



Transportation
Security
Administration

SEP 13 2013

ACTION

MEMORANDUM FOR: Jim Crumpacker
Director
Departmental GAO/OIG Liaison Office

FROM: John S. Pistole *AS*
Administrator

SUBJECT: Transportation Security Administration (TSA) Government
Accountability Office (GAO) Draft Report GAO-13-259,
*AVIATION SECURITY: TSA Should Limit Future Funding for
Behavior Detection Activities*, September 2013

Purpose

To transmit TSA's response to Draft Report GAO-13-259, "*AVIATION SECURITY: TSA Should Limit Future Funding for Behavior Detection Activities*." TSA's response will be included in the final published report.

Background

In response to the interests of Chairman Michael McCaul and Ranking Member Bennie Thompson, House Committee on Homeland Security; Chairman Jeff Duncan, Subcommittee on Oversight and Management Efficiency, House Committee on Homeland Security; Chairman John Mica, Subcommittee on Government Operations, House Committee on Oversight and Government Reform; and Representative William R. Keating, GAO's report addresses the following questions:

- To what extent does available evidence support the use of behavioral indicators to identify airport security threats? and
- To what extent does TSA have data necessary to assess the effectiveness of the SPOT (Screening of Passengers by Observation Technique) program in identifying threats to aviation security?

In addition, GAO's report addresses TSA's response to recent allegations of racial profiling in the SPOT program. GAO conducted this audit from May 2012 to June 2013.

Discussion

GAO found that available evidence does not conclusively support whether behavioral indicators, which are used by the SPOT program, can be used to identify persons who may pose a risk to aviation security. Specifically, GAO cites academic literature and points to methodological weaknesses inherent in the SPOT Validation Study and Technical Advisory Committee effort conducted by the U.S. Department of Homeland Security (DHS).

GAO also discusses recent investigations into allegations of racial profiling. GAO notes that of 25 BDOs (Behavior Detection Officers) interviewed, 20 said they had not witnessed profiling, but five BDOs said that profiling was occurring based on their personal observations.

GAO provided TSA with one recommendation to limit future funding of behavior detection activities until TSA is able to provide scientifically validated evidence of SPOT effectiveness. In the response, TSA *Non-Concurs* with the recommendation and states that significantly limiting funding would detrimentally impact TSA's goal of expedited risk-based passenger screening. It is TSA's position that the Behavior Detection program should continue to be funded at current levels to allow BDOs to screen passengers while the Optimization process proceeds. TSA indicates it anticipates concrete improvements to the indicator list and their utilization.

Also in the response, TSA highlights that it has a zero tolerance policy regarding unlawful racial profiling and has taken steps to enhance BDO awareness including additional training and initiation of a feasibility study to determine whether data on race and national origin of passengers can be collected and analyzed. When allegations do arise, TSA takes immediate steps to investigate the issue. Most recently, the DHS Office of Inspector General completed an investigation at the request of TSA into allegations that surfaced at Boston Logan International airport and concluded that these allegations cannot be substantiated.

Recommendation

TSA recommends that you sign the attached letter to Steve Lord, Director, Homeland Security and Justice Issues, U.S. Government Accountability Office.

Approve JA for JSP \ 13/sep/13 Disapprove _____ \ _____
Date Date

Modify _____ \ _____ Needs more discussion _____ \ _____
Date Date Date

Attachment