



Transportation
Security
Administration

AUG - 7 2014

The Honorable Kenny Marchant
U.S. House of Representatives
Washington, DC 20515

Dear Representative Marchant:

Thank you for your recent letter to the Department of Homeland Security (DHS) regarding the Transportation Security Administration's (TSA) procedures for travel document checking, specifically the use of a *Notice to Appear* (Form I-862) as proof of identity for boarding commercial aircraft.

Travel document checking is one of the multiple security layers TSA uses in conducting screening operations and is performed to make sure that an individual attempting to enter the screening checkpoint has undergone watchlist matching. When checking travel documents, Transportation Security Officers request and inspect identification which TSA has determined to be acceptable to verify identity. Examples of acceptable identification are driver's licenses, passports, and identification cards issued to Members of Congress. The name on the identification must be the same as the name on the boarding pass to conclude that watchlist matching has occurred.

If a passenger does not have an acceptable form of identification, then the passenger is allowed to present two other forms of identification. One of the two forms of identification must bear the individual's name and other identifying information such as photo, address, phone number, social security number, or date of birth. TSA may assess a variety of government-issued documents to establish passenger identity. The I-862 form may be used along with another form of identification in this instance. As part of the issuance process for Form I-862, the person undergoes a biographic systems check, and a biometric systems check against both the Integrated Automated Fingerprint Identification System and the Automated Biometric Identification System prior to the issuance of Form I-862. TSA needs to be able to assess a wide range of information proffered by a passenger in order to investigate the passenger's identity and make sure that watchlist matching has occurred.

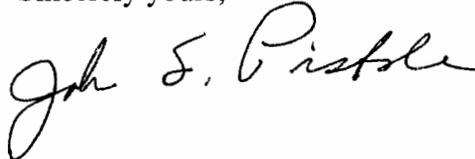
If a passenger can only present a Form I-862, TSA will attempt to establish the passenger's identity through DHS partner Components, such as U.S. Customs and Border Protection (CBP) or U.S. Immigration and Customs Enforcement (ICE). If other DHS Components are able to provide corroborating information (such as that the I-862 was issued to an individual with the name provided) to permit TSA to verify an individual's identity when taken together with all other information available, the passenger is permitted into the screening checkpoint to undergo screening. If unable to verify the passenger's identity, TSA will deny access to the screening checkpoint.

If either of the two alternate identity verification procedures described above is used, the passenger will receive additional screening of their person and accessible property to ensure he or she is not carrying prohibited items and does not represent a security threat to an aircraft. Additional screening includes a pat-down and explosives detection screening of accessible property. The passenger will only be allowed into the sterile area after successfully undergoing screening at the checkpoint.

As demonstrated by recent events in Texas, TSA must retain the ability to use alternative identity verification procedures to ensure that we are able to verify a passenger's identity. The Federal Security Director responsible for Laredo International Airport and McAllen-Miller International Airport is coordinating with CBP and ICE officials at those airports to ensure proper passenger identification. Additionally, TSA sent a communication to all Federal Security Directors directing them to review the correct passenger verification procedures with their employees.

I appreciate that you took the time to share your concerns with me and hope this information is helpful. Enclosed are responses to the specific questions you posed in your letter. Should you require any additional information, please do not hesitate to contact the Office of Legislative Affairs at (571) 227-2717.

Sincerely yours,

A handwritten signature in cursive script that reads "John S. Pistole". The signature is written in dark ink and is positioned above the printed name and title.

John S. Pistole
Administrator

Enclosure

Responses to Questions Posed in Congressman Marchant's July 15 Letter

- 1.) How many passengers have used the I-862 Notice to Appear form to clear airport security this year? If an exact figure is not available, then please provide your best estimate.**

TSA does not track which identification passengers use when presenting themselves for travel document checking. Therefore, TSA is unable to estimate how many passengers have used the I-862 as identification for travel document checking purposes.

- 2.) Why is the I-862 form being allowed to serve as an acceptable form of identification despite the lack of a photo of the individual using the form? Does the TSA allow for any other forms of identification without a photo of the passenger to be used to clear airport security?**

If a passenger at the checkpoint does not have an acceptable form of ID, such as a driver's license or passport, TSA allows the passenger to use two forms of identification. However, one of these forms must bear the individual's name and other identifying information such as photo, address, phone number, social security number, or date of birth. The Form I-862 may be used along with another form of ID in this instance.

If the Form I-862 is the only form of identification presented by a passenger, TSA attempts to verify that individual's identity with CBP. If TSA is unable to verify the individual's identity, the individual is denied access to the screening checkpoint. If TSA is able to verify the passenger's identity, we conduct additional screening, including a pat-down and explosives detection screening of accessible property before allowing the passenger into the sterile area.

- 3.) The I-862 form is not listed as an acceptable form of identification on TSA's list of acceptable identifications as published on the agency's webpage. Are there any other forms of identification that are being allowed to pass through security that are also not listed on TSA's official webpage? If the I-862 form is an acceptable form of identification, then why is it not listed on TSA's webpage?**

TSA prefers that passengers use an acceptable ID at the checkpoint and only publishes the acceptable forms of primary ID, such as a driver's license and passport on its website. However, we understand that, due to extenuating circumstances (lost wallet, stolen passport, etc.), a passenger may not have an acceptable form of ID when attempting to travel on a commercial aircraft. Therefore, TSA has alternate means to verify identity in order to allow a passenger to travel and may rely on a variety of government-issued documents, commercial databases, and other agencies to verify passenger identity. The alternative means to establish identity are not published on the website in part because TSA prefers that passengers use acceptable ID.

The TSA website informs passengers that, if they do not have acceptable ID, they can alternatively provide additional information and undergo additional screening in order to be cleared. Specifically, the website informs the public that: "If you are willing to provide

additional information, we have other ways to confirm your identity, like using publicly-available databases, so you can reach your flight.”

4.) Who at DHS or TSA authorized the use of I-862 forms to be an acceptable form of identification for airport security and when did this occur?

The travel document checking procedures have been in place since TSA assumed this role from airlines and airports in August 2006. TSA may assess government-issued documents, such as the Form I-862, as well as commercial databases and other agency resources to determine traveler identity.

5.) I am concerned that TSA is allowing illegal aliens who authorities may have little to no background history on to travel without the checks performed on average American citizen passengers. Has TSA fully contemplated flying illegal aliens without fully knowing their past history to ensure they are not a safety risk to the traveling public?

TSA conducts identity verification to make sure that the individual who is attempting to enter the screening checkpoint is the same individual listed on the boarding pass, and therefore has undergone watchlist matching.

An individual who presents a Form I-862 has been processed by DHS. The process includes a biographic systems check, and a biometric systems check against both the Integrated Automated Fingerprint Identification System (IAFIS) and the Automated Biometric Identification System (IDENT) prior to the issuance of Form I-862. If the Form I-862 is the only form of identification in the person's possession, TSA verifies that individual's identity with CBP. If TSA is unable to verify the individual's identity, the individual is denied access to the security checkpoint.

Any passenger who uses the Form I-862 form to establish identity undergoes additional screening before being allowed into the sterile area of the airport.

6.) Can TSA assure my constituents of the security of I-862 forms to ensure that they are not counterfeited and used by individuals on the No Fly List?

TSA conducts identity verification to make sure that the individual who is attempting to enter the screening checkpoint has undergone watchlist matching. When a passenger appears at a checkpoint with a Form I-862 but without any additional form of ID, we verify the individual's identity with CBP. If TSA is unable to verify the passenger's identity, we will deny access to the sterile area of an airport. If TSA is able to verify the passenger's identity through CBP, we require the passenger to undergo additional screening before being permitted to enter the sterile area of the airport.

7.) Did TSA provide any advance notification to airlines, airports, or to Congress about the use of I-862 forms to clear airport security?

TSA accepts a variety of documents to establish an individual's identification. A Form I-862 is an official DHS form that may be used in certain instances to help TSA establish a traveler's

identity. TSA does not routinely notify airlines or airports of every document that is used to assist in establishing a traveler's identity.

8.) Can I-862 forms be used to clear airport security after the date printed on the form for the illegal alien to present themselves?

Regardless of whether or not the appearance date has passed, TSA notifies CBP any time a passenger attempts to use the Form I-862 at the checkpoint without any other form of identification. Only after CBP verifies that the Form I-862 was issued to that passenger is the individual allowed to enter the security checkpoint to undergo additional screening.

9.) In the event that an I-862 form is presented to TSA after the date printed on the form, are your agents authorized to detain the individual should they have failed to appear at the specified date and time on the form?

While Transportation Security Officers do not have specific authority to detain individuals, they ask passengers to wait at checkpoints when ID needs to be verified. As indicated in the previous response, whether or not the appearance date has passed, TSA notifies CBP any time a passenger attempts to use the Form I-862 at the checkpoint without any other form of identification. Only after CBP verifies that the Form I-862 was issued to that passenger is the individual allowed to enter the screening checkpoint to undergo additional screening.