

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**

AYMAN LATIF, et al.,  <i>Plaintiffs,</i>	Case 3:10-cv-00750-BR
v.  LORETTA E. LYNCH, et al.,  <i>Defendants.</i>	SUPPLEMENTAL DECLARATION OF DEBORAH O. MOORE

I, **DEBORAH O. MOORE**, hereby declare as follows pursuant to 28 U.S.C. § 1746:

1. I am the Branch Manager of the Transportation Security Redress Branch in the Office of Civil Rights & Civil Liberties, Ombudsman and Traveler Engagement at the Transportation Security Administration (TSA) of the Department of Homeland Security (DHS). I have held this position since June 16, 2013. As part of my official duties as Branch Manager, I serve as the Director of the DHS Traveler Redress Inquiry Program (DHS TRIP). The statements made within this Declaration are based upon my personal knowledge and information made available to me in my official capacity.
2. On May 27, 2015, I executed a declaration in this case regarding DHS TRIP generally, redress procedures for United States Citizens and Lawful Permanent Residents (collectively known as United States persons) denied boarding because they were on the No Fly List, and the redress procedures applied to the six Plaintiffs in this case. I incorporate by reference all statements made in my prior declaration. I have read the Joint Stipulations regarding Jurisdiction (Joint Stipulations), dated on December 20, 2016.
3. The purpose of this Declaration is to provide the Court with additional information concerning TSA's role in the redress process, in general, and as applied to Plaintiffs. In particular, this Declaration addresses two specific issues: (i) the process by which the unclassified summary is

released to the United States person; and (ii) TSA's consideration of TSC's recommendation and other available information prior to reaching a final determination.

**Preparation of DHS TRIP Letter for United States Persons**

4. If a United States person requests additional information in response to receiving a letter stating that he or she is on the No Fly List, as referenced in paragraph 13 of my declaration of May 27, 2015, DHS TRIP informs TSC of the request.
5. TSC consults with other federal agencies and, to the extent the Government determines it is feasible, consistent with national security and law enforcement interests, TSC sends to DHS TRIP an unclassified summary of information supporting the person's placement on the No Fly List and authorization to release that information contained in the unclassified summary to the person.
6. Upon receipt of the unclassified summary, DHS TRIP provides it to the TSA Office of Intelligence and Analysis (OIA) and the TSA Office of Chief Counsel (OCC) for review. TSA OIA reviews the proposed unclassified summary and analyzes it in light of relevant information available to TSA, whether provided directly by TSC or available to TSA OIA in the performance of its intelligence and analysis function, and TSA OCC conducts a legal review. DHS TRIP confers with TSA OIA and TSA OCC regarding the proposed unclassified summary.
7. In addition, DHS TRIP notifies the relevant agencies that a second letter is being prepared. DHS TRIP may engage in interagency consultations to the extent it wishes to discuss whether the information authorized to be disclosed to the person offers the person a meaningful opportunity to respond to the basis for his or her No Fly status, and whether any changes may be warranted.
8. After DHS TRIP receives the unclassified summary from TSC and confers with TSA OIA and TSA OCC, and after any interagency consultations and any resulting changes, DHS TRIP will

provide the person with the second letter referenced in paragraph 13 of my declaration of May 27, 2015.

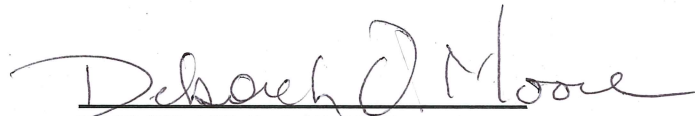
**Consideration of the TSC Recommendation by TSA**

9. If a United States person timely responds to the second letter, the steps described in paragraph 14 of my declaration of May 27, 2015 are taken. Upon receipt of the TSC Principal Deputy Director's recommendation to the TSA Administrator as to whether a United States person should be removed from or remain on the No Fly List and the reasons for the recommendation, as referenced in paragraph 14 of my May 27, 2015 declaration, DHS TRIP provides the recommendation to TSA OIA.
10. TSA OIA reviews the recommendation and any other relevant available information, and consults with TSA OCC. TSA OIA may request that TSC clarify or supplement information contained in TSC's recommendation. If TSC provides clarifying or supplemental information, it will draft a revised recommendation or a supplement to the recommendation. TSA and TSC may engage in this iterative process to the extent TSA believes it is necessary. TSA OIA then makes an assessment as to whether the recommendation supports placement on the No Fly List and whether it concurs with the recommendation.
11. In addition, the TSA Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (TSA CRL-OTE) and TSA OCC review the final recommendation from the TSC Principal Deputy Director and any supplement TSC provides.
12. DHS TRIP writes a recommendation memorandum to the TSA Administrator, which is routed through TSA CRL-OTE. The memorandum describes the procedural background of the DHS TRIP case, indicates whether or not TSA OIA concurs with the TSC Principal Deputy Director's recommendation, indicates whether TSA OCC has any legal objection to the recommendation

and provides a recommendation to the TSA Administrator as to whether he should remand the case back to TSC with a request for additional information or clarification or issue a final order removing the person from the No Fly List or maintaining the person on the List.

13. DHS TRIP provides this memorandum to the TSA Administrator for his consideration along with the other materials described in paragraph 15 of my declaration of May 27, 2015. The TSA Administrator reviews these materials and either remands the case back to TSC with a request for additional information or clarification or issues a final order removing the United States person from the No Fly List or maintaining him on the List.

DATED: January 17, 2017  
Arlington, VA



DEBORAH O. MOORE  
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