

From: [Bauer, John D <TSA OCC>](#)
To: [Wheaton, Kelly <TSA OCC>](#)
Subject: FW: SPOT Indicators
Date: Thursday, September 19, 2013 9:10:30 AM

This is what I received back from Matt. As he says, they accept the language, so he is not routing a "decision memo," but the changes still have to be routed for AA signature.

From: Cobey, Matt (James)
Sent: Thursday, September 19, 2013 9:02 AM
To: Bauer, John D <TSA OCC>
Subject: RE: SPOT Indicators

Sorry John, moving through my list this morning.

(b)(5)

Matt

Matt Cobey
Office: 571-227-(b)(6)
Cell: (b)(6)

From: Bauer, John D <TSA OCC>
Sent: Thursday, September 19, 2013 8:52 AM
To: Cobey, Matt (James)
Subject: RE: SPOT Indicators

Matt- just touching base to see if you've had a chance to take a look at this. Thanks, John

From: Bauer, John D <TSA OCC>
Sent: Tuesday, September 17, 2013 3:51 PM
To: Cobey, Matt (James)
Subject: RE: SPOT Indicators

Matt,

This is just to follow-up on our conversation from earlier today. OCC recently received an inquiry from DHS General Counsel asking about the status of the amended language for the two indicators. I know you are all consumed by the GAO response, among other things, but if you could send me a short e-mail to the effect that you and your folks are all on-board with the language, that would be great.

Thanks,

John B.

John D. Bauer
Assistant Chief Counsel
Criminal Enforcement
TSA
(571) 227-(b)(6)

From: Cobey, Matt (James)
Sent: Monday, August 26, 2013 3:35 PM
To: Wheaton, Kelly <TSA OCC>; Tauber, Sarah
Cc: Prosnitz, Susan <TSA OCC>; Kent, Linda <TSA OCC>; Bauer, John D <TSA OCC>; Thompson, Mardi <TSA OCC>; Fitzmaurice, Stacey; Itami, Brian; Silata, Michael; Harvey, Melanie; King, Jennifer L
Subject: RE: SPOT Indicators

Good Afternoon,

OSC will accept the explanation of the differences (b)(3) 49 U.S.C. § 114(r) mentioned down below. Once we have the exemplars that we can include in the decision memo alongside the proposed indicator language from DHS/OGC we'll route it up to Sanders/Hoggan for their approval. Given their interest in the matter I don't believe it will take long to obtain their signatures. Thanks everyone for keeping this moving forward.

Matt

From: Wheaton, Kelly <TSA OCC>
Sent: Monday, August 26, 2013 2:38 PM
To: Tauber, Sarah; Cobey, Matt (James)
Cc: Prosnitz, Susan <TSA OCC>; Kent, Linda <TSA OCC>; Bauer, John D <TSA OCC>; Thompson, Mardi <TSA OCC>; Fitzmaurice, Stacey; Itami, Brian; Silata, Michael; Harvey, Melanie
Subject: RE: SPOT Indicators

Sarah,

Thanks. We have a meeting with the Chief Counsel later this week to review the BDO SOP. After we meet with her I will have a better idea of whether there are any more issues.

We will work on the examples, I would like to think that we will have something in a couple of weeks. For one thing, I want John to look at anything we come up with and he is on leave this week.

Kelly D. Wheaton
Deputy Chief Counsel, Enforcement
571 227-(b)(6)

From: Tauber, Sarah

Sent: Monday, August 26, 2013 10:44 AM

To: Wheaton, Kelly <TSA OCC>; Cobey, Matt (James)

Cc: Prosnitz, Susan <TSA OCC>; Kent, Linda <TSA OCC>; Bauer, John D <TSA OCC>; Thompson, Mardi <TSA OCC>; Fitzmaurice, Stacey; Itami, Brian; Silata, Michael; Harvey, Melanie

Subject: RE: SPOT Indicators

Kelly,

Mike Silata will send you the referral sheet so you can provide us with proposed language. What will be your timeline on examples?

(b)(5)

Thanks

From: Wheaton, Kelly <TSA OCC>

Sent: Friday, August 23, 2013 10:54 AM

To: Tauber, Sarah; Cobey, Matt (James)

Cc: Prosnitz, Susan <TSA OCC>; Kent, Linda <TSA OCC>; Bauer, John D <TSA OCC>; Thompson, Mardi <TSA OCC>; Fitzmaurice, Stacey; Itami, Brian

Subject: RE: SPOT Indicators

With John B on leave, I'm following up on the SPOT indicator issue that has been knocking around for several months relating to the two indicators. I'm writing to confirm the current status and discuss way forward.

Based on my conversation with Sarah this morning, OSO is ok with the current version of the indicator language (attached). Sarah would like OCC to help with providing some training material, not to be included in the Guide, to explain the difference (b)(3), 49 U.S.C. § 114(r)

(b)(3), 49 U.S.C. § 114(r)

We will do that.

Matt,

My understanding from John B is that OSC is ok with this version. Would you please confirm.

Kelly D. Wheaton

Deputy Chief Counsel, Enforcement

571 227- (b)(6)

From: [Kerner, Francine](#)
To: [Tauber, Sarah](#); [Prosnitz, Susan <TSA OCC>](#); [Kent, Linda <TSA OCC>](#); [Bauer, John D <TSA OCC>](#)
Cc: [List-Counsel-Deputies](#)
Subject: Fw: Spot Indicators
Date: Friday, July 19, 2013 9:15:20 AM

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

From: Maher, Joseph (b)(6)
Sent: Friday, July 19, 2013 09:02 AM
To: Kerner, Francine
Subject: RE: Spot Indicators

Francine -- sorry not to get back to you sooner. I'd like to send you some suggestions on this early next week.

Have a great weekend if I don't talk to you before then!
Joe

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

From: Kerner, Francine (b)(6)
Sent: Wednesday, June 26, 2013 2:34 PM
To: Maher, Joseph
Subject: Spot Indicators

<<SPOT Behavioral Indicators 06 26 2013(2).docx>> Joe, I am sending you the latest version of Spot Indicators under review. The document, which is SSI, is password protected. Password to follow. We are working on the answer to your Bivens question and also seeking program justification. I think the language we are sharing focuses on attempts to intimidate TSOs or distract them during the screening process. Happy to discuss at your convenience. Francine

From: [Bauer, John D <TSA OCC>](#)
To: [Kerner, Francine](#)
Cc: [Wheaton, Kelly <TSA OCC>](#)
Subject: FW: SPOT Indicators
Date: Thursday, September 19, 2013 9:23:32 AM

Francine,

As Matt Cobey states, OSC/OSO accept the changes and are in the process of formally updating the Behavior Reference Guide.

John B.

John D. Bauer
Assistant Chief Counsel
Criminal Enforcement
TSA
(571) 227-(b)(6)

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Sent: Thursday, September 19, 2013 9:02 AM
To: Bauer, John D <TSA OCC>
Subject: RE: SPOT Indicators

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John B.

John D. Bauer
Assistant Chief Counsel
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TSA
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