



**Homeland
Security**

OCT 06 2006

Barry Steinhardt, Director, Technology & Liberty Program
Timothy Sparapani, Legislative Counsel
Chris Calabrese, Counsel, Technology & Liberty Program
American Civil Liberties Union
915 15th Street, NW
Washington, DC 2005-2313

Gentlemen:

Thank you for your letter of July 27, 2006, outlining your concerns regarding allegations that Federal Air Marshals (FAM) must meet a monthly quota for filing Surveillance Detection Reports (SDR). We have investigated the matter and determined that no such quota exists, in either a formal policy or as a de facto requirement.

You have identified a July 2004 e-mail from an Assistant Special Agent-in-Charge at a Las Vegas field office as evidence of the policy, based on a Denver news report. The same news report, however, also recites an August 2004 memorandum from the Special Agent-in-Charge of the Las Vegas field office stating that there is no quota. This memorandum is a clear and contemporaneous repudiation of any quota. It states, in pertinent part, that:

I have asked each ATSAC [Assistant To Special Agent-in-Charge] to stress the importance of timely and accurate reporting of incidents that you observe. I do not expect reports that are inaccurate or frivolous. These reports are viewed by our partners in the intelligence and law enforcement communities, and are our contribution to making our nation safe. There is not a quota for submitting SDRs. There is an expectation that all FAMs will provide timely and accurate SDRs to accomplish our mission.

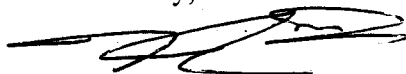
Within a short time after the July 2004 e-mail was sent, FAMS field management took clear action to ensure that there was no confusion with respect to any quota, and to emphasize that the SDRs must be accurate and credible because of their importance to aviation security. In addition, we reviewed the formal training on how to prepare SDRs, and that training emphasizes the importance of accurate reporting.

You have also provided us by telephone, information from an unidentified former FAM alleging that a quota existed notwithstanding management denials and the August 2004 memo. To determine whether a de facto policy existed, we looked at the actual numbers of SDRs submitted by FAMs and found that the actual rate of SDRs submitted by FAMs averaged just over one SDR per FAM per year since the SDRs were initiated. Our review of SDRs produced within the Las Vegas office revealed that there was a jump in SDR's coincident with the July 2004 e-mail, but the production immediately dropped back down following the August 2004 memo. Based on the interviews we conducted and these numbers, we are assured that there is no de facto quota.

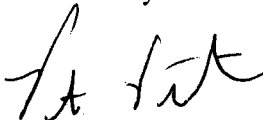
We also investigated the claim that individuals may be added to a watch list as a result of an SDR, and have determined that not a single individual has been added to a watch list as a result of an SDR. It is certainly possible that an SDR, combined with other information, may lead to an individual being placed on a watch list, but the nominating procedures and standards within the Terrorist Screening Center (TSC) make it unlikely that an SDR, by itself, will be sufficient to add an individual to a watch list.

Thank you for bringing this matter to our attention. If you have any questions or obtain any further information regarding this matter, please do not hesitate to contact me directly at 571-227-3813.

Sincerely,



Hugo Teufel III
Chief Privacy Officer



Peter Pietra
Director, TSA Privacy Policy & Compliance

cc: Lyn Rahilly
Terrorist Screening Center
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-001