

DEC 23 2013

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



Transportation
Security
Administration

The Honorable Patrick J. Toomey
United States Senator
1150 South Cedar Crest Boulevard, Suite 101
Allentown, PA 18103

Dear Senator Toomey:

Thank you for your letter of November 22, 2013, to the Transportation Security Administration (TSA) on behalf of your constituent, Dr. (b)(6) concerning a news story that appeared regarding the Government Accountability Office's (GAO) recent report on TSA's Screening of Passengers by Observation Technique (SPOT) program. Additionally, he included a follow-up to a previous inquiry he sent to TSA regarding his travel on June 22, 2013.

Dr. (b)(6) expressed his belief that the SPOT program is not effective and should no longer be funded. TSA disagrees with the assertion that there is no evidence that the program works, and non-concurred with the recommendation contained within the recent GAO report. TSA behavior detection procedures, including observational assessments and the equally important verbal interaction with passengers, are an essential element in a dynamic, risk-based, layered security system. Behavior detection techniques have been an accepted practice for many years within the law enforcement, customs and border enforcement, defense, and security communities, both in the United States and internationally. To that end, TSA requested a validation study, which was completed in 2011 by the U.S. Department of Homeland Security (DHS) Science and Technology Directorate (S&T), that confirmed that our program as implemented was substantially better at identifying high-risk outcomes than a random selection protocol.

TSA appreciates GAO's work to identify opportunities to improve the process, and TSA will continue to work diligently to address the issues identified by GAO. TSA has already established an effort partnered with DHS S&T, academic, industry, and other Government and community stakeholders to enhance behavior detection and provide the tools to quantify its effective contribution to security. Our ongoing progress demonstrates our commitment to TSA's mission of securing our Nation's transportation systems.

The TSA Contact Center received Dr. (b)(6) inquiry regarding his travel on June 22, 2013, on June 28, 2013, and responded requesting additional information as follows:

The Transportation Security Administration is unable to respond to your inquiry with the information you have provided. In order for TSA to properly address your inquiry, we request you provide the additional information below:

- Name of the passenger (s)
- Specific name of the airport where the incident occurred
- Date and time of incident
- Airline
- Gate Number
- Contact Number
- Baggage Claim Number
- Description of your bag

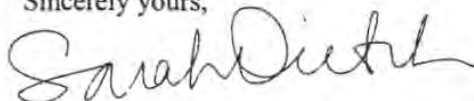
Dr. (b)(6) acknowledged that he received a computerized response from TSA, and he had not provided the additional requested information. TSA takes passenger complaints very seriously. Without the information TSA requested of Dr. (b)(6) we are unable to investigate this incident.

Dr. (b)(6) expressed concerns that he is unfairly targeted in TSA screening for extra scrutiny of both his bags and person. DHS's Travel Redress Inquiry Program (TRIP) is a single point of contact for individuals who have inquiries or seek resolution regarding difficulties they experienced during their travel. These could include denied or delayed airline boarding and continuously referred to additional screening. To apply for redress, Dr. Huffman can visit the DHS TRIP Web site at <http://www.dhs.gov/dhs-trip>.

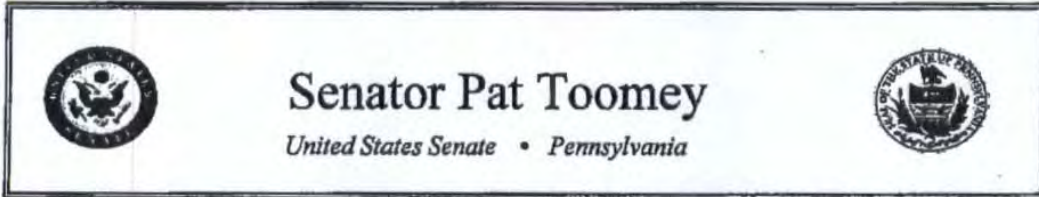
Dr. (b)(6) letter noted that during his travels on June 22, 2013, he was directed to the Advanced Imaging Technology (AIT) machine for screening and asked specifically how much radiation passengers are subjected to using this technology. TSA recognizes that some passengers still have lingering concerns over the use of AIT. This screening technology, which uses radio frequency waves rather than radiation, has been proven safe for all passengers, including children, pregnant women, and individuals with medical issues. The implementation of AIT has greatly reduced the number of resolution pat downs performed by TSA and has expedited security screening.

We appreciate that your constituent took the time to share their concerns with you. If we may be of further assistance prior to the completion of our research, please call the Office of Legislative Affairs at 571-227-2717.

Sincerely yours,



Sarah Dietch
Assistant Administrator
for Legislative Affairs



OFFICE OF SENATOR PAT TOOMEY
1150 SOUTH CEDAR CREST BOULEVARD
SUITE 101
ALLENTOWN, PA 18103
PHONE: 610-434-1444
FAX: 610-434-1844

FACSIMILE TRANSMITTAL SHEET

TO: *TSA* FROM: *Rachel*
 FAX NUMBER: *571-227-2559* DATE:
 COMPANY: TOTAL NUMBER PAGES: *5*
 PHONE NUMBER: SENDERS REFERENCE NUMBER
 RE: YOUR REFERENCE NUMBER

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY

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TRANSPORTATION SECURITY
 ADMINISTRATION
 2013 NOV 22 A 11:10
 OFFICE OF THE
 EXECUTIVE SECRETARIAT

TSA-131126-011

PATRICK J. TOOMEY
PENNSYLVANIA

COMMITTEES:
FINANCE
BANKING, HOUSING, AND
URBAN AFFAIRS
BUDGET
JOINT ECONOMIC COMMITTEE

United States Senate

WASHINGTON, DC 20510

November 22, 2013

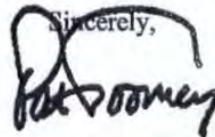
Transportation Security Administration
Legislative Affairs
East Tower, Floor 11, TSA-5
601 South Twelfth Street
Arlington, VA 20598
Fax: (571) 227-2559

To Whom It May Concern,

Recently one of my constituents contacted my office regarding a recent experience he had with the TSA. He has contacted the TSA but has yet to receive a response on the matter. I have enclosed the correspondence for review. Please provide a response regarding Dr. Huffman's experience and concerns to my office so that I can share it with him.

If you have any questions please feel free to contact my Constituent Services Advocate, Rachel Cornman, by phone at 610.434-1444, by fax at 610.434.1844, or by email at rachel_cornman@toomey.senate.gov.

Thank you for your attention to this matter. I appreciate your time and consideration.

Sincerely,


Pat Toomey
U.S. Senator

Dear Senator Toomey,

Just a matter of days ago, I came across an Associated Press article by Will Lester entitled: Federal probe questions TSA behavior profiling. The article noted that currently there is this federal probe about a TSA program to screen supposedly suspicious behavior of passengers at airports, and the article notes that since 2007 this TSA program has cost taxpayers approximately \$1 billion dollars, and the program has not been proven effective. I want here to quote a few sections of the above article: The Government Accountability Office said its investigation found that the results of the TSA program called Screening of Passengers by Observation Techniques were no better than chance. Under the program, agents identify suspicious looking people and talk to them to determine whether they pose a threat. TSA has yet to empirically demonstrate the effectiveness of the program despite spending about \$900 million on it since 2007, said Steve Lord, who directed the investigation for the GAO. The investigation found that behavior detection officers at the four airports said some behavioral indicators they used were subjective. Both Republican and Democratic lawmakers on the House Homeland Security Committee said the report raises serious questions about the screening program. We can only support programs that are proven effective, said Rep. Mike McCaul, R-Texas, the committee's chairman. The leading Democrat on the committee also voiced concerns. Rep. Bennie Thompson, D-Miss., said the GAO report found that the program is fundamentally flawed, cannot be proven effective and should no longer be funded with taxpayer dollars.

I too feel that the TSA program (Screening of Passengers by Observation Techniques) is a technique that is no better than chance, that the program has not proven its effectiveness despite almost a billion dollars in taxpayer money having been basically wasted on that program, that the program is flawed, not effective, and should no longer be funded. I have included in this email (below) a copy of my June 2013 letter to TSA about how I feel that I have been unfairly targeted or singled out in TSA screening for extra scrutiny both of my bags and my person by TSA agents, likely as a result of the exact program noted above (Screening of Passengers by Observation Techniques). I have still not gotten a result back from TSA; all I got back as a computerized/automated form email back (no answer from an actual person) asking me to submit answers to around 10 very specific questions regarding my trip before they would even have an actual person send any response to me. I've been so busy with work, etc., that I haven't done the extra legwork to answer their around 10 questions which even includes (one of the questions) the gate number where the issue happened (that paperwork was not handy). I may eventually get around to answering their many questions and forwarding to them my concerns yet again, but since I saw the Associated Press article on just this topic, I wanted to contact you without delay on this issue.

I recall not too long ago seeing interviews on TV of Senator Rand Paul who was complaining about his treatment by TSA agents at an airport, and I can recall other well-known people also making their complaints heard. The media has given all kinds of reports about TSA agents stealing from passengers (laptops, money, jewelry, etc.), mistreating passengers, etc. Some of the most infamous cases involving TSA agents that have been all over the media have included the extra scrutiny and full body searches given to old/handicapped people in wheel chairs, and to even little kids, subjected to extra scrutiny and even full body searches with TSA agents hands even touching such peoples private areas. Some of the reports of what some TSA agents have done criminally and through extra scrutiny of passengers and full body searches consist of both offensive and disgusting behavior. I have also recounted in my letter to the TSA below some of my negative personal experiences I have had to suffer through at the hands of TSA agents. It seems clear that the program: Screening of Passengers by Observation Techniques (used by the TSA) has not only been a highly-subjective, wrong-headed, misguided, and useless program, that has brought extra upsetment and stress to so many airline passengers (American and foreign), but that the program has been a waste of around a billion dollars in taxpayer money. At a time of skyrocketing national debt, and when the government is supposedly looking for ways to trim government and cut fraud and waste in government, and to end ineffective programs, the TSA program Screening of Passengers by Observation Techniques clearly should be eliminated and defunded.

Perhaps the security focus by the TSA and those focused on airline security should be on screening of bags and people by new and un-invasive scanners/technologies, well-trained air marshals, the continued use of no fly lists where known criminals/terrorists are not permitted to board a plane/fly in the first place, and the enforcement of already existing laws (which include, for example, a whole list of items that cannot be taken onto planes). The focus should not be on the failed program of Screening of Passengers by Observation Techniques where a TSA agent might pick someone out for extra scrutiny and full body or other searches of their bags and/or person just because a so-called TSA agent who might not have had much education or training anyway picks out a passenger for some subjective reason such as a passenger in line blinked a few times, they didn't like their smile, they were talking to someone else in line, they didn't make enough eye contact, they were wearing baggy clothes, they are overweight, the person was acting what they construe as nervous (don't forget an airport is a stressful place where people are stressed or even nervous to a certain extent about getting their bags checked in on time, making their way through large crowds, getting to the terminal in time, catching their flight, etc.), they didn't like their clothing style, or some other subjective, baseless, or ridiculous reason. As noted in my letter to the TSA, I've earned my doctorate, I'm a college professor, I have a clean record, I'm an upstanding U.S. citizen, and yet repeatedly I've been selected by TSA

agents for extra scrutiny of my bags being searched more closely and my body being searched more closely, with having to put my hands in the air, having had wand waved in my face and all across my body, and I've even been selected for partial body pat downs, and full body pat downs by TSA agents when I for my part have been a complete gentleman, calm, nice, friendly, etc., and provided all the proper documents such as passport and boarding pass, etc., to TSA agents, and did everything they asked of me when they asked me. I did nothing to cause problems, or to stand out yet again and again I've been subjected to such methods as described above. I would like to see a TSA system whereby such subjective and wrong, unfair, and stressful actions of the TSA are not done, such as through Screening of Passengers by Observation Techniques or etc. Instead, I would like to see a TSA system that is based only on objective factors and scientific methods using new non-invasive screening and other technologies, and where airline passengers are given more respect and good treatment by TSA agents, with the recognition that almost all the people passing through airports are law-abiding U.S. citizens or foreign nationals, and such people should not be any longer subjected to such extra scrutiny or searches as noted above/below based on subjective, ineffective, stressful, wrong, and unfair methods that have been in use all too frequently by the TSA. Please also read my June 2013 letter I emailed to the TSA which appears below.

Sincerely,

Dr. (b)(6)

June 28, 2013 Letter I emailed to TSA:

Dear Manager,

On my most recent trip, on the way back (June 22, 2013) some of your TSA agents searched my main checked luggage. After I returned home I got my key to unlock my small lock on my suitcase, only to find that the lock had been taken off and that my bag had been searched and gone through. There was a printed form in my luggage titled: 'Transportation Security Administration' and then the words: 'Notice of Baggage Inspection.'

I realize that the TSA has an obligation to do what it can to make sure that people who fly on airliners are safe. Other important considerations, in my view, should include a respect for privacy, civil liberties, the Constitution (including Constitutional protections against unreasonable searches and seizures, especially those conducted without a warrant), and for the people the TSA agents come in contact with.

Why was my main luggage checked by TSA personnel on my most recent flight? Your note indicated that only 'some' bags are opened and physically inspected. As far as I am aware all bags have to go through baggage scanners. Also, people have to go through scanners. So why was my bag chosen for additional scrutiny? Obviously no prohibited items were within my bag. Items in my bag were all rummaged through and were not put back in the way I had packed them. I recall a time before one of my flights years ago when airport security personnel asked to inspect my main bag, but they came to me in person and asked me to open the lock, which I did, so they could inspect the contents in front of me. Why didn't the TSA personnel in question ask me to open the bag and inspect the bag in front of me in this instance?

Also, on my most recent trip (June 22, 2013), a TSA agent did not let me walk through the 'doorway' as some people were permitted to (and that's not the first time that's happened to me), but instead they pointed me towards a newer 'scanner' similar to a 'booth' where someone walks in, faces a certain direction, puts their feet where footmarks are painted, and then is 'scanned.' Why did I also receive increased scrutiny there instead of being permitted to simply walk through the 'doorway' panel? Then, even after I had that increased scrutiny of my person, a TSA agent came up to me on June 22, 2013 and asked that he be permitted to search my left leg, and he proceeded to use a 'wand' around me left leg, and to physically 'pat down' my left leg. All he found was an empty pocket, so he wasted his time and mine, only to find nothing.

How much radiation are airline passengers being subjected to in relation to their being scanned, both in the 'doorways' they walk through, and in relation to the newer 'booth' where they have to put their feet where the yellow feet marks are? How much radiation do the 'wands' give off? Also, when they are being scanned in a 'booth' or etc. is it harmful for a person's eyes or for them to keep their eyes open in a 'booth' where they stand and are scanned with their hands up? Also, is it really necessary that the TSA have airline passengers have to put their hands up in the booth they walk into and are scanned in or when an agent uses a 'wand' over their body? It's humiliating for some people to have to stand there with their hands up and be given extra intrusive inspections, especially when they're innocent, have done nothing wrong, and they have no prohibited items anyway.

These are just examples, and there have been many more on my flights in recent years. For example, on a recent trip a TSA agent selected me for additional scrutiny after I walked through a security scanner, and had me put my arms

and legs out while they proceeded to use the 'wand' over my body, and to give me a full body 'pat down.' That full body 'pat down' was very intrusive as the TSA agent placed their hands almost all over my body, including on the edges of my 'private parts.'

When I've gotten such additional 'scrutiny' on this trip and others the TSA agents in question never give me explanations as to why I'm being given such additional scrutiny while other people keep walking by quickly through the screening process. They usually don't even attempt to answer my question(s) but merely look at me or shrug their shoulders.

Virtually every flight I've ever been on, I've shown the security personnel my official US Passport which proves that I'm a US citizen. I've never done anything to bring attention to myself, I've acted properly, and I'm friendly and nice to people, including to TSA personnel. I have a clean record, and I'm an upstanding US citizen, with a doctoral degree and an occupation as a college professor. I don't understand why I'm being almost continually singled out and given 'extra scrutiny' whether in relation to my person and/or my baggage on almost every flight I've been on in recent years. I remember in the past couple years that a US Senator (I believe Senator Rand Paul of Kentucky) was singled out for 'extra scrutiny' by TSA personnel at an airport, and that he wasn't very happy about it, and was very vocal about it. If there is any reason why my baggage and my person have been receiving such 'extra scrutiny' please tell me in your email response to me. These 'extra scrutiny' searches affecting me (for no reason, or no reason as far as what I've been told) have gotten to the point of being a 'hassle' and are starting to border on 'harassment.' Obviously, despite all the extra scrutiny I have been receiving for no real reason, the TSA agents have not been finding prohibited items on me, and yet the extra scrutiny of me has been continuing even when people all around me in line continue to go right through with no questions asked or no 'extra scrutiny.' Does the TSA have a policy to search or give 'extra scrutiny' to people who may be overweight? If so, that would be a form of discrimination based on weight. In the future, I would also like to see TSA agents give passengers actual reasons as to why they have been singled out if they are going to open a bag and if they are going to give 'increased scrutiny' to an individual person. Just as Senator Rand Paul was very vocal about how he was handled by TSA agents, I can be vocal too. I am not averse to contacting my Congressman and my US Senators, or other government officials, or an attorney, regarding these issues and/or regarding what seems to be a pattern of intrusive TSA extra inspections and 'extra scrutiny' affecting me, without any reason given.

Sincerely,

Dr. (b)(6)

Moore, Gale

From: TSAOLA
Sent: Friday, November 22, 2013 10:14 AM
To: TSA ExecSec Mail
Subject: FW: Fax received from 6104341844 (916104341844)
Attachments: pdf00000.pdf

-----Original Message-----

From: 6104341844 [mailto:"916104341844"@faxmaker.com]
Sent: Friday, November 22, 2013 10:03 AM
To: TSAOLA
Subject: Fax received from 6104341844 (916104341844)

INCOMING FAX REPORT

Status: Received
Date/Time: 11/22/2013 10:03:00 AM
Speed: 31200 bps
Connection time: 01:23
Pages: 5
Resolution: Fine
Remote ID: 6104341844
Line number: 0
DTMF/DID: 33012
Description: Fax received from 6104341844 (916104341844)
