



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**

**James L. Oberstar**  
Chairman

Washington, DC 20515

**John L. Mica**  
Ranking Republican Member

June 25, 2010

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

James W. Coon II, Republican Chief of Staff

The Honorable John Pistole  
Administrator/Assistant Secretary  
Transportation Security Administration  
701 South 12<sup>th</sup> Street, West Tower  
Arlington, VA 22202

Dear Administrator Pistole:

Congratulations on your confirmation as Administrator/Assistant Secretary of the Transportation Security Administration (TSA). As the Ranking Republican Member on the Committee on Transportation and Infrastructure and one of the primary authors of the law creating the TSA, it is my ongoing responsibility to conduct oversight of aviation security. I believe aviation remains a high-risk terrorist target and that explosives remain the number one risk. As I did with Secretary Napolitano upon her confirmation, I want to share with you my concerns relating to aviation security.

First, I want to encourage you to schedule a critically important briefing by Richard Skinner, the Department of Homeland Security Inspector General, on the results of the Office of Inspector General's (OIG) airport security penetration testing. The results of the OIG's testing of TSA passenger and checked baggage screening, as well as testing of airport access control are classified. But I strongly encourage you to receive a briefing from the OIG as soon as possible.

Second, in the last two months, the Government Accountability Office (GAO) has issued two reports that have focused on significant problems with key TSA security programs. On May 20, 2010, the GAO issued a report on TSA's behavior detection program, known as SPOT or "Screening Passengers by Observation Techniques" (GAO-10-763). In this report, GAO notes that TSA spends hundreds of millions of dollars annually on the SPOT program and has approximately 3,000 Behavior Detection Officers. However, according to the GAO, TSA never scientifically validated the list of behaviors underpinning the program, never determined whether the techniques could be applied for counterterrorism or in an airport environment, and never conducted a cost-benefit analysis. The SPOT program has failed to identify known terrorists that have travelled through SPOT airports. Since the program's inception, 17 known terrorists have traveled through eight SPOT airports on 23 different occasions, including the Times Square Bomber. The report highlights a bungled implementation of the SPOT Program by TSA.

Administrator/Assistant Secretary Pistole  
June 25, 2010  
Page 2

On June 21, 2010, GAO issued a report on TSA's efforts to address intermodal transportation security (GAO-10-435R). The GAO found that TSA has not fully implemented a risk management framework to make sound decisions regarding the allocation of security resources across transportation modes. According to the GAO, TSA has not conducted comprehensive risk assessments for the aviation and surface transportation sectors. GAO took note that in 2007, TSA initiated but later discontinued an effort to conduct a comprehensive risk assessment for the entire transportation sector due to difficulties in estimating the likelihood of terrorist threats. Again, the TSA failed to fulfill some of its most fundamental security roles, conduct risk assessments, interact constructively with stakeholders, properly train workers, and wisely allocate resources.

TSA's failure to detect threats, as will be detailed to you both in the IG's briefing and in your review of the two recent GAO reports, raises very serious concerns for the security of the United States. Unfortunately, penetration testing continues to show that even with new screening technology and the SPOT Program, the aviation screening system is not working. While we are certainly more secure than we were prior to September 11, 2001, immediate and profound changes are needed.

Therefore, I urge you to immediately review, reevaluate, and reorganize the TSA. For far too long, this enormous, costly, and unwieldy bureaucracy has been rudderless and incapable of making any decision short of continuing to grow in size. The covert testing reports and GAO studies provide ample evidence of the need for change.

As you begin your tenure as TSA Administrator, I stand ready to work with you to get the TSA back on track. It is vitally important that we get this right and keep aviation and all American transportation secure and safe. Thank you for your immediate attention to this important matter.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

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

cc: Inspector General Richard Skinner