

**AUG 19 2010**

*Assistant Secretary for Legislative Affairs*

**U.S. Department of Homeland Security**  
Washington, DC 20528



**Homeland  
Security**

Pursuant to the requirements of 31 U.S.C. Section 720, the Department of Homeland Security (DHS) is submitting this written statement on actions taken regarding the Government Accountability Office (GAO) recommendations contained in its report, GAO-09-157SU, *Aviation Security: Efforts to Validate Aspects of TSA's Screening of Passengers by Observation Techniques (SPOT) Program are Underway, But Opportunities Exist to Strengthen Validation and Address Operational Changes*.

This letter provides a status update on efforts to implement the GAO recommendations contained in the report.

This letter is being provided to the following Members of Congress and the Director of OMB:

The Honorable Bennie G. Thompson  
Chairman, Committee on Homeland Security

The Honorable Peter King  
Ranking Member, Committee on Homeland Security

The Honorable Edolphus Towns  
Chairman, Committee on Oversight and Government Reform

The Honorable Darrell Issa  
Ranking Member, Committee on Oversight and Government Reform

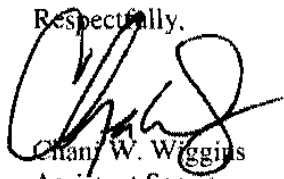
The Honorable Joseph I. Lieberman  
Chairman, Committee on Homeland Security and Governmental Affairs

The Honorable Susan M. Collins  
Ranking Member, Committee on Homeland Security and Governmental Affairs

The Honorable Peter Orszag  
Director, Office of Management and Budget

I appreciate your interest in the Department of Homeland Security. If I may be of further assistance, please me at (202) 447-5890.

Respectfully,

  
Chan W. Wiggins  
Assistant Secretary  
Office of Legislative Affairs

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Pursuant to the requirements of 31 U.S.C. Section 720, the Department of Homeland Security (DHS) is submitting this written statement on actions taken regarding the Government Accountability Office (GAO) recommendations contained in its report, GAO-09-157SU, Aviation Security: Efforts to Validate Aspects of TSA's Screening of Passengers by Observation Techniques (SPOT) Program are Underway, But Opportunities Exist to Strengthen Validation and Address Operational Changes.

**Recommendation 1:** To help ensure that SPOT is based on valid scientific principles that can be effectively applied in an airport environment, we (GAO) recommend that the Secretary of Homeland Security convene an independent panel of experts to review the methodology of the Science and Technology (S&T) Directorate study on the SPOT program before the study is implemented to determine whether the study's methodology is sufficiently comprehensive to validate the SPOT Program. This assessment should include appropriate input from other Federal agencies with expertise in behavior detection and relevant subject matter experts.

**Update:** Subject-matter experts met on July 29 – 30, 2010, to begin an independent review of the SPOT Program. The objective of the review is to determine whether the methodologies employed by the S&T Directorate's sponsored studies are sufficiently comprehensive to validate Transportation Security Administration's (TSA's) SPOT Program. The review included an overview presentation of the SPOT screening process and a detailed presentation of the validation studies to include the research protocols, operational data, and proposed analytical approaches. Following the presentations, the review panel began a discussion and critique process that will ultimately lead to an assessment of whether the validation studies meet the stated objective, a list of experimental strengths and weaknesses, and proposed alternative research strategies as required. This information will be documented and then submitted to the participants for their review, changes, and concurrence. The final report will be delivered to the S&T Directorate's Human Factors/Behavioral Sciences Division on or about September 15, 2010. The independent review is chaired by the former Deputy Under Secretary of Defense for Security and Counter Intelligence and includes participants who are behavioral scientists representing a broad range of operational agencies and academia. Operational participants include personnel who also possess research experience from the Federal Bureau of Investigation (FBI); Defense Intelligence Agency (DIA); National Security Agency (NSA); Central Intelligence Agency (CIA); Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); and U.S. Department of Homeland Security's Office of Intelligence and Analysis (I&A) and U.S. Customs and Border Protection (CBP). Participants from academia include personnel with expertise in the experimental design and statistics supporting the validation of behavior-based instruments and programs.

GAO further recommends that if this research determines that the SPOT program has a scientifically validated basis for using behavior detection for counterterrorism purposes in the airport environment, then the TSA Administrator take the following actions:

**Recommendation 2:** Conduct a comprehensive risk assessment to include threat, vulnerability, and consequence of airports nationwide to determine the effective deployment of SPOT if TSA's ongoing Aviation Modal Risk Assessment lacks this information.

**Update:** TSA is conducting an initial risk analysis on the SPOT program using the Risk Management Analysis Tool (RMAT). It is expected to be completed by fall 2010.

The SPOT Risk Analysis will address the following questions:

- What is the risk reduction given the defined percentages of adversary exposure and probability of detection of Behavior Detection Officers (BDOs)?
  - The risk assessment will use a “parametric” approach in that it will use different values for each parameter to account for improvements (or declines) in BDO performance and improvements (or declines) in adversary exposure.
- What is the best deployment of BDOs under resource constraints (budget and Full-Time Equivalents)?

With respect to deployment, we will compare risk-reduction across several deployment options with each being assessed against a portfolio of risk scenarios. While the deployment options are still being defined, they will possibly consist of the following:

1. Across Airports:
  - a. A pair of BDOs at all high-throughput airports with low-throughput airports containing dual-trained Transportation Security Officers (TSOs)
  - b. BDOs only at high-throughput airports
2. Within an Airport
  - a. BDOs at all checkpoints on a continuous basis
  - b. BDOs at checkpoints on a non-continuous basis with time split between checkpoint and other areas of the airport (designed to counter insider and other threats).

**Recommendation 3:** Perform a cost-benefit analysis of the SPOT program including a comparison of the SPOT program with other security screening programs, such as random screening, or already existing security measures.

**Update:** TSA is developing an initial cost-benefit analysis for a variety of passenger-screening countermeasures, including BDOs using the RMAT tool as a basis for analysis. It is expected to be completed by fall 2010.

**Recommendation 4:** Revise and implement the SPOT strategic plan by incorporating risk assessment information, identifying cost and resources, linking it to other related TSA strategic documents, describing how SPOT is integrated and implemented with TSA’s other layers of aviation security, and providing guidance on how to effectively link the roles, responsibilities and capabilities of federal, state, and local officials providing program support.

**Update:** TSA concurs and intends to implement the recommendation. Several key assessments should be completed prior to revising the plan. The risk assessment, validation, and selection studies may drive changes to the revision, and the program office is focusing its resources on these critical issues first.

**Recommendation 5:** Study the feasibility of using airport checkpoint-surveillance video recordings of individuals transiting checkpoints, and who were later charged with or pleaded guilty to terrorism-related offenses, to enhance its understanding of terrorist behaviors in the airport checkpoint environment.

**Update:** TSA continues to work with DHS S&T to conduct operational video validation of the SPOT Program. Site visits to conduct feasibility assessments of airport Closed Circuit Television (CCTV) systems were completed in July 2010. Preliminary communications indicate that most CCTV video recordings are maintained for no more than 30 days. The feasibility of obtaining video recordings of individuals transiting the checkpoint who are later charged with or plead guilty to terrorism-related offenses is dependent upon the confirmation of the individuals' identities and offenses within the timeframe the recordings are maintained in particular locations. There are also concerns that the quality of the videos may limit their effectiveness in observing behavior. SPOT is also looking at other ways to use the videos in an effort to improve the program.

GAO also recommends that concurrent with the DHS S&T Directorate study of SPOT, and an independent panel assessment of the soundness of the methodology of the S&T study, the TSA Administrator take the following actions:

**Recommendation 6:** Provide guidance in the SPOT Standard Operating Procedure (SOP) or other TSA directive to BDOs, or other TSA personnel, on inputting data into the Transportation Information Sharing System (TISS) and set milestones and a timeframe for deploying Transportation Information Sharing System access to SPOT airports so that TSA and intelligence community entities have information from all SPOT Law Enforcement officer (LEO) referrals readily available to assist in "connecting the dots" and identifying potential terror plots.

**Update:** The SPOT SOP is being revised to include guidance requiring the input of data from SPOT referrals reaching the LEO referral threshold into the Transportation Information Sharing System (TISS). The revised draft is in final agency review and approval. Instructors from each Federal Air Marshal field office are currently training individuals on the TISS data entry and passenger query process. TSA conducted three training sessions in July 2010 for TSA Office of Security Operations (OSO) personnel that have been designated by their appropriate Federal Security Director. Full implementation is expected by the end of August 2010.

**Recommendation 7:** Implement the steps called for in the TSA Office of Security Operations Business plan to develop a standardized process for allowing BDOs or other designated airport officials to send information to TSA's Transportation Security Operations Center (TSOC) about passengers whose behavior indicates that they may pose a threat to security, and provide guidance on how designated TSA officials are to receive information back from the Transportation Security Operations Center.

**Update:** TSA has had several meetings of the working group. To date, the concept for the standardized process is being developed. The procedures will then be outlined, finalized, and implemented in the field. This is projected to be completed by the second quarter of fiscal year (FY) 2011.

**Recommendation 8:** Utilize all of the databases available to the Transportation Security Operations Center when running passengers who rise to the level of a LEO referral against intelligence and criminal databases.

**Update:** TSA has had several meetings of the working group. The working group continues to analyze the authorities, permissions, benefits, and limitations of assessing each of the TSOC databases.

**Recommendation 9:** Establish a plan that includes objectives, milestones, and timeframes to develop outcome-oriented performance measures to help refine the current methods used by Behavior Detection Officers for identifying individuals who may pose a risk to the aviation system.

**Update:** TSA is considering an appointment of a senior deception detection scientist/methodologist with expertise in behavioral observation and analysis. This TSA expert would help guide the program in identifying and developing outcome-oriented performance measures and assist in other areas of the program, such as observation fatigue as it relates to BDOs, researching the number of BDOs needed to effectively observe a respective number of passengers moving through an airport at a given rate, and communicating with the groups conducting the studies. TSA also continues to work with DHS S&T to define outcome-oriented performance measures.

**Recommendation 10:** Establish controls to help ensure completeness, accuracy, authorization, and validity of data collected during SPOT screening.

**Update:** TSA continues to evaluate and improve the SPOT database following the migration to Performance Management Information System (PMIS). Referrals into the PMIS database require the review and approval of a local SPOT manager. The June 25, 2010, software release includes enhanced capability to track the review and approval of data for accountability during periodic quality control audits. In addition, the SPOT program staff met in July 2010 to define the development requirements and single source of entry for all relevant databases used by SPOT. TSA is also piloting a handheld Personal Digital Assistant (PDA), which among other capabilities would allow for near-real-time report inputs. Testing will begin in August 2010 at TSA Headquarters.

**Recommendation 11:** Establish timeframes and milestones for its plan to systematically conduct evaluations of the SPOT training program on a periodic basis.

**Update:** The SPOT program office is currently working with the Office of Training Technology (OTT) to schedule and conduct annual recertification training for the National

Training Team (NTT). All training is expected to be completed no later than the end of FY 2010.

The SPOT program office has reorganized its program standardization inspections in an effort to inspect all programs on an 18-month interval. In addition, the program is developing a refresher-training curriculum to be deployed by its NTTs and has initiated covert inspections of an airport's use of BDOs. SPOT has also partnered with the Office of Inspection (OI) to receive information on OI observations of BDOs while conducting Red Team operational surveillance. Persons fully trained in SPOT conduct these covert visits, and the data is used to help the program office determine root causes for a program's decline or identify best practices when observed. All of this information is fed into the Standardization Reports in an effort to provide the Forensic Services Division and field operations with the best data possible when making decisions or recommendations to their program.

DHS S&T is expected to finish its Job Task Analysis in August 2010 and provide its findings to TSA shortly thereafter.