

OPENING STATEMENT

The Honorable Paul Broun (R-GA), Chairman

Subcommittee on Investigations and Oversight

Committee on Science, Space, and Technology

Behavioral Science and Security: Evaluating TSA's SPOT Program

Wednesday April 6, 2011

Today the Subcommittee meets to evaluate TSA's SPOT program. Developed in the wake of September 11, 2001, it was deployed on a limited basis in a select number of airports in 2003. In 2007, TSA created new Behavioral Detection Officer (BDO) positions whose goal was to use behavioral indicators to identify persons who may pose a potential security risk to aviation. This goal expanded in recent years to include the identification of any criminal activity. TSA currently employs about 3000 BDOs in about 161 airports at a cost of over \$200 million a year. The President's FY12 budget request asks for an increase of 9.5%, and an additional 175 BDOs. Over the next 5 years, the SPOT program will cost roughly \$1.2 billion.

Outside of a few brief exchanges at Appropriations Committee Hearings, Congress has not evaluated this program. That isn't to say that Congress wasn't paying attention, as GAO conducted a comprehensive review that culminated in a report on the SPOT program last May. In that report, GAO identified several problems with the program, most notably that it was deployed without being scientifically validated.

This is a common theme that this Committee is increasingly forced to deal with. Expensive programs are rolled out without conducting the necessary analysis. This has become a trend throughout the federal government, but particularly at the Department of Homeland Security. This Committee has a long history with the development and acquisition of the Advanced Spectroscopic Portal program, but other technology programs such as the Backscatter Advanced Imaging Technology, explosives trace-detection portal machines, and the Cargo Advanced Automated Radiography System all ran into problems because they were rolled out before they were ready. DHS either fails to properly test and evaluate the technology, does not conduct a proper risk analysis, or neglects to conduct a cost-benefit analysis. A crucial aspect that is often times taken for granted by DHS is the nexus between those developing the technology, and those actually using it. In the case of SPOT, it seems as though the operators got out ahead of the developers, but typically what we see is the opposite, the scientists and engineers developing capabilities that do not appropriately fit into an operational environment. Unfortunately, this is an issue that the Committee is unable to address today because of TSA's refusal to attend.

The goal of this hearing is to shed light on the processes by which DHS created the SPOT program, to better understand the state of the science that forms the foundation of the program, to examine the methodologies by which DHS S&T is evaluating the program, and identify any opportunities to improve how behavioral sciences are utilized in the security context. The goal is

not to “throw the baby out with the bathwater,” but rather to ensure that the science being used is not oversold, or undersold. SPOT is the first behavioral science program to stick its neck out for validation. This review is an opportunity to look at how behavioral sciences can be used appropriately across the security enterprise and to understand its limitations and strengths.

To its credit, DHS S&T is conducting an evaluation of the program for TSA. This report was due earlier this year in February, then at the end of March, and is now expected shortly. While this is a good first step, I am eager to hear how independent this evaluation truly is. I look forward to understanding the review’s methodology, its assumptions, and what level of input and access DHS S&T had in its design, formulation and findings. As GAO stated in its recent duplication report, “DHS’s response to GAO’s report did not describe how the review currently planned is designed to determine whether the study’s methodology is sufficiently comprehensive to validate the SPOT program.”

The use of behavioral sciences in the security setting is not just another layer to security. There are clear opportunity costs that have to be paid. For every BDO employed to identify behaviors, there is one screener who is not looking at an x-ray of baggage, one intelligence analyst not employed, or one air marshal not in the sky. I realize this isn’t a one-for-one substitute, but clearly there are trade-offs that have to be made in a very difficult fiscal environment. Also, I would be remiss if I did not address the clear privacy issues that this technology and other DHS technologies present. Privacy, along with the serious Constitutional questions I have, only compounds the complexity of the issue. While the focus of the hearing today is the science behind the program, I don’t want these other important issues to be forgotten.

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