



**Homeland
Security**

December 18, 2013

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) recommendation contained in its report, GAO-14-37SU, AVIATION SECURITY: TSA Should Limit Future Funding for Behavior Detection Activities.

This letter provides a status update and is being provided to the following Members of Congress and the Director of OMB:

The Honorable Michael T. McCaul
Chairman, Committee on Homeland Security

The Honorable Bennie G. Thompson
Ranking Member, Committee on Homeland Security

The Honorable Darrell Issa
Chairman, Committee on Oversight and Government Reform

The Honorable Elijah Cummings
Ranking Member, Committee on Oversight and Government Reform

The Honorable Thomas R. Carper
Chairman, Committee on Homeland Security and Governmental Affairs

The Honorable Thomas A. Coburn
Ranking Member, Committee on Homeland Security and Governmental Affairs

The Honorable Sylvia Mathews Burwell, Director
Office of Management and Budget

If I may be of further assistance, please contact me at (202) 447-5890.

Respectfully,

A handwritten signature in black ink, appearing to read "Brian de Vallance".

Brian de Vallance
Acting Assistant Secretary for Legislative Affairs

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) recommendation contained in its report, GAO-14-37SU, AVIATION SECURITY: TSA Should Limit Future Funding for Behavior Detection Activities.

Recommendation: To help ensure that security-related funding is directed to programs that have demonstrated their effectiveness, we recommend that the Secretary of Homeland Security direct the TSA Administrator to limit future funding support for the agency's behavior detection activities until TSA can provide scientifically validated evidence that demonstrates that behavioral indicators can be used to identify passengers who may pose a threat to aviation security.

Original Draft Response: Non-Concur. Significantly limiting funding would have a detrimental impact on TSA's goal of expedited risk-based passenger screening. The majority of the behavior detection funding, over 97 percent, is for payroll, compensation, and benefits (PC&B); and a reduction in funding would result in a reduction in the Behavior Detection Officer (BDO) workforce. SPOT is one component of TSA's multi-layered risk-based intelligence-driven security program. Because TSA's overall security program is comprised of interrelated parts, to disrupt one piece of the multi-layered approach may have an adverse impact on other pieces, thereby adversely affecting TSA's overall security initiatives.

The Behavior Detection Program should continue to be funded at current levels to allow BDOs to screen passengers while the *Optimization* process proceeds. TSA anticipates making improvements to the indicator list and its use. Once the optimized behavior detection procedures are evaluated for security effectiveness and efficiencies, TSA will be able to refine the resource allocation model, as appropriate.

TSA anticipates the optimized behavior detection procedures to begin testing by the third quarter of Fiscal Year 2014, using robust test and evaluation methods similar to the operational testing conducted in support of technology acquisitions. TSA should have sufficient information on the performance of the new processes to update the national behavior detection employment strategy within 6 months of the commencement of the tests. Estimated Completion Date: December 31, 2014.

December 2013 Update: TSA continues to move forward with the Optimization process and parallel Benchmark Study. The Benchmark Study is the follow-up evaluation effort to the Feasibility Study which determined that we can collect demographic data within the referral report to support further analysis. The Benchmark Study will incorporate the additional data to examine whether there are any disparity or racial/religious profiling issues. TSA expects delivery of the optimized indicator lists and suggested process improvements by the beginning of March 2014. Following this, TSA will evaluate the optimized protocol at three to five airports. If there are no critical deficiencies uncovered during the pilot, the optimized protocol will be expanded to approximately 50 airports for further validation beginning in May 2014.

The validation of the optimized process and the Benchmark Study are being run in parallel to ensure variances in separate protocols do not affect the outcome of the Benchmark Study. Two independent panels will have an opportunity to review the results of both efforts. A Technical Advisory Committee (TAC) composed of various academic, industry, and other Governmental agency (including international representation) experts will examine the scientific merits of the two evaluations. Another panel, the Community Advisory Panel (CAP) with members from various community advocacy groups will be convened to ensure other non-scientific stakeholders have an opportunity to participate in the process to ensure transparency.

Due to the unique nature of behavior detection and the associated challenges with performance measurement, we will employ two separate but concurrent evaluation methodologies. Both methodologies require a viable, fielded operational BDO workforce as validating behavior detection cannot solely be done within a laboratory.

The first method will employ a comparison of the rate of high-risk outcomes between two populations: a randomly selected base-rate and a BDO referral population. Operational Test data collection and authentication protocols will be utilized. The American Institutes for Research (AIR) will be responsible for the independent analysis of this data. Due to the very low rate of occurrence of high-risk outcomes, this period of data collection will take up to 15 months. The second methodology will incorporate the use of scenario-driven threat insertions. The same DHS independent Operational Test Agent that conducts the operational tests for TSA technology acquisitions will be responsible for this testing. The scenario-driven tests will run concurrently with the comparison data collection but should be completed within 5 months of commencement.

The results of the scenario-driven tests should provide sufficient information on the probability of referral that national deployment strategies for the BDO workforce can be adjusted by December 31, 2014.