

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

REBECCA BROWN, *et al.*,

Plaintiffs,

v.

TRANSPORTATION SECURITY
ADMINISTRATION; *et al.*,

Defendants.

Civil Action No. 2:20-cv-64-MJH-KT

DEFENDANTS' STATEMENT OF UNDISPUTED MATERIAL FACTS

Pursuant to Local Civil Rule 56(B)(1), Defendants respectfully submit the following statement of undisputed material facts in support of Defendants' motion for summary judgment.

I. TSA's Policies

1. To implement the screening required by statute and regulation, TSA promulgated Management Directive 100.4, Transportation Security Searches (MD 100.4), Approved Jan. 25, 2012. *See* AR1-11.

2. MD 100.4 describes TSA's overarching principles for conducting administrative searches at airports: "A search conducted without a warrant as part of a regulatory plan in furtherance of a specified non-law enforcement government purpose, such as to determine compliance with TSA regulations or to prevent the carriage of threat items or entry of an unauthorized person into the sterile area, or to screen passengers entering any public conveyance." MD 100.4 § 4(A) (AR1). It explains that "TSA conducts all administrative and special needs searches in a manner designed to be minimally intrusive, in light of current technology, *to detect the presence of threat items.*" *Id.* § 6(A)(1) (emphasis added) (AR6). Screening of passengers and property is carried out by Transportation Security Officers (TSOs), who are "trained, qualified, and authorized in accordance with applicable TSA standards and directives to screen individuals, accessible property, identification documents,

and/or checked baggage for the presence of explosives, incendiaries, weapons, or other threats or threat items,” and overseen by Supervisory TSOs (STSOs). *Id.* § 4(BB) (AR4).

3. MD 100.4 also explains that “Administrative and special needs searches may not be conducted to detect evidence of crimes unrelated to transportation security. However, if such evidence is discovered, TSA personnel shall refer it to a supervisor or a law enforcement official for appropriate action.” *Id.* § 6(C)(1) (AR8). Examples of criminal activity that TSOs and STSOs might observe include “possession of illegal drugs, possession of child pornography, and money laundering (i.e., transferring illegally gained money through legitimate channels so that its illegal source is untraceable).” *Id.* Referral of potential criminal evidence to law enforcement “satisfies a TSA employee’s obligation to report known or suspected violations of Federal law.” *Id.* However, where no transportation security threat is identified, MD 100.4 directs that the passenger may not be detained once security screening is completed. *See id.* (“Although an individual may be requested to wait until law enforcement arrives, he or she is free to leave the screening checkpoint once applicable screening requirements have been completed successfully.”).

4. MD 100.4 also includes the following paragraph specifically applying these principles to the discovery of large amounts of currency.

Traveling with large amounts of currency is not illegal. Sometimes currency discovered at the screening checkpoint will need to be screened to clear it to enter sterile areas (or other secure areas). For example, cash in very large quantities may shield explosive materials and other threat items. As a general matter, there should be no reason to ask questions of the passenger about currency, although there may be times when questions are warranted by security needs. When currency appears to be indicative of criminal activity, TSA will report the matter to the appropriate authorities. For all flights, factors indicating that cash is related to criminal activity include the quantity, packaging, circumstances of discovery, or method by which the cash is carried, including concealment. For international flights, currency that exceeds \$10,000 may not be transported into or out of the United States unless it has been reported to U.S. Customs and Border Protection (CBP). TSA should notify CBP and/or law enforcement authorities pursuant to its local standard operating procedures that the individual possesses a sum of currency that appears to exceed \$10,000. TSA may also note any factors related to criminal activity for purposes of notifying CBP and/or law enforcement. Although an individual may be requested to wait until law enforcement arrives, he or she is free to leave the screening checkpoint once applicable screening requirements have been completed successfully.

Id. § 6(C)(2) (AR9).

5. TSA has implemented MD 100.4 through a series of standard operating procedures that provide specific guidance to TSA employees and their supervisors and managers. Currently, the guidance is found in Version 4 of Screening Policies for Standard Operating Procedures (SOP). *See* AR112.

6. The SOP directs that “All searches must be conducted in accordance with TSA Management Directive (MD), 100.4, Transportation Security Searches. The MD describes the legal authority for all TSA screening operations.” SOP Ch. 1 § 1 (AR120); *see also id.* Ch. 6 § 1 (“Screen persons and property in compliance with all laws and regulations that apply, including anti-discrimination laws, regulations, Executive Orders, policies, and directives, and TSA MD 100.4, Transportation Security Searches.”) (AR153).

7. The SOP addresses the screening procedures “used when conducting an administrative airport security search to prevent threats from entering a sterile or secured area of an airport or aircraft.” SOP Ch. 5, General (AR147). Once initiated, security screening must be completed. *See* SOP Ch. 5, General § (C) (“When an individual demonstrates a decision to enter a screening area, or to submit property for screening, screening of the individual must be completed. Once that screening has been completed, an individual may return to the public area, or continue to the next screening area.”) (AR147). Security screening includes use of “available screening techniques, technologies, and equipment” to mitigate any threats and “may include examination of individuals and all contents of their accessible property.” SOP Ch. 6 § 1(2) (AR153). STSOs are required to “[e]nsure that all alarms are resolved and security screening has been completed before an individual or property is permitted into the sterile area of the airport.” SOP Ch. 15 § 1(1) (AR171). TSA employees are instructed to “[u]se situational awareness and critical thinking skills to identify and resolve on person and in property alarms and possible threats to transportation.” SOP Ch. 6 § 4(1) (AR155).

8. Chapter 12 of the SOP implements MD 100.4’s provisions about potential evidence of criminal activity. It emphasizes that “Screening of property is conducted for security purposes.

TSOs are *not authorized* to conduct searches for purposes of discovering illegal items such as drugs, drug paraphernalia, or child pornography, or to conduct searches that require warrants on behalf of law enforcement agencies, unless otherwise directed by a lawfully executed warrant specifically issued to TSA.” SOP Ch. 12, Overview (emphasis added) (AR161). However, “[i]f suspected illegal items are discovered during the course of screening, TSA personnel must notify an STSO and/or LEO for appropriate action.” *Id.*

9. The SOP provides a step-by-step process for TSOs and STSOs where a large amount of cash is discovered. First, a TSO’s initial responsibility is to “notify an STSO” any time a large amount of cash is discovered. SOP Ch. 12 § 2(1) (AR161). Then the TSO is instructed to “[s]earch the currency for prohibited items” but not to “ask questions of the individual about the currency except as it relates to security.” SOP Ch. 12 § 2(2) (AR161); *see also id.* § 2(5) (“The STSO must ensure that screening of the individual and their accessible property is completed once started.”) (AR162). Discovery of any prohibited items requires that the TSO or STSO notify law enforcement. *See id.*

10. Second, where no prohibited item is located, the STSO must determine whether law enforcement must nonetheless be notified. SOP Ch. 12 § 2(3) (AR162). This is required in either of two situations: (a) “the currency appears to exceed \$10,000” and “the individual’s destination is a non-U.S. location,” or (b) “the currency appears to relate to criminal activity.” *Id.* Examples of evidence of potential criminal activity involving cash include “the currency may be all in the same denomination, packaged with rubber bands or plastic wrap, or carefully concealed in accessible property.” *Id.*

11. Third, regardless of whether law enforcement is notified, security screening must be completed and neither the individual nor their property may not be detained absent discovery of any prohibited items. Where no notification is made, “the STSO must return the individual’s property and clear the individual into the sterile area after successfully completing screening requirements.” SOP Ch.12 § 2(4) (AR162). Where law enforcement has been notified and arrived before security screening is completed, the SOP instructs TSA employees to “return all property to the individual. Leave further action regarding the individual and their property to law enforcement.” SOP Ch. 12 § 2(5)(b) (AR162).

Where law enforcement has been notified but has not yet arrived, the SOP instructs TSA employees to “return all property to the individual. The individual may be asked to wait until a LEO arrives, *but the individual is free to leave the screening checkpoint once screening is finished.*” SOP Ch. 12 § 2(5)(a) (emphasis added) (AR162).

12. Fourth, where law enforcement notifications are made, the STSO must provide the individual’s name and flight information to the coordination center which in turn must notify appropriate law enforcement agencies. *See* SOP Ch. 12 § 2(6)-(8) (AR162-63).

13. These procedures have been essentially unchanged throughout the relevant time period, although the format and organization of the SOPs have changed over time. The procedure was initially set out in Operations Directive 400-54-6 (Oct. 29, 2009). *See* AR12-13. Parallel versions were included in several screening SOPs during the same time period. *See, e.g.*, Specialized Screening Standard Operating Procedures § 2.3.20 (Mar. 20, 2010) (AR26-27). In 2015, a general reorganization of the SOPs led to the creation of Version 1 of Screening Policies for Standard Operating Procedures, and potential criminal activity was addressed in Chapter 16. *See* AR91-92. And in 2023, an update to the Screening Policies for Standard Operating Procedures caused Chapter 16 to be renumbered as Chapter 12 without any textual change. *See* AR161.

14. The documents contained in the Administrative Record—including Operations Directive 400-54-6 (Oct. 29, 2009), MD 100.4, and the Screening SOPs—constitute TSA’s policies and final agency decisions regarding the discovery of bulk currency at airport screening checkpoints between January 2014 and January 2020, along with the policies currently in effect. Certification of Administrative Record ¶ 3; *see also* Resar Decl., Ex. D, Leyh Dep. Tr. 263:18-22 (“Q. Okay. So, is – is this kind of a – a complete list, as you see it, for the – the policy documents relevant to this case? A. The Management Directive and the – and the SOPs, yes.”).¹

¹ Unless otherwise specified, all Exhibits are Exhibits to the Declaration of Alexander W. Resar, submitted with this motion.

II. The Named Plaintiffs

15. Plaintiff Rebecca Brown's father is now deceased. *See* Ex. A, Brown Dep. Tr. 15:10-12.

16. Brown testified that she had no reason to travel with cash. *See id.* 88:2-4 (“Q. Do you currently have any reason to travel by air with a large amount of cash? A. Not at – not at this moment.”).

17. Brown stated that “it is not” her “practice to travel with significant amounts of cash,” and that she did not “anticipat[e] seeking to travel with a large amount of cash in the next year.” *Id.* 88:22-89:9 (“Q. At this point in time, are you anticipating seeking to travel with a large amount of cash in the next year? A. I do not. I do not. Q. Do you have a practice like your father of keeping cash outside of a bank? A. I do not. Q. Is it your practice to travel with significant amounts of cash? A. It is not.”).

18. Brown further acknowledged that she had never travelled with more than \$10,000 in cash apart from the August 2019 incident. *Id.* at 95:1-3 (“Q. Apart from this trip, have you ever traveled with more than \$10,000 in cash? A. I have not, to my recollection.”).

19. Plaintiff Stacy Esposito testified in February of 2025 that she did not “believe that [she] ha[d] flown to any [casinos] since [April 2023].” Ex. B, Esposito Dep. 82:8-14 (“Q. You’ve continued to travel to casinos since April 2023? A. I don’t believe that I have flown to any since then.”); *id.* at 67:2-5 (“A. Okay. To be honest, I haven’t – in this past year, I haven’t really had time to fly to casinos. So no, not in this past year, I have not.”).

20. Esposito acknowledged that she did not need to travel with large amounts of cash to pursue her hobby. She testified that she no longer carries “a cash bank roll with [her] when [she] travel[s] to the casinos” because “if [she] go[es] to Vegas, you can set up an account, and you can transfer the money. And the money is then given to you as markers when you get there. That’s one way to have money without transporting it.” *Id.* at 23:17-24:3.

21. Esposito testified that even when she does fly to casinos, she no longer travels with a large amount of cash. *Id.* at 68:8-10 (“A. I’m much more careful when I do. I definitely don’t carry

a large amount of cash, no . . . I have kind of set a limit in my head that I'm not going to ever carry more than like \$2,000. This is just a personal decision.”).

22. Esposito further testified that she does not gamble “big money,” and instead plays “penny slots” and “\$5, \$10 blackjack.” *Id.* at 58:22-59:4; *id.* at 58:13-16 (“Sadly, it’s rare that I win. But I don’t win in large amounts. If I win a few hundred dollars, I’m happy and I walk away. So it’s never been a windfall for me.”).

23. Plaintiff Matthew Berger testified that he has not flown “with more than \$10,000 in cash in [his] carry-on luggage after November 3, 2015.” Ex. C, Berger Dep. 43:6-8; *see also id.* at 55:9-12 (“Q. Do you still limit the amount of cash you fly commercially with for business to amounts under \$10,000? A. Yes.”).

24. Berger testified that there are alternative ways of acquiring the vehicles that he needs for his business: a purchaser could take out cash from a bank in the city in which the vehicle is acquired. *Id.* at 58:6-11 (“Q. Could you help me understand why an individual couldn’t take cash out from a bank in the city they flew into? A. . . . Hypothetically speaking, I think that’s a possibility.”).

25. Berger testified that purchases of vehicles for his business after he stopped flying with large amounts of cash could be, and in fact were, “made through bank loans, through financing” *Id.* at 65:5-6; *see also id.* at 67:16-18 (“Q. And how did Cali Tour Bus pay for each of those four new vehicles? A. Either wire transfer or bank loan.”).

26. Berger also testified that cash was being used less frequently to acquire equipment since he entered the limousine- and bus-rental industry. *Id.* at 69:3-8 (“Q. Based on your personal experience, . . . have you used cash more or less to acquire or sell equipment over time? . . . A. My personal experience has been less.”).

27. Berger testified that he had travelled with cash “on numerous occasions” and “had never had the same experience that [he] had in Charlotte,” where his cash was seized. *Id.* at 42:9-20.

III. TSA Officials Issued Nationwide Reminders Regarding TSA Policy

28. On January 8, 2014, TSA circulated to all FSDs a memorandum from Scott McShaffrey, the Director of Field Operations and Engagement, Security Operations, regarding the

“Discovery of Bulk Currency During the Screening Process.” Ex. E, TSA_ESI_00004741 (Email and Attachments from Office of Security Operations Communication to Federal Security Directors, dated Jan. 8, 2024). The memorandum instructed that “[t]raveling with large amounts of currency is not illegal,” but acknowledged that bulk currency “can conceal a weapon, explosive, or other item that may pose a threat to transportation security.” *Id.* It therefore directed that “large amounts of currency discovered at the checkpoint, either on [a passenger’s] person or in accessible property, may need closer examination to ensure prohibited items are not secreted and to clear the person or property to enter the sterile area.” *Id.* The memorandum then directed that “the Screening SOP and Operations Directive . . . provide additional guidance to ensure nationwide consistency in the appropriate handling of incidents involving the discovery of large amounts of currency.” *Id.* The memorandum attached the relevant Operations Directive. *Id.*

29. TSA circulated another “reminder” directing FSDs to the SOPs, which “provide procedural guidance to ensure nationwide consistency in the appropriate handling of incidents involving the discovery of large amounts of currency during screening operations.” Ex. F, TSA_ESI_00004761 (Email and Attachments from Office of Security Operations Communication to Federal Security Directors, dated March 5, 2015). Again, this reminder emphasized that “[t]raveling with large amounts of currency is not illegal,” directed TSOs to ensure that the currency does not conceal or contain “prohibited items” and reiterated that law enforcement must only be notified if the currency appears to exceed \$10,000 and the passenger is flying internationally, or if the currency “appears to relate to criminal activity.” *Id.* And the reminder also attached TSA’s written policies, the specialized screening SOPs in place at that time, to maintain that nationwide consistency. *Id.*

30. On February 9, 2016, TSA sent a reminder regarding “Discovery of Bulk Currency During the Screening Process” to all FSDs. Ex. G, TSA_ESI_00003322 (Email and Attachments from Office of Security Operations Communication to Federal Security Directors, dated February 9, 2016). That memo was sent in response to the fact that “screening checkpoint across the country have seen an increase in the discovery of large amounts of currency,” and reminded the FSDs that “[t]raveling with large amounts of currency is not illegal.” *Id.* at TSA_ESI_00003323. The

memorandum directed FSDs to the SOPs, illustrating that TSA encouraged compliance with its written policies, and, again, attached the relevant SOP chapter for reference. *Id.*

31. On February 20, 2018, TSA sent a reminder regarding bulk currency to all FSDs. Ex. H, TSA_ESI_00004491 (Email and Attachments from Office of Security Operations Communication to Federal Security Directors, dated February 20, 2018). That memorandum also acknowledged that “screening checkpoints across the country have seen an increase in the discovery of large amounts of currency,” emphasized that “[t]raveling with large amounts of currency is not illegal,” directed TSOs to ensure the bulk currency is not concealing “a weapon, explosive, or other threat item,” and directed TSOs and STSOs to the relevant SOP chapter, which was attached. *Id.*

IV. TSA Officials Issued Local Reminders Regarding TSA Policy

32. On January 28, 2015, the Assistant FSD at Dallas Love Field Airport sent an email reminder to TSOs and STSOs regarding bulk cash, directing that “[u]nder no circumstances should any TSA employee detain a passenger” as “[t]ransporting bulk currency in itself is not a crime unless the amount exceeds \$10,000, is undeclared, and is being transported outside the United States.” *See* Ex. I, TSA_ESI_00003412 (Email from James Cennamo, Assistant Federal Security Director, dated Jan. 28, 2015).

33. On August 8, 2019, the Assistant FSD at Houston Hobby Airport went out a “Weekly Broadcast” that contained reminders “[i]n the event you come across a large sum of cash in the course of screening.” Ex. J, TSA_ESI_00003692 (Email from William Byrne, Aug. 8, 2019). Those reminders were: “1) we don’t go looking for it. We have no authority to search for cash, drugs or other things . . . 3) Do not ask questions about the currency unless it relates to security If the supervisor or SOCC calls for a [law enforcement officer] and they have not responded by the time the screening is complete release the passenger and/or bag. Please do not go outside the SOP and this guidance.” *Id.*

34. A 2016 email exchange involving John Simpson, Federal Air Marshals Service Liaison to TSA Office of Security Operations, and an Assistant FSD in Illinois addressed a request from the United States Immigration and Customs Enforcement (ICE) that TSA report to ICE “every bulk cash

encounter.” Ex. K, TSA_ESI_00003849 (Email from John Simpson, Federal Air Marshals Service Liaison to TSA Office of Security Operations, dated May 16, 2016). TSA made clear in that email that “[t]he current wording in the SOP was chosen very deliberately and carefully to reflect TSA’s role and authorities in this area. . . . TSA has made it clear that we will only [notify ICE] under the circumstances and conditions outlined in the referenced SOP.” *Id.*

35. A March 2015 email exchange addressed an offer by a Special Agent in Charge of the United States Secret Service Little Rock Field Office to provide instruction on “credit cards, counterfeit, or anything from our end that [TSOs] might come across.” Ex. L, TSA_ESI_0004171 (Email from Brian Marr to Mark Tabor, dated March 2, 2015). The FSD responded:

If we do this we have to be very clear that TSA doesn’t have the authority to assist in criminal investigation unless under certain very limited conditions approved by the FSD. We have to work under our legal authority as outlined in TSA MD 100.4 I am OK with the class as long as it is awareness, not to make TSM and STSO think they have authority to look for these types of items. Remember our job and mission is to look for weapons, explosives and incendiaries under our administrative search authority.

Id.

36. On March 25, 2015, the FSD in Charlotte, North Carolina, addressed “Bulk Cash” and expressly directed that TSA should not “detain” any passengers solely for traveling with bulk cash: “Whatever information we need . . . can be obtained at the same time the search is taking place and therefore there is no need to ‘detain’ the passengers until [law enforcement officers] arrive. If the [law enforcement officers] don’t arrive by the time the search is concluded, we can ask the passengers to wait but they are free to go.” Ex. M, TSA_ESI_00003930 (Email from Kevin Frederick, Federal Security Director, to Sterling Payne, dated Mar. 25, 2015).

37. On March 17, 2017, the Assistant FSD for Utah emailed the Acting FSD regarding “a strong possibility that a female passenger may try to bring \$50,000 of bulk cash through the checkpoint” and “[t]he cash is proceeds from illegal narcotics trafficking.” Ex. N, TSA_ESI_00005210 (Email from Mark Lewis, Acting Federal Security Director, dated March 17,

2017). The Acting FSD responded stating that “[W]e can’t detain the passenger if there are no other screening issues. We can ask them to wait but they may proceed.” *Id.*

38. In June 2014, a United States Customs Officer contacted TSA and asked that certain individuals flying out of Anchorage should “not be allowed to fly” and “[i]f they arrive at the checkpoint” TSA should “not process them through and call . . . immediately.” Ex. O, TSA_ESI_00003594 (Email from Brian Cahill, Acting Federal Security Director, dated June 26, 2014). The Acting FSD responded to all Assistant FSDs, stating “[a]ll of us should have some concern with this request” because “TSA cannot refuse processing or detain anyone at the checkpoint for a non-TSA-related incident. Just as when we identify excessive amounts of cash at the [check point], all we can do is notify CBP, complete TSA screening, and allow the traveler to proceed into the sterile area.” *Id.* The email reiterated that “refusing to process or detaining travelers for reasons that fall outside the TSA’s authority to conduct an Administrative Search cannot be done.” *Id.*

39. In March 2016, a TSA official asked “[w]hat is the policy here if you came across a significant amount of money?” Ex. P, TSA_ESI_00003705 (Email from Jared Babin, Assistant Federal Security Director, dated March 7, 2016). The Assistant FSD at El Paso’s airport responded:

It would depend on how much and how it was packaged. If it looked to be a lot (10 grand or more) we would refer it to the ICE Bulk Cash Smuggling Hotline. There’s not much that can be done if it’s domestical travel, and bulk cash falls out of our purview under our administrative search authority.”

Id. The TSA employee responded that “I thought that’s how it worked but we haven’t had that here so far.” *Id.* The Assistant FSD at El Paso’s airport then emphasized: “It’s a case by case thing. We can’t detain anyone so they are free to go.” *Id.*

V. TSA Corrected Airports And Officers That Incorrectly Applied TSA Policy

40. Paul Leyh, the Senior Advisor to the Executive Assistant Administrator for Enterprise Support at TSA, learned of certain variances at certain airports in the application of TSA’s written policies regarding the discovery of bulk currency during passenger screening. *See* Ex. D, Leyh Dep. Tr. 264:5-271:4.

41. Upon discovery of those variances, on March 14, 2025, TSA's Deputy Assistant Administrator for Domestic Aviation Operations, Michael Turner, followed up with the airports to "reinforce what the policy was, and what they needed to do . . . to follow the policy." *Id.* at 271:19-23; *see also* AR231 (Email from Michael Turner, Deputy Assistant Administrator for Domestic Aviation Operations, dated March 14, 2025). That message provided a summary of TSA's policies regarding bulk currency and directed the FSDs at those airports to "ensure the screening workforce at [their] airport(s) adhere to the letter and the spirit of the SOP and TSA MD 100.4 going forward." *Id.*

42. On May 2, 2025, TSA's Deputy Assistant Administrator for Domestic Aviation Operations, Michael Turner, sent an email to all FSDs. *See* AR222-24 (Email from Michael Turner, Deputy Assistant Administrator for Domestic Aviation Operations, dated May 2, 2025). That message directed the FSDs that "some airports may not be fully adhering to both the letter and spirit of the SOP and TSA MD 100.4 when it comes to discoveries of bulk currency during screening," and explained that notifications should only be made for "discoveries that **appear to have a possible connection to criminal activity**" and where "an international traveler appears to be carrying more than \$10,000 in bulk currency." *Id.* at 3. The message reiterated that "[b]ecause traveling with bulk currency is not itself problematic, TSA's policies do not intend for notifications to law enforcement to be made every time bulk currency discovery is found in an amount that appears to be over a certain threshold." *Id.* It also explained that "[s]creening personnel should not ask the passenger questions about the currency, except as it relates to security." *Id.* The message also made clear that, even if law enforcement is notified, "the screening process cannot be extended or delayed for law enforcement to arrive"; instead, if such a notification has been made but law enforcement officers "are not present at the conclusion of the security screening, the individual's property should be returned to them and they are free to leave the screening checkpoint." *Id.* Finally, the email directed that all FSDs should "ensure the screening workforce at [their] airport(s) adhere to the letter and the spirit of the SOP and TSA MD 100.4 going forward." *Id.*

43. A letter of counseling is a form of discipline that a TSA supervisor may issue for performance issues. It is “the lowest form of formal action,” which must be entered into the Employee Relations database for TSA employees, and requires the supervisor issuing the letter “to work with their local HR person and get a case number assigned and provide them the documentation and then ultimately . . . a copy of any letter issued and the supporting documentation regarding that allegation.” Ex. Q, Lambert Dep. Tr. 41:12-42:6; *see also id.* at 88:15-21.

44. On October 11, 2018, a Senior Transportation Security Manager issued a Letter of Counseling to a Transportation Security Manager at the Ted Stevens Anchorage International Airport. *See* Ex. R, TSA_02162 (Letter of Counseling, dated October 11, 2018). The letter was issued “to counsel” the Transportation Security Manager “regarding [his or her] failure to follow policy” in light of “an incident involving the discovery of bulk currency” that “was not handled in accordance with TSA Screening Policies for SOPs.” *Id.* “Specifically, a passenger flying domestically within the borders of the United States, whose checked baggage . . . was discovered to contain approximately \$50,000.00 in cash . . . was reported to the HSI Bulk Cash Smuggling Center.” *Id.* The letter indicates that the report was made “because the bag appeared suspicious,” but the offending Transportation Security Manager “could not articulate [his or her] suspicious and/or [his or her] rationale was inadequate to justify reporting this.” *Id.* The letter expressly directed the Transportation Security Manager to comply with TSA policies and procedures, including the Screening Policies for SOPs. *Id.* The Transportation Security Manager was advised “that any future incidents of misconduct may result in other corrective or disciplinary action, up to and including removal from Federal service.” *Id.*

Dated: May 30, 2025

Respectfully submitted,

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