

U.S. Department of Homeland Security  
601 South 12th Street  
Arlington, VA 20598

OCT 20 2011



**Transportation  
Security  
Administration**

The Honorable Bennie G. Thompson  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Thompson:

Thank you for your letter of August 12, 2011, regarding your concerns with the Transportation Security Administration's (TSA) Screening of Passengers by Observation Techniques (SPOT) program. Specifically, you express your concerns with the recent Enhanced Behavior Detection (EBD) proof of concept being deployed at Boston's Logan International Airport (BOS).

We agree that in the current fiscal environment, the Federal Government should exercise care and responsibility in how it uses and deploys resources. I believe that implementing a risk-based security (RBS) screening protocol is the best use of our resources. TSA understands that very few passengers may actually be a threat to transportation security, and RBS gives us the best opportunity to focus our limited resources on the highest-risk passengers.

One of TSA's RBS initiatives is the EBD proof of concept. The EBD proof of concept began at BOS on August 15, 2011, and is part of a larger effort designed to explore ways we can improve the efficiency, effectiveness, and customer experience of the security screening process by identifying potentially high-risk travelers and ensuring they receive additional screening. This proof of concept is the first step in helping to ensure we make an informed decision regarding any possible future expansion of the EBD concept. Behavior Detection Officers (BDO) at BOS have undergone additional classroom and on-the-job training in the EBD concept. BDOs performing EBD engage passengers in a brief conversation, which consists of three to six questions relating to a passenger's trip. A more thorough interview and/or additional screening may occur if concerns arise from the initial BDO engagement.

Regarding your concerns with the scientific validation of SPOT, in April 2011, the U.S. Department of Homeland Security's (DHS) Science and Technology Directorate (S&T) completed a study to examine the validity of the SPOT indicators. The SPOT Validation Study represents the most thorough analysis of behavioral screening programs to date. As noted in the study, no other counterterrorism or similar security program is known to have been subjected to such a rigorous, systematic evaluation of its screening accuracy. This sets the standard for evaluating the effectiveness of similar screening programs.

The SPOT Validation Study analyzed two sets of data to understand the effectiveness of the SPOT Referral Report, to include data collected through a random sampling protocol over a period of 11 months (2009-2010) at 43 airports. The study also reviewed all historic SPOT referral data.

The SPOT Validation Study demonstrated that SPOT screening is nine times more effective than random screening for identifying potential high-risk passengers. The results of the SPOT Validation Study show that there is a scientifically valid basis for the SPOT program.

Regarding the findings of the GAO audit, TSA concurred with each of the 11 recommendations presented by GAO. TSA has made great progress in implementing the recommendations, and two of them were successfully closed, with additional recommendations to be closed out in the near future. Detailed information regarding the status of the recommendations was in my September 22, 2011, response to your June 21, 2011, letter.

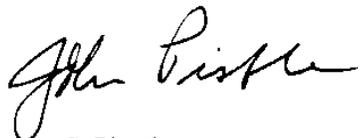
Regarding your concerns that TSA has engaged in profiling of passengers, as stated in my September 22, 2011, response, TSA does not tolerate the inappropriate profiling of any race, ethnicity, or nationality. The SPOT program includes safeguards to protect the privacy, civil rights, and civil liberties of individuals who are screened across the transportation system. As part of their basic training, BDOs who perform SPOT receive cultural awareness training and specific instruction with emphasis on the DHS policy against racial or ethnic profiling. If allegations of profiling arise, TSA immediately conducts an investigation and takes corrective action as warranted.

Attempted terrorist attacks are extremely rare events. However, TSA must remain vigilant in our mission to identify and disrupt a potential terrorist attack on our transportation systems. There are several reasons a large percentage of arrests resulting from SPOT screening are due to an individual's immigration status. An individual who presents him/herself to a TSA security checkpoint knows they will be subjected to a thorough screening prior to gaining access to the sterile area of the airport. A person in the U.S. illegally is aware that they will be subjected to this screening and may have a fear of discovery due to the potential consequences, including arrest and/or deportation from the country. Similarly, a passenger who may intend to harm an aircraft may also have a fear of discovery. BDOs are trained to identify behaviors associated with this, and will refer passengers exhibiting these behaviors for additional screening. BDOs have no way of knowing if an individual they are referring is carrying an explosive device or attempting to conceal their immigration status due to the strong correlation between criminal and terrorist behaviors.

Upon further investigation, an individual's immigration status may either be disclosed to the BDO by the passenger during secondary screening, or it may be discovered by law enforcement if the passenger is referred to them for further investigation. Additionally, individuals who are illegal aliens will often use fraudulent documents to gain access to the sterile area of an airport because they do not have the required identification necessary to do so otherwise. BDOs often discover fraudulent documents during the secondary screening process as part of their standard operating procedures.

I appreciate that you took the time to share your concerns with me and hope this information is helpful. I look forward to working with you in the future on this and other homeland security issues. If you need additional assistance, please do not hesitate to contact me personally or the TSA Office of Legislative Affairs at (571) 227-2717.

Sincerely yours,



John S. Pistole  
Administrator

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 Transportation Security Administration	<input type="checkbox"/> Action Memo <input type="checkbox"/> Information Memo <input type="checkbox"/> QFR <input type="checkbox"/> Report to Congress	<input type="checkbox"/> DHS SOL <input type="checkbox"/> DHS Congressional <input checked="" type="checkbox"/> TSA Congressional <input type="checkbox"/> Other:	ORIGINATING OFFICE: OSO WRITER: Ryan Oswald PHONE: 7-(b)(6) DUE DATE: 9/2/11
	TSA-110812-027 THOMPSON		

TSA Executive Level Clearance Sheet

AA Approvals:	Date:	SUBJECT:
1. Chris McLaughlin	10/6/11	Writes with concerns regarding TSA's pilot program at Boston Logan International Airport, with the Behavioral Detection Officers being trained and will be deployed to interview 100% of passengers moving through security check points.
2.		
3.		

OFFICE OF THE EXECUTIVE SECRETARIAT PREPARATION

Title	ES Editor	Date	Approve	Approve w/ edits	Reject	Comments
IMS	Quovia Peyton	10/7/2011	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Folder to G Moore for distribution. MR
W/E			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sr. W/E	<i>Nick...</i>	10/12/11	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	To OLA

OFFICE OF THE EXECUTIVE SECRETARIAT APPROVAL

To: OLA	<i>Nick...</i>	10/7/11	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	To OLA
To: FO	<i>Nick...</i>	10/7/11	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not Done <i>1/2 correction made by...</i>

CLEARANCE

Review Requested?			Action Taken					Comments	
Check all Needed	Reviewer	Office	Initials	Date	Approve	Approve w/ edits	Reject		Use Autopen
<input checked="" type="checkbox"/>	Peter W. Hearing	OLA	(b)(6)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	See email enclosed
<input type="checkbox"/>	Francine Kerner	OCC			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	
<input type="checkbox"/>	Kim Walton	OSC			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	
<input checked="" type="checkbox"/>	David Nicholson	Chief of Staff		10.14.2011	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	
<input checked="" type="checkbox"/>	<i>Howard...</i>			10/14/11	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	
<b>APPROVAL</b>									
<input checked="" type="checkbox"/>	Gale D. Rossides	Deputy Administrator		10/18/11	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	John S. Pistole	Administrator		10/20/11	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Explanation, Special Instructions, Comments:



# TSA CLEARANCE SHEET

**ORIGINATOR**

Ryan Oswald

**DOCUMENT FOR ACTION**

**OFFICE**

**PHONE**

**DATE**

Action Memo     Letter  
 Info. Memo     Other

**OSO**

7-(b)(6)

**10/06/11**

**SUBJECT**    **URGENT Administrator Correspondence:** Bennie Thompson writes Administrator Pistole regarding BDO Assessor

TSA  
CONTROL NUMBER

**TSA110812-027**

**ACTION REQUIRED**

REVIEWERS		OFFICE	DIRECT PHONE NO.	INITIAL	DATE	CORRECTION REQUIRED
1.	Chad Bash, AGM Mission Support	OSO		CB		
2.	Dan Burche, AGM SPOT	OSO		DB		
3.	Mark Dolan, GM, OP	OSO		MD		
4.	Scott Houston, AA Senior Advisor	OSO		SH		
5.	Chris McLaughlin, AA	OSO		CM	10/6/11	
6.						

<b>Executive Secretariat</b>				
Logging				
Review				
<b>Office of the Assistant Secretary</b>				
1.				
2.				
3.				
4.				