

Congress of the United States

Washington, DC 20515

March 13, 2012

The Honorable John S. Pistole
Administrator
Transportation Security Administration
601 South 12th Street
Arlington, VA 20598

Dear Administrator Pistole:

On February 7, 2012, you testified at a hearing before the House Homeland Security Subcommittee on Transportation Security to discuss the Transportation Security Administration's (TSA) Screening Partnership Program (SPP). One recurring topic at the hearing was the SPP reform language found in section 830 of the Conference Report to H.R. 658, the FAA Modernization and Reform Act of 2012, P.L. 112-95 (Act), as passed by both chambers of Congress and signed into law by the President on February 14, 2012. At the hearing, you testified that you would "absolutely" work with Congress and with us to improve the SPP through your implementation of this law. Your commitment to comply with both the spirit and intent of the new law is welcomed. We again offer our assistance as the TSA implements this vitally important reform to the SPP.

The newly enacted reform to the SPP improves the program in a number of ways. First, the Act states that the TSA shall approve an SPP application if the newly-enacted standards are met. Second, it allows each airport to provide greater input regarding the airport's preferred vendor when applying for this program. Third, it establishes clear standards by which SPP applications must be fairly and equitably measured. Fourth, it requires a timely review of SPP applications by the TSA. Fifth, it requires that the TSA provide transparency and constructive feedback to the airports, as well as to Congress, regarding the merits of each SPP application and the basis for any decision made by the TSA, including, if denied, how each application could be improved. Finally, it requires the TSA to reconsider airport applications denied last year by applying the new review process and standards.

In the Act, it was the intent of Congress that the Screening Partnership Program be a viable option for airports wishing to opt-out of the all-Federal screening model. Airport operators have expressed tremendous interest in the SPP and that expansion beyond the small fraction of U.S. airports that currently participate in the SPP will allow the TSA to focus on security and oversight activities. The SPP reform language reinforces the original intent of Congress, when we created the opt-out program in the Aviation and Transportation Security Act, P.L. 107-71. Specifically, the standard for an airport's participation in the SPP is whether a qualified private company can provide screening services that are "equal to or better than those provided by the TSA" (49 U.S.C. 44920(d)), *not* whether screening by a qualified private company would provide a "clear or substantial advantage." This "equal to or better than standard" is reinforced in the SPP reform language, which states that SPP applications shall be approved if "[it] would not compromise security or detrimentally affect the cost-efficiency or the effectiveness of the screening of passengers or property at the airport."

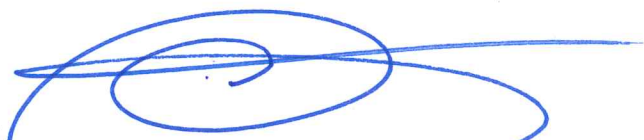
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It is important that TSA take steps to immediately reopen the SPP, reissue guidelines in compliance with the law, and begin the process of converting the screening program from its current model to the SPP operations under federal supervision as directed by H.R. 658. Please provide the Committees with a time table and outline to achieve this transition.

We thank you for your commitment to work with Congress to ensure the improvement of the SPP in accordance with the FAA Modernization and Reform Act of 2012, and we look forward to working with you to ensure the utmost efficiency and effectiveness of the Transportation Security Administration and the general welfare of our transportation security system.

If you have any questions, please contact Shant Boyajian of the Transportation and Infrastructure Committee staff at (202) 225-9446; or Mitchell Kominsky or Tom Alexander of the Oversight and Government Reform Committee staff at (202) 225-5074.


Sincerely,



John L. Mica, Chairman
Committee on Transportation and
Infrastructure



Darrell Issa, Chairman
Committee on Oversight and
Government Reform



Jason Chaffetz, Chairman
Subcommittee on National Security,
Homeland Defense, and Foreign
Operations

- cc:
- The Honorable Peter T. King, Chairman
Committee on Homeland Security
 - The Honorable Mike D. Rogers, Chairman
Subcommittee on Transportation Security
 - The Honorable Elijah E. Cummings, Ranking Minority Member
Committee on Oversight and Government Reform
 - The Honorable Nick J. Rahall, II, Ranking Minority Member
Committee on Transportation and Infrastructure
 - The Honorable Bennie G. Thompson, Ranking Minority Member
Committee on Homeland Security
 - The Honorable Sheila Jackson Lee, Ranking Minority Member
Subcommittee on Transportation Security