




Transportation  
Security  
Administration

JUN 1 2010

MEMORANDUM FOR: Chani W. Wiggins  
Assistant Secretary for Legislative Affairs

FROM: Gale D. Rossides   
Acting Administrator

SUBJECT: Response to Congressman John Mica Regarding the Screening of  
Passengers by Observation Techniques (SPOT) Program

Forwarded for your approval and signature is the Transportation Security Administration's (TSA) proposed response to Congressman John Mica's letter of May 20, 2010, regarding his concerns with the Screening of Passengers by Observation Techniques (SPOT) program.

The proposed response addresses the Congressman's concerns with a recent Government Accountability Office (GAO) report — that he states is highly critical — on TSA's SPOT program.

My point of contact on this action is Lee Kair. This document has been reviewed and coordinated within TSA by the Office of Security Operations (Lee Kair), the Office of Strategic Communications and Public Affairs (Kristen Lee), the Office of Legislative Affairs (LaVita LeGrys), and the Office of Chief Counsel (Francine Kerner).

Recommendation:

I recommend that you sign the attached letter.

Attachment

Executive Secretariat Clearance:

\_\_\_\_\_  
Philip McNamara

\_\_\_\_\_  
Date

The Honorable John Mica  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Mica:

Thank you for your letter of May 20, 2010, expressing concern with the state of aviation security and, in particular, the recently published Government Accountability Office (GAO) report on the Transportation Security Administration's (TSA) Screening Passengers by Observation Techniques (SPOT) program. The Administration remains steadfast in its determination to secure the aviation sector and ensure the safety of the traveling public. Your leadership and support are appreciated.

The Times Square incident and attempted attack on Northwest Flight 253 on December 25, 2009, demonstrated that terrorists will go to great lengths to defeat the security measures that have been put in place since September 11, 2001. As such, we have taken aggressive action to develop and expand the use of the next generation of aviation security technology, strengthen aviation security protocols with our foreign partners, develop long-term law enforcement capacities in aviation security and to streamline and improve the U.S. watchlist matching process for air travelers. Additionally, TSA continues to add elements of randomness and unpredictability to the airport security environment as well as utilizing every risk-based tactic available to help identify threats, augment intelligence gathering and minimize risk to the traveling public.

The SPOT program is one of these enhancements to security at the nation's airports. SPOT began with pilot tests in 2003 and 2004, in which TSA trained and deployed uniformed Behavior Detection Officers (BDO's) to observe passengers in and around airport checkpoints for physical and physiological cues that they fear discovery and should be given additional screening. The SPOT program is modeled on other behavioral analysis programs that have been successfully employed by law enforcement and security personnel both in the United States and around the world, including the Israeli Behavior Observation Program, (i.e. making risk based decisions based on observable behavior), while adhering to required Fourth Amendment constitutional protections.

Since its inception, TSA's BDOs have identified illegal activities that have resulted in more than 1,800 arrests at transportation systems across the country – most notably spotting an individual who was discovered to have explosive components at the Orlando airport in 2008. SPOT is an extremely valuable part of TSA's layered security approach, and interest in the program is high. To date, over 13,000 law enforcement officers and

over 20 countries have been briefed on the program as part of TSA's effort to develop and enhance sustainable security practices and improve the overall level of security both at home and abroad.

TSA has initiated action to address GAO's recommendations and refine program training and procedures to ensure that behavior detection remains a vital layer of security as the program matures. Thank you for taking the time to share your thoughts and concerns with me. I look forward to working with you on these and other homeland security issues. If I may be of further assistance, please contact the Office of Legislative Affairs at (202) 447-5890.

Yours very truly,

Chani W. Wiggins  
Assistant Secretary  
Office of Legislative Affairs

**FOR FRONT OFFICE USE ONLY - DO NOT DUPLICATE**

TSA CONTROL NUMBER	TSA-100521-037  MICA	ORIGINATING OFFICE: OSO WRITER: Ryan Oswald PHONE: 7[REDACTED] DUE DATE: 5/28/10
 Transportation Security Administration	<input type="checkbox"/> Action Memo	<input checked="" type="checkbox"/> DHS SOL
	<input type="checkbox"/> Information Memo	<input type="checkbox"/> DHS Congressional
	<input type="checkbox"/> QFR	<input type="checkbox"/> TSA Congressional
	<input type="checkbox"/> Report to Congress	<input type="checkbox"/> Other:

**TSA Executive Level Clearance Sheet**

AA Approvals:	Date:	SUBJECT:
1. Lee Kair	5/26/10	100.1 DHS SOL POSSIBLE STATEMENT OF LATENESS LETTER (DHS OLA)- Writes in with concerns regarding airport security procedures and the Screening Passengers by Observation Technique SPOT.
2.		
3.		

**OFFICE OF THE EXECUTIVE SECRETARIAT PREPARATION**

Title	ES Editor	Date	Approve	Approve w/ edits	Reject	Comments
IMS	Quovia Peyton	5/26/2010	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	To <i>M. Cooper</i> Bill Ryan for review.
W/E	[REDACTED]	5/27	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	To S Curtis
Sr. W/E	[REDACTED]	5/27	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	To Tracey

**OFFICE OF THE EXECUTIVE SECRETARIAT APPROVAL**

To: OLA	[REDACTED]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
To: FO	[REDACTED]	5/27/10	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	To P. Done

**CLEARANCE**

Check all Needed	Review Requested?				Action Taken				Comments
	Reviewer	Office	Initials	Date	Approve	Approve w/ edits	Reject	Use Autopen	
<input checked="" type="checkbox"/>	LaVita LeGrys	OLA	lol	5/27	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	see email
<input checked="" type="checkbox"/>	Francine Kerner	OCC	lol	5/27	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	see enclosed email
<input type="checkbox"/>	Kim Walton	OSC			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	
<input type="checkbox"/>	Art Macias	Chief of Staff			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	
<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	

**APPROVAL**

<input type="checkbox"/>	Robert Bray	Acting Deputy Administrator	[Signature]	5/27/10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A
<input checked="" type="checkbox"/>	Gale D. Rossides	Acting Administrator			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explanation, Special Instructions, Comments:

**FOR FRONT OFFICE USE ONLY - DO NOT DUPLICATE**



TRANSPORTATION  
SECURITY  
ADMINISTRATION

# TSA CLEARANCE SHEET

ORIGINATOR

ROswald

DOCUMENT FOR ACTION

OFFICE

PHONE

DATE

Action Memo

Letter

Info Memo

Other

OSO

05/26/10

SUBJECT:

100.1 DHS SOL POSSIBLE STATEMENT OF LATENESS LETTER (DHS OLA) Writes in with concerns regarding airport security procedures and the Screening Passengers by Observation Technique SPOT.

TSA  
CONTROL NUMBER

TSA-100521-037

ACTION REQUIRED

REVIEWERS

OFFICE

DIRECT  
PHONE NO.

INITIAL

DATE

CORRECTION  
REQUIRED

1. DBurche/OSO/5/25/10/7 (b) /CBash/O  
SO/5/25/10/7 (b) /EMayenschem/OSO/  
5/26/10/7 (b)(6) /LKait/OSO/5/26/10/7 1  
41

2.

3. LKait

4.

5.

6.

EXECUTIVE SECRETARIAT

INITIAL

DATE

CORRECTION REQUESTED

Logging

Review

OFFICE OF THE ADMINISTRATOR

INITIAL

DATE

CORRECTION REQUESTED

1.

2.

3.

4.

5.

Explanation, Special Instructions, Comments: