenience, and enables CBP to focus its resources on more likely security risks. As of May 2008, CBP had created approximately 150,000 active PLORs. These PLORs, in turn, enabled CBP officers to forgo secondary inspections of misidentified travelers 156,740 times.

Figure 6: TRIP Approach to Misidentifications at Ports of Entry



Source: OIG Analysis

¹³ A traveler with a PLOR record may, however, be referred to secondary inspection for other reasons.

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Primary Lookout Over-Ride Limitations

CBP's PLOR efforts reduce the likelihood that travelers will be repeatedly misidentified. However, three PLOR program security precautions create the possibility that travelers will continue to be misidentified.



To address this issue, CBP developed a notification system whereby the PLOR record owner—usually the CBP officer who created the original PLOR—is advised of any changes to the underlying TECS lookout for which the PLOR was created. PLOR record owners then have the opportunity to review changes made to the TECS lookout to determine whether the associated PLOR is still appropriate. If the PLOR is still appropriate, the record owner must revise and re-submit the PLOR. This approach is helpful but imperfect. For example, PLOR record owners may not always review and reactivate PLORs to address updated TECS lookouts when appropriate. In other cases, PLOR record owners may not heed notifications. When CBP officers transfer from a port of

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entry, they are to reassign their PLOR record ownership to other staff at the port of entry. CBP representatives acknowledge, however, that this does not always occur, and note that some lookout notifications may be unattended to as a result.

Finally, PLORs are not used to the extent needed to inform air carriers about international passengers bound for the United States. In the past, air carriers were solely responsible for vetting passenger information against the No Fly and Selectee lists. CBP is now in the process of assuming responsibility for communicating watch list vetting results for all international passengers bound for the United States to air carriers through its interactive Advance Passenger Information System (APIS). Under this arrangement, CBP provides instructions to air carriers about the proper handling of a passenger based on the agency's passenger data checks against the No Fly and Selectee lists. CBP may advise an air carrier that a passenger should be prevented from boarding a U.S.-bound aircraft, subjected to additional security screening, or cleared to board after undergoing standard security screening.

CBP uses PLOR information to assist in vetting APIS data. CBP overlays PLOR information on top of its No Fly and Selectee match results in APIS so that passengers CBP has ruled out as watch list matches in the past are not prevented from boarding an aircraft. When a passenger is a possible Selectee list match but has a PLOR overriding a past terrorist watch list lookout, CBP instructs the air carrier to clear the passenger for boarding without any supplementary security screening. When a passenger is identified as a possible No Fly list match, but has a PLOR for a past terrorist watch list lookout, CBP alerts the air carrier to treat the passenger as a selectee and subjects the passenger to additional security screening unless TSA over-rides this determination.

CBP's practices in this latter case do not account properly for the traveler's PLOR and undercut its value as a redress benefit. PLORs generally reflect CBP officers' face-to-face determination following an interview process that an individual is not the subject of a lookout. As such, PLORs should be regarded as having a high degree of reliability. CBP's APIS protocols related to No Fly list

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matches, however, partially discount the integrity of CBP officers' judgment to create a PLOR.

CBP's current practice counteracts the aims of the redress process. Passengers who have been misidentified as a No Fly list match have no alternative but to submit to additional security screening prior to every U.S.-bound international flight. These passengers are permitted to board international flights after they have undergone CBP's redress process, but continue to be unnecessarily singled out for additional security attention every time they do. CBP should improve its PLOR program by monitoring PLOR record owner activity more closely and more fully leveraging PLORs in the APIS watch list vetting process.

Recommendations

We recommend that the Commissioner for U.S. Customs and Border Protection:

Recommendation #8: Establish a process to monitor the currency of Primary Lookout Over-Ride record owner status, and institute periodic inspections to determine whether record owner notifications about changes made to an underlying subject record are acted on appropriately.

We recommend that the Commissioner for U.S. Customs and Border Protection in collaboration with the Assistant Secretary for the Transportation Security Administration:

Recommendation #9: End the practice of singling out passengers with terrorist watch list lookout-related Primary Lookout Over-Rides for selectee security screening when they are identified as possible No Fly list matches during Advance Passenger Information System vetting.

Management Comments and OIG Analysis

DHS Response: DHS concurred with Recommendation 8. DHS management said that a process is in place to send notifications to the responsible officer for disconnected PLORs that require

attention. CBP field offices monitor a daily report on disconnected PLORs, and these daily reports are also actively reviewed by CBP headquarters personnel. In addition, CBP conducts an annual nationwide review of all PLORs.

OIG Analysis: DHS' actions are fully responsive to this recommendation, which is resolved and closed.

DHS Response: DHS did not concur with Recommendation 9. DHS described CBP's screening of travelers arriving in and departing from the United States using APIS and TECS as temporary. Secure Flight will assume all No Fly and Selectee watch list matching for international flights by the 1st quarter of FY 2011.

OIG Analysis: DHS' comments are not responsive to the intent of this recommendation, which remains unresolved and open. We recommended that CBP end the practice of advising air carriers to treat passengers identified as possible No Fly list matches as Selectees when their association with a No Fly list record has already been ruled out in a face-to-face CBP interview. Because this can be achieved now through a change to the IT protocols underpinning APIS' interface with air carriers, there is no cause to wait until FY 2011 for action. This recommendation will remain open until DHS can establish that it has made the proper adjustments to its APIS IT protocols.

When Used for Redress Purposes, CBP's Primary Lookout Over-Ride Should Be Characterized by More Independence

CBP creates many PLORs at ports of entry before travelers have sought redress. Because CBP does not advise misidentified travelers who have undergone secondary screening that a PLOR has been created for them in TECS, some travelers pursue redress after CBP has already created a PLOR record for them.

In other cases, CBP finds that misidentified travelers who have filed for redress do not have a PLOR on record. In January 2007, CBP mandated that its officers create PLORs for all misidentified individuals who undergo secondary inspections. Consequently,

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most of these redress cases result from an officer's failure to comply with this policy. CBP redress officials forward these kinds of complaints to CBP field offices for resolution and await notification that the field offices have taken appropriate action in response to the complaint. CBP field offices, in turn, sometimes rely on the officers who failed to create a PLOR to rectify this past omission.

This approach provides no guarantee that an impartial review of the redress complaint will occur. Instead, it ensures that the offices that initially acted on the TECS lookout and were the source of the redress-seeker's travel difficulties will also be the final arbiters of whether the basis for the traveler's secondary inspection is overridden. Staff outside of field offices should make these types of determinations with input from field office personnel.

DHS is required to offer aggrieved travelers a "fair" redress process.¹⁴ Impartial and objective review and adjudication of redress petitions is an essential part of any fair redress process. A process that relies exclusively on the review and consideration of redress claims by the office that was the source of the traveler's grievance is not fair. CBP should modify its redress process in this area to provide for independent review without compromising security.

Recommendation

We recommend that the Commissioner for U.S. Customs and Border Protection:

Recommendation #10: Ensure that final determinations on whether to create a Primary Lookout Over-Ride in response to a redress complaint reside with employees unaffiliated with field offices that made the original screening or admissibility determination.

¹⁴ *Implementing Recommendations of the 9/11 Commission Act of 2007* (P.L. 110-53), § 1606(a); codified at 49 U.S.C. § 44926(a).

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Management Comments and OIG Analysis

DHS Response: DHS concurred with Recommendation 10. DHS management indicated that CBP prefers to implement PLORs at the location where the secondary inspection took place. Procedures are now in place, however, for CBP's redress unit to review, coordinate, and implement a PLOR for redress inquiries under specific circumstances. The redress unit now reviews, in coordination with CBP PLOR managers, redress cases in which the field office did not implement a PLOR to determine whether it might be appropriate to overturn that field determination.

OIG Analysis: DHS' actions are responsive to this recommendation, which is resolved and open. This recommendation will remain open until CBP provides evidence that its redress staff have expanded their redress case outcome reviews to include all redress cases with unfavorable field office determinations.

Other Redress Resolutions to Port of Entry Difficulties Should Be Developed Through a More Independent Process

In addition to creating PLORs, redress personnel take other actions to address traveler difficulties at U.S. ports of entry. Redress staff sometimes address traveler difficulties at ports of entry by making changes to the underlying data that CBP uses to determine whether to admit travelers into the country and how to screen or inspect them. CBP enforces more than 400 laws at the border, and relies on information from other federal agencies to assist it in enforcing these laws. Much of this assistance is provided through lookouts in TECS, most of which are based on information from other agencies.

When a traveler's information matches a TECS lookout, CBP officers refer to associated action codes to determine whether, for example, to arrest the traveler or refer him or her to a secondary inspection. In some cases, these TECS lookouts identify the intended target of the lookout but are based on inaccurate or outdated information. In other cases, the lookout is appropriate, but the action code and accompanying CBP response are not.

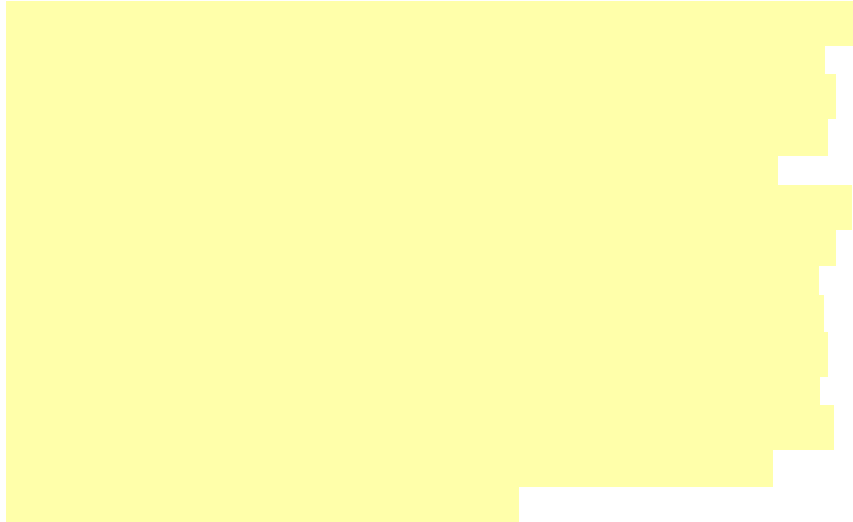
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Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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TRIP receives redress requests from travelers who were properly identified as the target of a lookout but believe they were improperly singled out or subjected to unfair treatment. TRIP reviews in these cases focus on the underlying data that were the basis for the TECS lookout and associated action code. Redress cases of this type are brought to the attention of the agencies that created or prompted the creation of the lookout.

In many cases, agency staff have the benefit of clear guidelines to determine whether a corresponding lookout should be removed. In the past, DOS, for example, prompted the creation of TECS lookouts that improperly targeted individuals who lost their passports when the lookouts should have focused on the lost documents. In such cases, DOS' TRIP staff can correct the misdirected lookout so it targets the lost passport rather than the individual who lost it. TRIP redress requests have prompted the removal or correction of many such lookouts.



TRIP reviews of redress claims should be free from bias and conflicts of interest, or the potential appearance of either. DHS' current approach to reviewing redress cases related to law enforcement lookouts does not meet this standard. Accordingly, the department should amend its approach to these cases to provide independent review or oversight of redress case determinations. In

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so doing, DHS should continue to ensure that cases are reviewed by knowledgeable staff capable of making informed determinations that do not undermine ongoing investigations.

Recommendation

We recommend that the Director of the Screening Coordination Office:

Recommendation #11: Develop and implement a process for the independent review and adjudication of redress cases related to DHS criminal investigations.

Management Comments and OIG Analysis

DHS Response: DHS concurred with Recommendation 11. DHS management said that corrective action will take place in coordination with its definition of authorities, roles, and responsibilities for redress participants. DHS aims to complete this activity by the 1st quarter of FY 2010.

OIG Analysis: DHS' proposed actions are responsive to the intent of this recommendation, which is resolved and open. This recommendation will remain open until we receive confirmation that DHS has developed and implemented an independent review and adjudication process for redress cases related to DHS criminal investigations.

TSA and CBP Do Not Share Information About Terrorist Watch List Misidentifications

TSA and CBP both collect and use information on individuals misidentified as watch list matches. TSA maintains a cleared list to resolve watch list misidentifications, and CBP creates PLORs. However, the two components do not share related information about redress results, even though sharing this information could reduce screening difficulties for misidentified travelers. TSA has provided the cleared list to CBP, but CBP has not used it. CBP does not share information with TSA on individuals it has assigned a PLOR in response to watch list misidentifications.

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Both components could use the other's data on watch list misidentifications, but neither agency has done so. TSA could use CBP's watch list PLOR data when it assumes responsibility for domestic air carrier passenger vetting under the Secure Flight program. Secure Flight could use CBP data to help rule out some possible No Fly and Selectee list passenger data matches. For example, when a passenger's data are only a remote match to a selectee record but an exact match to a traveler CBP has assigned a PLOR for a watch list-related lookout, Secure Flight could clear the passenger.

For its part, CBP could use TSA's cleared list to assist in vetting international passengers through APIS. CBP currently uses PLOR information to rule out possible No Fly and Selectee matches identified during its initial vetting of APIS passenger data. It could use cleared list data for the same purpose. CBP could use the cleared list for these purposes if it requires air carriers to submit redress control numbers in their APIS data submissions. Once redress control numbers are added to the cleared list, CBP would be able to use these control numbers to match cleared list records to APIS information, and clear passengers.

CBP could use other information from TSA to reduce watch list misidentifications as well. Air carrier personnel contact TSA's Office of Intelligence for a final determination on how to handle possible watch list matches that CBP has identified through APIS. TSA's Office of Intelligence gathers information about the passenger from air carrier representatives and reviews APIS data before advising the air carrier whether to permit the passenger to board the aircraft or whether to perform additional security screening. TSA's Office of Intelligence clears passengers identified as possible watch list matches by CBP [REDACTED] of the time. Although TSA advises air carriers that the passenger is not a watch list match, it has no means of advising the CBP officers who process the passenger upon arrival in the United States, that the passenger is not the intended target of a watch list lookout in TECS. As a result, CBP officers are likely to refer the passenger—whom TSA has already determined is not on the No Fly or Selectee list—to secondary inspection.

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This bifurcated approach inconveniences travelers and air carriers and leads to government inefficiencies. Under the current arrangement, DHS components are using screening and vetting resources to evaluate individuals whom another DHS component has already ruled out as a security threat. CBP and TSA should take action to remedy this situation.

Recommendations

We recommend that the Assistant Secretary for the Transportation Security Administration:

Recommendation #12: Use TECS Primary Lookout Over-Rides related to terrorist watch list lookouts to help rule out possible No Fly and Selectee list matches identified through the Secure Flight program's automated passenger data vetting process.

We recommend that the Commissioner for U.S. Customs and Border Protection:

Recommendation #13: Use the Transportation Security Administration's cleared list data to assist in ruling out possible No Fly and Selectee list matches identified in Advance Passenger Information System vetting.

Withdrawn Recommendation #14: Create a procedure for officers at ports of entry to learn whether Transportation Security Administration Office of Intelligence analysts have ruled out passengers as the target of a watch list lookout.

Management Comments and OIG Analysis

DHS Response: DHS concurred with Recommendation 12. DHS management said that Secure Flight analysts use TECS information to help them rule out possible watch list matches as part of their manual review process.

OIG Analysis: DHS' actions are partially responsive to this recommendation, which is resolved and open. This

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recommendation will remain open until TSA provides an indication that Secure Flight analysts specifically consider PLOR information in TECS records when ruling out possible No Fly and Selectee list matches identified through the Secure Flight program's automated passenger data vetting process.

DHS Response: DHS concurred with Recommendation 13. DHS management said TSA will review and modify its processes for using the cleared list by the 4th quarter of FY 2009.

OIG Analysis: DHS' proposed actions are responsive to the intent of this recommendation, which is resolved and open. This recommendation will remain open until we receive documentation that CBP uses the cleared list to rule out possible No Fly and Selectee matches identified in APIS vetting.

DHS Response: DHS concurred with Recommendation 14, and provided CBP procedures for notifying officers at ports of entry when passengers who are a target of a watch list lookout have been ruled out.

OIG Analysis: CBP's procedures fully address our draft report recommendation. Because the procedures were in place at the time of our fieldwork, we withdrew this recommendation.

TRIP Cases for Individuals With Terrorist Screening Database Records Are Often Resolved in a Meaningful Way

TRIP redress-seekers who experience aviation-related difficulties or difficulties at a port of entry may be listed in the TSDB. This is sometimes the case for TRIP petitioners seeking relief for domestic aviation-related travel issues, because the No Fly and Selectee lists that commercial air carriers use to vet passengers are derived from the TSDB.¹⁵ Similarly, some TRIP redress-seekers who have been subjected to additional security screening or denied entry at U.S. ports of entry had these experiences because of TSDB-related lookouts in TECS. However, only a small percentage of TRIP

¹⁵ For more information on the relationship between the TSDB and the No Fly and Selectee Lists, see DHS OIG, *Role of the No Fly and Selectee Lists in Securing Commercial Aviation*, OIG-09-64, May 2009.

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petitioners with either type of travel difficulty are actually listed in the TSDB.

TRIP refers cases from petitioners who match to a TSDB record or have identifying information that appear to be very similar to a TSDB record to the TSC. Although DHS received 30,292 redress requests through TRIP during FY 2008, it referred only [REDACTED] to the TSC. These cases represent a small percentage of the overall TRIP caseload, but they are important to the government's effort to identify known or reasonably suspected terrorists. TSC considers related redress efforts to be "one of the key quality control mechanisms for information in the TSDB."¹⁶

The TSC has devoted significant resources and attention to redress requests by establishing an independent unit within the center. The TSC has adopted detailed procedures for reviewing and adjudicating cases brought to its attention, and has ensured that its redress personnel have access to the information they need to evaluate cases.

To ensure that all multiagency redress officials with TSDB cases have access to required information, the TSC helped create a multiagency memorandum of understanding on watch list redress. The memorandum describes redress process requirements for agencies such as the Federal Bureau of Investigation (FBI) and Central Intelligence Agency that nominate individuals for placement in the TSDB. Under the agreement, nominating agencies are required to review and update information used to support the nomination of the complainant to the TSDB, and forward this information to the Office of the Director of National Intelligence's National Counterterrorism Center along with a recommendation to retain, modify, or delete the corresponding TSDB record. This center gathers information from the intelligence community, evaluates the nominating agency's recommendation, and provides an independent recommendation to the TSC on whether the complainant meets criteria for inclusion in the TSDB or the associated No Fly and Selectee lists. The TSC

¹⁶ TSC, TSC Redress SOP, Version 2.1, June 2007, p. 1.

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uses these recommendations and other information to make a final determination on the matter.

TSC's Redress Office also reviews redress cases on misidentified individuals whose identifying information is very similar to the information in a TSDB record. In these cases, TSC reviews the corresponding TSDB record to ensure that it is valid and satisfies the criteria for inclusion in the TSDB. It then determines whether additional information can be added to the TSDB record or records in other government systems to reduce the likelihood of future misidentifications.¹⁷

The TSC has pursued redress in a rigorous and deliberative way, and devoted significant resources to the effort. The TSC has established specific redress case processing requirements in its 34-page standard operating procedure. A 2007 DOJ OIG review determined that the TSC Redress Office fully complies with its operating procedures.¹⁸

Owing to its extensive interagency case coordination efforts and scrutiny of redress case information, TSC redress case processing averages 57 days.¹⁹ TSC's Redress Office is comparatively large, enabling it to focus more time and resources on individual cases. TSC's Redress Office has [REDACTED] staff fully dedicated to vetting, reviewing, and adjudicating redress cases. By contrast, TSA's OTSR, which is responsible for TRIP intake as well as TSA redress case review, has only six full-time employees.

The TSC's intensive consideration of TSDB-related redress cases frequently provides meaningful results for redress-seekers. TSC's Redress Office sometimes determines that redress-seekers are appropriately placed in the TSDB. Often, TSC responds to redress requests by changing redress-seekers' TSDB status. In [REDACTED]

[REDACTED]

¹⁷ "Memorandum of Understanding on Terrorist Watchlist Redress Procedures," September 19, 2007, p. 9.

¹⁸ DOJ OIG, *Follow-Up Audit of the Terrorist Screening Center*, Audit Report 07-41, September 2007, pp. xviii-xix.

¹⁹ *Ibid.*, p. xix.

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[REDACTED] TSC modified the redress-seekers' TSDB record, often downgrading the status from No Fly to Selectee or removing the record from the Selectee list. However, these downgraded or removed records continue to be maintained in the TSDB.

These TSDB changes translate into significant travel benefits for redress-seekers. Travelers who are removed from the TSDB may recover the privilege of boarding an aircraft, experience less intensive security screening, and enjoy a more seamless check-in process at airports. They may be permitted to enter the United States following previous denials, and avoid the delays and inconvenience associated with repeated secondary inspections.

Traveler Redress Efforts Have Important Security Weaknesses and Room for Privacy Improvement

Security and privacy safeguards are essential when handling personally identifiable information, and are important to the integrity of the TRIP program. Security controls are necessary because TRIP identifies and clears individuals who are not the intended target of lookouts and watch list records, and then shares this information with other government agencies and the private sector for use in ruling out possible matches. Processing errors could result in clearing individuals with a connection to a lookout or terrorist watch list record and expose our Nation to serious threats.

Privacy safeguards are important to protecting redress-seekers' personal information and maintaining public trust in the program. TRIP redress-seekers should have assurance that TRIP applies sound information collection, use, handling, and dissemination practices when they submit sensitive personal information such as dates of birth and copies of passports or drivers' licenses to the program. In addition, participating federal agencies must comply with the *Privacy Act of 1974* (5 U.S.C. §552a) and the *E-Government Act of 2002* (P.L. 107-347) assessment and reporting requirements related to personally identifiable information in government data collection systems. According to DHS policy, related

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privacy protections apply to U.S. citizens, legal permanent residents, visitors, and aliens.²⁰

We identified three security and privacy weaknesses in TRIP. First, appropriate security controls were not in place for TSA's cleared list. Second, redress-seekers' emailed submissions to TRIP may have been exposed to a higher risk of compromise than desirable. Finally, the redress case management system CBP uses to monitor TRIP cases was not compliant with requirements in the *Privacy Act* and *E-Government Act*.

TSA's Cleared List Is Not Subject to Necessary Security Controls

TSA's processes for adding records to and maintaining the cleared list could allow for the inclusion of some individuals on the cleared list who are the subject of a No Fly or Selectee list record. This weakness exists because of noncompliance with program procedures and the need for more controls on updating and maintaining cleared list records.

Adding records to the cleared list is a multistep process applied in different types of cases. Before redress-seekers are added to the cleared list, TRIP personnel confirm that their redress record contains complete redress inquiry form information and clear copies of identification documents. When redress staff confirm that the redress record is complete, they are to compare the redress-seeker's information against No Fly and Selectee list records to identify possible matches.

When the comparison indicates that the redress-seeker is not a match to either watch list, TSA adds the individual to the cleared list. However, when the comparison reveals a match to either list, TSA refers the matter to TSC for review and adjudication of the individual's watch list status. In some instances, TSC determines that the redress-seeker's information matches a watch list record but is not the intended watch list target, and TSA adds the individual to the cleared list. In other cases, TSC determines that the government does not have information to support the redress-

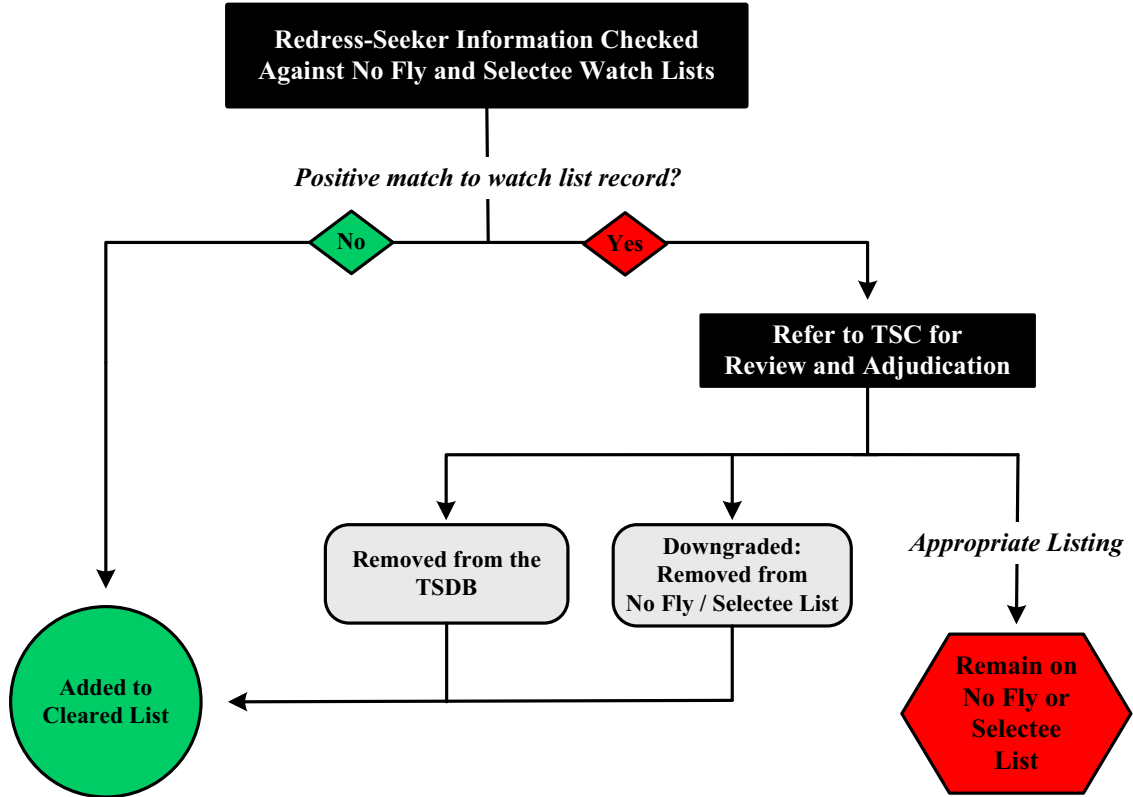
²⁰ DHS Privacy Office, *Privacy Policy Guidance Memorandum Number 2007-1: DHS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Information on Non-U.S. Persons* (as amended), January 7, 2009, p. 2.

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seeker's continued placement on the No Fly or Selectee list and removes the individual from one of the lists. TSA adds records for these individuals to the cleared list as well.

Figure 7: TSA Process for Adding Records to the Cleared List



Source: OIG Analysis of TRIP Program Materials, RMS, and Cleared List Data

Data from RMS, TRIP's case management system, indicate that program personnel have not always followed proper procedures when adding records to the cleared list. According to TSA's procedures, redress staff are to review incoming redress requests to ensure that copies of required identifying documents are included before adding related records to the cleared list. TRIP gathers these copies to authenticate the identity of the redress petitioner. The program examines redress-seekers' identifying documents as a security check on submissions to reduce the likelihood that fraudulent identities are added to the cleared list.

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TSA has not always complied with its procedures in this area. We identified more than 200 cases in RMS in which TSA had added redress-seekers' information to the cleared list without first ensuring that required identifying documents were submitted. In these cases, the program has no assurance that the records added to the cleared list refer to the individuals who submitted the redress petition, or even refer to actual individuals. Such shortcomings demonstrate the need for more prudent adherence to internal controls. If left uncorrected, they represent a risk to commercial aviation security.

TSA's process for adding records to the cleared list also has some weaknesses. TSA adds records to the cleared list in two ways: by electronically adding sets of RMS records to the list, or by manually entering these records directly onto the cleared list. Both processes have potential for human error, and both need more controls to ensure that individuals who are the focus of watch list records are not erroneously added to the cleared list.

System Users Can Easily Bypass the Watch List Match Notification to Add Records to the Cleared List

TSA redress staff create most cleared list records by electronically adding records to the cleared list from RMS. Generally, these records are added on a weekly basis, and sometimes accumulate in the hundreds. When TSA staff attempt to add records electronically, the IT program that adds records first checks the RMS records against the No Fly and Selectee lists for that day. When any RMS records exactly match a No Fly or Selectee record based on first initial, last name, and date of birth, the system notifies the system user of the match. Redress staff are to delete matching records from those to be added to the cleared list and refer the record to the TSC for further review.

However, OTSR has not always referred matching RMS records to the TSC. TSA redress personnel have used their assessment of how information in redress submissions compares to information in watch list records to rule out possible matches. After TSA redress personnel rule out possible matches in this way, they add

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the redress-seeker's information to the cleared list without the TSC's review. This approach is troubling because TSA redress personnel do not have access to the range of intelligence systems or training necessary to make these determinations effectively.

TSA redress staff's ability to bypass the watch list match notification and add RMS records to the cleared list that match watch list records by clicking the "Continue" button following the match results notification is also a concern. The Continue button is the same button that users would click to add RMS records to the cleared list if they were not notified of a watch list match. The process for adding records to the cleared list does not provide any other automated security checks and does not require a third-person check or additional approval before system users add RMS records to the cleared list. Consequently, TSA redress staff could inadvertently add individuals believed to be a threat to commercial aviation security to the cleared list.

To mitigate these vulnerabilities, TRIP has limited the number of staff authorized to add RMS records to the cleared list. This limitation on staff access provides some control over the process, but we believe the risk to the integrity of the cleared list warrants additional security measures or process steps. TSA should develop a proven technical solution and intelligence analyst review process, rather than continue to rely on human operators who do not have the benefit of proper training or access to needed intelligence systems.

The Practice of Manually Adding Records to the Cleared List Also Poses Several Risks

TSA redress staff also add a substantial number of records to the cleared list by manually entering information directly into the list. One redress office employee reported that she manually added more than 500 records to the cleared list in a four-and-a-half month period. These manual additions pose several risks. First, manual additions may include inconsistencies with information submitted by redress-seekers that is captured in RMS. For example, personnel who manually enter a record in the cleared list may inadvertently transpose letters in the redress-seeker's name or omit

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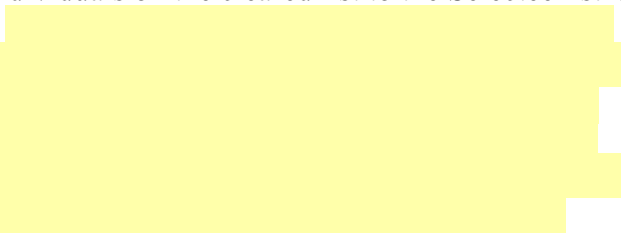
a digit in a driver's license number. In addition, there are few controls on manual entries.

TRIP limits the number of users with privileges to manually enter information into the cleared list. However, for manual additions to the cleared list, there is no process to ensure that users have first checked the individual they are adding to the cleared list against the watch lists. Nor is there reliable case-specific information in an individual's RMS record to indicate whether the record was manually added to the cleared list. Therefore, it is not possible to determine whether all redress-seekers who should have been added to the cleared list have been added. OTSR needs to enhance its tracking and documentation procedures for manually adding records to the cleared list.

Cleared List Maintenance Is the Source of Security Weaknesses

While security limitations are evident in TSA's approach to adding records to the cleared list, the cleared list's most serious security weakness relates to its maintenance. TSA checks individuals against the watch lists when they are added to the cleared list, but TSA has not checked the cleared list against the No Fly or Selectee list frequently enough to ensure that individuals on the cleared list had not been subsequently added to one of the watch lists.

TSA has a process to perform watch list checks against the cleared list electronically, but has not regularly used this process. TRIP office officials said that TSA began performing these checks on a monthly basis in August 2008. However, because the No Fly and Selectee Lists are updated most weekdays, individuals who pose a threat to aviation could be on the cleared list for an entire month before being removed.

The addition of individuals on the cleared list to the Selectee list is not hypothetical. 

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TSA's approaches to adding records to the cleared list and maintaining the list do not ensure the list's integrity and create potentially serious security risks. TSA needs to address these security weaknesses immediately. Such action is particularly pressing with the expanded use of the cleared list under the Secure Flight program. To increase the integrity and security of the cleared list, TSA should ensure that intelligence analysts review all redress records that match watch lists records, both before and after these records have been added to the cleared list.

Recommendations

We recommend that the Assistant Secretary for the Transportation Security Administration:

Recommendation #15: Enhance internal controls on the electronic and manual processes for adding records to the cleared list, ensure that all records considered for addition to the cleared list are subject to identity document verification checks before addition, and conduct intelligence analyst reviews of all possible watch list matches before related redress records are added to the cleared list.

Recommendation #16: Automatically compare the cleared list against the No Fly and Selectee lists when changes are made to any list, and institute a process whereby intelligence analysts immediately review matching cleared list records for possible removal from the cleared list or refer them to the Terrorist Screening Center.

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Management Comments and OIG Analysis

DHS Response: DHS concurred with Recommendation 15. DHS plans to revise TRIP standard operating procedures to include internal controls for the manual addition of names to the cleared list. DHS noted that it has included funds in its TRIP FY 2010 budget to hire a full-time vetting analyst to review redress records that match the No Fly or Selectee list. DHS also plans to add a related internal control mechanism to the requirements for its replacement case management system. DHS intends to institute updated standard operating procedures by the 1st quarter of FY 2010, to hire a vetting analyst by the 3rd quarter of FY 2010, and to implement its new case management system by the 2nd quarter of FY 2011.

OIG Analysis: DHS' proposed actions are responsive to the intent of this recommendation, which is resolved and open. However, the timelines DHS has proposed for taking corrective measures are inconsistent with the urgent need for action in this area. DHS should take immediate steps to address the security and integrity issues presented by the current handling of the cleared list.

To ensure the integrity of the cleared list, TSA standard operating procedures must include identity document verification of all records before they are added to the cleared list. These procedures must also include internal controls for electronic and manual cleared list additions. Additionally, TSA should ensure that intelligence analysts review all redress records that match watch lists records before and after these records have been added to the cleared list. This recommendation will remain open until we receive documentation that demonstrates that the controls discussed above are put in place.

DHS Response: DHS concurred with Recommendation 16. DHS management said that TSA will use its Colorado Springs Operations Center's vetting engine to vet watch lists records against the cleared list and have a vetting analyst review possible matches. DHS reported that this vetting analyst position is funded in the TRIP FY 2010 budget. OTSR will maintain responsibility for referring cases to the TSC.

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OIG Analysis: DHS' proposed actions are responsive to the intent of this recommendation, which is resolved and open. Nevertheless, it is unclear when DHS plans to institute corrective measures in response to this recommendation. Because current practices present significant security weaknesses, DHS should take action in this area now.

To increase the integrity and security of the cleared list, TSA must establish a procedure for determining whether to remove potential watch list matches from the cleared list or refer them to the TSC. This recommendation will remain open until TSA provides us with its plans to automatically compare the cleared list against No Fly and Selectee lists when any changes are made to any list. TSA must provide information about its process for an intelligence analyst to immediately review cleared list records that match to the No Fly or Selectee lists. Further, TSA must provide documentation on the process it intends to use at its Colorado Springs Operations Center for automatically vetting the cleared list against the No Fly and Selectee lists when any changes are made to any list, and clearly define TSA's process to either remove the redress record from the cleared list or refer it to the TSC. Finally, TSA must demonstrate that it has instituted intelligence analyst review of all redress records that match watch lists records, both before and after these records have been added to the cleared list. Until we receive evidence of all of the above, this recommendation will remain open.

Email Submissions of Personal Information May Expose Redress-Seekers to Avoidable Risks

TRIP offers redress-seekers three options for submitting travel inquiries and supporting identifying information: its secure online portal, conventional mail, and email. However, TRIP redress-seekers who initiate requests online can submit copies of identifying documents, such as passports and drivers' licenses, only by mail or email.

The TRIP website assures the public that the program takes precautions to protect redress-seekers' personally identifiable

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information. For example, TSA has established system security features and protocols to protect the TRIP website and the information in its case management system. However, one of the program's options for gathering information from redress-seekers—email—potentially exposes the information to risk of interception by third parties.

However, because TRIP's IT system is not able to receive copies of identifying documents via its secure online portal, the program has few alternatives. Previously, TRIP officials ruled out faxes as an option for submitting copies of identifying documents because faxed information was frequently transmitted with insufficient clarity for program use. Email submissions are the only alternative to conventional mail, and TRIP officials have opted to receive requests by email to maximize the public's access to redress services and benefits.

We encourage TRIP officials to reevaluate the program's practice of receiving personally identifiable information by unencrypted email in the future, when it has the capability of receiving such documents through its secure online portal.

CBP's Redress Case Processing System Does Not Meet Statutory Privacy Notification Requirements

Two laws govern federal protection of personally identifiable information, the *Privacy Act of 1974* and the *E-Government Act of 2002*. The *Privacy Act* requires federal agencies that maintain personally identifiable information, retrievable by a personal identifier within a system of records, to publish a related System of Records Notice in the *Federal Register*. The notice is to include a description of the system and the records contained within it, their uses, and information on how individuals may request access to records about them. Agencies are required to publish these notices before the system of records becomes operational.²¹

The *E-Government Act* requires federal agencies to conduct and publish Privacy Impact Assessments for all systems that collect,

²¹ OMB Circular A-130, Appendix I, § 4(c).

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maintain, or share personally identifiable information on members of the public.²² Government agencies are to complete Privacy Impact Assessments before they develop or procure related IT systems. These impact assessments provide notice to the public, among other things, of the collection, use, retention, and sharing of information maintained within government systems.

CBP processes TRIP redress cases using its redress-related IT case management system. CBP redress staff enter redress case information from TRIP's RMS into CBP's system on all TRIP cases that CBP processes. This case information includes addresses; dates of birth; drivers' license and passport numbers; travel information; heights; weights; hair and eye colors; and copies of identifying documents. CBP staff can electronically retrieve this information from its case management system using identifying information such as a redress case number or date of birth. CBP's redress case management system is therefore a system of records under the *Privacy Act*, and an IT system covered by the *E-Government Act*.

The redress case management system that CBP uses to monitor TRIP cases is not compliant with requirements of the *Privacy Act* or *E-Government Act*. CBP is required to issue both a notice and an impact assessment for its redress case management system, but has not done so. Consequently, TRIP redress-seekers do not have access to a full statement of how the government handles their personal information. Because CBP has operated and maintained this system for more than two years, we believe that CBP should issue the proper notices as soon as possible.

Recommendation

We recommend that the Commissioner for U.S. Customs and Border Protection:

Recommendation #17: Develop and promptly publish the required System of Records Notice and Privacy Impact Assessment for its redress case management system.

²² *E-Government Act of 2002* (P.L.107-347), § 208; codified at 44 U.S.C. § 3501 note.

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Management Comments and OIG Analysis

DHS Response: DHS concurred with Recommendation 17. DHS management indicated CBP is drafting both a Privacy Impact Assessment and a System of Records Notice for its redress case management system.

OIG Analysis: We consider DHS' proposed actions responsive to the intent of this recommendation, which is resolved and open. This recommendation will remain open until we are able to confirm that DHS has published these items.

TRIP Has Not Always Handled Redress Cases Reliably

The *Implementing Recommendations of the 9/11 Commission Act of 2007* requires DHS, through TRIP, to maintain a fair redress process.²³ To be fair, a redress process must apply uniformly to different redress-seekers with similar complaints, and must be implemented consistently over time.

TRIP Reliability Issues Have Prevented Some Redress Cases From Receiving Full and Appropriate Reviews

Uniform and consistent case processing is required if TRIP is to ensure that redress cases receive appropriate consideration. However, TRIP case processing has not always met these requirements. For example, program difficulties begin with its intake and triage of cases, and extend to its practices when closing cases. To process incoming cases properly, TRIP staff must enter case information into RMS and link scanned copies of pertinent identifying documents to the proper redress case in the system. After cases have been entered into RMS, TRIP staff examine the redress inquiry, identify the proper agency to review and respond to the inquiry, and refer the case to that agency's attention. However, this has not always occurred. TRIP intake and triage errors have created case processing delays and sometimes

²³ 49 U.S.C. 44926(a).

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prevented redress-seekers from receiving proper review and resolution of their complaint.

TRIP office staff reported deficiencies in the quality of intake and triage of incoming redress complaints. TRIP relies primarily on contractors to perform intake activities and make initial case triage recommendations. In early 2008, TRIP staff reviewing contractors' work revealed a significant number of errors. Contractors had reportedly entered redress-seekers' information incorrectly into RMS. In some instances, contractors had failed to add identifying documents to the proper RMS record or directed cases to the wrong agency. As a result, TRIP redress providers in other agencies reported receiving misdirected cases.

To address this situation, in April 2008, the TRIP office implemented quality assurance checks on 100% of new cases added to RMS by contractors. In subsequent months, the program office reduced the percentage of new cases it submitted to quality checks, but it still submits more than 50% of cases to the scrutiny of at least two TRIP staff. Although the TRIP office has taken steps to improve the intake and triage of cases, many past cases have not received appropriate agency reviews or adjudication.

TRIP uses information supplied by redress-seekers to triage cases. Much of this information is captured in check boxes on the TRIP intake form, and also in redress-seeker case narratives. Redress-seekers may select one or more check boxes on the TRIP intake form to describe their travel difficulties. TRIP designed each check box to refer to a travel issue associated with a specific agency's screening data or activity. For example, all cases in which travelers report that they have been repeatedly referred for secondary screening by CBP are intended to be referred to CBP for review.

In practice, however, a significant percentage of TRIP cases have not been referred to the appropriate agencies. We identified 2,275 TRIP cases that had not been referred to or handled by the intended agency before they were closed. These cases represented 5% of the total number of closed cases in RMS as of October 2008. The program was more successful in properly referring some types of

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cases than others. About 48% of the cases intended for PRIV, CRCL, and US-VISIT were referred to those offices before being closed.

Other redress cases may not be processed as intended because TRIP does not use a uniform version of its intake form. The intake form presented to redress-seekers filing inquiries online has 17 check boxes to describe different adverse travel experiences. However, the intake form on the TRIP website that redress-seekers can print, complete, and submit by mail omits one check box for one of the two options related to US-VISIT issues. Refer to Appendix F for the complete TRIP intake form.

The program does not ensure that redress cases are referred to the appropriate office, and program officials have closed cases before all involved redress officials completed their reviews. TRIP has data on the dates that 23,055 redress cases were closed. Of these, 2,420, or more than 10%, were closed before all of the associated case review and adjudication tasks had been addressed. Many of these cases were closed a significant amount of time before all tasks had been completed. TRIP closed 1,605 cases more than 30 days before all associated tasks were completed.

TRIP Could Do More to Set Procedures and Monitor Program Activity

For TRIP to offer consistent service and responsive case resolution, staff affiliated with the program must process cases in a repeatable and deliberate manner. As TRIP is a multiagency program with participants in a number of locations, the repeatability of program operations depends on well-documented procedures, clear guidance, and effective monitoring. Despite these operational requirements, TRIP has been slow to develop detailed guidance, sound procedures, or effective quality assurance measures to support consistent case handling.

TRIP participants reported receiving little written guidance from the TRIP office or DHS' SCO. A number of TRIP participants indicated that the only written information they received about the program was a user manual for RMS. Much of the information

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participants acquired about the program and related processing guidelines has been communicated orally. Several participants referred to periodic TRIP user group meetings as a useful forum for exchange of operational and procedural issues. Chaired by the TRIP program manager, user group meetings are held to update redress personnel on TRIP developments, identify program requirements, and discuss case processing challenges and best practices for resolving redress process issues. Some redress staff value user group sessions, but others spoke of difficulties attending them and indicated that they rarely join the meetings. One redress representative was not aware that such meetings occurred.

TRIP Standard Operating Procedures Are Incomplete

Although user group sessions help provide procedural guidance to some program participants, they are not an effective substitute for written procedures. The TRIP program manager and Governance Board members have stressed the importance of written program procedures and have asked all participating agencies to prepare standard operating procedures that describe their approach to TRIP case processing. These standard operating procedures were developed slowly, however. And as of October 2008—more than a year-and-a-half after the program became operational—one participating component had yet to develop even preliminary versions of their TRIP-specific procedures, and two others had not finalized its procedures.

Existing TRIP procedures do not describe important redress office functions. Three operating procedures, for example, do not discuss a process or any associated requirements for responding to redress-seekers. Most TRIP standard operating procedures do not describe the process of creating a case file for a new case or what the file should contain. Although redress staff in almost all participating agencies indicated that they received and processed requests for expedited redress case review, only one agency mentioned these cases in its operating procedures.

We reviewed available operating procedures to determine the extent to which each addressed key redress office functions: intake and triage; coordination and prioritization; review and

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adjudication; and closeout, response, and reporting.²⁴ When considering whether an operating procedure fully described the agency’s intake and triage activities, for example, we examined whether the procedures described how the agency receives TRIP cases, what its information or documentation requirements are for accepting a case, how it assigns cases, and what its requirements are for creating a case file. We did not evaluate agency procedures for functions they do not perform. Table 1 reflects our analysis of participating agencies’ procedures.

Table 1: TRIP Standard Operating Procedure Analysis

Redress Office Functions	Participating TRIP Agency / Department SOP								
	TSA	CBP	ICE	CRCL	Privacy	US-VISIT	CIS	DOS	TSC
Intake & Triage	○	○	○	○	○	○	○		●
Coordination & Prioritization			○	○		○			●
Review & Adjudication	○	○	○	○		○	○		●
Close Out, Response & Reporting	○	○	○	○	○	○	○		N/A

KEY	
	No draft or final TRIP-specific SOP
	SOP does not address element
○	SOP partially addresses element
●	SOP fully addresses element
N/A	This element reflects redress steps and procedures specific to TRIP participants.

Source: OIG Analysis of TRIP Participants’ Operating Procedures

Because existing TRIP operating procedures do not fully outline functional requirements, agencies will find it difficult to respond to future TRIP inquiries in the same way they did in the past. Several participating agencies have placed their procedural institutional knowledge in a few staff, rather than documenting those procedures. Without detailed procedures, participating agencies cannot ensure the consistent handling of redress cases when current redress staff leave. Detailed standard operating procedures

²⁴ The redress office functions we used to evaluate operating procedures include functions associated with the four redress processing stages discussed earlier in the report, as well as coordination, prioritization, and reporting activities.

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could also benefit existing staff. Some redress staff we met acknowledged uncertainty about important steps in the process and told us that they engaged in less-than-optimal practices. A few redress staff indicated, for instance, that they did not do anything to alert others reviewing a case when they had completed and closed related case assignments, so the cases were unattended for long periods.

TRIP needs more defined standard operating procedures in another important respect as well: It has no defined expectations or procedures to evaluate redress claims related to several new DHS initiatives that single out TRIP as their redress avenue. For instance, federal regulations related to the Western Hemisphere Travel Initiative and the Electronic System for Traveler Authorization have designated TRIP as the redress provider for those initiatives. TRIP, however, does not advertise on its website that it offers redress services in these cases, and it is unclear how redress-seekers should communicate related concerns on the TRIP intake form. Moreover, TRIP has not determined how to process these types of cases, to what office it would channel related inquiries, what redress solution it can offer, or to what aspects of the initiatives redress inquiries are likely to pertain. The TRIP program manager indicated that this has occurred in part because the office has generally received little or no advanced notice about announcements that expand TRIP coverage to new initiatives.

Quality Assurance Efforts Need Further Development

Quality assurance activities can provide a check on program processing and ensure consistency in case handling. As noted earlier in this section, TRIP now performs quality assurance activities as part of its intake and triage of cases. SCO, TSA, and CBP redress staff examine case status information and follow up with users on outstanding case assignments. These are positive efforts, but they do not provide checks on the full range of case activities. TRIP quality assurance efforts to date are not sufficient and need further development.

One measure of the inadequacy of current TRIP quality assurance measures is the volume of apparent errors in the program's case

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management system. TRIP case management data contains many inconsistencies and anomalies that would benefit from quality assurance checks. For example, in addition to cases not always being fully reviewed by all intended agencies before closure, many cases are closed with no indication of when closure occurred. In October 2008, RMS had 3,369 closed records without corresponding closure dates. Without this basic information, TRIP cannot determine how long it took to process these cases.

TRIP case management data also suggest that the program has not always communicated with redress-seekers about missing, incomplete, or unreadable submissions. In October 2008, the program had 8,121 cases that it either closed due to insufficient paperwork or had pending paperwork for more than 6 months. However, TRIP had issued only 1,950 letters to redress-seekers advising them that the program needed additional information to process their case. As a result, at least 76% of redress-seekers who should have been notified through TRIP were not told that their redress petitions were incomplete.

RMS data reveal inconsistencies in another key area as well. The case management system contains a field for the date when an individual's electronic record is added to the cleared list. According to TRIP staff, the system captures the date that the records were checked against the No Fly and Selectee lists and automatically populates the cleared list date field with this information. When an individual matches the No Fly or Selectee lists, TRIP personnel are responsible for deleting this information from the cleared list date field. Our review of RMS data revealed that program staff had not always done so. We identified 12 records for individuals that RMS indicated were a match to the No Fly or Selectee list that also had a cleared list date, suggesting that they had been added improperly to the cleared list. However, when we examined whether these records were added to the cleared list, we learned that they were not.

While additional quality assurance measures are needed, some of TRIP's shortcomings may be attributable to limitations in other areas. Redress staff could benefit from using standard operating procedures to evaluate case processing information in RMS to

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ensure that cases are reviewed in a specified and deliberate manner. Limits on RMS users' ability to generate *ad hoc* reports based on system data may also prevent the program from doing more in this area.

Nevertheless, the program can take a number of near-term steps to expand its quality assurance measures. We suggest that TRIP build upon previous recommendations contained in a draft quality assurance plan developed by DHS' original contractor for the RCI one-stop redress effort. This 2007 plan describes quality assurance checks on the accuracy of case assignments, case processing timeliness, spot checks on responses to email inquiries, regular reviews of web content, and analysis of repeat TRIP cases to determine what prompted individuals to petition more than once. We believe that DHS should implement these and other quality assurance measures described in the plan.

Recommendations

We recommend that the Director of the Screening Coordination Office in consultation with the Assistant Secretary for the Transportation Security Administration:

Recommendation #18: Prepare and revise TRIP-specific standard operating procedures that describe all redress office requirements in intake and triage; coordination and prioritization; review and adjudication; and closeout, response and reporting.

Recommendation #19: Devise and institute quality assurance checks using the 2007 draft TRIP quality assurance plan as a resource.

Management Comments and OIG Analysis

DHS Response: DHS concurred with Recommendation 18. DHS management will direct redress participants to update standard operating procedures to address all case processing steps. DHS expects to complete these updates by the 4th quarter of 2009.

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OIG Analysis: DHS' proposed actions are responsive to the intent of this recommendation, which is resolved and open. This recommendation will remain open pending our receipt of TRIP-specific procedures that define all redress office requirements in the areas of intake and triage; coordination and prioritization; review and adjudication; and closeout, response and reporting.

DHS Response: DHS concurred with Recommendation 19. SCO officials will review the draft quality assurance plan and, in consultation with other DHS components, make appropriate revisions. DHS management indicated it would perform quality assurance checks at the end of FY 2009, and implement a quality assurance plan with the new case management system by the 2nd quarter of FY 2011.

OIG Analysis: DHS' proposed actions are responsive to the intent of this recommendation, which is resolved and open. Quality assurance is important for effective management oversight, and can assist in identifying critical program improvements. DHS should not wait until the 2nd quarter of 2011 to develop and implement a quality assurance plan. This recommendation will remain open until we receive evidence that DHS has instituted a quality assurance plan similar to the 2007 draft quality assurance plan for current program activities.

TRIP Case Processing Timeliness Could Be Improved

TRIP case processing is subject to avoidable delays in the intake and case review processes. During our fieldwork, TRIP experienced case intake delays related to the receipt and processing of copies of identifying documents. The redress office held incoming redress requests for extended periods before entering them into RMS, performing triage activities, or reviewing the requests for action. In September 2008, TRIP's email intake processing backlog was five-months long, and its mail intake processing was behind by more than one month. At the time, DHS had not started case review work on some redress cases that the office received in April 2008.

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Because the program does not maintain reliable information on the date that individual case records are received, it is difficult to determine the effect of intake delays on overall case processing. Data on the time associated with other case processing stages, however, suggest that intake delays may have doubled, tripled, or even quadrupled overall response time to many redress requests.

As cases proceed past intake, inefficiencies in case review activities amplify the effect of these initial delays. As noted earlier, a number of redress offices that participate in TRIP enter and track case information in their own case management systems. Case review activities are sometimes suspended for a time before redress staff in these offices manually enter TRIP case information into their systems. In other instances, redress cases remain idle even after program staff issue case task assignments because the recipients of those tasks are not notified that new cases are assigned for review. Delays also arise when redress staff responsible for reviewing a case are unable to do so in a timely manner because of competing obligations.

Due to limitations in historical redress data, it is difficult to assess the effect of these delays on processing times for all types of cases. Nevertheless, there is sufficient data to determine that processing times have worsened for TSA-specific cases since TRIP became operational. TSA collected case processing time statistics before it assumed TRIP responsibilities, and reported that it processed cases in an average of ten days from September to November 2006. By contrast, the same TSA-only redress cases took an average of 18 days to process in May 2008.

Although redress case processing has slowed for some cases since TRIP began operating, the program made modest strides in reducing triage, review, adjudication, and response times during the first six months of 2008. We examined data on the timeliness of these processing stages for three cohorts of incoming cases. It took the program more than four months to close 17% of cases received in January 2008. TRIP showed slight improvement, with 15% of March 2008 cases taking more than four months to close. TRIP's handling of cases received in May 2008 improved further; only 13% of these cases remained open after four months.

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Recommended IT system improvements could reduce the program's intake backlog by eliminating the need for program staff to enter identifying documents into RMS. Other IT enhancements in case management and interoperability could also speed case processing. In the near term, greater clarity about participating agencies' case processing responsibilities could improve case handling by redress staff who have competing obligations. The extent of TRIP case processing delays underscores the urgency and need for DHS action.

TRIP Does Not Provide a Desirable Level of Transparency to Redress-Seekers

Redress-seekers submit petitions to TRIP to remedy difficulties they believe they have faced as a result of government actions. According to DHS' Privacy Office and Data Privacy and Integrity Advisory Committee, the redress process is designed to help restore redress-seekers' confidence in the government and the integrity of its actions. Clear and transparent communication can help petitioners understand how their case has been handled, and provide assurance that it has been addressed appropriately. Transparency about the redress process and its results can also favorably affect redress-seekers' view of the government's ability to resolve travel difficulties. The program must balance this interest in transparency with security needs, however, and should not disclose information that would compromise national security.

Letter responses to redress-seekers are one of TRIP's primary means of communication with the public. These responses are not as transparent as they could be about the basis for travelers' difficulties or government actions to address them. TRIP generally provides its customers with minimal information about the government's review or adjudication of their inquiries. With few exceptions, redress-seekers receive response letters that do not reveal the basis for their travel difficulties, the action the government took to address those difficulties, or other steps that they may take to help themselves in the future. This ultimately leaves travelers without a clear understanding of how their travel difficulty arose, whether they are likely to face future problems, and what course of action they might take next.

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After TRIP closes a case, the program office uses a set of template responses for different types of travel difficulties when preparing letters to redress-seekers. Redress officials refer to most of these templates as Glomar letters, in reference to a court decision that supported the government's position that it may neither confirm nor deny that it has related records or information in cases of national security.²⁵

DHS' approach to communication with redress-seekers is the product of an interest in protecting national security and law enforcement information from disclosure. TRIP letter responses are designed to prevent recipients from learning whether they are the subject of an active law enforcement investigation or a terrorist watch list record. Copies are included in Appendix G.

The government's rationale for withholding information on an individual's watch list status is reflected in its filings in an ongoing case in which the plaintiffs are seeking access to terrorist watch list records about themselves. In a July 2007 declaration in *Rahman v. Chertoff*, the U.S. Attorney General argued that any government acknowledgement about an individual's watch list status could threaten national security. The Attorney General asserted that national security could be harmed if individuals who were the intended target of a watch list record were informed of their watch list status, because they could take precautions against surveillance, alter their activities or appearance to avoid detection, or place federal agents at risk.²⁶ The Attorney General also opposed disclosures about watch list status to those who are not on the list on the following grounds:

- National security could be harmed if the government were to disclose that one individual is not the subject of a watch list record, but resist watch list status disclosures to another individual who is the target of a watch list record. Doing so

²⁵ *Phillippi v. CIA*, 546 F.2d 1009 (D.C. Cir. 1976).

²⁶ Declaration of Alberto R. Gonzales, *Rahman, v. Chertoff*, Case No. 05 C 3671 (N.D. Il. July 23, 2007).

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would reveal to the latter that he or she is the target of such a record.²⁷

- National security could be harmed if the government were to disclose that an individual is not the subject of a terrorism investigation, because “terrorist groups could [use this information to] manipulate the system to determine which of their members are not under investigation and ... have a greater chance of carrying out a terrorist operation.”²⁸

In explaining the rationale for TRIP’s approach to its letter responses to redress-seekers, DHS representatives referred us to the Attorney General’s declaration cited above and provided similar justifications based on the same logic. However, this logic has two important limitations as it relates to letter responses to certain kinds of redress-seekers.

Travelers on the No Fly and Selectee Lists Can Already Infer Their Status

Some redress-seekers with complaints about their treatment in aviation settings can already infer their watch list status. An individual’s status on the No Fly list is apparent to anyone on the list when he or she attempts to fly within or to the United States, as the individual is denied boarding an aircraft.

Some redress-seekers who are on the Selectee list can also infer their status when they fly. Travelers on the Selectee list are subject to additional security screening by TSA. Undergoing such screening alone, however, is not sufficient to indicate whether one is on the Selectee list, as TSA uses other criteria to determine which passengers receive additional security scrutiny. The Computer-Assisted Passenger Prescreening System selects some passengers for additional screening based on information about their flight arrangements and travel plans. TSA Behavioral Detection Officers select other passengers for additional screening based on their actions in the airport. A number of others are selected at random. Although there are other reasons why a passenger may be subjected to

²⁷ *Ibid.*, pp. 5, 8.

²⁸ *Ibid.*, pp. 4, 8.

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secondary screening, attentive passengers can reasonably infer whether they are on the Selectee list.

A passenger's inability to print a boarding pass online or at an airport ticket kiosk is an indicator that the passenger might be on the Selectee list.²⁹ When such passengers are required to show identification to an air carrier representative at a ticket counter and subsequently receive additional security screening from TSA before boarding, they can reasonably infer that they are on the Selectee list.

TSA provides much of this information on its website. TSA has advertised, for example, that passengers who are unable to print boarding passes online are considered possible watch list matches.³⁰ So while DHS and DOJ have expressed concerns about directly or indirectly revealing watch list status in redress response letters, air carriers' application of TSA security protocols provides the information passengers need to infer their status without an official acknowledgement. Notwithstanding that some passengers can currently infer their watch list status, DOJ has advised that official disclosure of an individual's watch list status could nonetheless have a harmful effect on ongoing counterterrorism investigations, and intelligence sources and methods. DOJ representatives also emphasize that courts of law have often drawn a distinction between official confirmation and inference in a number of related past rulings.³¹

Government transparency on individuals' watch list status remains at issue in the court case we discussed earlier, *Rahman v. Chertoff*. Pending the outcome of related aspects of this case, we are not recommending further transparency on No Fly and Selectee list status in TRIP response letters.

²⁹ At least one air carrier permits travelers on the Selectee list to print out their boarding passes at airport kiosks, but unlike other passengers, they must first scan a driver's license or passport.

³⁰ http://www.tsa.gov/press/happenings/checkpoint_reduce_hassle.shtm.

³¹ *Stein v. U.S. Dep't of Justice*, 662 F.2d 1245, 1259 (7th Cir. 1981) quoting Alfred A. Knopfv. Colby, 509 F.2d 1362, 1370 (4th Cir. 1975); *Terkel v. AT&T*, 441 F. Supp. 2d 899, 915 (N.D. Il. 2006).

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Many Redress Matters Are Unrelated to Law Enforcement Action or Watch List Status

Many redress cases involve matters unrelated to law enforcement investigations or watch list status, such as allegations of civil rights violations or questions of immigration status. As the government discloses information about these matters in other circumstances, it should also do so in the redress process. DHS' current rationale for withholding law enforcement and watch list-related disclosures should not govern disclosures in these matters.

Redress-seekers often indicate on intake forms that they believe that the government has violated their privacy or civil rights during travel. The responsive reviews that DHS' PRIV and CRCL conduct, and the final case determinations they make in response to these assertions, generally do not have a law enforcement dimension. Therefore, no viable rationale exists as to why TRIP cannot note in its letter responses what actions these components took after reviewing such cases.

TRIP Letter Disclosures Are More Restrictive Than Information Provided by Other Government Sources

Many redress cases pertain to matters that the government would disclose in other instances, but does not in response to TRIP inquiries. For example, a number of TRIP cases relate to visa and other immigration benefits status questions. DHS and DOS openly and regularly provide individuals with information on their visa and immigration benefits status. However, when a TRIP redress case hinges on the petitioner's visa or immigration benefit status, the program will not acknowledge to the redress-seeker that the travel difficulties arise from visa or benefit status issues.

In some instances, redress-seekers could take preemptive action to resolve future travel difficulties, but the program does not advise them of the steps necessary to do so. Some redress-seekers' travel difficulties are the product of visa overstay lookouts that are in place because they did not return their *I-94 Arrival-Departure Record* form to immigration authorities upon departing the United States. CBP can delete this type of lookout after redress-seekers supply evidence that they did not overstay their visa and were not in the country after their visa expired. TRIP

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response letters to these redress-seekers do not advise them that their travel difficulties are related to a perceived past visa overstay or what information they can submit to CBP to eliminate the associated lookout.

Only a fraction of redress-seekers are the subject of a watch list record or law enforcement investigation. Yet TRIP's approach to responding to them is based on the blanket application of a rationale that is singularly focused on the protection of law enforcement and watch list information. TRIP has applied this rationale too broadly in its communications with redress-seekers, and the result is a customer response process that is not as transparent and effective as it could be. TRIP could provide more information to redress-seekers without compromising national security.

To its credit, TRIP recently revised its response letters to redress-seekers who have had difficulties in aviation security settings. These new letters advise redress-seekers to enroll in air carrier passenger preclearance programs as an additional measure to improve their travel experience.

Program Transparency Is Further Diminished by Unfulfilled Expectations

TRIP has created expectations about transparency that it does not fulfill. DHS websites have cultivated expectations that redress-seekers will learn the source of their travel difficulties. As of November 2008, the public could access the TRIP web page by clicking the phrase "Are you on a watch list?" on TSA's website. Similarly, a past DHS website link to the TRIP web page read, "Find out if I am on a travel watch list." In doing so, DHS has created false expectation that TRIP will reveal whether redress-seekers are on a watch list.

Forthright communications with redress-seekers are vital to TRIP's success and necessary for the public's trust. Without more transparent communication with redress-seekers, public confidence and participation in the program could decline. Redress responses should assure redress-seekers that the government has acted fairly and reasonably in addressing their request. To the extent possible, these responses should provide information about the basis for their travel difficulty, the nature of the government's review, and the steps taken to rectify the underlying issue, without compromising matters of national security.

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Recommendation

We recommend that the Director of the Screening Coordination Office, in consultation with participating agencies and DHS components:

Revised Recommendation #20: Develop and apply TRIP response letter templates that more fully acknowledge the basis for traveler difficulties, note what actions the government took to review the case, and address the underlying cause for the travel difficulty; but do so without compromising law enforcement investigations or revealing redress-seekers' status in the TSDB.

Management Comments and OIG Analysis

DHS Response: DHS officials partially concurred with Recommendation 20 in its original form. We revised the recommendation in response to technical and formal comments on our draft, and anticipate full DHS concurrence with the recommendation in its current form.

DHS managers disagreed that persons on the Selectee list can determine their watch list status, and noted that they have an obligation to coordinate the development of some redress letter responses with the TSC. DHS said that it will engage interagency partners to consider redrafting redress letter response templates. The revised templates are to state that DHS can neither confirm nor deny watch list placement; identify underlying traveler inconveniences in cases not related to terrorist watch list or law enforcement investigations; detail steps taken to resolve non-watch list or law enforcement cases; and, for cases outside of DHS' purview, refer cases to the appropriate agency, after consultation with the agency's redress office to ensure a referral would not negatively impact an ongoing law enforcement investigation. DHS officials expect to complete this review by the 1st quarter of FY 2010.

OIG Analysis: DHS did not fully concur with this recommendation in its original form. In response to concerns raised by DHS and DOJ, we modified the recommendation and

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some of the preceding text in the report. In its current form, this recommendation is intended to provide redress-seekers more information on the processing and disposition of redress cases that are not related to the watch lists or law enforcement investigations. However, DHS' proposed actions are responsive to this recommendation as revised. The recommendation is resolved and will remain open until DHS provides us with revised redress templates for such redress cases.

TRIP Performance Management Could Be Improved

Performance management activities help programs monitor operational efficiency and the achievement of desired results. TRIP tracks performance statistics related to the timeliness of case processing, the status of task assignments, and the types of travel difficulties that redress-seekers indicate they have experienced. The program also compiles data on the volume of new cases it receives and how these cases are filed, that is, by mail or email.

TRIP tracks some performance measures and monitors related program data, but it could make improvements in this area. In particular, TRIP could improve its collection and reporting of case dispositions, case processing timeliness, and customer satisfaction. These improvements would help TRIP demonstrate its ability to meet the objectives for which it was established.

TRIP Does Not Gather Complete Data on Case Disposition

Although TRIP collects a significant amount of information on case disposition, this information is not as complete or meaningful as it could be. TRIP's primary case management system, RMS, has 17 different case status codes to indicate how a case has been closed. Appendix H contains a list of RMS case status codes. Case disposition information the program collects generally indicates which participating agency closed a case but does not indicate what actions the government took to resolve the redress-seeker's difficulties. For example, there is no way to determine readily from TRIP case data whether a redress-seeker's concerns were addressed by correcting data in a biometric identification

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system, deleting a particular type of lookout in a border-crossing information system, or overriding a lookout in the system. In many cases, it is not possible to determine whether the government took any action to address a redress-seeker's concerns.

In addition, the program does not have a means of collecting information on multiple case dispositions that apply to a single case. Many TRIP redress cases require involvement by multiple agencies, and several agencies may take action to address a single redress-seeker's difficulties. RMS, however, captures information on only one disposition per case. Without information on other case results, it is difficult to determine how successful the program is at meeting its primary aims. TRIP should be able to determine and report on all redress case dispositions and actions taken to resolve redress-seekers' concerns.

Recommendation

We recommend that the Director of the Screening Coordination Office, in consultation with participating agencies and DHS components:

Recommendation #21: Develop TRIP case disposition reporting categories that reflect the full range of government efforts to resolve redress-seekers' travel difficulties, and report on this information on a regular basis.

Management Comments and OIG Analysis

DHS Response: DHS concurred with Recommendation 21. DHS management said TRIP reporting categories are being reformatted and will implement revised categories as part of its new case management system no later than the 2nd quarter of FY 2011.

OIG Analysis: DHS' comments are responsive to the intent of the recommendation, which is resolved and open. DHS' proposed future plans are partially responsive to this recommendation, but do not include any discussion of disposition reporting. Furthermore, DHS should take action now to revise its current case disposition categories and procedures. This recommendation will

remain open until we receive documentation related to both near- and long-term plans in this area. We will examine this documentation to ensure that revised case disposition categories reflect the full range of government efforts to resolve redress-seekers' travel difficulties, and include procedures to report this information on a regular basis.

TRIP Does Not Collect Complete Data on the Timeliness of Case Processing and Has Not Set Related Targets

The Implementing Recommendations of the 9/11 Commission Act of 2007 requires TRIP to provide timely redress.³² However, TRIP has no effective means of monitoring or evaluating the timeliness of its case processing efforts to determine whether it is meeting its mandate.

TRIP does not gather all of the information it needs to determine how long it takes to process and close cases. Delays in TRIP's intake process can extend as long as five months. Accordingly, the intake process absorbs a significant amount of the time between DHS' receipt of a completed redress petition and its response to the redress-seeker. Current TRIP data on case processing times, however, do not account for the time that cases remain in the intake process. This is because TRIP does not capture information on the date that DHS first received completed redress petitions. This information is not available in TRIP's electronic case management records and is not always available in its paper case files. Instead, the program computes processing times starting with the date that complete case information was first entered into RMS. As a result, past TRIP reports on case processing times have understated the overall time the program takes to close redress cases.

Targets are an essential part of any performance management system; they enable managers to determine whether a program is meeting performance aims. Such targets could be applied to overall TRIP case processing timeliness, but have not. Variations

³² *Implementing Recommendations of the 9/11 Commission Act of 2007* (P.L. 110-53), § 1606(a); codified at 49 U.S.C. § 44926(a).

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in processing times for different types of cases, and fluctuations in processing times at different stages in the process, complicate establishing overall TRIP case processing timeliness targets. TRIP could overcome these challenges by first establishing timeliness targets for participating agencies to perform their case review and adjudication activities. As the case review and adjudication process involves more research and consideration for some agencies than for others, it may be appropriate for these targets to vary by agency. The program could also establish timeliness targets for different stages in the redress process. TRIP could, for example, create targets for each of the four principal stages in the redress process: intake, triage, review and adjudication, and response and closeout.

Although SCO has participated in working group sessions to identify timeliness targets, TRIP does not have targets for overall case processing time, processing times for any stage in the redress process, or for any agency's review and adjudication of cases. Combined with complete case intake data, such targets could be used to help redress managers identify case processing bottlenecks and make informed decisions about allocating resources.

Recommendations

We recommend that the Assistant Secretary for the Transportation Security Administration:

Recommendation #22: Collect individual TRIP redress case information on the date completed redress petitions are received, and use this information to calculate overall TRIP case processing times.

We recommend that the Director of the Screening Coordination Office, in consultation with representatives of other participating agencies and DHS components:

Recommendation #23: Develop timeliness targets for each redress processing stage, and case review and processing activities for each participating agency and DHS component; and report to

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participating agencies regularly on the achievement of these targets.

Management Comments and OIG Analysis

DHS Response: DHS concurred with Recommendation 22. DHS management indicated this recommendation would be added to the requirements list for its new case management system which will be implemented by the 2nd quarter of FY 2011. SCO and TSA will update standard operating procedures to record the receipt of redress petitions and date of RMS entry.

OIG Analysis: DHS' proposed actions are responsive to the intent of this recommendation, which is resolved and open. DHS plans to collect information on the date completed redress petitions are first received in TRIP's future case management system are laudable. It will also be important for this system to use this date in calculating overall TRIP response times. In the meantime, DHS can improve its performance in this area by recording the date that case materials are received on the materials themselves. This recommendation will remain open until we are provided evidence that TRIP is documenting and tracking the date it receives completed redress petitions, and using this information to calculate overall TRIP case processing times.

DHS Response: DHS concurred with Recommendation 23. DHS management said it expects to establish separate timeliness targets for misidentifications and non-misidentification cases. DHS indicated that this recommendation would be added to the requirements list for its new case management system which is to be implemented by the 2nd quarter of FY 2011.

OIG Analysis: DHS' proposed actions are responsive to the intent of this recommendation, which is resolved and open. DHS' proposed solution does not clearly provide for regular reporting to participant agencies on the achievement of timeliness targets; a prerequisite for closing this recommendation. It is essential that DHS effectively monitor and accurately report on the timeliness of TRIP's current operations. This recommendation will remain open until we receive evidence that DHS has developed timeliness

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targets for each redress processing stage, to include the case review and processing activities for each participating agency and DHS component; and reports to participating agencies regularly on the achievement of these targets. This documentation should reflect near-term efforts in this area as well as future plans.

TRIP Does Not Gather Information on Customer Satisfaction

Initial plans in 2007 called for TRIP to collect customer service comments. An early plan stressed the value of customers' comments and indicated that TRIP would gather opinions on the quality of the TRIP website, timeliness of case processing, and effectiveness of the program's response to redress-seekers' difficulties.

Despite its original plan to collect customer comments, TRIP has not established any procedure to gather customer satisfaction information. The program does not solicit information on redress-seekers' experience through surveys, focus groups, or any other customer response instrument.

Customer comments could help managers identify areas that need improvement and direct resources to address customer concerns. They could also provide redress-seekers an opportunity to communicate their experiences and expectations about the program and their overall level of satisfaction. This information can serve as a valuable baseline to evaluate program successes and challenges, and the program's overall effect on those subject to government-related travel difficulties.

Recommendation

We recommend that the Assistant Secretary for the Transportation Security Administration, in consultation with the Director of the Screening Coordination Office:

Recommendation #24: Collect and report on redress-seeker impressions of the TRIP website, different aspects of the redress experience, and their overall satisfaction with the program, with

the aim of using this information to identify areas for improvement.

Management Comments and OIG Analysis

DHS Response: DHS concurred with Recommendation 24. DHS management said that the new case management system, to be implemented by the 4th quarter of FY 2011, will collect information from redress-seekers through web-based surveys and other means.

OIG Analysis: DHS' proposed actions are responsive to the intent of this recommendation, which is resolved and open. The solution DHS has proposed is appropriate, and will be helpful in the future. However, DHS should not delay action in this area until the end of FY 2010. DHS should take immediate steps to gather and report on redress-seeker impressions of different aspects of the program. This recommendation will remain open until we receive documentation that demonstrates the collection and reporting of redress-seeker feedback concerning the TRIP website, different aspects of the redress experience, and overall program satisfaction. This documentation should reflect immediate efforts in this area as well as future plans.

Future Considerations for Enhancing TRIP

Previous report sections identify areas for TRIP improvement and present recommendations to effect positive changes in those areas. DHS should undertake these near- and long-term corrective actions immediately. In this section, we discuss other, less pressing respects in which the program could be improved. In particular, we describe possible enhancements in program accessibility and TRIP's influence on screening process improvements. DHS should consider improvements in these areas only after it has addressed the more urgent needs described earlier in the report.

Access to TRIP Could Be Expanded

Daily, the U.S. government applies traveler screening and security measures to millions of people from around the world, in a host of

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locations in the United States and abroad. TSA screens more than 2 million passengers a day at domestic airports, while CBP processes approximately 1.13 million travelers through U.S. ports of entry on a daily basis. Travelers with grievances may reside anywhere and come from a full range of cultural and linguistic backgrounds. To be available to the diverse and geographically dispersed population with grievances about U.S. government screening and security measures, TRIP redress services must be highly accessible.

We identified three ways that TRIP could increase accessibility to make its services more readily available to a larger proportion of those with screening and security grievances.

Improve and Expand Dissemination of Program Information

First, TRIP could expand and improve information on its website. The website currently provides basic information on TRIP and responses to some questions that travelers may ask, such as who should use the program and how petitioners' information is used. The website also includes hyperlinks to websites for some of the traveler screening programs and activities on which people can submit redress requests through TRIP. However, the TRIP website does not provide information on or links to all of the screening programs and initiatives for which TRIP is to provide redress. Nor does it provide a frequently asked question (FAQ) feature to help travelers understand TRIP in greater depth.

Early program plans called for TRIP to have a more expansive and informative website for travelers. Participants in TRIP's early development in 2006 stressed the value of a FAQ feature and created a draft set of answers to 47 questions for the website. TRIP's program manager advised these participants that a final version of the FAQs would appear on the TRIP website, but it has not. The absence of FAQs from the TRIP website is at odds with other program statements as well. The TRIP brochure distributed at airports and DHS' TRIP Privacy Impact Assessment both refer the public to FAQs on TRIP's website. The absence of FAQs on the TRIP website is also puzzling because the program's original

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IT system development contract was amended to include a requirement for the developer to add FAQs to the website.

By adding features to its website to address redress-seekers' questions, TRIP may be able to reduce its workload and satisfy traveler concerns. TRIP receives about 200 general travel inquiries by email per week. TSA's general customer service hotline responds to approximately 1,200 calls a month regarding redress. In addition to reducing the volume of these inquiries, increased information on what to expect in the screening and border crossing processes may address some travelers' misconceptions that might otherwise lead them to submit a formal redress petition.

Returns on website revisions could be significant. CBP's primary redress case intake unit, the Customer Service Center, uses interactive FAQs to address traveler questions. CBP website users can submit travel inquiries to CBP's Customer Service Center only when a FAQ does not address their questions. This approach has reduced the number of queries the center receives. Whereas CBP's travel FAQs were accessed 176,021 times in September 2008, only 2,391 questions were subsequently submitted to CBP.

Expand Accessibility To Non-English-Speaking Persons

TRIP could be more accessible to non-English-speaking persons. TRIP has issued brochures about the program in English and Spanish, but its website and intake form are available only in English. This English-only approach may exclude a significant number of aggrieved travelers and complicate the redress process for many others. Almost 10% of TRIP redress requests originate from petitioners who reside outside of the United States. Hundreds of other potential redress petitioners may never learn of the program because program materials are unavailable in their native language. In other cases, those with limited English reading and writing proficiency may have to enlist the assistance of others to complete the redress process, adding inconvenience and potentially cost to their grievances about contacts with the U.S. government.

TRIP's English-only approach to redress is in part an outgrowth of staff limitations. The program does not have the necessary staff to

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review and process redress petitions that include travel narratives written in languages other than English. After the program takes steps to enact basic improvements in its management and case processing activities, it should evaluate options for extending redress support to non-English-speaking persons. In so doing, TRIP should study other DHS programs with multilingual accessibility and explore ways of leveraging those resources. For example, a number of TRIP participants offer multilingual accessibility for their programs. US-VISIT publishes brochures in 10 languages, CBP's Electronic System for Travel Authorization brochures are available in 13 languages, and ICE's Student and Exchange Visitor Program's outreach materials appear in 6 languages. CBP's website is available in English and Spanish, its Global Entry online applications are accessible in English and French, and its Customer Service Center employs Spanish-speaking telephone representatives.

Alternative Access to Program Information Should Be Explored

TRIP could provide alternative modes of access to program and case status information. Redress-seekers currently have limited options for submitting TRIP redress requests. They are encouraged to submit their requests through TRIP's secure online portal and either mail or email their supporting documentation to TRIP separately. Alternatively, redress-seekers can obtain a redress request form and mail or email it to the program along with supporting documentation.

Most difficulties that prompt people to apply for redress through TRIP occur at U.S. airports and ports of entry. Travelers at these locations also generally have the identifying document information that TRIP needs to process their redress cases. For these reasons, airports and ports of entry are desirable locations for travelers to start the redress process. DHS provides some information to travelers about the redress process at those locations; TRIP has issued brochures to TSA and CBP personnel at airports and ports of entry and made them available to air carrier representatives to distribute to aggrieved travelers. However, it does not provide redress-seekers with a direct means of initiating the redress process at these locations. To capitalize on the opportunity for travelers to

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begin the redress process, DHS should consider installing or leveraging existing kiosks or using DHS staff already on site to collect redress forms and information.

In addition, TRIP currently provides no means for redress-seekers to have live contact with people familiar with the redress process or their redress case status. Public and private sector customer service surveys indicate that customers value the personal contact and dynamic exchange available through live contacts with service representatives. Customer service operations in public and private sector settings frequently rely on call centers to provide this type of live exchange. TRIP clients may benefit from a similar approach.

TRIP Could Do More to Identify Possible Screening Process Improvements

TRIP could help identify possible screening and border security process improvements. It could use the data it collects from travelers' redress requests to determine which aspects of the screening processes cause travelers the greatest consternation and are the source of most complaints. Meanwhile, it could use data on general traveler inquiries to inform DHS communication strategies on its travel and screening programs.

TRIP has done some limited work to identify screening process improvements, but has not undertaken a regular, deliberate effort in this area. In April and May 2008, the TRIP program office used case intake data to assess the effect of the DHS Secretary's announcement about air carrier passenger prescreening programs on the volume of government redress petitions. In another instance, TRIP participants observed that a number of redress cases stemmed from data issues related to a particular kind of visa, and took proactive measures to resolve the problem for all visa holders. Similarly, ICE's Student and Exchange Visitor Information System redress representative said that he had used TRIP case information to identify and correct larger data entry error patterns in the system, which had caused international students unwarranted difficulties upon return to the United States.

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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TRIP must do more in this area if it is to fulfill DHS' public declarations about the program's role in fostering screening process improvements. TRIP's Privacy Impact Assessment and System of Records Notice both indicate that it will use redress data to assist DHS in identifying aspects of the screening process that need improvement. However, TRIP does not perform the type of systematic data analysis required to identify emerging trends in redress complaints. Nor does it have a process to relay information about complaint patterns to other agency or DHS screening managers. We encourage TRIP managers to consider these innovations.

Conclusion

TRIP has been operational for almost two years. During that time, it has effected several improvements in traveler redress efforts across the federal government. Nonetheless, as with many new programs, it has room for improvement.

TRIP will not be able to realize these improvements unless the department takes steps to reinforce the IT, organizational, and financial supports to the program. DHS must also take immediate action to provide for redress that is more meaningful to retain public confidence and trust in the program. TRIP needs other key improvements in its security, privacy, reliability, timeliness, and performance management. Once the program overcomes challenges in these areas, it should seek to address accessibility issues and leverage redress data more effectively to improve screening processes.

TRIP offers the promise of more effective government engagement with the traveling public. Redress-seekers submitting petitions through TRIP are advised that the program will assist them with their travel difficulties. Under present circumstances, however, redress-seekers generally do not benefit from their participation in TRIP. Their cases often languish for extended periods and are handled inconsistently. Sometimes their cases are not brought to the attention of the appropriate agency. In other instances, cases are closed before all indicated agencies have had a chance to review them. Even when cases are properly reviewed, they do not usually produce meaningful results for redress-seekers. In most cases, government actions in a redress case do not improve redress-seekers'

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travel experiences. After the redress process has been completed, TRIP provides little information about the basis for redress-seekers' travel difficulties, the action the government took to address it, or what other steps redress-seekers may take to help themselves in the future. Finally, at no point in the process does TRIP gather customer comments on the quality of its services.

DHS faces substantial challenges in realizing TRIP's full potential. We have made many recommendations to help the department overcome these challenges. Taken together, the challenges may be daunting, but DHS must dedicate itself to addressing each of them if it is to comply with its statutory obligation to provide fair and timely traveler redress.

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Appendix A Purpose, Scope, and Methodology

We conducted this review in response to a request from U.S. Representative Bennie G. Thompson, Chairman of the House Homeland Security Committee. Our objectives were to determine whether the Traveler Redress Inquiry Program (TRIP) was (1) collecting, processing, and safeguarding information as intended; (2) processing responses to individual requests in a timely manner; and (3) accelerating the refinement and correction of erroneous screening information, and contributing to screening process improvements.

We conducted our fieldwork from March 2008 to September 2008. During this period, we conducted more than 50 interviews. We met with staff from nine DHS components: TSA, CBP, CRCL, ICE, Office of General Counsel, PRIV, SCO, USCIS, and US-VISIT. We also met with officials from the departments of Justice and State and the National Counterterrorism Center, and interviewed industry trade representatives, as well as representatives of five U.S. air carriers.

We performed extensive document review and analysis. We reviewed redress-related testimony, and public declarations about TRIP. We reviewed laws and regulations related to DHS redress efforts, as well as pertinent studies by the GAO and DOJ's Office of Inspector General. We examined related DHS and DOJ directives, agreements, policy, and procedures. In addition, we analyzed information in TRIP's redress management system, information from the No Fly and Selectee lists, and program performance statistics.

We conducted this review under the authority of the *Inspector General Act of 1978*, as amended, and according to the *Quality Standards for Inspections* issued by the President's Council on Integrity and Efficiency.

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Appendix B
Management Comments to the Draft Report

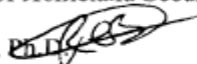
U.S. Department of Homeland Security
Washington, DC 20528




Homeland
Security

APR 20 2009

MEMORANDUM FOR: Carlton I. Mann
Assistant Inspector General for Inspections
U.S. Department of Homeland Security

THROUGH: Richard C. Barth, Ph.D. 
Assistant Secretary for Policy (Acting)

FROM: Kathleen L. Kraninger 
Deputy Assistant Secretary for Policy (Screening Coordination)

SUBJECT: *Draft Report: Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program – Sensitive Security Information (SSI)*

Thank you for the opportunity to review the draft report. Below you will find a joint response from the Department of Homeland Security (DHS) Office of Policy (PLCY), Office of Privacy (PRIV), Civil Rights and Civil Liberties (CRCL), Transportation Security Administration (TSA), Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program providing comments on the findings and context for assertions made in the draft report.

Recommendation #1 - Replace TRIP's current case management system with a system that fully meets the program's functional requirements for case management and workflow, document management, interoperability, and reporting.

Management Comment: DHS believes that the characterization that DHS TRIP has not received the level of support needed to move forward with plans to replace the Redress Management System (RMS) is misleading. During the time that OIG was conducting field work, significant steps towards replacing RMS were already underway. DHS and components conducted an initiative to collect requirements for a replacement RMS system in May and June 2008. In August 2008, PLCY/SCO and TSA coordinated a review of DHS TRIP operations that focused on developing a strategy for replacing RMS. Funding was pursued through the DHS budget process.

Since the end of OIG's field work, efforts have continued unabated with leadership support. TSA has identified Fiscal Year (FY) 2009 funds available to begin the

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replacement process for RMS ahead of schedule, and TSA has begun the initial procurement process. Prospects for continued progress are strong. The FY2010 budget provides a \$1.3 million line item for DHS TRIP, including \$556,088 for Information Technology (IT) Solution/Case Management and Enhancements.¹ These funds are intended for migrating the current RMS to a replacement case management system that meets user requirements.

Corrective Action: TSA will undertake the process for replacing the DHS TRIP RMS. This process will likely include completing an assessment of the current RMS and a future state design of RMS to be used as a foundation for development of a new system. The new RMS will be acquired and implemented in a way that addresses legacy records. The system will address DHS TRIP user community's requirements for case management, reporting, privacy and internal controls.

Status: In Progress. Procurement for contractor support will occur in FY2009, selection of a replacement system in FY2010, and final implementation in early FY2011. FY2009 funds have been identified to begin the procurement process and the President's FY2010 budget proposal includes \$556,088 in additional funds to support this effort.² TSA has begun drafting the necessary procurement documents to get contractor support for formally assessing current needs, designing a future state, and implementing the transition.

Recommendation #2 – Define and communicate strategic and operational management roles for TRIP, and participant and program manager responsibilities, roles, and authorities.

Management Comment: DHS concurs that the DHS TRIP community of agencies would benefit from explicit guidance on roles and responsibilities. The Department appreciates the acknowledgement that the community has “worked well together and supported the broader aims of the TRIP effort.” When the inevitable differences occur in the course of daily operations, the system has established channels to achieve resolution.

The Rice-Chertoff Initiative statement provides a common vision for redress through DHS. Also, agencies participating in DHS TRIP are signatories to the 2007 Memorandum of Understanding on Terrorist Watchlist Redress Procedures (Redress MOU). The Redress MOU commits parties to the following: “Subject to the availability of funds, each screening agency will commit sufficient and appropriate staff and resources to that office or offices to ensure redress complaints are processed in a timely and efficient manner.” In addition, agencies dedicate resources for redress through the budget process, and the various offices with roles in DHS TRIP have Standard Operating Procedures (SOP) that provide guidance on operations.

¹ Note line item budget data is embargoed and subject to change until the formal release of the President's FY2010 budget proposal.

² IBID re: embargo

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To clarify another point, neither the DHS TRIP Governance Board nor PLCY/SCO has direct authority over participating program offices. The influence of both entities stems from having direct lines of communication with Departmental and agency leadership. The members of the DHS TRIP Governance Board take back unresolved issues to their respective component leadership. Likewise, PLCY/SCO is in the position to raise it to Department leadership for ultimate resolution.

In addition to dedicated off-site staff, CBP has provided an individual on-site at DHS TRIP from February 2007 through May 2008 and again since June 2008. During the period of time when a CBP employee was not on-site at DHS TRIP, the Office of Field Operations redress staff was available to address any and all questions or research cases that needed immediate reply.

Corrective Action: PLCY/SCO will take the lead in ensuring clear documentation of responsibilities, roles, and authorities. PLCY/SCO will consult with the participating components; draft a document detailing strategic and operational management responsibilities, roles, and authorities; and submit to the DHS TRIP Governance Board for approval. Once approved, PLCY/SCO will circulate this information in the form of memo signed by DHS leadership.

Status: Pending. PLCY/SCO, in coordination with the components, expects to complete action no later than 1st quarter of FY2010.

Recommendation #3 – Seek independent funding for TRIP through a line item in the Department’s budget or that of one of its components.

Management Comments: DHS Concurs. The DHS FY2010 budget contains full funding (\$1.3 million) of DHS TRIP as an independent line item. It includes funds for additional staff for the DHS TRIP program office.³ The FY 2010 implementation plans includes increased hosting center support and enhancements to the existing RMS operation to make it more useful to other components as well as to DHS Headquarters.

Corrective Action: Resolved through current practices.

Status: Completed. Request closure of the recommendation.

Recommendation #4 – Revise aviation security directives to specify how air carriers are to use the cleared list, and develop and apply inspection protocols that monitor air carriers’ use of the cleared list.

Management Comment: DHS addresses watch list misidentifications in aviation security settings via the cleared list process. DHS fully acknowledges the challenges and

³ IBID re: embargo

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limitations of a system that relies on air carriers performing the watch list matching function. DHS is addressing these shortcomings via the rollout of Secure Flight in 2009.

As the report states on page 36, the effectiveness of the cleared list in providing relief to misidentified travelers depends on how each air carrier integrates it into the watch list matching process. Airlines are under considerable financial pressures and have competing needs for resources. Further, their decisions on how much to invest in modifying their IT systems are made in the context of the Department's intent to assume responsibility for watch list matching via Secure Flight.

Revising the aviation security directives regarding air carrier use of the cleared list would be cost prohibitive, redundant to Secure Flight requirements, and hurt stakeholder relations with air carriers. Currently, the air carrier reservation systems are not set up to accommodate a redress number in their internal watch list matching system. Air Carriers have objected to TSA mandating that they make expensive IT modifications to their reservation systems in order to accommodate a cleared list when the TSA is in the process of taking over the watch list matching function from airlines. DHS believes that implementation of Secure Flight will accomplish the intent behind changing the Security Directives in a way that is less burdensome on the air carriers.

Corrective Action: 1) Instead of revising aviation security directives, TSA will implement Secure Flight and will perform the watch list and cleared list matching functions rather than the air carriers. 2) Secure Flight will require carriers to collect traveler's full name, gender, date of birth and redress number by August 15, 2009, for all domestic flights. 3) The Transportation Security Inspector Inspection Handbook will be revised to define particular inspection protocols that monitor air carriers' use of the cleared list, as well as the other No-Fly List requirements.

Status: In Progress. To be completed in coordination with the rollout of Secure Flight. TSA began performing watch list match functions for domestic flights in the third quarter of the 2009 fiscal year and plans to implement with all carriers (domestic and international) by the end of 2010. .

Recommendation #5 – Provide more of the cleared list to air carriers, at minimum ensuring that they receive all cleared list records that match the current No-Fly and Selectee lists using all required matching routines.

Management Comments: Current practices are designed to provide air carriers with the data needed to perform the watch list matching function effectively. The cleared list contains names of individuals who have names identical or similar to individuals on the No-Fly and Selectee Lists. The similarities between the names frequently result in confusion and delays for the individual who is not the actual person on the watchlist. When the watch listed name causing the misidentification has been removed from the No-Fly and Selectee Lists, the corresponding name on the cleared list becomes inactive since the underlying cause of the misidentification has been addressed. The inactive

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names on the cleared lists are not provided to the air carriers in order to aid them in managing the watch list matching function.

Air carriers often cite the cost of modifying their IT system to accommodate the cleared list as a reason for not utilizing the cleared list more robustly. Page 42 asserts that an expanded cleared list would result in a 6.5 percent performance improvement. That improved efficiency does not necessarily incent air carriers to make the IT investments necessary for full use of the cleared list.

Corrective Action: The rollout of Secure Flight will make this recommendation unnecessary. Secure Flight will incorporate the cleared list.

Status: In Progress. To be completed in coordination with the rollout of Secure Flight. TSA began performing watch list match functions for domestic flights in the third quarter of the 2009 fiscal year and plans to implement with all carriers (domestic and international) by the end of 2010.

Recommendation #6 – Develop and implement a plan for the Office of Transportation Security Redress to address Secure Flight requirements that, at minimum, provide for notifying current redress applicants that their redress control numbers may be useful in future air carrier reservations, and establishes how TSA will incorporate redress control numbers into the cleared list.

Management Comment: DHS concurs with this recommendation.

Since the OIG investigation ended, all cleared list records have been updated with Redress Control Numbers (RCN) as part of the initiative to integrate the cleared list with Secure Flight. As of January 2009, TSA Office of Transportation Security Redress (OTSR) provides this list daily to Secure Flight via an export from TSA Office of Information Technology (OIT).

Corrective Action: TSA's Offices of Secure Flight and Transportation Security Redress are coordinating to send a letter to redress applicants who have valid addresses on file and do not have a RCN because they filed before October 2006 when RMS launched. The letter will provide these applicants with their Redress Control Number and instructions on using the number when making flight reservations.

Status: Pending. TSA plans to send out the letter by the end of 4th quarter of FY2009.

Recommendation #7 – Use all cleared list records to assist in ruling out all possible passenger data matches to the watch list misidentified through Secure Flight and evaluate options for applying matching thresholds for cleared list matches to account for possible cleared list passenger data entry errors.

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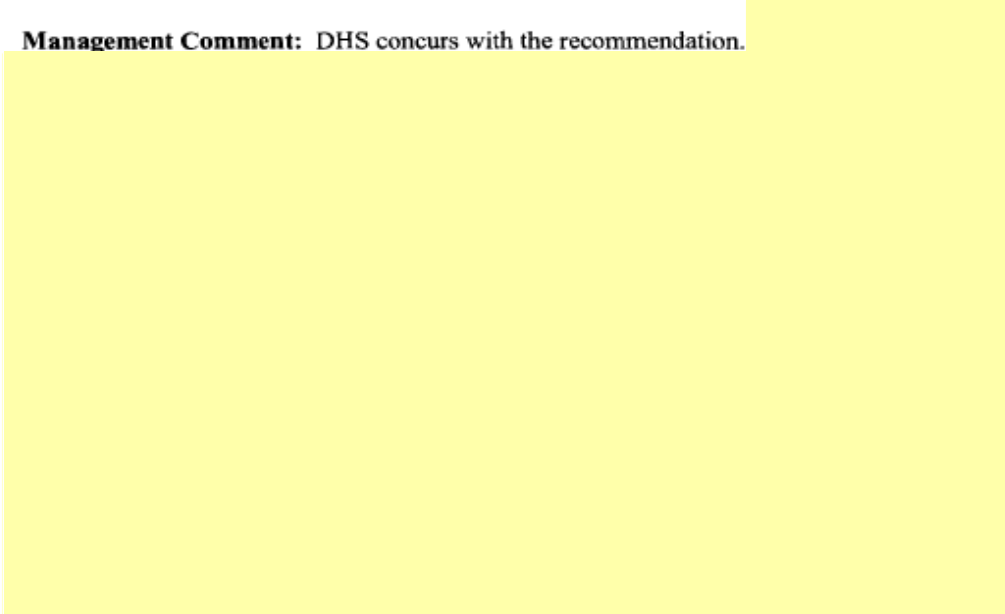
Management Comment: DHS concurs with the recommendation. Secure Flight currently receives and uses all cleared list records (active and inactive). Secure Flight algorithms in place identify exact and near matches to the cleared list. These processes have been in place since Secure Flight began assuming watch list matching in January 2009.

Corrective Action: Resolved through current practices.

Status: Completed. Request closure of the recommendation.

Recommendation #8 – Establish a process to monitor the currency of Primary Lookout Override record owner status, and institute periodic inspections to determine whether record owner notifications about changes made to an underlying subject record are acted on appropriately.

Management Comment: DHS concurs with the recommendation.



Corrective Action: Already established.

Status: Completed. Request closure of the recommendation.

Recommendation #9 – End the practice of singling out passengers with terrorist watch list lookout-related Primary Lookout Over-rides for Selectee security screening when they are identified as possible No-Fly list matches during Advance Passenger Information System vetting.

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Management Comment: The current use of Advance Passenger Information System (APIS) data and TECS for screening travelers arriving into or departing from the United States against the No-Fly list is temporary. Secure Flight will be vetting travelers arriving into or departing from the United States against the No-Fly and Selectee lists. Travelers will be able to provide their redress number at booking

CBP utilizes the PLOR process to ensure the individual is not subjected to further CBP secondary scrutiny or there is no interest on the subject.

Corrective Action: Secure Flight will assume No-Fly matching from the CBP system.

Status: In Process. To be completed in coordination with the rollout of Secure Flight. TSA plans to perform all name matching functions for all international flights by 1st quarter of FY2011.

Recommendation #10 – Ensure that final determinations on whether to create a Primary Lookout Over-ride in response to a redress complaint reside with employees unaffiliated with field offices that made the original screening or admissibility determination.

Management Comment: DHS concurs with this recommendation. It is preferred that the performance of the PLOR occur at the field office or Preclearance station where the secondary inspection occurred; however, it may also be accomplished by the Office of Field Operation's (OFO) Executive Communications Unit (ECU) personnel. If the problematic record existed at the time of the last secondary inspection, request the field office or Preclearance station perform the PLOR. However, if the problematic record was created after the date of the last secondary inspection, the PLOR will be completed by an ECU staff person. ECU, in coordination with the OFO's PLOR program managers, has the authority to PLOR records (and has, in fact, exercised such authorities in the past), where the field previously determined not to PLOR, in response to redress inquiries.

An example of when OFO's ECU exercised the policy outlined above and in the OFO Redress Desk Guide took place in June 2008. A situation occurred where the field was unwilling to do the PLOR but ECU felt strongly that a PLOR should be completed. As a result, ECU reached out to the Trusted Traveler Programs Office who in turn initiated a PLOR on the problematic record. In July 2008, the ECU Redress Team received approval, and the appropriate system accesses to perform PLORs.

Corrective Action: Resolved through current practices.

Status: Completed. Request closure of the recommendation.

Recommendation #11 – Develop and implement a process for the independent review and adjudication of redress cases related to DHS criminal investigations

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Management Comments: DHS concurs.

Corrective Action: PLCY/SCO will implement this recommendation through the corrective action for Recommendation #2, providing a document defining authorities, roles, and responsibilities for redress actors. Redress review and adjudication should still take place at the agency responsible for the investigation in order to ensure against the improper release of law enforcement information. The review may be conducted by a superior to the investigating agent, the agency's legal council or by another designated adjudication official.

Status: Pending. PLCY/SCO expects to complete action on SOPs no later than 1st quarter of FY2010.

Recommendation #12 – Use TECS Primary Lookout Over-rides related to terrorist watch list lookouts to help rule out possible No-Fly and selectee list matches identified through the Secure flight program's automated passenger data vetting process.

Management Comment: DHS concurs. Secure Flight is using TECS as part of the manual vetting process when, after a passenger's name goes through the vetting engine and is deemed a close enough match to require manual review. The Secure Flight analysts will then use TECS to help in identifying a match.

Corrective Action: Resolved through current practices.

Status: Completed. Request closure of the recommendation.

Recommendation #13 – Use the Transportation Security Administration's cleared list data to assist in ruling out possible No-Fly and Selectee list matches identified in Advance Passenger Information System vetting.

Management Comments: DHS concurs based on the interpretation that the desired end result of information sharing between TSA and CBP can be achieved but should not require the automated use of the TSA cleared list in APIS/APIS Quick Query (AQQ). TSA-OI currently uses the cleared list in its adjudications.

Corrective Action: The Transportation Security Administration's Office of Intelligence (TSA-OI) will first clarify the different categories and provide what necessary action is required for those classifications. Current vetting protocols will then be modified to meet this recommendation.

Status: Pending. TSA expects to complete action no later than 4th quarter of FY2009.

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Recommendation #14 – Create a procedure for the officers at ports of entry to learn whether Transportation Security Administration’s Office of Intelligence analysts have ruled out passengers as the target of the watch list lookout.

Management Comment:

NTC-P Target Analysts vet both inbound and outbound possible No-Fly matches with mandatory vetting through the Transportation Security Administration Office of Intelligence (TSA-OI). This vetting can be done either by the NTC-P TSA-OI liaison (a full-time TSA employee stationed at the CBP facility) or by calling TSA-OI. A TSA No-Fly hit may appear in conjunction with other lookout types, such as a possible terrorist alert. NTC-P ensures that the No-Fly is immediately addressed and vetted. TSA No-Fly records hitting on passengers traveling on board vessels do not require vetting through TSA-OI, as they are on a ship and pose no immediate threat to civil aviation.

Manifest information is transmitted automatically through the DHS CBP system which in turn routes information to TSA and CBP. An automated message of “cleared” or “not cleared” is generated and sent to the carrier by the system unless further information is required. If further information is required for vetting, the system will automatically advise the airline to call TSA-OI for clarification and will not issue a cleared message.

Corrective Action: Resolved through current practices.

Status: Completed. Request closure of the recommendation.

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Recommendation #15 – Enhance internal control on the electronic and manual processes for adding records to the cleared list, ensure that all records considered for addition to the cleared list are subject to identity document verification checks before addition, and conduct intelligence analyst reviews of all possible watch list matches before related redress records are added to the cleared list.

Management Comment: DHS concurs.

Corrective Action: The President's FY2010 budget includes funds for new vetting analyst full-time equivalent (FTE) for TSA OTSR to support DHS TRIP.⁴ This FTE will be located at a TSA Operations Center and will use existing TSA Office of Transportation Threat Assessment and Credentialing (TTAC) infrastructure to review all redress inquiries to DHS TRIP and compare all identities against all appropriate watch lists. All terrorism watch list matches will be referred to the Terrorist Screening Center for adjudication. All other matches (e.g., criminal, agricultural, etc) will be referred to the appropriate component for adjudication. The SOP for this function will include internal controls to ensure quality control on the manual addition of names to the clear list.

DHS will also add internal controls on the electronic addition of names to the clear list as part of its requirements list when procuring a successor case management system. These internal controls will be electronic safeguards against persons being improperly added to the cleared list and will not be duplicative of TTAC capabilities. For example, one possible solution is adding a method for securing supervisory approval in the RMS before a name can be added to the cleared list. The actual solution will be identified as part of the requirements analysis for a successor DHS TRIP system.

Status: Pending. PLCY/SCO expects to complete action on SOPs no later than 1st quarter of FY2010. TSA expects to complete the hire of the FTE no later than 3rd quarter of FY2010 subject to receiving funding. TSA expects to complete electronic safeguard no later than 2nd quarter of FY2011 in coordination with the implementation of the new case management system described in Recommendation #1.

Recommendation #16 –Automatically compare the cleared list against the No-Fly and Selectee lists when changes are made to any list, and institute a process whereby intelligence analysts immediately review matching cleared list records for possible removal from the cleared list or refer them to the Terrorist Screening Center.

Management Comment: DHS concurs.

Corrective Action: DHS will use TSA's Colorado Springs Operations Center (CSOC) perpetual vetting engine to comply. OTSR will still be responsible for referring all cleared list conflicts to the Terrorist Screening Center.

⁴ IBID re: embargo

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Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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Appendix B Management Comments to the Draft Report

Status: Pending. Recommendation will be implemented through the hire of a FTE vetting analyst for OTSR. Funding is requested in the President's FY2010 budget.⁵

Recommendation #17 – Develop and promptly publish the required System of Records Notice and Privacy Impact Assessment for its redress case management system.

Management Comment: DHS concurs.

Corrective Action: CBP is in the process of drafting both a Privacy Impact Assessment (PIA) and a System of Records Notice (SORN) for its Complaint Management System.

Status: In Progress. CBP expects to complete action no later than 1st quarter of FY2010.

Recommendation #18 – Prepare and revise TRIP-specific standard operating procedures that describe all required case processing steps in intake and triage; coordination and prioritization; review and adjudication; and closeout, response and reporting.

Management Comment: DHS concurs.

Corrective Action: PLCY/SCO will direct components to update SOPs to address all processing steps. PLCY/SCO will consolidate these SOPs and review them for completeness. PLCY/SCO will work with the components and the Office of Privacy to ensure that relevant Privacy Impact Analysis and System of Records Notices are updated if needed to reflect any changes stemming from this review.

Status: Pending. PLCY/SCO expects to complete action on SOPs no later than 4th quarter of FY2009 and on PIA and SORN no later than 1st quarter of FY2010. PLCY/SCO, in coordination with TSA, will revise the SOPs to reflect changes from the implementation of the new case management system. These revisions will occur no later than 2nd quarter of FY2011.

Recommendation #19 – Devise and institute quality assurance checks using the 2007 draft TRIP quality assurance plan as a resource.

Management Comments: DHS concurs. The 2007 plan was never fully vetted and approved by the DHS TRIP Governance Board and will need to be updated to reflect lessons learned from two years of operations. Nevertheless, it can still be a useful tool for developing a mature Quality Assurance regime.

Corrective Action: PLCY/SCO will review the 2007 draft TRIP quality assurance plan and, in consultation with the components, make amendments deemed appropriate. PLCY/SCO will present the document to the DHS TRIP Governance Board for approval.

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Appendix B Management Comments to the Draft Report

PLCY/SCO will work with TSA to ensure that IT capabilities needed to implement Quality Assurance are incorporated into the requirements document for the case management successor system.

Status: Pending. PLCY/SCO will conduct the review of quality assurance checks in 4th quarter of FY2009. It expects to complete action no later than 2nd quarter of FY2011 in coordination with the implementation of the new case management system described in Recommendation #1.

Recommendation #20 - Develop and apply TRIP response letter templates that more fully acknowledge the basis for traveler difficulties, note what actions the government took to review the case, and address the underlying cause for the travel difficulty; but do so without compromising law enforcement investigations or revealing redress-seekers' status in the TSDB, other than No fly or Selectee list inclusion.

Management Comment: DHS can only partially concur. This recommendation is not implementable as written due to an inherent conflict between its priorities. Acknowledging the basis for travelers' difficulties will either directly reveal national intelligence or law enforcement sensitive information or allow it to be deduced indirectly through comparison of response letters.

Any rewrite of the redress letter templates requires close cooperation with other federal agencies and cannot be accomplished unilaterally. The underlying information supporting placement in the TSDB almost always belongs to another agency and it is not within DHS' authority to reveal this information without coordination. Indeed, as mentioned at p. 59 of the report, there is a memorandum of understanding on redress with multiple federal parties. Under the terms of the Redress MOU (paragraph 4(B)(v)), while screening agencies such as those at DHS are responsible for providing a written response to redress requests they receive based on information provided by TSC, because of the sensitivity of the TSDB and derogatory information that forms the basis of the TSDB entry, the content of any response to a complaint must be coordinated with TSC and the nominating/originating agency through TSC. The use of standardized responses must be coordinated with TSC and Department of Justice.

DHS strongly disagrees that persons on the Selectee lists can already determine their status. Selectee list status is not a conclusively observable phenomenon. There is a difference between an inference and official government confirmation.

- Almost all TSA-related redress cases processed through DHS TRIP to date are, in fact, misidentifications or selected for random or other non-watch list reasons. These cases of "passengers who fly frequently and are always subject to additional security screening" are described on page 82 of the OIG report as being able to reasonably conclude that they are on the Selectee list. Following this logic, that conclusion would be wrong almost all of the time.

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Appendix B Management Comments to the Draft Report

- Observable events can be caused by factors not related to being on the Selectee lists. For example, a person who is constantly being prevented from using air carrier kiosk to get a boarding pass may be a Selectee, but she might also be a misidentification and the air carrier is not using the cleared list to override the block against using the kiosk, or her travel behavior consistently trips the Computer Assisted Passenger Prescreening System (CAPPS) rules. Alternately, anecdotal cases exist for persons who assumed that they are on the Selectee list based on their interaction with the air carrier staff but in fact the problems stemmed from an airline policy entirely unrelated to TSA or the watch list.
- Details of the Selectee process, and an individual's status as a Selectee, are Sensitive Security Information and that may not be disclosed to the public pursuant to 49 CFR part 1520. A person's inference is not the basis for waiving security concerns – especially when alternate explanations for an observation exist.
- Because the Selectee list is a subset of the TSDB, people on the Selectee list are also on the watch list. Confirming their status invokes concerns articulated by the Attorney General and currently under litigation.
- Confirming a person is on the Selectee list allows persons deemed not on the Selectee list to learn their status by comparing response letters. Even if OIG's reasoning were to be stipulated, providing a response to small number of redress seekers who are on the Selectee list may invoke the Attorney General's concern that terrorist groups could use this information to manipulate the system as described on Pages 81-82.
- Further, informing an individual that they were misidentified to an individual properly placed on the watch list confirms that an individual with a similar name or other identifying information is the individual on the list. This may also amount to an impermissible disclosure of SSI-protected information.

Corrective Action: PLCY/SCO, in coordination with DHS Office of General Counsel (OGC) and the components, will engage our interagency partners to consider redrafting the redress template to: 1) Restate our inability to confirm or deny presence or absence on a watch list and that nothing in the letter should be interpreted as implying otherwise; 2) Identify potential underlying cause if not watch list or law enforcement redress with the concurrence of the record controller; 3) Detail steps taken to resolve these non-watch list/law enforcement causes; and 4) If the cause is outside DHS, refer them to the appropriate redress office after consultation with the impacted agency that revealing this information would not adversely impact an ongoing law enforcement investigation.

Status: Pending. PLCY/SCO and OGC expects to complete action no later than 1st quarter of FY2010 subject to the constraints of interdepartmental coordination.

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Appendix B Management Comments to the Draft Report

Recommendation #21 – Develop TRIP case disposition reporting categories that reflect the full range of government efforts to resolve redress-seekers’ travel difficulties, and report on this information on a regular basis.

Management Comment: DHS concurs with the recommendation.

Corrective Action: Work is underway in reformatting the reporting categories. The recommendation will be added to the requirements list when procuring a successor case management system. It will be implemented as part of the RMS replacement.

Status: In Progress. PLCY/SCO, in coordination with the components, expect to complete action no later than 2nd quarter of FY2011 in coordination with the implementation of the new case management system described in Recommendation #1.

Recommendation #22 – Collect individual TRIP redress case information on the date completed redress petitions are received. And use this information to calculate overall TRIP case processing times.

Management Comment: Concur.

Corrective Action: 1) The recommendation will be added to the requirements list when procuring a successor case management system. 2) PLCY/SCO and TSA will update SOPs to record when a redress petition is received as well as when it is entered into the RMS.

Status: In Progress. TSA expects to complete action no later than 2nd quarter of FY2011 in coordination with the implementation of the new case management system described in Recommendation #1.

Recommendation #23 – Develop timeliness targets for each redress processing phase, and case review and processing activities for each participating agency and DHS component; and report to participating agencies regularly on the achievement of these targets.

Management Comment: DHS concurs. DHS further notes that the underlying cause for redress needs to be incorporated into timeliness targets for review and adjudication. Adjudicating misidentification is a simpler process than adjudicating law enforcement- or watch list-related cases, provided all necessary information is initially included in connection with the redress request. DHS expects to set separate timeliness targets for misidentification and non-misidentification cases.

Corrective Action: PLCY/SCO will analyze current performance measures and work with the components to establish baselines for timeliness. PLCY/SCO expects not to set timeliness measures for cases referred to the TSC for action but instead will abide by TSC’s timeliness measures. The changes needed for reporting timeliness will be added to the requirements list when procuring a successor case management system.

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Appendix B Management Comments to the Draft Report

Status: Pending. PLCY/SCO expects to complete action no later than 2nd quarter of FY2011 in coordination with the implementation of the new case management system described in Recommendation #1.

Recommendation #24 – Collect and report on redress-seeker impression of the DHS website, different aspects of the redress experience, and their overall satisfaction with the program, with the aim of using this information to identify area for improvement.

Management Comment: DHS concurs.

Corrective Action: Following the implementation of the successor case management system, DHS will collect information from redress seekers through web-based surveys and other means. These surveys are not likely to occur before FY2011 because of the budget cycle and the short term need to focus efforts on developing and implementing the new case management system since the significant areas of improvement are already identified.

Status: Pending. PLCY/SCO and TSA expects to complete action no later than 4th quarter of FY2011.

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Appendix C
Department of Justice Management Comments to the Final Report



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

August 17, 2009

Mr. Carlton I. Mann
Assistant Inspector General for Inspections
Office of Inspector General
U.S. Department of Homeland Security
Washington, D.C. 20528

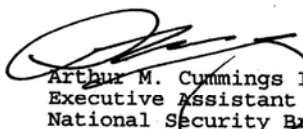
Dear Mr. Mann:

The Federal Bureau of Investigation (FBI) appreciates the opportunity to provide comments regarding the Department of Homeland Security (DHS), Office of Inspector General's (OIG) Final Report entitled, "Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program." Enclosed herein are the FBI's comments, representing a collaboration of effort between the FBI's Counterterrorism Division, the Terrorist Screening Center, and the Office of the General Counsel.

Following a thorough review, I am confident you will agree that significant, serious concerns continue to be raised with respect to the Final Report. The FBI appreciates your support in representing these concerns to the DHS OIG.

If you have any questions or concerns, please feel free to contact me at (202) 324-7045.

Sincerely,


Arthur M. Cummings II
Executive Assistant Director
National Security Branch

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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Appendix C Department of Justice Management Comments to the Final Report

RE: DHS OIG FINAL REPORT REGARDING THE EFFECTIVENESS OF THE TRAVELER REDRESS INQUIRY PROGRAM

Both the Federal Bureau of Investigation's (FBI's) Counterterrorism Division (CTD) and Terrorist Screening Center (TSC) continue to have serious concerns regarding the Department of Homeland Security (DHS) Office of Inspector General's (OIG) Final Report entitled "Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program" (TRIP). In April 2009, the Department of Justice (DOJ) and FBI submitted extensive comments to the Draft Report in captioned matter voicing similar concerns.

The FBI's continued hesitation relates to specific conclusions and ~~recommendations contained in the Final Report (hereinafter "Report").~~ The Report seeks greater transparency in the redress process, which is an admirable goal, but it must be balanced against the United States (U.S.) Government's interest in protecting national security and law enforcement information that is vital to protecting the country from another terrorist attack. There is an inherent tension in providing greater transparency to the traveling public and disclosing information the U.S. Government has obtained through classified or sensitive techniques concerning those who are reasonably suspected of engaging in terrorism or terrorist activities.

The Report acknowledges that a percentage of redress complaints are because an individual has been identified as a known or suspected terrorist and has been watchlisted in the Terrorist Screening Database (TSDB) (*i.e.*, the "terrorist watchlist"). The TSDB was created by the TSC as a result of Homeland Security Presidential Directive (HSPD) 6 which directed that an organization be established to consolidate the Government's approach to terrorism screening and to provide for the appropriate and lawful use of terrorist information in screening processes. DHS components use exports from the TSDB for, among other things, airline, immigration, and border security screening. The No Fly and Selectee Lists, for instance, are sub-sets of information from the TSDB.

As the Report correctly notes, it is the policy of the U.S. Government to neither confirm nor deny whether an individual is in the TSDB. This is because watchlist status is derived from classified intelligence and/or sensitive law enforcement information. Not disclosing an individual's watchlist status protects the counterterrorism operational and intelligence collection objectives of the U.S. Government as well as the personal safety of those involved in counterterrorism efforts.

Protecting watchlist status from disclosure is of such significance that the Attorney General of the U.S. has asserted the States Secrets privilege in the Rahman v. Chertoff, No. 05-3761 (N.D. Ill.) litigation based upon his conclusion that disclosing the watchlist status of particular individuals can reasonably be expected to cause serious harm to the national security by revealing: (1) whether they are now or once were the subjects of counterterrorism intelligence-gathering or investigative activity by the government; (2) the nature of the intelligence gathered, if any; and, (3) the sources and methods used to obtain it. Because disclosures concerning an individual's watchlist

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Department of Justice Management Comments to the Final Report

status remain at issue in Rahman, the DHS OIG indicated it is not making further recommendations regarding transparency on the No Fly and Selectee List pending the outcome of related aspects of that case. The FBI does not believe that decisions concerning transparency that may adversely impact law enforcement investigations or national security matters should be driven by the outcome of one particular case.

The FBI disagrees with the Report's statement that the logic in the Attorney General's declaration has important limitations as it relates to certain kinds of redress-seekers (Report at page 91). In particular, the FBI disagrees that those on the Selectee List can infer their status when they fly. Undergoing additional screening by the Transportation Security Administration (TSA) alone is not sufficient to indicate whether an individual is on the Selectee List since TSA uses other criteria to determine which passengers receive additional security scrutiny. As the Report notes, these additional measures include the Computer-Assisted Passenger Prescreening System, selection by TSA Behavioral Detection Officers, and random selection. TSA may also refer travelers to secondary screening not only to prevent terrorists and their weapons from entering the country, but for a wide variety of reasons covering numerous policy goals, including enforcing criminal laws and addressing safety concerns not implicating international terrorism. Consequently, members of the public can generally only speculate that they are referred to secondary screening because they, or persons having similar names, are included on the Selectee List.

The Report also recommends that DHS develop TRIP letters that "more fully acknowledge the basis for traveler difficulties, note what actions the government took to review the case, and address the underlying cause for the travel difficulty; but *do so without compromising law enforcement investigations or revealing redress-seekers' status in the TSDB.*" (Revised recommendation #20, Report at pages 94-95). The current TRIP letters are the result of lengthy and difficult negotiations and meetings between the numerous federal departments and agencies involved in collecting terrorism information and screening for known or suspected terrorists at airports, borders, and across the country. The current TRIP letters were developed to protect intelligence sources and methods as well as sensitive law enforcement information and techniques while, at the same time, providing the traveling public with a form of redress. As noted in the Report, the TRIP letters are commonly referred to as "GLOMAR" letters in reference to a famous court decision¹ acknowledging that the Government neither confirm nor deny the existence of certain records, documents, or facts because to do so may harm national security in certain situations. This is indicative of the harm that can befall counterterrorism investigations if an individual determines that he or she is the subject of an investigation. Such harm can include fleeing to a safe location, destroying evidence, coercing witnesses, changing plans from what might be known by law enforcement or intelligence agencies, or recruiting of new members who are yet unknown to the Government.

If the GLOMAR-type TRIP letter is used for only those cases where a counterterrorism investigation exists, it will only be a matter of time before those persons

¹ Philippi v. CIA, 546 F.2d 1009 (D.C.App 1976).

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intent upon engaging in terrorist activity are aware of that policy and are able to use that "clue" to their advantage. If a GLOMAR-type TRIP letter is used to respond to a large number of traveler complaints, the possibility that the terrorists can draw a valid conclusion from the letter becomes less probable. If the GLOMAR-type TRIP letter, however, is used for only a small percentage of the cases, and other more "transparent letters" are used, it will take the terrorists only a short time before they identify exactly when and why each particular "transparent" letter is used and when an investigation exists or does not exist.

The continued use of GLOMAR-type letters, therefore, is imperative to the Government's continued success in the fight against terrorism. Any revision of the DHS TRIP letters will require close coordination between federal agencies, especially law enforcement and intelligence community agencies, to ensure that counterterrorism intelligence collection and investigative interests are not adversely affected. The DHS TRIP letters cannot be revised unilaterally by DHS without concurrence from intelligence and law enforcement agencies.

The underlying information supporting placement in the TSDB almost always belongs to another agency and it is not within DHS' authority to reveal this information without coordination and consent from the agency that originated the information. As the Report acknowledges, TSC led an interagency effort to draft a comprehensive Memorandum of Understanding on Terrorist Watchlist Redress Procedures (Redress MOU) which was executed in 2007 between the DOJ, FBI, TSC, DHS, Office of the Director of National Intelligence, National Counterterrorism Center, Central Intelligence Agency, Department of Defense, and Department of the Treasury. The Redress MOU recognized that agencies use their best efforts to maintain current, accurate, and thorough information concerning known or suspected terrorists but the traveler may still experience inconvenience or delay during the terrorist screening process. The Redress MOU establishes a coordinated redress process to respond to individual complaints about adverse experiences that may relate to the use of information in the TSDB.

Because of the sensitivity of the TSDB and the intelligence or law enforcement information from which it is derived, screening agencies are required to coordinate their responses with the TSC and with the nominating/originating agency through the TSC. Screening agencies are also authorized under the Redress MOU to use standardized response letters that have been coordinated in advance by the screening agency, TSC, and the DOJ. Any modifications by DHS to the TRIP redress letters, therefore, must be properly coordinated and approved by TSC, the DOJ, and the nominating/originating agency. TSC and DHS have already been discussing possible modifications to the standardized letters in a manner that continues to protect national security and law enforcement interests and is properly coordinated in advance with the nominating/originating agencies of TSDB information in accordance with the Redress MOU.

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Appendix D
Department of State Management Comments to the Draft Report



United States Department of State

*Assistant Secretary of State
for Consular Affairs*

Washington, D.C. 20520

March 27, 2009

Dear Mr. Mann:

Thank you for sending us the draft report "Effectiveness of the Department of Homeland Security's Traveler Redress Inquiry Program – Sensitive Security Information (SSI)" for review. The report appears to accurately reflect Department of State's equities and does not contain information that should be excluded; however, we do have a few suggested edits which are attached.

The Bureau of Consular Affairs continues to endorse the TRIP initiative. We believe that the recommendations contained in the report, especially the development of Standard Operating Procedures among the various agencies, will make TRIP a stronger and more effective program.

Sincerely,

A handwritten signature in black ink, appearing to read "Janice L. Jacobs".

Janice L. Jacobs

Attachment: As stated

Mr. Carlton Mann
Assistant Inspector General for Inspections
U.S. Department of Homeland Security/OIG Headquarters
245 Murray Drive, SW, Bldg 410
Washington, D.C. 20528

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Suggested Edits

In each case, we request that the following language be inserted where noted in the draft report.

Page 16-17: In other cases, one agency cannot effectively resolve a traveler's issue until another agency has provided certain information. State, for instance, may need to receive confirmation from USCIS on whether a traveler was granted legal permanent resident status before it can remove what may be an outdated visa ineligibility record from CLASS.

Page 54: In many cases, Agency staff have the benefit of clear guidelines to determine whether a corresponding lookout should be removed. In the past, State, for example, shared with TECS subject-based lookouts that improperly targeted individuals who lost passports when the lookouts should have focused on the lost/stolen documents themselves. In such cases, State's TRIP staff can correct the misdirected lookout so it targets the document rather than the individual who lost the passport. TRIP requests have prompted the removal or correction of many such lookouts.

Page 108, Appendix C: Department of State, Bureau of Consular Affairs: The Bureau of Consular Affairs is responsible for protecting the lives and interests of U.S. citizens abroad, providing passports to U.S. citizens, and adjudicating and issuing visas to noncitizens for both permanent and temporary entry into the United States. The Bureau of Consular Affairs receives requests directly, as well as through TRIP. TRIP redress requests referred to this office generally concern outdated or inaccurate State- owned subject or passport lookouts in TECS.

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Appendix E
Summary of Participating Agency and Office Redress Programs

TRIP Participant Redress Program Summaries

Federal agencies and offices in three Cabinet-level departments support TRIP. This appendix provides information on redress programs and activities for the agencies and offices that participate in TRIP, as well as associated case statistics.

U.S. Customs and Border Protection

CBP is responsible for protecting the integrity of the Nation's borders while facilitating legitimate trade and travel into the United States. CBP receives most of its redress requests through TRIP, but also receives a number of requests directly. CBP redress cases generally pertain to the treatment of travelers at ports of entry. Related complaints often focus on repeated secondary inspections by CBP officers, other delays entering the country, and denials of entry. Other complaints pertain to CBP's trusted traveler programs, screening efforts, and the basis for its admissibility determinations.

Two CBP offices participate in TRIP: its Office of Public Affairs, and Office of Field Operations. CBP's Office of Public Affairs' Customer Service Center provides CBP redress case intake and triage services, while two units within the Office of Field Operations review and adjudicate redress requests. In addition, an Office of Field Operations representative at the TRIP office triages all TRIP redress requests related to ports of entry to ensure that they are referred to all appropriate agencies. CBP representatives participate in the RCI Governance Board and attend TRIP user group sessions. Seven CBP employees focus on TRIP redress cases.

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Appendix E
Summary of Participating Agency and Office Redress Programs

**Table 2: U.S. Customs and Border Protection
TRIP Case Statistics**

CBP Participation in TRIP	
Related Cases	Number
Case Status	
Pending Paperwork	1,521
Closed - No Paperwork	21
Active - In Process	1,874
Closed - Processed	4,012
Total Cases*	7,428

* Includes cases in which other agencies and offices also participated.

Source: OIG Analysis of RMS Data, October 2008.

U.S. Immigration and Customs Enforcement

ICE is responsible for enforcing a broad array of criminal and immigration laws. ICE combats criminals seeking to exploit vulnerabilities in our immigration system, our financial networks, along our border, and at federal facilities. ICE also apprehends, detains, and removes immigration violators.

TRIP is ICE’s sole intake process for traveler redress inquiries. ICE redress cases most often relate to lookouts law enforcement agencies have placed in TECS pursuant to a criminal investigation and the secondary inspections that these lookouts sometimes prompt. Other ICE redress cases relate to student visa program data or information entered into immigration systems related to alien removals.

Two ICE divisions participate in TRIP: the Office of Investigations, and Detention and Removal Operations. Within ICE’s Office of Investigation, two units address TRIP cases. The Office of Investigation’s Information Disclosure Unit coordinates the review and adjudication of ICE-related cases linked to criminal

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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**Appendix E
Summary of Participating Agency and Office Redress Programs**

investigations. It is also TRIP’s liaison with criminal investigators in other agencies, such as the U.S. Secret Service, and refers a number of cases to DOJ’s TSC and coordinates with it on TRIP responses. The Office of Investigations’ Student and Exchange Visitor Program Office and ICE’s Detention and Removal Operations review and adjudicate TRIP cases related to their activities and data.

ICE representatives participate in the RCI Governance Board and attend TRIP user group sessions. ICE employees are responsible for the review and adjudication of TRIP redress cases.

**Table 3: U.S. Immigration and Customs Enforcement
TRIP Case Statistics**

ICE Participation in TRIP	
Related Cases	Number
Case Status	
Pending Paperwork	24
Closed - No Paperwork	15
Active - In Process	245
Closed - Processed	1,220
Total Cases*	1,504

* Includes cases in which other agencies and offices also participated.

Source: OIG Analysis of RMS Data, October 2008.

National Preparedness and Protection Programs Directorate

**United States Visitor and Immigrant Status Indicator Technology
Program Office**

The US-VISIT program office collects and records foreign nationals’ biographic and biometric information upon entry to and exit from the United States. US-VISIT-related redress requests can be submitted through TRIP or directly to the US-VISIT program

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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**Appendix E
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office. The redress requests US-VISIT receives through TRIP generally pertain to fingerprinting quality issues, mismatches between biometric and biographical information, and lookouts in the immigration system that houses biometric data.

US-VISIT participated in initial planning and implementation of TRIP, and its Director served as one of the RCI Governance Board’s original chairs. US-VISIT participates in the review and adjudication of redress cases and attends RCI Governance Board and TRIP user group meetings. One staff person in the US-VISIT Privacy Office is responsible for managing the Program Office’s TRIP caseload.

Table 4: US-VISIT Program Office TRIP Case Statistics

US-VISIT Participation in TRIP	
Related Cases	Number
Case Status	
Pending Paperwork	27
Closed - No Paperwork	1
Active - In Process	53
Closed - Processed	176
Total Cases*	257

* Includes cases in which other agencies and offices also participated.

Source: OIG Analysis of RMS Data, October 2008.

Office for Civil Rights and Civil Liberties

CRCL advises DHS leadership on civil rights and civil liberties matters, directs the department’s equal employment opportunity programs, and investigates civil rights and civil liberties-related complaints. Most allegations of DHS violations of civil rights and civil liberties are reported to CRCL directly. Others are referred to CRCL through TRIP. CRCL redress requests are varied, and include complaints about inappropriate pat-downs during the

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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**Appendix E
Summary of Participating Agency and Office Redress Programs**

screening process, poor holding facility conditions at ports of entry, and security requirements that do not fully account for travelers’ religious traditions and practices. The office employs an investigative threshold and does not investigate every case it receives.

CRCL was one of the original sponsors of the TRIP effort, and provided contract and staff support for the RCI Governance Board through the end of 2006. The CRCL Director was one of three original chairs of the Governance Board. CRCL remains an active member of the Governance Board and participates in TRIP user group meetings. The office’s primary ongoing engagement with TRIP is through the review and adjudication of redress requests. One CRCL employee reviews and adjudicates TRIP cases.

**Table 5: Office for Civil Rights and Civil Liberties
TRIP Case Statistics**

CRCL Participation in TRIP	
Related Cases	Number
Case Status	
Pending Paperwork	37
Closed - No Paperwork	39
Active - In Process	394
Closed - Processed	494
Total Cases*	964

* Includes cases in which other agencies and offices also participated.

Source: OIG Analysis of RMS Data, October 2008.

Privacy Office

PRIV seeks to minimize DHS’ effect on individual privacy while supporting attainment of DHS objectives. PRIV is the department’s steward in navigating the various laws, executive

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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**Appendix E
Summary of Participating Agency and Office Redress Programs**

orders, and court decisions related to the collection, use, and disclosure of personal and departmental information.

The office receives redress cases both independently and through TRIP. TRIP redress-seekers often communicate privacy concerns in the context of concerns about misidentification, possible watch list matches, and allegations of officer misconduct.

PRIV provided privacy policy guidance and oversight for TRIP in its early development. It continues to participate in the RCI Governance Board and attends TRIP user group meetings. PRIV reviews and adjudicates redress cases. One PRIV staff member is assigned to TRIP case processing. Other staff oversee this work and have participated in the development of the office’s standard operating procedures for TRIP.

Table 6: Privacy Office TRIP Case Statistics

Privacy Office TRIP Participation	
Related Cases	Number
Case Status	
Pending Paperwork	50
Closed - No Paperwork	3
Active - In Process	706
Closed - Processed	838
Total Cases*	1,597

* Includes cases in which other agencies and offices also participated.

Source: OIG Analysis of RMS Data, October 2008.

Transportation Security Administration

TSA is responsible for the security of the Nation’s transportation network, including highways, mass transit systems, ports, and airports. TRIP is TSA’s conduit for formal traveler redress complaints. Most TSA redress cases relate to terrorist watch list

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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**Appendix E
Summary of Participating Agency and Office Redress Programs**

misidentifications. Some requests relate to individuals who have been correctly identified as being on a watch list, while others pertain to allegations of screener misconduct or difficulties with TSA security programs.

TSA is TRIP’s business owner, the owner and architect of its primary case management system, and its operational lead. TSA is also an integral part of the RCI Governance Board.

OTSR, a unit in TSA’s Office of Special Counselor, performs most TRIP activities. OTSR’s Director serves as the TRIP program manager and presides over the TRIP user group sessions. OTSR is responsible for all TRIP intake activities; performs case triage, review, and adjudication on the bulk of TRIP cases; and prepares and transmits most of the program’s formal responses to redress-seekers. OTSR performs these functions with a staff of six and the support of three contractors.

**Table 7: Transportation Security Administration
TRIP Case Statistics**

TSA Participation in TRIP	
Related Cases	Number
Case Status	
Pending Paperwork	9,137
Closed - No Paperwork	1,563
Active - In Process	885
Closed - Processed	26,312
Total Cases*	37,897

* Includes cases in which other agencies and offices also participated.

Source: OIG Analysis of RMS Data, October 2008.

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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Appendix E
Summary of Participating Agency and Office Redress Programs

U.S. Citizenship and Immigration Services

USCIS administers immigration and citizenship benefits, and adjudicates benefits status filings related to employment authorizations, asylum and refugee status, international adoption, and citizenship. USCIS has an expansive customer service network but receives formal traveler redress requests primarily through TRIP. In most cases, USCIS plays a supporting role in determining the source of redress-seekers' travel difficulties. In some instances, however, redress-seekers' travel difficulties arise from inconsistencies, inaccuracies, or duplication of USCIS immigration records.

USCIS participates in RCI Governance Board sessions. One employee in a unit of USCIS' Information and Customer Service Division generally performs USCIS case review and adjudication activities for TRIP.

**Table 8: U.S. Citizenship and Immigration Services
TRIP Case Statistics**

USCIS Participation in TRIP	
Related Cases	Number
Case Status	
Pending Paperwork	17
Closed - No Paperwork	0
Active - In Process	49
Closed - Processed	47
Total Cases*	113

* Includes cases in which other agencies and offices also participated.

Source: OIG Analysis of RMS Data, October 2008.

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Appendix E
Summary of Participating Agency and Office Redress Programs

Department of Justice

Federal Bureau of Investigation

Terrorist Screening Center

The TSC maintains the government's consolidated database of known and reasonably suspected terrorists, the TSDB. The TSC makes information in the database available to federal, state, local, and tribal government entities for screening and security purposes. Most TSC redress cases stem from a TRIP redress inquiry, although the TSC has received case referrals from other sources. TSC redress cases are typically petitions for removal from a terrorist watch list. Other cases relate to individuals who are an exceptionally close match to a watch list record but not its intended target.

The TSC has engaged in terrorist watch list-related redress activities for several years. The TSC was the primary architect of an interagency memorandum of understanding on terrorist watch list redress that was completed and signed in 2007. The TSC has an independent unit dedicated to reviewing and adjudicating redress cases. The TSC's Redress Office has [REDACTED] staff. TRIP case statistics are not available for the TSC's participation in the program because TRIP's IT system, RMS, does not clearly identify cases that the program has referred to the TSC.

Department of State

Bureau of Consular Affairs

The Bureau of Consular Affairs is responsible for protecting the lives and interests of U.S. citizens abroad, providing passports to U.S. citizens, and adjudicating and issuing visas to noncitizens for both permanent and temporary entry into the United States. The Bureau of Consular Affairs receives redress requests directly, as well as through TRIP. TRIP redress requests referred to this office

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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Appendix E
Summary of Participating Agency and Office Redress Programs

generally concern outdated or inaccurate subject or passport lookouts in TECS.

Two units within the Bureau of Consular Affairs participate in TRIP: the Passport Services Directorate and the Office of Visa Services. Consular Affairs representatives were active in early RCI Governance Board discussions. Thirteen Consular Affairs employees review and adjudicate TRIP redress cases on a limited, part-time basis.

Table 9: Department of State TRIP Case Statistics

DOS Participation in TRIP	
Related Cases	Number
Case Status	
Pending Paperwork	6
Closed - No Paperwork	0
Active - In Process	167
Closed - Processed	261
Total Cases*	434

* Includes cases in which other agencies and offices also participated.

Source: OIG Analysis of RMS Data, October 2008.

Other Federal Agencies

Several other federal agencies participate in the review and adjudication of TRIP redress cases. Their involvement in the process is coordinated through one of two agencies. Most TRIP case review and adjudication activities related to law enforcement matters are coordinated through ICE. ICE works with the U.S. Secret Service, Drug Enforcement Administration, and Bureau of Alcohol Tobacco, Firearms, and Explosives, among other law enforcement agencies, to review and adjudicate related redress petitions.

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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Appendix E
Summary of Participating Agency and Office Redress Programs

DOJ's TSC works with the National Counterterrorism Center to coordinate redress case review and evaluation activities for elements of the Intelligence Community. The FBI, Central Intelligence Agency, and Defense Intelligence Agency, among other Intelligence Community members, provide information and recommendations to address redress petitions related to terrorist watch lists.

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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**Appendix F
TRIP Traveler Inquiry Form**



Homeland Security

Traveler Inquiry Form

IV. Additional Information (if applicable)			
Date of Entry into U.S.: (mm/dd/yyyy)		Name of Airline or Ship:	
Port of Entry into U.S.:		Flight or Cruise Number:	
Departure Date from U.S.:		Other Names Used:	
U.S. Port of Departure:		Name at Entry into U.S.:	
V. Required Documentation and Information			
<p>U.S. citizens: Please provide a legible, unexpired copy of a U.S. passport. If you do not have a U.S. passport, please provide at least one legible, unexpired copy of a government-issued identification document from the list below, preferably a photo ID. For minors (individuals under the age of 18), a copy of a certified birth certificate is the only identity document required.</p> <p>Non-U.S. citizens: Please provide legible, unexpired copies of the biographical pages of your passport/travel document, and/or copies of any U.S. government-issued travel documents.</p> <p>Check the box next to the document(s) you are submitting with this form:</p>			
Documentation	Information		
<input type="checkbox"/> Passport	Registration No.:		
	Country of Issuance:		
<input type="checkbox"/> Driver's License	License No.		
	State of Issuance:		
<input type="checkbox"/> Birth Certificate	Registration No.		
	Place of Issuance:		
<input type="checkbox"/> Voter Registration Card	Number:		
	Place of Issuance:		
<input type="checkbox"/> Military Identification Card	Number:		
	Check one: <input type="checkbox"/> Air Force <input type="checkbox"/> Army <input type="checkbox"/> Marines <input type="checkbox"/> Navy <input type="checkbox"/> Coast Guard		
<input type="checkbox"/> Certificate of Release or Discharge from Active Duty (DD Form 214)	Discharge Date: (mm/dd/yyyy)		
	Check one: <input type="checkbox"/> Air Force <input type="checkbox"/> Army <input type="checkbox"/> Marines <input type="checkbox"/> Navy <input type="checkbox"/> Coast Guard		
<input type="checkbox"/> Government Identification Card	Number:		
	Check one: <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local		
<input type="checkbox"/> Certificate of Citizenship	Number:		
	Place of Issuance:		
<input type="checkbox"/> Naturalization Certificate	Number:		
	State of Issuance		
	Date: (mm/dd/yyyy)		
<input type="checkbox"/> Immigrant/Non-immigrant Visa	Number:		
<input type="checkbox"/> Alien Registration	Number:		
	Date: (mm/dd/yyyy)		
<input type="checkbox"/> Petition or Claim Receipt	Number:		
	Date: (mm/dd/yyyy)		
<input type="checkbox"/> I-94 Admission	Number:		
	Date: (mm/dd/yyyy)		
<input type="checkbox"/> FAST	Number:		
	Date: (mm/dd/yyyy)		
<input type="checkbox"/> SENTRI	Number:		
	Date: (mm/dd/yyyy)		

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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Appendix F
TRIP Traveler Inquiry Form



Homeland Security

Traveler Inquiry Form

Form with checkboxes for NEXUS, Border Crossing Card, and SEVIS, including fields for Number and Date.

VI. Incident Details

Please briefly describe your travel experience:

Large empty text box for describing travel experience.

VII. Acknowledgement

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 the above information and am voluntarily submitting this information to the Department of Homeland Security.

Form with fields for Date, Full Name, and Signature.

PAPERWORK REDUCTION ACT STATEMENT: Through this information collection, DHS is gathering information about you to conduct redress procedures...

PRIVACY ACT NOTICE AUTHORITY: Title IV of the Intelligence Reform and Terrorism Prevention Act of 2004 authorizes DHS to take security measures to protect travel...

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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Appendix F
TRIP Traveler Inquiry Form



**Homeland
Security**

Traveler Inquiry Form

Please mail or e-mail your completed Traveler Inquiry Form and copies of identity documents to the Department of Homeland Security.

Mailing Instructions

Please mail the completed form and copies of identity documents to:

DHS Traveler Redress Inquiry Program (TRIP)
601 South 12th Street, TSA-901
Arlington, VA 22202-4220

E-mailing Instructions

Please e-mail the completed form and copies of identity documents to:

TRIP@dhs.gov

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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Appendix G TRIP Sample Response Letters

U.S. Department of Homeland Security
Traveler Redress Inquiry Program (TRIP)
601 South 12th Street, TSA-901
Arlington, VA 22202-4220



**Homeland
Security**

[REDACTED]

DATE

Mr. FULL NAME
ADDRESS
ADDRESS

Control Number: 1234567

Dear Mr. LASTNAME:



Sincerely,

Traveler Redress Inquiry Program

www.dhs.gov/trip

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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Appendix G TRIP Sample Response Letters

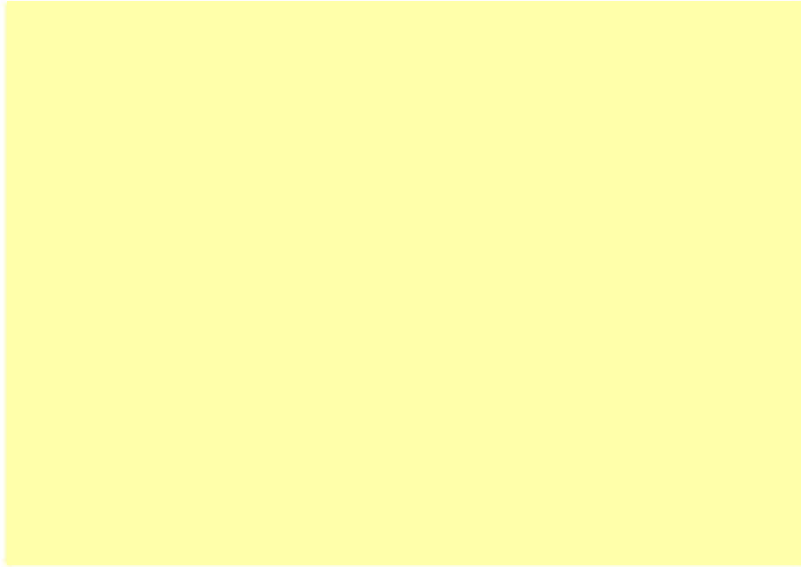
U.S. Department of Homeland Security
Traveler Redress Inquiry Program (TRIP)
601 South 12th Street, TSA-901
Arlington, VA 22202-4220



**Homeland
Security**

Subject:

Dear :



Sincerely,

Traveler Redress Inquiry Program

Enclosure

www.dhs.gov/trip

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

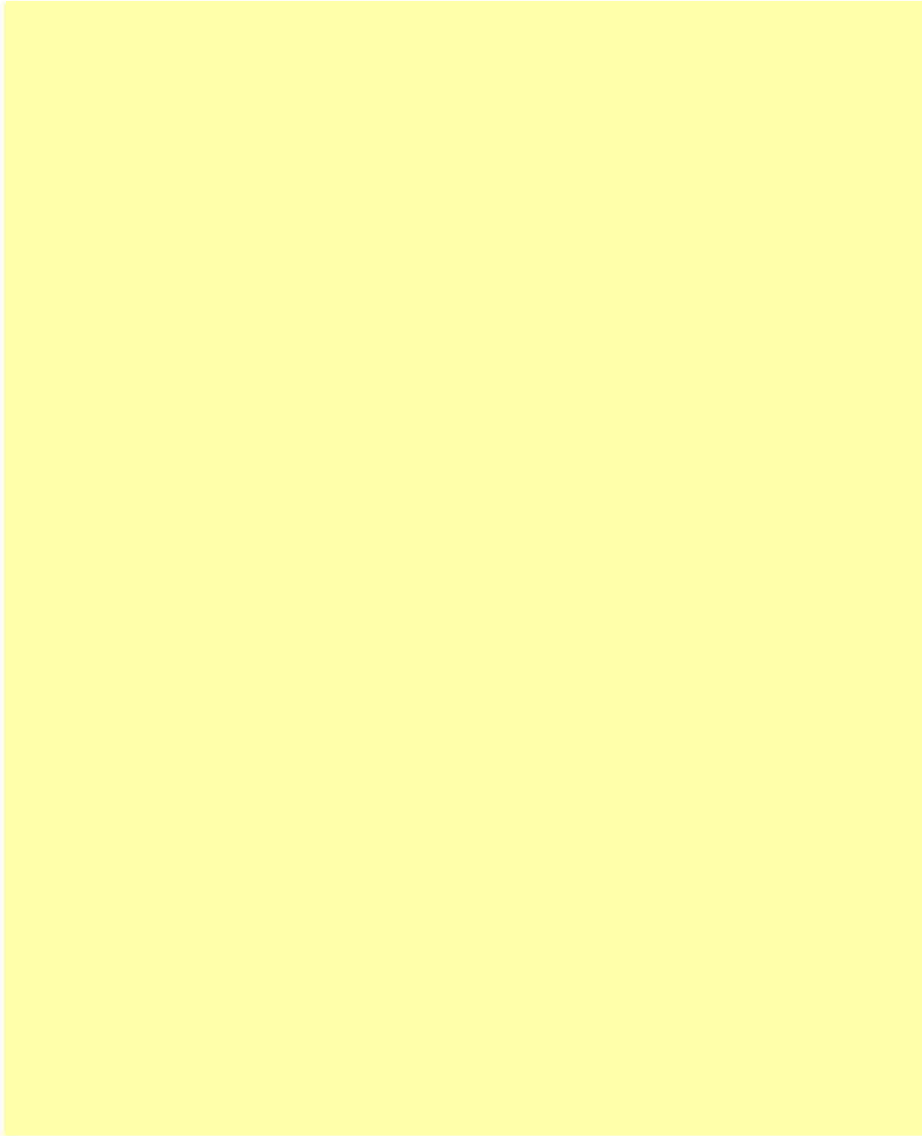
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Appendix G TRIP Sample Response Letters

U.S. Department of Homeland Security
Traveler Redress Inquiry Program (TRIP)
601 South 12th Street, TSA-901
Arlington, VA 22202-4220



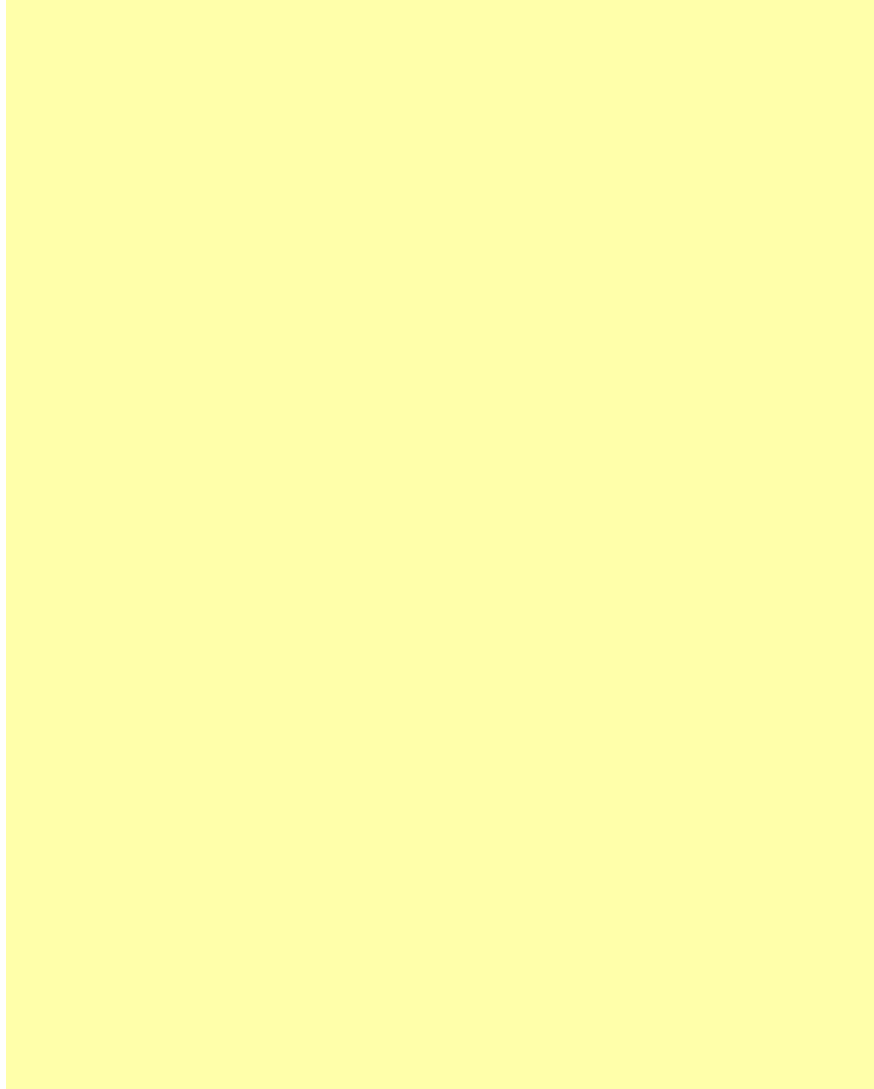
**Homeland
Security**



Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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Appendix G
TRIP Sample Response Letters

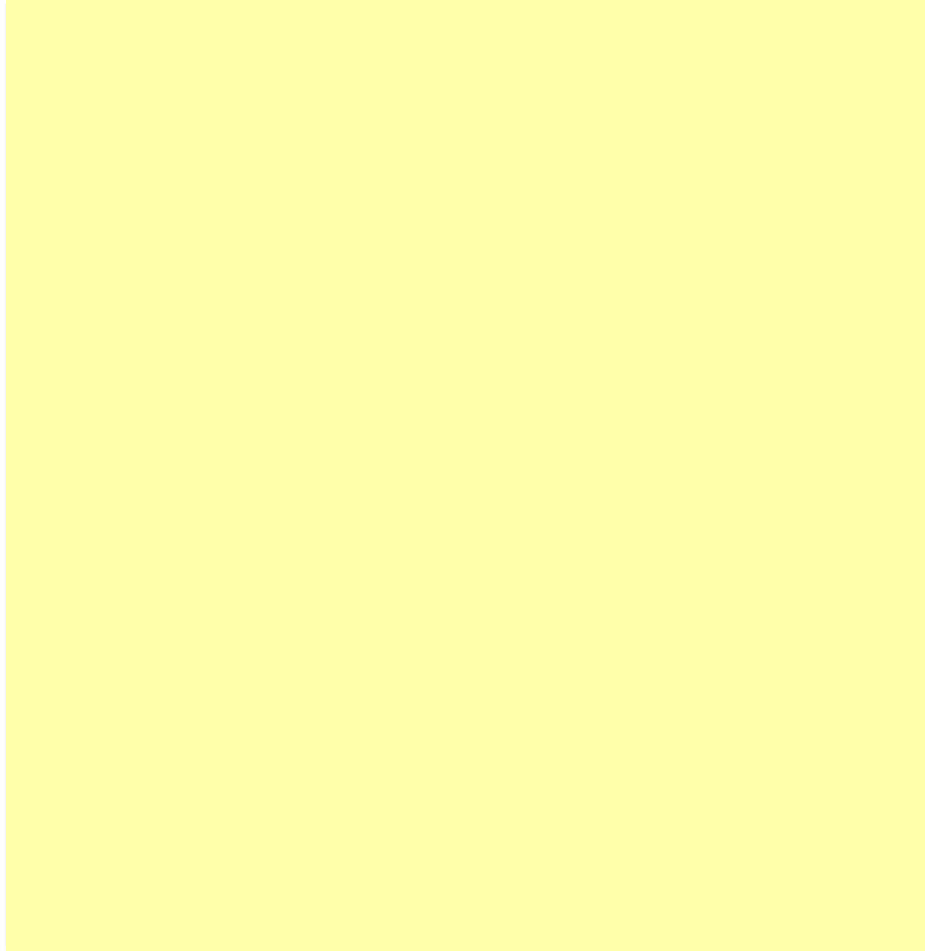


Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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Appendix G
TRIP Sample Response Letters

3



Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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Appendix G TRIP Sample Response Letters

U.S. Department of Homeland Security
Traveler Redress Inquiry Program (TRIP)
601 South 12th Street, TSA-901
Arlington, VA 22202-4220



**Homeland
Security**

[Redacted]

Title First Middle Last
Address1
Address2
City ST ZIP
Country

Control Number:

Dear Title Last:

[Redacted]

Sincerely,

Traveler Redress Inquiry Program

www.dhs.gov/trip

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

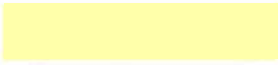
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Appendix G TRIP Sample Response Letters

U.S. Department of Homeland Security
Traveler Redress Inquiry Program (TRIP)
601 South 12th Street, TSA-901
Arlington, VA 22202-4220



**Homeland
Security**

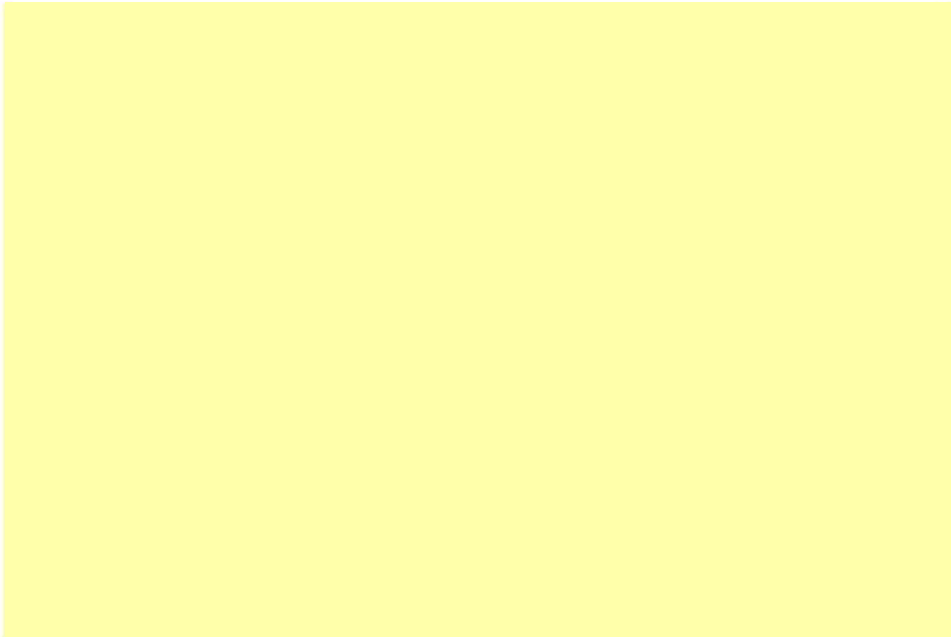


DATE

Mr. FULLNAME
ADDRESS
CITY ST ZIP

Control Number:

Dear Mr. LASTNAME:



Sincerely,

Traveler Redress Inquiry Program

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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**Appendix H
TRIP Case Status Codes**

RMS Status Code	Case Status
All Participating Agencies / Offices	
Pending Paperwork	Pending Paperwork
No Paperwork	Closed - No Paperwork
In Process	In Process
TSA	
Selectee Match	Active - In Process
No Fly Match	Active - In Process
Closed: Misidentified	Closed - Processed
Closed: Positive Selectee	Closed - Processed
Closed: Positive No Fly	Closed - Processed
Closed: Downgraded	Closed - Processed
Closed: Removed from Watch List	Closed - Processed
Closed: Federal Law Enforcement Officer	Closed - Processed
Legacy Record	Closed - Processed
In Process: Multiple Components	Active - In Process
Non-TRIP Related	Closed - Processed
CBP	
Received (CBP Desk)	Active - In Process
Transferred to Other Agency	Active - In Process
Received (CBP Office of Public Affairs)	Active - In Process
In Process	Active - In Process
Closed / Letter Sent	Closed - Processed
Reopened	Active - In Process
Requested Additional Information	Pending Paperwork
Transferred to Other Agency (CBP Headquarters)	Active - In Process
ICE	
Assigned	Active - In Process
Closed	Closed - Processed
US-VISIT	
Pending	Active - In Process
Closed: No Action	Closed - Processed
Closed: Data Corrected	Closed - Processed

Effectiveness of the Department of Homeland Security Traveler Redress Inquiry Program

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**Appendix H
TRIP Case Status Codes**

RMS Status Code	Case Status
Privacy Office	
In Process	Active - In Process
Closed	Closed - Processed
CRCL	
In Process	Active - In Process
Closed	Closed - Processed
USCIS	
Notify Subject to Make an INFO Pass Appointment	Active - In Process
Background Check	Active - In Process
Pending: Waiting for Additional Information / Documents	Pending Paperwork
Pending: Within Processing Times	Pending Paperwork
Closed: Status Granted	Closed - Processed
Closed: Status Denied	Closed - Processed
DOS	
In Process	Active - In Process
Closed	Closed - Processed

Source: RMS User Functionality Guide, October 2007; and OIG Analysis of October 2008 RMS Data.

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Appendix I
Timeline of Significant Redress Developments

November 2004	TSA establishes OTSR
2005	TSC initiates interagency watch list redress discussions
January 17, 2006	RCI announcement
August 17, 2006	First meeting of RCI Governance Board
October 6, 2006	TSA RMS system launch (precursor to TRIP RMS)
December 21, 2006	CBP mandates use of PLOR at ports of entry in response to misidentifications
February 13, 2007	Reports of security issues with TSA RMS website
February 13, 2007	TSA RMS transitioned to TRIP website
February 21, 2007	TRIP launched
May 23, 2007	RMS and TRIP online portal taken offline for reprogramming
July 31, 2007	RMS and TRIP online portal relaunched on TSA-approved platform
September 19, 2007	Interagency Redress Memorandum of Understanding signed
December 10, 2007	OTSR designated DHS Office of Appeals and Redress
April 28, 2008	Secretary Chertoff announces air carrier eligibility to establish passenger preclearance programs
October 28, 2008	TSA issues Secure Flight Program Final Rule

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Appendix J
Major Contributors To This Report

Marcia Moxey Hodges, Chief Inspector, Department of Homeland Security,
Office of Inspector General

Justin H. Brown, Senior Inspector and Team Leader, Department of Homeland
Security, Office of Inspector General, Office of Inspections

Anne Ford, Inspector, Department of Homeland Security, Office of Inspector
General, Office of Inspections

Jordan Brafman, Inspector, Department of Homeland Security, Office of
Inspector General, Office of Inspections

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**Appendix K
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