U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

May 20, 2010

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Napolitano:

I am writing to urge you to initiate immediate efforts for the reevaluation and reorganization of the entire Transportation Security Administration (TSA), a bureaucracy that has ballooned in size and cost, and as seen through government-led independent performance evaluations, is teetering on the verge of disaster.

The latest incident involving the Time Square bomber Faisal Shahzad boarding an Emirates Airline flight at John F. Kennedy International Airport (JFK), despite being on the "No Fly List" and despite the airport's participation in the SPOT Program ("Screening Passengers by Observation Techniques"), further demonstrates the inability of the Transportation Security Administration (TSA) to properly and adequately fulfill its mission.

Today, the Government Accountability Office (GAO) will release a public version of a report, which I requested, on the TSA's SPOT Program. The GAO report is highly critical of the SPOT program; a program that is costing U.S. taxpayers $212 million annually, and nearly $1.2 billion over the next five years.

However, out of two billion airline passengers who passed through SPOT airports between May 2004 and August 2008, only 1,100 were arrested, and *none* were arrested for terrorism. Even more disconcerting, GAO discovered that since the program's inception, at least 17 known terrorists, including Shahzad, have flown on 24 different occasions passing through security at eight SPOT airports. All of this calls into question the validity of the SPOT Program as implemented by TSA.

Several years ago, I requested the development of a behavior detection program similar to the highly effective Israeli program utilized by EL AL Airlines. I believed that training TSA ticket checkers in behavior detection techniques would provide a back-up layer of security. Unfortunately, the TSA's SPOT Program is *not* like the Israeli behavior detection model. Unlike the Israeli program, SPOT is conducted from a *distance*, with no personal interaction between the passenger and the TSA employee performing the SPOT screening unless the passenger is identified for secondary screening.

TSA-100521-037

Earlier airport screening penetration tests have repeatedly demonstrated the TSA's failure to detect threats. I sought a robust behavior detection program to address those failures. Unfortunately, penetration testing continues to show that even with new screening technology and the SPOT Program, the aviation screening system is not working.

While I believe we are more secure than we were prior to September 11, 2001, there is a critical need for immediate revamping of our aviation security system and the TSA.

I stand ready to work with you to develop and deploy any measures, technology or changes in law that will allow us to keep U.S. aviation and transportation safe and secure.

Thank you for your attention to this matter.

Sincerely,

John L. Mica
Ranking Republican Member
Committee on Transportation & Infrastructure