

**ELEVEN YEARS AFTER 9/11 CAN TSA EVOLVE  
TO MEET THE NEXT TERRORIST THREAT?**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON TRANSPORTATION  
SECURITY  
OF THE  
COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED TWELFTH CONGRESS

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## **ELEVEN YEARS AFTER 9/11 CAN TSA EVOLVE TO MEET THE NEXT TERRORIST THREAT?**

**Tuesday, September 11, 2012**

U.S. HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON TRANSPORTATION SECURITY,  
COMMITTEE ON HOMELAND SECURITY,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 2:00 p.m., in Room 311, Cannon House Office Building, Hon. Mike Rogers [Chairman of the subcommittee] presiding.

Present: Representatives Rogers, Lungren, Turner, Jackson Lee, Richmond, and Barber.

Mr. ROGERS. The Committee on Homeland Security, Subcommittee on Transportation Security will come to order. The committee is meeting today to discuss what steps TSA can take in order to meet the evolving terrorist threat.

I want to let you all know if you hear the buzzer, we are going to be called for votes in a few minutes. So what I want to do is go ahead and hopefully try to get all of our opening statements in before we have to recess for the votes then we will be over about 30 minutes then I will come back and we will kick right back up.

I want to thank all the witnesses for being here, the time it took to prepare for this is very valuable to us but also I recognize that it takes a lot time and energy on your part, so thank you very much.

Today marks the 11th anniversary of the September 11 terrorist attacks that took nearly 3,000 innocent lives.

Before I begin my opening remarks, I would like to ask everyone to join me in a moment of silence to honor the lives of those that were lost on that tragic day.

Thank you. I know anybody that has watched TV this morning shares my sentiments. It is a tough day when you think about all those lives and those families who are remembering their loved ones today that they lost on that tragic day.

Since TSA's creation after 9/11, the agency has gone down to a troubling path of overspending, limiting private sector engagement, and failing to sufficiently protect passenger privacy.

Based on vigorous oversight by the Subcommittee on Transportation Security, the Majority staff issued a report this week that we believe shines a bright light on TSA and lays the groundwork for meaningful reform.

Without objection I would like to insert a copy of that report into the hearing record at this time; hearing none, so ordered.\*

Our report highlights key findings from the subcommittee's oversight and makes several recommendations to TSA.

Based on our findings, I believe we can advance risk-based security by prioritizing the harmonization of aviation security standards worldwide, adopting a comprehensive plan to mitigate evolving threats, and expanding the use of canine explosive detection assets.

I believe we can strengthen privacy protections by enlisting the private sector to modernize and automate the path of your screening process to reduce pat-downs, implementing privacy software on all AIT machines and sponsoring an independent analysis of the potential health impact of AIT machines.

I believe we can limit spending by reducing the size of TSA's workforce, conducting cost-benefit analyses for all major programs and purchases and communicating with industry to avoid setting technology requirements that are just not attainable.

I believe we can create jobs by contracting with the private sector to perform screening and establishing a 5-year procurement plan to guide future investments in aviation security technology, research, and development and I believe we can cut red tape by working with stakeholders to streamline existing security regulations, issuing final rules for long overdue security programs and reforming the prohibited items list to better reflect evolving threats.

Here is the bottom line—it takes time to reform TSA. In fact, it has been a long time coming. I am eager to hear the inside perspective from our witnesses today as this subcommittee continues to examine ways in which TSA can become a leaner, smarter organization.

With that, I now recognize the Ranking Member of the subcommittee, my friend, the gentle lady from Texas, for 5 minutes for her opening statement.

Welcome.

Ms. JACKSON LEE. For most of America, this is a very solemn day and certainly a day of remembrances. I think it is appropriate, as the Chairman has already done to acknowledge this—for this room for a moment of silence which has occurred. But I also think it is important to acknowledge the families that still mourn, communities that are still traumatized by the loss of so many of their neighbors.

I believe that all of us can remember where we were and I know that for most of the committee Members, if they were not here in the United States Capitol, they were somewhere in America.

So I believe it is important to hold a hearing that reflects upon the concerted and unified effort of Members of Congress to respond to the horrific attack on the United States of America.

Over the course of the years, we have lost soldiers on battlefields in faraway places where there have been who have been willing to sacrifice for this country.

I do want to acknowledge families—in particular, children—for many of us remember the term “latchkey children” when many in

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\*The information has been retained in committee files.

the New York and surrounding areas went home to empty places; for their family members, mothers and fathers, had been lost already earlier that day and the tragedy of 9/11.

Remember the brave and heroic members who detoured a plane that landed in a field in Pennsylvania.

For those of us who were here who were evacuated from the United States Capitol, remember running without information, remember looking to the sky and the building smoke of the Pentagon and wondering what was next—The White House, The State Department, or the United States Capitol?

So this hearing is important for hopefully its unity as well, for we can say that with the creation of the U.S. Department of Homeland Security, although we did not have years and months and weeks to deliberate, we created a buffer, a barrier, of security for the United States.

With that in mind, although there have been attempts, we have not had a tragic event on this soil.

So although it is sadness, I have a sense of accomplishment—not for any personal accomplishment—but what we have been able to do together. In the midst of tragedy and trauma, America has come together. American public demonstrated a resilient character filled with valor and dedication to reveal our strength and ensure that aviation security will become a priority for the Federal Government.

Let me thank the families who pushed for the establishment of the 9/11 Commission to conduct a thoughtful evaluation and identify vulnerabilities across our security policies.

I don't know if they can hear my voice, but it was my honor to get to know so many of them as they walk the hallways in the midst of their tragedy. They were willing to put their burdens down and fight to make America better, and I think we have done so.

This is the Transportation Security Committee and we have not had a tragic catastrophic incident through the Nation's airlines, though we know that it is still the most attractive target for a franchise terrorist or organized terrorism.

So, we thank the American public for willingness to have its cargo and baggage screened, individual screening. We thank the former men and women of the United States military and law enforcement who have joined the transportation security administration, making up the TSA as TSO officers.

I look forward to the oversight that is important to be able to address questions that have been raised. But again, with all the loss and all that has gone before us, we recognize that TSA has been in the front lines, not perfect, but ready for work because they show up every day.

I look forward, Mr. Chairman, that we can again look to a mark-up of the TSA Authorization bill at the full committee level. This will continue to ensure that we integrate key findings and lessons learned from various audits.

But 11 years later, the American public has not forgotten why we are here today and neither have I. I urge my colleagues on both sides of the aisles and on the other side of the aisles to recognize that the 9/11 hijackers of that day have not shown up at our door-

steps again. We must give tribute and recognition to those who died, those who mourn, those who yet live in pain; for those serve every single day trying to do better on behalf of the United States of America.

I am grateful for that. For that I say God bless this Nation.

I yield back.

Mr. ROGERS. I thank the gentlelady for that very thoughtful illustration of how important this day of remembrance is. I would also point out to the members of the audience that, when you look around the room at the photos we have, it is specifically to be a reminder to everybody in this chamber that this committee exists solely for the purpose of preventing that from ever happening again.

We are pleased to have several distinguished witnesses before us today on this important topic. Let me remind the witnesses, their entire statements will appear in the record. Also, remind Members of the committee that if they have opening statements they can submit those for the record.

Our first witness is Mr. Geoff Freeman—currently serves as chief operating officer of the U.S. Travel Association.

Thank you for being here, Mr. Freeman. You are recognized for 5 minutes to summarize your statement.

**STATEMENT OF GEOFF FREEMAN, CHIEF OPERATING  
OFFICER, U.S. TRAVEL ASSOCIATION**

Mr. FREEMAN. Chairman Rogers, Ranking Member Lee, and Members of the subcommittee, I thank you for the invitation to testify today. I am pleased to offer my viewpoints on behalf of the U.S. Travel Association, which represents the entirety of the travel industry, with the goal of increasing travel to and within the United States.

The most critical elements to increasing travel are safety and efficiency in the travel experience. Since the tragic events of 9/11, TSA has stood as the gateway to air travel. To TSA's immense credit, no further acts of terrorism have taken place.

My testimony today challenges Congress and TSA to match its immense security successes with equal improvements in the facilitation of travel. Improvements in facilitation will lead to dramatic increases in travel. Dramatic increases in travel mean more jobs, stronger local communities, and a more vibrant American economy. Anyone who claims that world-class security prevents efficient and friendly processing of travelers is creating a Hobson's Choice that you must reject.

TSA faces three significant challenges today. The first is embracing risk management. The threats we face are infinite. Demanding perfection, rather than encouraging risk management, will cause TSA to be inefficient, wasteful, and ultimately less effective.

The second challenge TSA faces is growing inefficiency within security screening that is frustrating millions of travelers. A 2010 survey found that travelers would take two to three more flights per year if the hassles in security screening were reduced. These increased flights would lead to \$85 billion in more spending and help to create nearly 1 million American jobs.



The third challenge that TSA faces is sharp budgetary growth. In fact, the cost of screening per passenger rose by over 400 percent since 2001. Over the past 7 years, TSA's budget increased by 68 percent while the number of travelers essentially stayed flat.

In 2010, U.S. Travel commissioned a bipartisan panel of aviation security experts to propose innovative solutions to these challenges. I am pleased that Sam Gilliland of Sabre is here today to discuss these recommendations.

One of the panel's most important recommendations was creating a Trusted Traveler program that enabled TSA to manage risk, rather than embrace the one-size-fits-all approach of the past.

To its credit, TSA has taken several steps to become a more risk-based organization, most notably with the launch of PreCheck. Unfortunately, there are several fundamental flaws to PreCheck that will prevent the program from having a meaningful impact on sufficiency and security.

The foundation of PreCheck is based on airline frequent-flier data, or a Customs and Border Protection program, Global Entry, designed for frequent international travelers. Global Entry is an excellent program, and has many traits that should be included in PreCheck, but it is also known for a cumbersome process.

After navigating a poor enrollment website, a person living in Montgomery, Alabama would have to travel more than 300 miles to Atlanta, Georgia in order to conduct their interview. If the traveler wishes to join through an airline, U.S. Travel estimates that it would cost roughly \$10,000 in airfare paid to a single carrier in order to qualify for PreCheck. Even at that, they are only eligible for a single airline.

The other shortcomings of PreCheck include low rates of utilization and high rates of unpredictability and randomized screening. For PreCheck to benefit travelers, there must be some element of predictability. Although I am a member of the Global Entry program, have passed the background check and paid \$100, I have been rejected for PreCheck on five out of seven occasions.

There are several solutions to these problems. The first is that TSA can leverage private-sector innovation and technology to expand PreCheck to the average traveler. For example, the company Clear currently has the technology and capability to provide passengers with secure biometric identification and robust background checks. Clear is already at four airports across the country.

Second, any PreCheck passengers should be able to use the program, no matter which airline they are flying or how they enrolled. The system should be based on risk and efficiency, not customer loyalty.

Last, TSA can increase predictability by using in-depth background checks and secure identification, which will allow TSA to lower its rates of randomized screening.

Congress must also embrace that it has an important role here in helping TSA solve its long-term problems. There are at least three things that you can do to help TSA speed up their efforts.

The first is to continue to take an aggressive line on hearings and oversight, and the reports like that which you issued this week. TSA often changes its behavior or makes better decisions based on the questions and guidance that you provide.

Second, we need to see a TSA reauthorization bill. Finally, in everything that you do, remember that security and efficiency are equal and obtainable goals. Continue to challenge TSA to achieve both.

Thank you.

[The prepared statement of Mr. Freeman follows:]

PREPARED STATEMENT OF GEOFF FREEMAN

SEPTEMBER 11, 2012

Chairman Rogers, Ranking Member Jackson Lee, and Members of the subcommittee: I am pleased to offer testimony on behalf of the U.S. Travel Association (U.S. Travel), the National, non-profit organization representing all sectors of America's travel industry. U.S. Travel's mission is to increase travel to and within the United States.

The travel industry provides good, domestic jobs that cannot be outsourced. In 2011, travel spending in the United States totaled \$813 billion, which generated a total of \$1.9 trillion in total economic output. The travel industry also supported 14.4 million jobs and was among the top 10 employers in 48 U.S. States and the District of Columbia. For example, travel directly employs more than 10,000 Alabamians in the 3rd Congressional District and contributes over \$1 billion annually to the local economy. Similarly, travel directly employs more than 16,000 Texans in the 18th Congressional District and contributes more than \$1.4 billion to the local economy.

Travel is not only a vital economic engine—it is a hallmark of our free, open, and democratic society, and its various components are essential to our daily lives. Unfortunately, these same attributes make travel an attractive target for acts of terrorism. From the tragic attacks of September 11, to the hotel bombings in Jakarta, to train bombings in London and Madrid, the global travel industry has suffered heavily from these senseless acts of violence.

After each tragedy, our industry has emerged stronger and more secure. Hotels around the globe have increased on-site security and strengthened cooperation with emergency responders and law enforcement. Canine and explosive detection teams are now common sights on metro cars and trains. After September 11, Congress created the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA) to protect America's aviation system and all other modes of transportation.

Thanks to the hardworking and dedicated men and women of TSA, and so many others from our defense and homeland security agencies, there is no doubt that the United States—and travel itself—is safer today than it was before 9/11. Although there has not been a successful terrorist attack on American soil since 9/11, terrorism remains a serious and ever-changing threat.

I applaud the subcommittee for holding this important hearing on how the TSA can evolve to meet the next terrorist threat. My testimony today will focus in three areas. First, I will provide an overview of what I believe to be the long-term challenges facing TSA and their implications for the travel industry. Second, I will discuss TSA's successes and shortcomings in addressing these challenges. Last, I will provide U.S. Travel's recommendations for how TSA, Congress, and the private sector can expand and improve upon TSA's current efforts.

LONG-TERM CHALLENGES IN AVIATION SECURITY

Commercial aviation is the gateway to travel and tourism. Since 9/11, TSA has stood as the gateway to commercial aviation. The safety of travelers, the strength of our homeland security, and the economic success of the travel industry are all dependent on TSA's ability to complete its mission. But if TSA is to be successful, it must resolve three major challenges.

The first challenge—and a top priority for the travel industry—is achieving the highest level of security in the face of numerous and shifting threats. I am confident that Administrator Pistole, Members of this committee, and almost all Americans are in agreement on this point. However, the paramount importance of security must be coupled with a realization that TSA will never achieve 100 percent security. Therefore, the real challenge for TSA lies in achieving the highest level of security by devoting scarce resource to the most pressing and dangerous threats.

The second major challenge facing TSA is the growing inefficiency of the passenger screening process. Repeated studies show that TSA's security checkpoints are

time-consuming, frustrating, and deterring millions of people from traveling each year. A 2010 survey conducted by Consensus Research found that travelers would take two to three more flights per year if the hassles in security screening were reduced. These additional flights would add nearly \$85 billion in consumer spending back into local hotels, restaurants, convention centers and other travel business, and help support 900,000 jobs. A similar survey conducted in 2011 found that four of the top five passenger frustrations relate directly to the TSA checkpoint.

The third challenge facing TSA is the rapid cost increase of screening per passenger. In its fiscal year 2012 budget request, DHS acknowledged that the cost of screening per passenger rose by over 400 percent between 2001 and 2011. From 2004 to 2011, the TSA's budget increased by 68 percent, while the number of passengers screened remained almost flat.<sup>1</sup> After just 11 years, TSA's budget is now roughly equal to the Federal Bureau of Investigation (FBI).

Unfortunately, without major and forward-thinking changes, all three of the major challenges facing TSA are likely to get worse over time.

The Federal Aviation Administration (FAA) forecasts that, over the next 20 years, passenger levels will almost double to 1.2 billion passengers per year. At the same time, Congress and Federal agencies are entering a new period of flat budgets and fiscal austerity, and the amount of airport space that can be devoted to passenger screening is already nearing capacity. Such rapid passenger growth will likely lead to longer lines and wait-times at security checkpoints, sharper increases in the cost of security screening per passenger, and dampened demand for travel in the United States.

These problems, therefore, are not TSA's alone. In fact, the real threat of terrorism, the economic consequences of inefficient screening, and increase in screening costs, add up to create one of the biggest problems facing the travel industry today. Therefore, U.S. Travel and the entire travel industry is fully committed to assisting TSA in finding workable and lasting solutions to the problems in aviation security.

That is why, in 2010, U.S. Travel commissioned a bipartisan panel of aviation security experts to propose innovative solutions could increase both security and efficiency. The panel, title the Blue-Ribbon Panel for Aviation Security (BRP), was chaired by former Secretary of Homeland Security Tom Ridge, former Ranking Member of the House Homeland Security Committee Jim Turner, and President and CEO of Sabre Holdings Sam Gilliland.

I am pleased that Sam Gilliland is here today to discuss the recommendations of the BRP and provide an update on TSA's progress in implementing some of their proposals.

However, I want to briefly highlight what I believe are the two most important findings of the BRP. First and foremost, the BRP challenged TSA, Congress and all aviation security stakeholders to set aside the notion that security and efficiency are mutually exclusive goals. Specifically, the final BRP report states:

"Some in Congress appear to have calculated that there are no political consequences to an inefficient and costly system, but great political consequences to a successful terrorist attack. This is a classic Hobson's Choice that the American traveling public repudiates. The debate Congress must engage in is not strong security versus weak security, but rather how to create a world-class aviation security system that effectively manages risk, increases efficiency, and embraces the freedom to travel."

This same notion is also strongly held by the American traveling public. A 2010 Consensus Research survey found that nearly 9 in 10 travelers believe it is possible to achieve an air travel screening system that is both secure and efficient. The same number of travelers believe that if we can put a man on the moon, we can create a passenger security system that doesn't frighten or inconvenience travelers.<sup>2</sup>

The second major finding of the BRP was that TSA could build a more efficient and secure screening process, and address its three long-term challenges, by implementing a true, risk-based trusted traveler program. The BRP recommended that a true trusted traveler program should include four major elements:

1. A voluntary and accessible enrollment process;
2. Background checks and security threat assessments to determine risk;
3. Biometric credentialing to increase identity verification; and
4. A separate and expedited screening process for passengers enrolled in the program.

<sup>1</sup>U.S. Travel Association, "A Better Way: Building a World-Class System for Aviation Security." [http://www.ustravel.org/sites/default/files/page/2011/03/A\\_Better\\_Way\\_032011.pdf](http://www.ustravel.org/sites/default/files/page/2011/03/A_Better_Way_032011.pdf)

<sup>2</sup>[http://www.ustravel.org/news/press-releases/american-traveling-public-says-there-has-be-better-way-conduct-air-travel-secu.\[sic\]](http://www.ustravel.org/news/press-releases/american-traveling-public-says-there-has-be-better-way-conduct-air-travel-secu.[sic])

## SUCSESSES AND SHORTCOMING IN ADDRESSING TSA'S LONG-TERM CHALLENGES

To TSA's credit, it is taking several steps to reform the agency into a more risk-based and intelligence-driven organization.

Last year, TSA restarted the Aviation Security Advisory Committee and increased its interaction with the private sector. I am honored that TSA and the ASAC selected me to co-chair the Passenger Advocacy Subcommittee—and I look forward to working with TSA on that important group.

In 2011, TSA launched PreCheck, a trusted traveler pilot program that provides expedited screening for passengers willing to volunteer more personal information. PreCheck is an essential first step in creating a more efficient and secure screening process, and I applaud Administrator Pistole for his leadership in creating this program.

Today, over 500,000 Americans are enrolled in PreCheck and the program has screened over 2.5 million passengers. PreCheck lanes are currently available at 23 airports and, by the end of 2012, TSA expects PreCheck to be operational at an additional 12 airports across the country.

Although PreCheck is a positive first step, the current program has several shortcomings that will prevent TSA from ultimately addressing its long-term challenges. The shortcomings include limited and cumbersome enrollment opportunities, low utilization rates, and high levels of unpredictability for PreCheck passengers hoping to receive expedited screening.

There are several barriers preventing a large number of ordinary travelers from joining and using PreCheck. One way to join the program is to be a member of U.S. Customs and Border Protection's (CBP's) Global Entry program. Unfortunately, Global Entry's on-line enrollment process is cumbersome and confusing, and is a prime example of the difficulty a Government agency can have in creating streamlined and customer-friendly services.

Moreover, to be a part of Global Entry, CBP requires an in-person interview but only offers these interviews at 25 permanent locations. If a person living in Montgomery, Alabama, wishes to join Global Entry, the closest CBP interview location is in Atlanta, Georgia, and requires a 5-hour, 300-mile round-trip drive.

There are also many difficulties associated with the airline PreCheck enrollment process. Perhaps the most significant shortfall is the cost of joining PreCheck through an airline frequent flier program. If the same person wishes to qualify for PreCheck through a sponsoring carrier, U.S. Travel estimates that it would cost roughly \$10,000 in airfare paid to a single airline in order to accrue enough frequent flier miles to qualify for PreCheck.<sup>3</sup>

The exclusive and inaccessible PreCheck enrollment options contribute to the second shortcoming—low utilization rates. After almost 1 year of operation, TSA has screened 2.5 million passengers through PreCheck. But this number is miniscule when compared with the roughly 2 million people who fly each day in the United States and the roughly 700 million passengers who fly each year.

Additionally, low PreCheck utilization rates also stem from the structure of the airline enrollment process. Once a traveler is enrolled in PreCheck through a frequent flier program, they can only use the expedited screening lanes when flying with that particular airline. For example, an American Airlines PreCheck customer who buys an American Airlines ticket for travel from JFK airport to Miami International would have access to the PreCheck lane. If that same customer decides to fly Delta Airlines on the return flight home, he or she would not have access to the PreCheck lane, simply because they are not flying with American Airlines. In our opinion, risk should not be determined by your loyalty to any one airline.

The true value of PreCheck lies in the potential for TSA to devote less resources and time to screening passengers they already know more about. The more passengers TSA can screen through PreCheck, the shorter lines and wait times for regular passengers undergoing the normal TSA screening process. This will help TSA become more efficient and lower the cost of screening per passenger.

The final shortcoming of PreCheck is that the overall level of randomized screening could be lowered if passengers could offer more personal information for a security threat assessment and used biometric credentialing to verify their identity. TSA acknowledges that there is a direct relationship between the amount of background data shared by a PreCheck passenger and the level of randomized screening that

<sup>3</sup>TSA considers enrollment criteria for PreCheck to be Security Sensitive Information. The U.S. Travel Association calculated an estimate of the cost to join PreCheck by multiplying the average 2010 passenger yield (the average fare paid by domestic passengers per mile flown) of 13.49 cents by 75,000 (the number of miles needed to become Platinum customer on Delta airlines).

passenger is subjected to. In other words, the more background information available, the more predictable the expedited screening process will be.

But the airline PreCheck enrollment process uses flying history as the only element of additional background data. This leads to higher randomization rates for the airline PreCheck passengers and contributes to the overall inefficiency of the current PreCheck system.

#### RECOMMENDATIONS TO IMPROVE AVIATION SECURITY AND EFFICIENCY

Fortunately, there are many innovative ways to bolster the PreCheck program and address its initial shortcomings.

First, TSA and DHS can increase participation in PreCheck by expanding CBP's trusted traveler programs and allowing travelers to qualify by aggregating their frequent flier miles across multiple airlines. Additionally, once a passenger is enrolled in the program—through either CBP, an airline, or any future enrollment platform—those passengers should be immediately granted access to any PreCheck lane.

But TSA must also offer enrollment opportunities beyond CBP trusted travelers and elite frequent fliers if the program is going to succeed. One way TSA can expand PreCheck is by leveraging the technological capabilities and innovation of the private sector. For example, the company CLEAR heightens security through its verified identity platform, while also expediting travel document checker throughput using advanced automated biometric scanners. It's the equivalent of replacing the bank teller with an ATM. Each of the 200,000-plus CLEAR members has a secure biometric identification card and has opted in to sharing personal information for a security threat assessment. Through an innovative public/private partnership with TSA, companies such as CLEAR could quickly help the agency boost enrollment and utilization rates for PreCheck, increase security through the use of biometric identity verification and robust background checks, and reduce TSA's budget by shifting operational costs from TSA to the private sector. These types of partnerships also provide new, important revenue streams to local airport authorities, an added benefit in tight budgetary times.

In short, CLEAR is just one example of how TSA can alleviate all three long-term challenges—security, efficiency, and cost-effectiveness—by partnering with the private sector and addressing the shortcoming of the current PreCheck program. As TSA expands PreCheck enrollment opportunities, it must also make interoperability a central pillar of the program. PreCheck passenger should be able to use the program no matter which airline they're flying or how they enrolled. The system should be based on risk and efficiency—not customer loyalty.

Last, TSA can increase predictability through better line management, the use of biometric credentialing, and more in-depth background checks. In-depth background checks and secure forms of identification enable TSA to know more about a passenger and lower rates of random screening. TSA can also increase efficiency by allowing PreCheck passengers selected for randomize screening to move immediately to the standard screening lane, rather than the back of the waiting line before the travel document checker.

#### OTHER AREAS FOR IMPROVEMENT

PreCheck is not the only and final solution to the challenges facing TSA. The *New York Times* recently reported that TSA screened an estimated 59 million more carry-on bags in 2010 than in 2009.<sup>4</sup> TSA also estimates that carry-on bags processed at the checkpoints will have increased by about 87 million from fiscal year 2010 through fiscal year 2011 and continue to increase by about 29 million more in fiscal year 2012. This is an issue that should be examined and addressed.

TSA must also improve its communication and interaction with the passenger. This includes tracking and distributing wait-time information and using customer feedback to inform its standard operating procedures.

#### THE IMPORTANT ROLE OF CONGRESS

Finally, Congress must take the lead in helping TSA solve its long-term problems. I strongly urge this committee to relentlessly engage in three areas.

First, Congress must continue to conduct aggressive hearings and oversight. TSA often changes its behavior or makes better decisions based on the questions and guidance they receive through committee hearings.

<sup>4</sup><http://www.nytimes.com/2011/03/29/business/29bags.html>.

Second, Congress must improve TSA through legislation. A TSA reauthorization bill has not been enacted in over a decade—while similar agencies, like the FAA, are reauthorized on a multi-year and reoccurring basis.

Third—and perhaps most importantly—Congress must keep in mind that security and efficiency are equal and obtainable goals. TSA is vital to security but the agency also impacts travel businesses, jobs, and our quality-of-life.

The country that put a man on the moon, and has led the world for centuries in innovation and technology, can have a world-class, efficient, and secure aviation system.

Again, thank you Chairman Rogers, Ranking Member Jackson Lee, and all Members of the subcommittee for inviting me to testify today. I look forward to answering your questions.

Mr. ROGERS. Great. Thank you for that statement. Right on time, 5 minutes. Good job.

We are going to recess now for approximately 30 minutes. We should be back at about 2:45 and reconvene the hearing.

Dr. Carafano will be waiting with anxious anticipation for your comments.

[Recess.]

Mr. ROGERS. All right. Thank you all very much for your patience and we look forward to getting back to it.

Dr. Carafano, now that we have built up the anticipation, don't let us down. You are recognized for 5 minutes. Thanks for being here.

**STATEMENT OF JAMES J. CARAFANO, PH.D., DIRECTOR, DOUGLAS AND SARAH ALLISON CENTER FOR FOREIGN POLICY STUDIES, DEPUTY DIRECTOR, KATHRYN AND SHELBY CULLOM DAVIS INSTITUTE FOR INTERNATIONAL STUDIES, THE HERITAGE FOUNDATION**

Mr. CARAFANO. Thank you, sir.

I would like to thank the committee for this opportunity and begin by saying it is not difficult to exercise leadership in the wake of a crisis.

Real leadership is demonstrating courage and caring on very unremarkable days and there has actually been nothing more unremarkable than the year of transportation security we have had last year.

So I really do want to commend the committee for focusing on this issue when it is not a crisis. In that spirit, I particularly want to commend what I think is very thoughtful.

An interesting report, done by the committee staff, which I think is exactly what we need not in the spirit of attacking the agency itself and being very respectful of the men and women in the agency and the work they are trying to do, but pointing out, I think, some legitimate areas of concern and creating some interesting questions about our local frameworks that I think are very worthwhile.

So I do think it is an excellent report and a great starting point for going forward. I must say it is in that spirit that the Heritage Foundation, in our research, has looked at the issue of homeland security.

Particularly, what we have really focused and emphasized is really lessons learned. We have over a decade of experience at dealing with the issue of transnational terrorism. We have learned a lot. By our count and our records, we have thwarted at least 51

Islamist-inspired terrorism plots aimed at the United States since 9/11.

The vast majority of those thwarted attempts weren't stopped by accident. There is a lot that we can learn from that and surveying what we have done.

I think that we are in the place in history where we can do an awful lot to distinguish between what really represents sensible security and what represents checkbook security or feel-good security and make that distinction between them.

It is in that spirit that I offer my testimony today where I focused on what I think and believe are really the three critical areas where the difference can be made in really making TSA make the most valuable contributions not to just safety and security, but also ensuring the freedoms and prosperity of the American people.

The first of those is remaining mission-focused. By that I mean remaining on the focus on thwarting attacks against critical transportation U.S. infrastructure or its exploitation.

There, I think, the real key is those TSA programs that are the most valuable are the ones that really integrate and leverage off our most effective counterterrorism programs.

Practically going out there and stopping the plots long before they get to the airport or long before they get on an airplane and so I would highlight, for example, Secure Flight, which I think is probably the best example of what TSA should be doing; integrating the knowledge and capability and information from the larger CT effort and using that in an operational role to try to keep bad people and bad things away from the transportation aviation system.

So, in that context, if that is the strategy, then the second area, which becomes equally vital, is getting the most efficiency from the operations that we are conducting.

When we think of efficiencies of operations, it is very, very important that we think in the context of not only, "What are all the government programs that we are doing to protect critical transportation infrastructure?" and how TSA fits in that, but also how TSA fits in the efforts of the industry and the airports and their efforts so we are getting the best balance or the best combination between efforts that ensure security, prosperity, and individual freedoms.

I think efficiency is clearly an issue where we can have a lot of I think fruitful discussion. I will just offer, as an example of something I highlighted on my testimony, is the distinction between the Federal Flight Deck Officer program and the Surface Transportation Inspector program.

On the one hand, with the Federal Flight Deck Officer program, you have a very low-cost capability to bring real operational capability to protect the airplane in a proven way, in a way that has been proven very, very cost-effective and provides a real operational capability. Yes, we saw the administration this year wanted to cut that modest program by 50 percent.

On the other hand, we see in the Surface Transportation Inspector program really kind of a reliance on the regulatory model, which is, again, the least effective way to be proactive and a very

high cost, twice the cost of the FFDO program, and really delivering no operational capability.

So when I see things like that in the same department, it really questions me whether we really are operating off a true risk-based framework in terms of implementing a strategy which focuses on getting the terrorists before they get to the plane.

The third area I would definitely focus on is managing TSA's workforce. We often forget in Washington, you know, whether we all often give it platitudes, the most single valuable thing the U.S. Government has is its human capital—not only its citizens and its people, but the people working for the U.S. Government and getting the most out of the talent and skills of those people, I think, is absolutely vital.

I don't think it is a debatable question that the Screening Partnership program is a valuable component and that balancing what we do with privatization and what we do with the TSA workforce is going to be greatly beneficial.

I mean if we look at the work that was done in analyzing, for example, what was going on at the San Francisco airport and L.A. airport as we saw in the last year report from the Transportation Committee, we clearly see that there are ways of privatization to both gain efficiencies, in some respects, and not sacrifice on security whatsoever.

You look at the European experience where we know at least half of the European airports used privatized screening, and yet their security and safety record is comparable to the United States.

So, there is no question that this can be done, the problem is with the implementation of the program itself. I think getting that program where it is workable, but better for the airports and the industry and for TSA, I think is key to really getting the right balance in the work force that we need.

So, with that, I greatly look forward to this hearing and your questions.

[The prepared statement of Mr. Carafano follows:]

PREPARED STATEMENT OF JAMES J. CARAFANO

SEPTEMBER 11, 2012

My name is James Jay Carafano. I am deputy director of the Kathryn and Shelby Cullom Davis Institute for International Studies and director of the Douglas and Sarah Allison Center for Foreign Policy Studies at The Heritage Foundation. The views I express in this testimony are my own, and should not be construed as representing any official position of The Heritage Foundation.

Thank you for the opportunity to appear before the committee today to address this vital subject. It is certainly fitting that we pause to reflect on the state of transportation security on the anniversary of the terrorist attacks on New York and Washington, DC, but it is even more appropriate that this hearing is taking place during what has been a fairly unremarkable year in terms of transportation security. For it was on a quiet, unremarkable autumn morning that America was attacked. The best way to prevent more days like 9/11 is to spend our unremarkable days preparing—doing what we can to continue to keep this Nation safe, free, and prosperous.

In my testimony today, I would like to focus on what I believe are the key challenges ahead for transportation security, including: (1) Remaining mission-focused; (2) gaining greater efficiency in operations; and (3) managing the Transportation Security Administration workforce.

My responsibilities at The Heritage Foundation comprise supervising all of the foundation's research on public policy concerning foreign policy and National security. Homeland security has been a particular Heritage research priority as we pro-



duced the first major assessment of domestic security after 9/11.<sup>1</sup> Over the past decade, we have assembled a robust, talented, and dedicated research team and I have the honor and privilege of leading that team.

Heritage analysts have studied and written authoritatively on virtually every aspect of homeland security and homeland defense. The results of all our research are publicly available on the Heritage website at [www.heritage.org](http://www.heritage.org). We collaborate frequently with the homeland security research community, including the Center for Strategic and International Studies (CSIS), the Aspen Institute, the Center for National Policy, the Hudson Institute, the George Washington University Homeland Security Policy Institute, and the Strategic Studies Institute and Center for Strategic Leadership at the Army War College. Heritage analysts also serve on a variety of Government advisory efforts, including the Homeland Security Advisory Council and the Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities. Our research programs are nonpartisan, dedicated to developing policy proposals that will keep the Nation safe, free, and prosperous.

I am particularly proud of The Heritage Foundation's long and substantive record of research on transportation security. This effort reflects the foundation's commitment to advancing public policies that enhance our security by thwarting terrorist travel; encouraging economic growth by promoting the legitimate exchange of goods, peoples, services, and ideas among free nations; and fostering a free and open civil society—all at the same time.

#### MISSION FOCUS

In my mind, the 9/11 Commission's staff study on terrorist travel was in many ways more vital to understanding the transnational threat and how to impact its operational capabilities than the commission's best best-selling report. The August 2004 staff study documented the poor state of our preparedness to prevent exploitation of U.S. transportation systems. The study pointed out that the 9/11 hijackers had known affiliation to extremist groups, broke the law, committed fraud, lied on visa applications, had at least 68 contacts with State Department and Immigration and Customs officials, and yet managed to pass through aviation and border checkpoints here and abroad. According to the study, together the group "successfully entered the United States 33 times over 21 months, through nine airports of entry."<sup>2</sup> Without that ease of movement, the 9/11 attacks would not have been possible.

There are few capabilities more essential to terrorist operations than the ability to freely move and communicate. Restricting either of these "centers of gravity" is key to containing the transnational operational threats.

After 9/11 America became a much harder target. The United States has thwarted at least 51 Islamist-inspired terror plots since the attacks on New York and Washington, DC.<sup>3</sup> Increasingly, we find that these plots are "homegrown," in part because it has been more difficult for transnational terrorist groups to organize operations overseas and dispatch operatives to the United States.

The post-9/11 efforts at thwarting terrorist travel and access to transportation systems, however, offer no cause for complacency. Transportation systems continue to rank high on the list of potential targets. For example, to the end Osama bin Laden continued to extol the virtue of aiming attacks on cities and transportation infrastructure.<sup>4</sup> Further, in recent years in two plots, preemptive efforts failed to thwart attacks. In 2009, Umar Farouk Abdulmutallab attempted to donate explo-

<sup>1</sup>L. Paul Bremer III and Edwin Meese III, *Defending the American Homeland: A Report of the Heritage Foundation Homeland Security Task Force* (Washington, DC: The Heritage Foundation, 2002).

<sup>2</sup>Thomas R. Eldridge et al., "9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks Upon the United States," National Commission on Terrorist Attacks Upon the United States, August 21, 2004, preface, at [http://www.9-11commission.gov/staff\\_statements/911\\_TerrTrav\\_Monograph.pdf](http://www.9-11commission.gov/staff_statements/911_TerrTrav_Monograph.pdf).

<sup>3</sup>Steven Bucci and Jessica Zuckerman, "51st Terrorist Plot Against the United States: Continued Threat of al-Qaeda and Affiliates," Heritage Foundation *Issue Brief* No. 3598, May 8, 2012, at <http://www.heritage.org/research/reports/2012/05/51st-bomb-terror-plot-proves-continued-threat-of-al-qaeda>. See also James Jay Carafano, et al., "Fifty Terror Plots Foiled Since 9/11: The Homegrown Threat and the Long War on Terrorism," Heritage Foundation *Background* No. 2682, April 25, 2012, at <http://www.heritage.org/research/reports/2012/04/fifty-terror-plots-foiled-since-9-11-the-homegrown-threat-and-the-long-war-on-terrorism>. This report provides a summary of each thwarted attack and subsequent investigation and prosecution.

<sup>4</sup>Peter L. Bergen, *Manhunt: The Ten-Year Search for Bin Laden from 9/11 to Abbottabad* (New York: Crown, 2012), pp. 140–141.

sives on a Detroit-bound international flight. In 2010, Faisal Shahzad attempted to detonate explosives in an SUV that he drove into and left parked in Times Square.<sup>5</sup>

Our successes and shortfalls since 9/11 are instructive. The best way to prevent terrorists from exploiting or threatening our infrastructure is to disrupt their networks and operations before they are implemented. In this respect, effective U.S. counterterrorism programs are the first and most critical component of our defenses. Without question, overseas operations to identify and dismantle the leadership of al-Qaeda and its affiliates have degraded their operational capabilities.

Yet, the current U.S. strategy is inadequate to prevent a resurgence of al-Qaeda.<sup>6</sup> Indeed, there are already signs that al-Qaeda and its affiliates are attempting to improve their operational security so that their operatives are less vulnerable to direct attack.<sup>7</sup> Therefore, the United States must remain vigilant.

The most indispensable role for transportation security is to remain integrated with U.S. counterterrorism operations so that their security measures, oversight responsibilities, and capacity to act against active threats are synchronized in the most effective manner. No example of what must be done is more illustrative than the apprehension of Faisal Shahzad, the Times Square bomber, who was placed on a terrorist watch list, identified, and arrested attempting to flee the country on an international flight less than 2 days after the aborted attack. Programs that link directly to the larger counterterrorism effort, such as the Secure Flight initiative, must be the TSA's top priority.<sup>8</sup> I would be greatly skeptical of any allocation of resources that did not fully fund these priorities first to the exclusion of anti-terrorism measures or other agency responsibilities.

#### MAKING EFFICIENCY A PRIORITY

One of the key findings of the 9/11 Commission emphasized a risk-based approach to managing transportation security. The commission concluded, “[h]ard choices must be made in allocating limited resources. The U.S. Government should identify and evaluate the transportation assets that need to be protected, set risk-based priorities for defending them, select the most practical and cost-effective ways of doing so, and then develop a plan, budget, and funding to implement the effort. The plan should assign roles and missions to the relevant authorities (Federal, State, regional, and local) and to private stakeholders.”<sup>9</sup> The commission recommendation offered the best strategy—appropriate for the threat and the vast, complex, and inter-related transportation infrastructure that TSA must oversee.

A risk-based approach requires evaluating risk, threat, and criticality and adopting the most judicious means to reduce risk to an acceptable level at an acceptable cost.<sup>10</sup> It is not clear that the agency consistently applies that approach in managing its programs and initiatives.

From the onset, TSA has had difficulty truly adopting a risk-based approach. “TSA's original strategies were largely grafted from the Federal Aviation Administration's pre-9/11 aviation security measures,” noted the former administrator of TSA, Kip Hawley. “Since the FAA's primary role is ensuring aviation safety, which

<sup>5</sup> Carafano, “Fifty Terror Plots Foiled Since 9/11.”

<sup>6</sup> The administration's strategy is primarily limited to attacking the leadership of al-Qaeda and its affiliates. It does not pay sufficient attention to global insurgency threat presented by the group, which makes the terrorist network more resilient than the U.S. Strategy appreciates. See, The Heritage Foundation Counterterrorism Task Force, “A Counterterrorism Strategy for the ‘Next Wave,’” Heritage Foundation *Special Report* No. 98, August 24, 2011, at <http://www.heritage.org/research/reports/2011/08/a-counterterrorism-strategy-for-the-next-wave>.

<sup>7</sup> Aaron Y. Zelin, “Dodging the Drones: How Militants Have Responded to the Covert U.S. Campaign,” *Foreign Policy*, August 31, 2012 at [http://afpak.foreignpolicy.com/posts/2012/08/31/dodging\\_the\\_drones\\_how\\_militants\\_have\\_responded\\_to\\_the\\_covert\\_us\\_campaign](http://afpak.foreignpolicy.com/posts/2012/08/31/dodging_the_drones_how_militants_have_responded_to_the_covert_us_campaign).

<sup>8</sup> The Transportation Security Administration website describes Secure Flight as a “behind-the-scenes program that enhances the security of domestic and international commercial air travel through the use of improved watch list matching. By collecting additional passenger data, it improves the travel experience for all airline passengers, including those who have been misidentified in the past. The airline submits this information to Secure Flight, which uses it to perform watch list matching. This serves to prevent individuals on the No Fly List from boarding an aircraft and to identify individuals on the Selectee List for enhanced screening.” See, [http://www.tsa.gov/what\\_we\\_do/layers/secureflight](http://www.tsa.gov/what_we_do/layers/secureflight).

<sup>9</sup> “What to Do? A Global Strategy,” Chapter 12 in National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, at [http://govinfo.library.unt.edu/911/report/911Report\\_Ch12.htm](http://govinfo.library.unt.edu/911/report/911Report_Ch12.htm).

<sup>10</sup> For discussion of the role of risk management in homeland security, see James Jay Carafano, Testimony before the Subcommittee on Transportation Security and Infrastructure Protection, Committee on Homeland Security, United States House of Representatives, June 25, 2008, at <http://www.heritage.org/research/testimony/risk-and-resiliency-developing-the-right-homeland-security-public-policies-for-the-post-bush-era>.

has unbending parameters based on the laws of physics, its regulatory nature makes sense. But using regulation as the primary tool to stop adaptive terrorists does not.”<sup>11</sup> TSA still struggles with finding the right balance of regulation, but it has struggled even more implementing the right balance of operational capabilities to put real obstacles rather than just rules in the path of terrorist travel and exploitation of transportation infrastructure. Two examples—the Federal Flight Deck Officer (FFDO) and the Surface Transportation Inspector Program—are illustrative.

*The Federal Flight Deck Officer Program.*<sup>12</sup> In his fiscal year 2013 budget proposal for the Department of Homeland Security, President Obama called for a 50 percent cut in funding for the FFDO program. This decision made no sense. The FFDO program costs very little (fiscal year 2012 enacted: \$25.5 million). To put total program costs in perspective: The FFDO costs approximately \$15 per officer per flight; the Federal Air Marshal program, although also an important added layer of security, in comparison costs an estimated \$3,300 per air marshal per flight. Further, at present, FFDOs are estimated to be able to cover five times as many flights as Federal Air Marshals, providing a strong added layer of defense and deterrence against the threat of terrorism and air piracy. Since the FFDO program’s inception in 2003, its budget has not changed, despite an estimated 100-fold increase in members.<sup>13</sup>

*Surface Transportation Inspector Program.*<sup>14</sup> In contrast to the FFDO initiative, the Surface Transportation Inspector program costs nearly four times as much (fiscal year 2012 enacted: \$96.2 million) but appears to lack significant utility. The program has been criticized for lacking clear and consistent standards and focusing on regulatory requirements that are only marginally relevant to diminishing terrorist threats.<sup>15</sup> Given the massive size, scope, and diversity of surface transportation within the United States, in contrast to aviation security it is difficult to see how any Federal program of this scope could have significant impact on reducing National vulnerabilities.

Attention should also be given to the programs that provide the context for transportation security, particularly as it affects international travel. Contrasting examples are the Federal requirement for biometric exit and the Visa Waiver Program (VWP).

*Biometric Exit.*—The directive for implementing biometric exit—recording of a uniquely identifiable intrinsic physical characteristic (most often fingerprints) at the point of departure from the United States at land, sea, or airport point of entry—predates 9/11. After almost two decades, the Federal Government has failed to implement this Congressional mandate. Regardless of what benefits the framers of the requirement believed biometric exit would bring, either as an immigration management tool, a criminal enforcement measure, or a counterterrorism initiative, the need for this program needs to be reassessed in light of current requirements. From a counterterrorism perspective, it is difficult to justify the expense of biometric exit. When this program was originally conceived, there were few effective tools for tracking terrorist travel. Even where we have seen the requirement for tracking suspects trying to exit the United States in “real time,” we have seen where these tasks can be conducted effectively using existing enforcement tools.

From the enforcement perspective, biometric exit would be a very limited tool. Federal authorities lack the resources to investigate every lead such a system might produce. Furthermore, by itself, a report that an individual had failed to register an exit and potentially was unlawfully present in the United States would have

<sup>11</sup> Kip Hawley and Nathan Means, *Permanent Emergency: Inside the TSA and the Fight for the Future of American Security* (New York: Palgrave Macmillan, 2012), p. 228.

<sup>12</sup> The Transportation Security Administration website describes the Federal Flight Deck Officer Program where “eligible flight crewmembers are authorized by the Transportation Security Administration Office of Law Enforcement/Federal Air Marshal Service to use firearms to defend against an act of criminal violence or air piracy attempting to gain control of an aircraft. A flight crew member may be a pilot, flight engineer, or navigator assigned to the flight.” See, <http://www.tsa.gov/lawenforcement/programs/ffdo.shtm>.

<sup>13</sup> See, Jessica Zuckerman, “Federal Flight Deck Officer Program: First Line of Deterrence, Last Line of Defense,” Heritage Foundation *Issue Brief* No. 3544, March 20, 2012, at <http://www.heritage.org/research/reports/2012/03/impact-of-cutting-the-budget-of-the-federal-flight-deck-officer-program>.

<sup>14</sup> Surface Transportation Security Inspectors “assist surface transportation carriers, operators, owners, entities, and facilities to enhance their security against terrorist attack and other security threats and to assist the Secretary in enforcing applicable surface transportation security regulations and directives.” See, 6 USC 1113.

<sup>15</sup> See, for example, Howard R. Elliott, Testimony before the Subcommittee on Transportation Security and Infrastructure Protection, Committee on Homeland Security, United States House of Representatives, May 31, 2012, at <http://homeland.house.gov/sites/homeland.house.gov/files/Testimony%20Elliott.pdf>.

scant utility in prioritizing law enforcement resources. Such a report might simply be a false positive—the individual’s status might have changed. The report alone would provide no assessment of risk.

Biographical data (name, date of birth, and country of origin) provide suitable data for most enforcement activities. Given the costs of implementing comprehensive biometric exit, the fiscal constraints that will likely be imposed on the Department of Homeland Security in the years ahead, and the Department’s many priorities, the biometric exit mandate can no longer be justified. It is past time to repeal the requirement.<sup>16</sup>

*Visa Waiver Program.*—In contrast to biometric exit, the Visa Waiver Program provides a cost-effective and efficient means to capture more useful data on travelers in real time.<sup>17</sup> Thirty-six countries participate in VWP (in contrast, U.S. citizens can travel to over eight times as many countries visa-free or obtain a visa on arrival). Only one country has been added to the VWP under the current administration.

The principal obstacles to adding more countries are the unrealistic legislative requirement to implement biometric exit and the manner in which current legislation requires calculating visa overstay rates. Revising the legislative limitations and pressing the administration to add more qualifying countries would be a very cost-effective means to both facilitate international travel and strengthen the U.S. capacity to identify terrorist travel and high-risk passengers.<sup>18</sup>

#### MANAGING THE WORKFORCE

The administration’s decision to engage in limited collective bargaining with airline security screeners could well reduce the agency’s effectiveness over time. Collective bargaining impairs the agency’s ability to reward merit and raises the likelihood of illegal labor disputes, finds The Heritage Foundation’s labor expert, James Sherk, who has followed closely the shift in administration policy.<sup>19</sup>

There have already been other instances within the Department of Homeland Security of union interference with operational activities. For example, the National Treasury Employees Union (NTEU) brought the Customs and Border Protection (CBP) before an arbitrator after the CBP changed policies. The arbitrator found that the CBP should have provided the NTEU with notice and the opportunity to bargain before the CBP made its changes, such as the Port of Houston reassigning officers to Bush International Airport and the Port of New Orleans. In short, CBP was cited for making decisions necessary to ensure the effective continuity of its operations.<sup>20</sup>

The United States should have also learned a lesson from Canada. In 2006, union baggage screeners undertook an intentional work slowdown during the Thanksgiving day travel rush. In response, managers allowed 250,000 passengers to board without screening. In the words of one Canadian security expert, “If terrorists had known that in those 3 days that their baggage wasn’t going to be searched, that would have been bad.”<sup>21</sup>

*Screening Partnership Program*<sup>22</sup>.—Privatization of screening makes sense from both an economic and security perspective. As transportation security expert Robert Poole notes, “in nearly all of Europe, screening is the responsibility of the airport, under national government oversight and regulation, and in most cases airports can either provide the screening themselves or outsource it to approved security

<sup>16</sup>James Jay Carafano, Testimony before Subcommittee on Immigration Policy and Enforcement, Committee on the Judiciary United States House of Representatives, December 7, 2011, at <http://judiciary.house.gov/hearings/pdf/Carafano%2012072011.pdf>.

<sup>17</sup>The Visa Waiver Program allows for visa-free travel—for leisure or business—for up to 90 days among member states. See, Department of State, at [http://travel.state.gov/visa/temp/without/without\\_1990.html](http://travel.state.gov/visa/temp/without/without_1990.html).

<sup>18</sup>Carafano, Testimony before Subcommittee on Immigration Policy and Enforcement.

<sup>19</sup>James Sherk, “Unionizing Airline Screeners Endangers National Security,” Heritage Foundation *WebMemo* No. 3142, February 9, 2011 at [http://thf\\_media.s3.amazonaws.com/2011/pdf/wm3142.pdf](http://thf_media.s3.amazonaws.com/2011/pdf/wm3142.pdf).

<sup>20</sup>Decision of M. David Vaughn in Federal arbitration between the Bureau of Customs and Border Protection and National Treasury Employees Union, November 15, 2006.

<sup>21</sup>CBC News, “Luggage Security Lax During Pearson Labour Dispute: Report,” December 20, 2006.

<sup>22</sup>According to the Transportation Security Administration website “[i]n accordance with the Aviation Transportation Security Act (ATSA) of 2001, TSA conducted a pilot program to evaluate the performance of a private contract screening workforce under Federal oversight. The pilot was conducted from 2002 to 2004 with five airports. ATSA required contract screeners to meet all the requirements applicable to Federally employed screeners. At the conclusion of the pilot, TSA created the Screening Partnership Program (SPP). The five pilot airports transitioned to SPP. Currently, 11 additional airports are participating in the program, for a total of 16.” See, [http://www.tsa.gov/what\\_we\\_do/optout/index.shtm](http://www.tsa.gov/what_we_do/optout/index.shtm).

firms.”<sup>23</sup> The benefits of privatization also go beyond issues of security and cost-effectiveness—including providing a workforce that not only meets appropriate standards but can respond to the needs of the airport’s customers, improving the travel experience.

Moving toward a mixed, non-union Federal workforce and greater reliance on private-sector screening companies would likely provide the United States in the near term with a balanced and responsive workforce at a responsible cost. Despite the utility of this approach, in January 2011, the administration announced that it would no longer allow airports that wanted to privatize their TSA screening workforce to do so, claiming that privatization was not cost-effective.<sup>24</sup> This was contradictory to statutory law, specifically the Aviation and Transportation Security Act of 2001, which grants airports the ability to “opt out” of having Federal TSA screeners as long as their private workforce submits to TSA oversight. In March, the Government Accountability Office noted that the TSA method of determining that privatization of screening was not cost-effective was flawed.<sup>25</sup> In recent months, however, additional airports have applied and been given tentative approval to join the SPP.

The administration’s whipsaw and over-centralized approach to SPP serves neither the agency’s workforce, nor the airports, nor their customers well. Clear, consistent, and dependable processes should be established to govern SPP so airports and the agency can undertake thoughtful human capital strategies. In particular, airports should be given the authority to select their own contractors based on best value from a list of TSA-certified screeners and the airport should have full authority to manage the contract within the guidelines established by TSA regulatory policies.

#### NEXT STEPS

Thank you for the opportunity to speak today on this important issue. I urge this committee and the Congress to: Press TSA to sharpen its mission focus on fully integrating with other National counterterrorism efforts to thwart terrorist travel and exploitation of transportation infrastructure; concentrate its resources more on the most cost-effective operational initiatives; and rethink the management of its workforce, establishing a more judicious mix of Federal and private-sector screeners. I look forward to your questions.

Mr. ROGERS. Great, thank you—very good job.

I am glad you mentioned the report. I do want to thank our Majority staff, Amanda Parikh, Nicole Smith, Krista Powers, and April Corbett. All of them have been very dedicated—put a lot of time and energy—as well as Chris Brinson on my staff, in putting that report together—and they are the reason why this committee has had success this cycle in providing some pretty aggressive oversight.

Also I want to say that Nicole Smith is getting married this Friday. We will miss her while she is on her honeymoon—but she will be back pretty soon.

All right; our third witness is Mr. Sam Gilliland. Mr. Gilliland was co-chair of U.S. Travel Association’s Blue-Ribbon Panel on Aviation Security 2 years ago. He serves as a chief executive officer of Sabre Holdings.

The Chairman now recognizes Mr. Gilliland for 5 minutes.

<sup>23</sup> Robert Poole, Testimony to the House Committee on Homeland Security, Subcommittee on Transportation Security, July 10, 2012, <http://reason.org/news/show/improving-airport-security-testimon>.

<sup>24</sup> Mark Rockwell, “TSA Halts Secure Partnership Program for Airports,” *Government Security News*, January 31, 2011, at [http://www.gsnmagazine.com/node/22349?c=airport-aviation\\_security](http://www.gsnmagazine.com/node/22349?c=airport-aviation_security); Jena Baker McNeil, “Aviation Security: Policy Responses to Address Terrorism Threats,” testimony before the Pennsylvania House of Representatives Committee on State Government, March 30, 2011, at <http://www.heritage.org/research/testimony/2011/03/aviation-security-policy-responses-to-address-terrorism-threats>.

<sup>25</sup> Government Accountability Office, letter, Subject: Aviation Security: TSA’s Revised Cost Comparison Provides a More Reasonable Basis for Comparing the Costs of Private-Sector and TSA Screeners, dated March 4, 2011 at [http://republicans.transportation.house.gov/Media/file/112th/Aviation/2011-03-04-GAO\\_Letter\\_Screening\\_Costs.pdf](http://republicans.transportation.house.gov/Media/file/112th/Aviation/2011-03-04-GAO_Letter_Screening_Costs.pdf).

**STATEMENT OF SAM GILLILAND, CHIEF EXECUTIVE OFFICER,  
SABRE HOLDINGS**

Mr. GILLILAND. All right, thank you, Chairman Rogers, Ranking Member Jackson Lee, and Members of the subcommittee. Thanks very much for the opportunity to appear before you today.

First and foremost, on the 11th anniversary of the horrible tragedy of September 11, we must pay tribute to all the families who lost loved ones, friends, and relatives. We must also honor those who assisted in the immediate aftermath as well as all who helped get our country back on its feet economically.

This afternoon, I am pleased to provide an update on the recommendations released last year by the U.S. Travel Association's Blue-Ribbon Panel on Aviation Security. Our panel set out to develop recommendations that would improve the TSA checkpoint, generate greater Governmental efficiency and cooperation, and encourage broader use of risk management.

Overall, TSA has made significant progress. TSA's risk-based management screening initiative implements one of the major goals of our panel and demonstrates a new willingness by the Government to provide low-risk travelers with an improved screening experience.

At the same time, there are millions of low-risk travelers who could and should be enjoying expedited access through our Nation's airports, PreCheck must be expanded in several ways, including facilitating interoperability among carriers, increasing enrollment opportunities, and offering PreCheck eligibility to international members of global entry.

Travel industry stakeholders and TSA must also collaborate so that travelers know what to expect at airport security. While the role out of both TSA PreCheck and the TSA smartphone app demonstrate progress in this area, travelers continue to be frustrated by the lack of clear instructions on screening protocols.

Improving Government efficiency and cooperation is also critical. While the Aviation Security Advisory Committee was implemented last November, TSA needs to recognize the valuable perspective of passenger advocacy groups and include them in full ASAC membership.

TSA must develop a comprehensive multi-year plan for acquiring and implementing checkpoint technology, and Congress must provide multi-year funding authorization for the agency.

Unfortunately, TSA has yet to issue a legislatively required long-term acquisition plan. Also collaboration with the technology development community remains uneven.

Regarding streamlining international arrivals, DHS has taken no action on duplicative TSA's screening. Fortunately, the fiscal year 2012, DHS appropriations bill established a pilot program to look at this issue.

Other legislative alternatives being considered including the No Hassle Flying Act are also consistent with the panel's recommendations. In terms of facilitating international travel, while CVP has expanded access to global entry and Congress has authorized the APEC business travel card, more must be done.

CVP should aggressively expand global entry, an excellent example of risk management in practice. Issue APEC business travel

cards and offer foreign members of global entry access to TSA PreCheck.

Also, in the international arena, DHS has worked to build security-screening capacity abroad. Last November concluded negotiations with the European Union on a revised passenger name record treaty. Recently, the United States and the European Union agreed to work together to harmonize the checkpoint screening of liquids, aerosols, and gels.

Going forward, DHS should continue expanding global entry, and Congress should pass legislation to add more countries to the visa waiver program related to liquids, aerosols, and gels. The United States and European Union should make public their time lines and multi-year budgets for technology deployment.

In conclusion, since the issuance of the Blue-Ribbon Panel report, and clearly since September 11, much has been done to improve aviation security. At the same time, we are just beginning, as a Nation, to look at the other side of TSA's mission, travel facilitation. Many Members of this committee are leading that effort, and we thank you for that commitment.

In honor of those who lost their lives, and for the sake of the continued well-being of our Nation, we must do all we can to protect ourselves from future attacks, while not deterring law abiding, freedom-loving citizens from traveling.

Thanks for the opportunity to testify today. I look forward to answering your questions.

[The prepared statement of Mr. Gilliland follows:]

PREPARED STATEMENT OF SAM GILLILAND

SEPTEMBER 11, 2012

A. INTRODUCTION

Chairman Rogers, Ranking Member Jackson Lee, Members of the subcommittee, thank you very much for this opportunity to appear before you on this solemn anniversary day. My name is Sam Gilliland, and I serve as chairman and chief executive officer of Sabre Holdings, one of the Nation's and the world's leading travel technology companies. First and foremost, on the 11th anniversary of the horrible tragedy of September 11, we must pay tribute to all families who lost loved ones, friends, and relatives. We must also honor the first responders, good Samaritans, and others who helped in the immediate aftermath of the attacks on the United States, as well as those who helped get our country back on its feet economically. In their honor and for the sake of the continued well-being of our Nation, we must do all we reasonably can to protect ourselves from future attacks, while not deterring law-abiding, freedom-loving citizens from traveling.

Our country is becoming stronger, more secure, and more resilient through our dedication to creating the best aviation security system in the world. And it's frankly most encouraging that the TSA and private-sector leaders are striving and increasingly working together to create a system that strikes the right balance between security and facilitation. So in that spirit, I'm pleased to provide an update on the recommendations of the U.S. Travel Association's blue-ribbon panel on aviation security released last year. I had the honor of co-chairing this panel with former Department of Homeland Security Secretary Tom Ridge and the former Ranking Member of this Committee, Representative Jim Turner. The panel included over a dozen experts with significant expertise in aviation, security, economics, and privacy.

Our report, entitled "A Better Way: Building a World-Class System for Aviation Security," was released on March 16, 2011. The goals of our panel were simple—we set out to develop recommendations that would:

1. Improve the TSA checkpoint by increasing efficiency, decreasing passenger wait times, and screening passengers based on risk;

2. Generate greater Governmental efficiency and cooperation in executing its security responsibilities; and

3. Restructure America's National approach to aviation security by developing and using risk management methods and tools.

With these three goals in mind, the panel set forth a series of detailed recommendations. Today, I will provide an overview of those recommendations, an assessment of progress made on the key recommendations, and thoughts on the path forward for those that remain works in progress.

Overall, TSA has made good progress on a number of the recommendations by the blue-ribbon panel. TSA's risk-based security initiative, for example, implements one of the major goals of our panel and demonstrates a new willingness by the Government to identify low-risk populations and provide them with an improved screening experience. The re-establishment of the Aviation Security Advisory Committee is also a positive step toward engaging a broader community of experts to advise TSA on issues critical to the traveling public. At the same time, there is much work to be done in areas like long-term budgeting and planning, utilization of secure identity documents, and elimination of redundancy with other Government agencies.

#### B. REVIEW OF TSA PROGRESS AGAINST BLUE-RIBBON PANEL RECOMMENDATIONS

*Recommendation 1: Improve the TSA Checkpoint by Increasing Efficiency, Decreasing Passenger Wait Times, and Screening Passengers Based on Risk*

*Implement a risk-based Trusted Traveler program. Congress should authorize TSA to implement a new, voluntary, Trusted Traveler program that utilizes a risk-based approach to checkpoint screening, with the goal of re-focusing resources on the highest-risk passengers.*

*Progress.*—On this first recommendation, TSA has made its most visible progress through implementation of a trusted traveler program. Six months after the publication of our report, TSA launched the TSA PreCheck™ program on a pilot basis on October 4, 2011. The pilot has expanded from an initial limited partnership with two carriers within specific terminals in four airports to a full network of specific terminals at 22 airports and five airlines partners.<sup>1</sup> Dulles Airport here in the Washington area is scheduled to significantly expand PreCheck™ on September 25; I am hopeful that many of the Members of this committee will have the opportunity to visit the airport and see how travelers move through the security checkpoint with laptops and liquids in their bags; shoes, belts, and jackets on; and hands by their sides instead of over their heads. Customers are extremely supportive of the program, as they have used PreCheck™ over 2 million times to date, according to data from TSA. The pilot program now underway includes many elements of the blue-ribbon panel proposal, including the offering of PreCheck™ benefits to U.S. Customs and Border Protection's Global Entry international trusted traveler program<sup>2</sup> members, airline frequent flyer program members, and other vetted populations such as active-duty military.

*Next Steps.*—While clearly PreCheck™ is a major step forward, and one that deserves high praise from all industry stakeholders, we believe there are millions more low-risk travelers who could and should be enjoying expedited access through our Nation's aviation security system if TSA and the broader travel and tourism community purposefully worked together to expand it.

To achieve this, we believe that TSA and the travel community must work together to improve and expand PreCheck™ in a number of ways, including:

1. Facilitating interoperability among carriers so that a traveler identified as "low-risk" by one airline can also be recognized as a low-risk traveler on all other airlines. Interoperability was a key requirement of the private-sector-run registered traveler program that existed at 19 airports until July of 2009 and should be a core part of an expanded PreCheck™ effort.
2. Increasing enrollment opportunities through partnerships with a range of organizations that can bring massive numbers of low-risk travelers into the program. Today, TSA follows two paths to enroll members in PreCheck™. The

<sup>1</sup> According to TSA's website, PreCheck™ exists at specific terminals in the following airports: Charlotte Douglas, Chicago O'Hare, Cincinnati/Northern Kentucky, Dallas/Ft. Worth, Detroit, Dulles, George Bush Intercontinental, Hartsfield Jackson Atlanta, Indianapolis, John F. Kennedy, LaGuardia, Lambert-St. Louis, Las Vegas McCarran, Logan, Los Angeles, Miami, Minneapolis-St. Paul, Newark, Orlando, Philadelphia, Phoenix, Portland, Ronald Reagan, Salt Lake, Seattle-Tacoma, and Tampa. The 5 airlines participating in PreCheck™ at these locations are: Alaska, American, Delta, United, and U.S. Airways.

<sup>2</sup> Global Entry is a U.S. Customs and Border Protection (CBP) program that allows expedited clearance for pre-approved, low-risk travelers upon arrival in the United States.



most well-known approach is one where TSA teams with specific airlines to enroll their most frequent travelers. TSA is also continuing to identify communities of other low-risk individuals—most recently Federal judges and members of the intelligence community with security clearances—to enroll in PreCheck™. However, enrolling these limited populations will not rapidly grow this program to the size it should be. The number of low-risk travelers who would be willing to voluntarily provide additional information for a better aviation security experience, is, we believe, quite large. Opening up alternative enrollment mechanisms through new TSA agreements with hotel loyalty programs, frequent car rental programs, travel agencies, and companies like the reorganized Clear (which offers private-sector run biometric enrollment for travelers who seek an expedited security checkpoint experience), are all examples of how we might enroll low-risk travelers in PreCheck™. These are also all ideas that would significantly increase the size of this program within TSA's risk-based screening framework.

3. Improving PreCheck™ promotional materials by bringing private-sector marketing and communications expertise to bear. Today's PreCheck™ materials are sufficient for the limited populations now being offered access to this program. However, if TSA opens up the program along the lines we have outlined above, then it should engage marketing and communications experts at some of our Nation's leading travel and tourism companies to improve the materials in existence today. As a member of the President's Management Advisory Board, I have been part of numerous discussions on how the public and private sectors can join forces to achieve shared goals. This effort is a prime example of an area where the private-sector's marketing skills could be used for the Government's benefit.

4. Improving communication with the traveling public to provide clear PreCheck™ usage requirements. TSA and the travel community would both benefit from stronger partnerships to make sure travelers understand how to use PreCheck™. Again, assuming that the growth recommendations outlined above would be adopted, communication with travelers would need to be substantially improved so that individuals understand what to expect when entering a PreCheck™ lane at a PreCheck™ airport terminal. Clearly communicating all of the requirements beforehand would also prevent confusion and frustration when a traveler is denied PreCheck™ benefits.

5. Working with airlines to standardize PreCheck™ verbiage. Today's airline-centric PreCheck™ model does not provide that all participating airlines communicate with customers on program benefits or eligibility in a standardized manner. As a result, there is significant potential for traveler confusion when traveling on different airlines. Providing consistent and predictable communication among all airlines would help eliminate any potential confusion within the traveling public.

6. Working with airlines to create a consistent level of PreCheck™ training. Given that so much of the current PreCheck™ program is in the hands of the airlines, it would be useful for TSA to expect that all participating airlines provide appropriate employees with a standard level of training on the program so that they consistently communicate the program's attributes, offer enrollment to the eligible population of travelers, and can adequately address PreCheck™ related questions from the traveling public.

7. Working with Online Travel Agents (OTAs) to accept Global Entry PASS ID numbers during the booking process. Currently, Global Entry members who use OTA's to book flights may not have their CBP-issued PASS ID included in their reservation that is forwarded to the carrier, and thus may not be able to utilize PreCheck™ for flights booked in this manner.

8. Expanding PreCheck™ usage beyond domestic flights and allowing international participation in the program. Today, PreCheck™ is only offered to individuals travelling purely domestically, not to those on outbound international flights or taking a domestic connection after an international flight. A low-risk traveler should have the opportunity to utilize PreCheck™ for flights originating in the United States.

9. Offering PreCheck™ eligibility to international members of Global Entry. Through the CBP Global Entry program, the United States has identified low-risk travelers from other countries. Because these individuals are low-risk from a CBP perspective, they should also be eligible to benefit from PreCheck™ when travelling within the United States.

10. Ensuring efficient use of dedicated lines and lanes as traffic increases. While no one would say that today's PreCheck™ lanes are overcrowded, implementation of any of the program growth initiatives outlined above would change that significantly. Therefore, planning should begin now so that as the PreCheck™ population grows, it grows along with TSA's capability of handling a larger number of participants in the program.

*Improve preparation of travelers. Industry stakeholders, including airlines, hotels, resort owners and operators, cruise lines, rental car agencies, travel agents and the like should work with TSA to improve their education and communication on security rules and regulations, targeting locations and sources that travelers are likely to review as they book or prepare for a trip.*

*Progress.*—TSA has improved communications with industry sources to provide them with more information on programs such as TSA PreCheck™. Of note, TSA has developed promotional materials and worked with Government partners, notably CBP and the Department of State, to disseminate information to the traveling public. Additionally, their roll-out of a TSA-dedicated smartphone app allows travelers find answers to TSA-related questions during the travel process.

*Next Steps.*—Despite this progress, more improvement is necessary, as travelers continue to be frustrated by:

1. The lack of clear instructions on the regular (as opposed to PreCheck™) screening protocols (e.g., sometimes consumers are asked to put their shoes on the conveyor belt, other times in a bin; sometimes tablet computers are treated like laptops, other times like mobile phones; sometimes laptops are put in a bin alone, other times it is all right to include other items in that bin; occasionally consumers are asked to have a boarding pass in hand, other times they are not; and the on-going confusion over whether or not duty-free liquids of more than 3 ounces acquired abroad when connecting to a domestic flight are permitted in a carry-on); and
2. The lack of easy-to-find and -use contacts that consumers can reach for immediate answers to their travel security questions, including airport-specific information, airport-specific phone lines or customer service agents at an airport.

TSA, airports and the airlines must continually collaborate to provide travelers with clear, concise, and consistent guidance on aviation security, including processes and procedures at the airport from curbside to boarding. A November 2011 survey by the U.S. Travel Association found that four out of five travelers are frustrated with the checkpoint process. While there are clearly a range of reasons for the frustration—long lines, travelers unsure of how to use the advanced imaging technology, families with lots of unwieldy gear—not understanding the aviation security process should not be one of the reasons once all parties in the security process are communicating effectively.

Additionally, commercial aviation stakeholders—hoteliers, cruise lines, and rental car agencies, for example—should look for opportunities to provide their customers, members, and affiliates with information on enrollment for programs like PreCheck™ and Customs and Border Protection's international travel facilitation program called Global Entry in order to add more low-risk travelers to the programs, and allow TSA to focus its resources on higher-risk travelers. In addition, as new programs or screening protocols are unveiled, organizations that can reach out to significant numbers of travelers should work with the appropriate Government agency to communicate the new processes to the traveling public.

*Recommendation 2: Improve Governmental Efficiency and Cooperation in the Execution of its Security Responsibilities*

*Reinstitute the Aviation Security Advisory Committee. DHS should immediately reinstate and appoint the Aviation Security Advisory Committee (ASAC) to provide effective private-sector input to DHS on aviation security within 180 days. DHS should also convene airport-specific working groups to identify and resolve problems affecting travelers at particular locations.*

*Progress.*—On November 7, 2011, TSA officially reconstituted the ASAC and named 24 members to the committee. Since that time, the ASAC has held several full committee meetings, formed five subcommittees to examine specific issues, and will consider subcommittee recommendations in the near future. I am especially pleased that TSA named my friend and fellow panelist Geoff Freeman, executive vice president and chief operating officer of the U.S. Travel Association, as chair of the ASAC Subcommittee on Passenger Advocacy.

*Next Steps.*—Now that passenger advocacy groups, including the U.S. Travel Association, have been brought into the ASAC process at the working group level, it is time to recognize the importance of such organizations and add them to the full membership of this Federal Advisory Committee. Adding U.S. Travel and others, such as the Consumer Travel Alliance, for example, would give the travel community a greater voice in the advisory committee. CBP and TSA also need to create a broader group of local airport-specific stakeholder groups, including relevant destination marketing organizations, to develop innovative solutions that can improve passenger processing and customer service at their airports.

*Facilitate non-partisan leadership of TSA. The TSA Administrator should be converted to a 5-year position extending across Presidential administrations to be filled by a non-partisan official with expertise in both security and facilitation.*

*Progress.*—While the underlying statute creating the TSA envisions the administrator position holding a 5-year term, there has not yet been effective implementation of this term appointment during a transition of Presidential leadership: at the end of the Bush administration, former administrator Kip Hawley resigned rather than continue into the Obama administration. We understand that this issue has arisen recently before this committee, and that there has been discussion between the Chairman and the Ranking Member on the subject. We hope that bipartisan support for the TSA Administrator fulfilling a 5-year term appointment will remain strong so that this critical organization can transition from administration to administration without the disruption of a confirmation process.

*Next Steps.*—Aviation security and travel facilitation should not be partisan issues, and TSA can ill afford not having a confirmed head following a Presidential election as happened in 2009. Thus, aviation stakeholders should encourage the incumbent or new administration to commit to having TSA Administrator Pistole fulfill his 5-year term. Additionally, Congressional leaders should, on a bipartisan basis, consider whether a longer term, such as that held by the FBI Director, would provide necessary continuity at TSA.

*Develop a comprehensive technology procurement strategy. TSA, in collaboration with technology vendors and the travel community, should develop a comprehensive strategy for implementing necessary checkpoint technology capabilities. Congress should provide multi-year funding plans for TSA to execute this strategy.*

*Progress.*—As this committee and others have noted in oversight hearings over the last several years, TSA has a checkered history in terms of deploying security technology. TSA priorities change with little notice, leaving frustrated vendors on the hook for time and resources spent in technology development. For example, deploying biometric card readers for the TSA Transportation Worker Identity Credential (TWIC) program, which provides biometrically-enabled cards to qualified individuals who need unescorted access to the secure areas of ports, vessels, and facilities, has been unresolved for years, with vendors having technology approved but left waiting for the formal rulemaking process to conclude. At the request of TSA, vendors prioritized the development of bottled liquid scanners in response to a specific threat only to see the organization pull back from the broad deployment originally envisioned. The current Credential Authentication Technology-Boarding Pass Scanning System (CATBPSS) has been through multiple procurements over several years, and support for this program is still questioned by some. Meanwhile, travelers are left with little understanding of what technologies do, what the future looks like, and how security will be enhanced over time. Knowing all of this, in the fiscal year 2012 DHS appropriations bill, Congress has established a requirement that all DHS components, including TSA, issue a Five-Year Homeland Security Acquisition Plan. Unfortunately, TSA has yet to do so, and there are some indications are that the agency does not plan to comply with the mandate, citing ever-changing threat circumstances as factor that limits the organization's ability to plan for the long-term.

*Next Steps.*—As any business leader knows, budgeting and planning are a necessary disciplines to set priorities and establish resource requirements. Uncertainty about the future is a given and changing priorities—and budget allocations—is in fact part of every manager's responsibility. Government budget experts also know this, and have, in departments including the Department of Defense, issued 5-year plans that signal what the agency believes the future holds so that others, including partners in the private sector, can plan accordingly. The homeland security apparatus of the Government should similarly have the capability to issue 5-year plans. Indeed, I would argue that, given this tight budget environment, TSA's planning ca-

pabilities must improve, and the organization must more routinely and deeply engage technology vendors and travel community representatives. Engaging vendors before issuance of a request for proposals to discuss a security requirement, and possible solutions, should be the norm, not the exception. An open and transparent process to establish requirements and specifications should also be standard operating procedure—as opposed to the erratic, often opaque, process in place today. Through better planning and more thorough engagement, TSA can better ensure that the industry develops and deploys more effective and traveler-accepted technology that addresses well-articulated requirements. Stronger collaboration between the Government and private sector on acquisition-related issues will drastically improve traveler facilitation and security, while providing significant cost savings.

*Encourage wider use of secure identification documents. Federal and State governments should embrace programs that build and deploy secure identification documents in order to provide higher-quality identity documents to the traveling public that meet Government security requirements.*

*Progress.*—A critical step in securing our country’s commercial aviation system is ensuring the identity of individuals who travel on it. Today, the percentage of Americans holding a passport has reached an all-time high of 35%, according to the State Department. In addition, nearly all States have made significant improvements to the security of their identity documents in recent years, enhancing confidence that individuals holding an identity document are who they purport to be. Furthermore, U.S. Travel and several other stakeholders have submitted a proposal to TSA to leverage private-sector investment in secure identification as an alternative enrollment mechanism for TSA PreCheck™.

*Next Steps.*—Expanding the existence of secure identity documents should be a TSA priority. To that end, TSA should approve the use of secure private-sector enrollment technologies for TSA PreCheck™ to leverage the biometric identity management systems in use today within the private sector. The new Clear company, with its biometric identity card, is one good example, particularly given that a security threat assessment is conducted in conjunction with card issuance.

*Reduce duplicative TSA screening for international arrivals. DHS should enable certain low-risk passengers who are traveling through a U.S. gateway to another domestic airport to forego checked baggage and passenger screening upon landing in the United States.*

*Progress.*—The fiscal year 2012 DHS appropriations bill directed DHS to establish a pilot program to allow connecting passengers and their baggage to bypass baggage screening. In addition, the U.S.-Canada bilateral “Beyond the Border” action plan outlined a series of travel facilitation steps, including the end of rescreening of baggage from Canada under most circumstances by 2015 as Canada deploys baggage explosive detection systems.

*Next Steps.*—CBP and TSA should complete the pilot described above and look to expand it to additional locations and populations. Furthermore, commercial aviation and travel interests should work with U.S. and Canadian authorities to move the “Beyond the Border” agenda forward, including the goal of baggage screening harmonization. Finally, legislative alternatives, including the No Hassle Flying Act, H.R. 6028, which streamlines baggage security processing measures for international flights, should also be viewed as options to achieve this same goal. This bill is on the House suspension calendar this week.

*Expand trusted traveler programs to qualified international passengers. DHS should expand access to trusted traveler programs for international passengers entering the United States, as well as lead efforts to establish a multinational network of streamlined entry procedures for low-risk travelers.*

*Progress.*—CBP has made some progress in expanding access to Global Entry by launching pilot programs with the United Kingdom and Germany, and announcing agreements with South Korea and Singapore. Congress has supported Global Entry with funding and authorizing language, including requests to broaden enrollment to members of international organizations. In addition, Congress enacted legislation to allow the United States to participate in the APEC Business Travel Card (ABTC) program, which facilitates travel for business leaders in the 21 economies that make up the Asia Pacific Economic Cooperation Forum.

*Next Steps.*—CBP should accelerate negotiations with foreign governments to expand access to Global Entry, work to reduce interview delays in enrollment locations, and implement the ABTC legislation by beginning to issue APEC Business Travel Cards to qualified business travelers. In addition, foreign members of Global

Entry—such as those in the U.S.-Canada NEXUS program—should be offered access to TSA PreCheck™.

*Eliminate duplication between TSA and Customs and Border Protection (CBP). DHS should streamline its operations at U.S. international airports to reduce unnecessary duplication and leverage CBP and TSA resources, authorities, and capabilities.*

*Progress.*—Unfortunately, there has been no progress on this recommendation, despite the potential cost savings that could be realized from elimination of duplication between TSA and CBP.

*Next Steps.*—Reducing unnecessary duplication and cutting Government spending are two goals that every department and agency should be pursuing with all due haste in this time of fiscal discipline. However, as TSA and CBP have not yet tackled this recommendation, we would hope that perhaps this committee could review programs in CBP and TSA that are duplicative, or might benefit from consolidation. This should start with both agencies jointly reviewing their staffing levels and schedules at international arrival airports. Unifying schedules so that there is optimal staffing based on flight arrivals should be the first priority, followed by an assessment of where cross-training of TSA and CBP officers might benefit the traveling public. Of course, in cases where programs seem duplicative but in fact a legitimate law enforcement or National security purpose is served through separation, we would not object. However, in this case, we believe a fresh set of eyes on the roles and responsibilities of CBP and TSA personnel at airports is merited, and we hope this committee would conduct such oversight.

*Push for international cooperation with U.S. security standards. The Federal Government must continue to push for international cooperation in the development of international aviation security, including both bilateral and multilateral approaches, as well as with organizations such as the International Civil Aviation Organization (ICAO), to strengthen aviation security efforts while promoting travel and protecting travelers' rights.*

*Progress.*—Following a 2010 agreement by the International Civil Aviation Organization to strengthen aviation security, DHS has continued to work on a bilateral basis with countries such as Panama, El Salvador, Costa Rica, Guatemala, and Qatar to build capacity in the international aviation system for more consistent levels of screening and more standardized deployment of technology. In addition, in November 2011, DHS and the European Union concluded negotiations on a revised Passenger Name Record treaty to allow for continued vetting of in-bound passengers from the European Union. And recently, the United States and the European Union agreed to work together to harmonize the currently disparate approaches to the checkpoint screening of screening of liquids, aerosols, and gels.

*Next Steps.*—Two DHS programs that are global in nature—the Global Entry program and the Visa Waiver Program—merit expansion immediately, assuming the foreign partners commit to implementing the required improvements in security and law enforcement information sharing. In the House, the expansion of VWP is codified in the Jobs Originated through Launching Travel Act (JOLT Act), H.R. 5741 (S. 3199 in the Senate). We hope that Members of this subcommittee, and the full committee, will take a look at this legislation and consider signing on as co-sponsors, and also encourage subcommittee Chair Miller to hold a hearing. In the liquids, aerosols, and gels area inspection area, the United States and European Union should make public their time lines and multi-year budgets for harmonizing the deployment of technology that will meet the new U.S.-E.U. requirements so that technology vendors are ready with equipment once the governments harmonize policy.

*Recommendation 3: Restructure Our National Approach to Aviation Security by Developing and Utilizing Real Risk Management Methods and Tools*

*Implement well-defined risk management processes. The administration should convene an external panel of experts with appropriate security clearances to review TSA aviation security programs, assess the risk each is designed to mitigate and develop metrics for measuring progress to lessen that risk.*

*Progress.*—While an external panel of risk management experts has not been convened by TSA, we do believe that the Risk-Based Screening Initiative, which includes PreCheck™, is consistent with the spirit of this recommendation, which encouraged broader use risk management processes.

*Next Steps.*—TSA's Risk-Based Screening Initiative and the revitalization of the Aviation Security Advisory Committee are hopeful signs that TSA is not only expanding its use of risk management, but also is more thoroughly engaging external

travel and aviation experts from the private sector. We will watch the evolution of the various streams of on-going aviation security and facilitation work to insure they stay grounded in solid risk management principles, and that external experts remain actively involved. Assuming that is the case, we will withhold seeking the explicit creation of a risk management experts group.

#### C. CONCLUSION

Since the issuance of the blue-ribbon panel report—and clearly, since September 11, 2001—much has been done to improve aviation security. A new Government agency, new technologies, and new approaches to security have all been brought to bear to employ all reasonable steps to insure that such a tragedy never strikes our country again. At the same time, we are just beginning, as a Nation, to look at the other side of TSA’s mission—travel facilitation. Many Members of this committee are leading that effort, and we thank you for your commitment. The twin goals of security and facilitation must be effectively balanced to ensure that our country is both safe and prosperous.

In our estimation, TSA has made tremendous progress since its establishment, and recent efforts—including TSA’s Risk-Based Screening Initiative—hold much promise for the country and for the traveling public. We look forward to continuing our long-standing bipartisan work with this subcommittee to ensure we highlight opportunities for TSA to do more to facilitate commercial air travel, while maintaining security for all Americans.

Thank you for this opportunity to testify today, and I look forward to answering your questions.

Mr. ROGERS. Great, Mr. Gilliland.

I appreciate you mentioning the No Hassle Flying Act. That will be on the floor this afternoon and the suspension calendar. So we are excited about that.

The Chairman now recognizes himself for 5 minutes for questions. Each witness, I am a recovering attorney, as you all probably know, so I am going ask a leading question. I want you to answer with the one letter.

What grade would you give TSA on efficiency, efficiency after 11 years?

Mr. Freeman.

Mr. FREEMAN. TSA has made progress, but the grade is clearly incomplete as you look at what the opportunities are with PreCheck.

Mr. ROGERS. You have been watching the convention, haven’t you?

Mr. FREEMAN. It works well.

[Laughter.]

Mr. FREEMAN. There is progress that has been made. It is a step in the right direction, but as for all the reasons we outlined earlier today with PreCheck, we have got to work on that model; we have got to work on our inter-operability, and we have got to find better ways to get people enrolled and provide more predictability to those that are enrolled.

Mr. ROGERS. Doctor Carafano.

Mr. CARAFANO. With all due respect sir, it is the wrong question. Your grades are subjective, particularly looking across the complexity of the TSA mission. To give them a grade in this sense would be to do what they are doing wrong now, which is we are don’t have the strong quantitative and qualitative analytical basis for decision making.

Rather than give them a grade, I would say we have got—the structural inability to do the kind of tradeoffs that need to be done, and that is something that needs to be fixed.

Mr. ROGERS. Mr. Gilliland.

Mr. GILLILAND. Well, are we grading at a curve?

Mr. ROGERS. No.

[Laughter.]

Mr. GILLILAND. No.

I guess I would say, specific to efficiency, there are clearly frustrations, particularly during peak travel times when somebody shows up at an airport.

So if I think about it, specifically from a checkpoint perspective, you could say there are improvements to be made. There is a lot of work being done to move those trusted or known travelers out of those lines, so that they can process the other travelers more quickly.

I will say from experience, I was in Frankfurt, transmitting through Frankfurt here just in the last couple of days, and certainly noted that the checkpoint process there is much slower than our own.

So, if you are grading on a curve, they are certainly doing better than certainly some international checkpoint processes that I have seen; but lots of opportunity here ahead with TSA PreCheck, with global entry too, to reduce the size of a haystack. You know, we are looking for a needle in the haystack.

Reduce the size of the haystack—get those known travelers, trusted travelers out of those lines and push people through much more efficiently.

Mr. ROGERS. As a follow-up to that, let me ask, do you believe that TSA has implemented security measures in a proactive or reactive way?

We will start with Mr. Gilliland.

Mr. GILLILAND. Well, I think certainly there has been reaction to numerous incidents that have occurred in the last 11 years. So you see them being reactive in a number of situations. I suppose there is no other way to manage through that.

On the proactive front, and I mention this in my testimony, I think we really need to have a multi-year plan. I think TSA needs to have a multi-year plan, and you need to provide—this committee needs to provide them with multi-year funding authorization so that they can look forward.

To your points, Chairman Rogers, you know the threats are evolving. They are looking forward; they are looking at those threats. They need to build a proactive plan, technology and otherwise, to address that. I think that is what gets them fully forward from a proactive perspective.

Mr. ROGERS. Doctor Carafano.

Mr. CARAFANO. I think the simple answer is we have seen both. We have seen them do both.

You know, I look back at the reaction to the liquid bomb plot, which in many ways, seems like a reaction, but was actually very proactive, because the agency had actually done a lot to think through that threat and when they had to respond to it, they actually did so, I thought, in a fairly thoughtful way.

We don't always see that. So it is this lack of consistent pattern of behavior throughout all the programs that I think is the greatest cause for concern.

Mr. ROGERS. How about you, Mr. Freeman?

Mr. FREEMAN. I would add two things.

I think the point Jim made earlier is that we have all been a bit too reactive with things from Congress, to the public, to TSA looking in bad times to see what needs to be done, as opposed to doing what you are doing today, which is when times are—when there isn't a crisis situation, "How do we make some improvements here?" So, I think we are all guilty of being a bit reactive, in that sense.

I think where we suffer the most though from a travel perspective is we continue to look at this too much only from the security lens, rather from that balance of security and facilitation.

If we bring that model to it of "How do we get as many people through America's airports as we possibly can?" as a means of promoting commerce, it is going to give us a different perspective, it is going to lead us to some different ideas as to policies that will increase travel and, in so doing, create new jobs.

Mr. ROGERS. Mr. Gilliland, given your role in the private sector, can you discuss what challenges you have encountered with TSA's procurement process?

Mr. GILLILAND. I think the challenges that I have observed—and they aren't necessarily specific to our company—but I think from private-sector perspective—I think that there are numerous starts and stops.

So some of that can come from either a policy change—but technology companies can get started on a project-based on a view of where we are going to be a couple years from now, only to have policy stop that. So we saw that, in some respects, with liquids, aerosols, and gels and the technology that was going to be deployed in that regard.

I think it is really important—and my prior point that we understand that technology companies are included early in the process understanding what problem we are trying to solve. They will then forecast forward and plan along with TSA to get at the solution.

Mr. ROGERS. I completely agree. That is across DHS. That is not unique to TSA.

I thank you very much.

The Chairman now recognizes the Ranking Member for any questions she may have.

Ms. JACKSON LEE. Mr. Chairman, thank you very much for, again, this hearing.

I guess I am a little taken aback on the criticism on a day that we are mourning those who are lost, that we haven't had one tragic incident since 9/11.

So let me try to understand—I think it is Mr. Freeman? Where did you get this data that you are talking about that people are not traveling? Is this your own research?

Mr. FREEMAN. Yes, Ranking Member Jackson Lee. There have been several studies done. We funded one study through Consensus Research. There have been other studies which speak to travelers' frustration with the air-travel process.

In fact, four out of five of the top frustrations deal with the security-screening process. It does discourage travel. It does discourage people from going to various destinations around the country.



As I said earlier, our challenge is to match our immense success on the security side with similar successes in facilitating travel.

Ms. JACKSON LEE. Okay. But you indicate in your statement that the research you are indicating your statement said travelers would take two or three more flights if the hassles in security screening were reduced.

What are you suggesting? Reduced in what?

Mr. FREEMAN. Well, when it comes to the hassle factor, as you talk to travelers there are various things, from the length of lines to the unpredictability of what you are going to face one day versus the next, to removing shoes.

What travelers are most frustrated with is the one-size-fits-all approach. Many travelers, particularly those that are business travelers—

Ms. JACKSON LEE. So you want us to hire more TSO officers, because you say there are lines?

Mr. FREEMAN. Yes.

What travelers would like to do is provide more information about themselves. Provide that background information about themselves—prove with whatever measure Congress would like to set—that they are not a threat, so that they can face a different experience—

Ms. JACKSON LEE. Do you see anything positive about what has occurred since 9/11?

Mr. FREEMAN. As I said in my statement, TSA has done a fabulous job of protecting America, of assuring that we haven't had any future or any additional terrorism acts. Our challenge is to match that success with similar successes on facilitation.

Ms. JACKSON LEE. I think part of what we have to do is to listen to you. You obviously have expertise. But I think the other part of what we have to do is to explain to America that they have safe travel partly because of some of the technology and techniques that have been utilized. Maybe a little bit of explanation might aid in the understanding.

I am looking at the language that says nearly two in every three travelers, 54 percent, said they would fly more if the procedures remain as effective. So they believe that the procedures are effective. I guess that the issue of being intrusive and time-consuming, don't you think that in addition to maybe looking at ways of expediting, that a greater explanation and information to travelers might also be helpful?

Mr. FREEMAN. I think travelers are the customers. Travelers have the right to demand speedy process while also being secure. We can find a way to do that. We are the country that put a man on the moon, we can figure out how to—

Ms. JACKSON LEE. One of the things that I am certainly interested in is that—or that I might join with you on—is that we want to ensure that the civil liberties of all passengers are certainly protected; that there is no racial profiling, that there is no discrimination on the basis of one's religious attire. I think that we can come together on that.

But I also believe that we have seen over the last 2 weeks two very conspicuous large conventions. As I have had reports provided for me on both of those in Tampa and Charlotte, and having seen

the one in Charlotte, and even stopped at the airport and watched the screening process—large population of individuals, large numbers of individuals—and it looks as they went through without a hitch.

I also think we can focus on information. I am not sure whether we can focus on reduction, and I think that if you are aware that TSA continuously looks at ways to eliminate some of the—let me not use the terminology—procedures that they use, including taking off shoes.

So would that please you if TSA would move more expeditiously on some aspects of the screening process?

Mr. FREEMAN. I think if we can move expeditiously to look at the reforms, it would be an excellent step in the right direction. You know, we have that here in the Cannon House Office Building. We have it across Capitol Hill right now, where Members of Congress go through a different screening procedure than I go through when coming into this building.

That is because they have more information about Members of Congress. They are trusted. It is using risk-based screening. We need to bring that same effort to America's airports.

Ms. JACKSON LEE. With all due respect, I am not going to adhere to the screening here to protect Members of Congress. I think protecting the various visitors that we have might be a little bit more important. But it certainly doesn't equate to someone getting on an airplane and being airborne and that particular, if you will, aircraft becoming a flying missile, as it did on 9/11.

I just want to say that I think we live in a completely different world, and it is not all about vacationers and others. I do want grandma and grandchild to be able to get to their destination to visit each other without having an intrusive and frightening process.

But I believe that one of the responsibilities we have as a Member of Congress is to ensure that we educate not only you and the traveling public, because I think we have done a lot for the travel industry and I want to do more. I like to do more for however I can create processes to help you.

But I do not want us to be lax—and I am ending, Mr. Chairman, thank you for the gavel—I do not want to be lax, if you will, on procedures that have provided a safe passage for a Nation's millions of travelers since 9/11.

I yield back, Mr. Chairman.

Mr. ROGERS. I thank the gentlelady.

The Chairman now recognizes the gentleman from California, Mr. Lungren, for 5 minutes.

Mr. LUNGREN. Thank you very much, Mr. Chairman.

At the outset I want to say that I do think we are safer as a result of the actions that have been taken. I do think there has been some improvement in terms of the rapidity with which we can go through.

At least, I have seen that. I have only traveled 2.5 million miles on commercial air, and unfortunately I did two different airlines, and so you don't get the same benefits at 1 million as you do with 2, but what the heck?

But I have noticed an improvement. I happen to think the full-body scanners have helped, particularly since I have been one of those who have the opportunity to have a hip replacement, a knee replacement. I would much rather go through that way than have their hands put on me.

But there is a lot of improvement that needs to be done. I don't think there is any doubt about that.

Dr. Carafano, I would like to ask you this: Do we run into the problem of sort of two different impulses—egalitarianism, meaning that everyone is treated the same, versus risk-based activity? It just strikes me that we have had the reluctance on the part of TSA in both administrations to go to pre-screened lines, because it is going to treat people differently.

We had a reluctance by prior operations for the flight-deck operation. I mean, that was imposed by Congress. It was because they would be treated differently than everybody else. It just seems to me that smacks of frankly silliness in not getting us to a risk-based scenario.

Mr. CARAFANO. Well, Congressman, I think you ask a really great question. I have real problems with the risk-based initiative, because it implies something is exactly wrong. Most people that travel are low-risk. So the notion that we have distinguish a few low-risk categories, that is really much of an achievement. That just means that we have singled out a few out of all of us who are very, very low-risk.

So I really don't applaud the department for these initiatives, because we have got the real challenge is to distinguish the vast majority of travelers that are low-risk from the very few that we know are a real problem. Which is, again, my emphasis on linking TSA on the operational capabilities, the things that are proactive, the things that link with CT, the things that stop people before they get near our critical infrastructure, that are really the most cost-effective.

Mr. LUNGREN. Let us presume that—because in tough budget times that TSA is going to continue with the current budget or maybe even slightly less. How would you make changes with the same budget and why?

Mr. Freeman, do you have any suggestions?

Mr. FREEMAN. Well, I think one of the great opportunities here is the many travelers who are willing to pay for a better experience. Quite frankly, when you look at it, upwards of 80 percent of travelers would be willing to pay to be part of a trusted-traveler program, where in exchange for providing information about themselves and paying a modest fee to cover TSA's cost for the FBI background check or whatever else they may have—

Mr. LUNGREN. Have you ever heard anybody argue that having more information that would go to the question of whether they are a risk or not risk does not give you a better benefit than idly looking at everybody that goes through?

Mr. FREEMAN. No. No one has made that argument. In fact, the model for the Global Entry program that Customs and Border Protection is already using is based on getting information about people in advance. As the 9/11 Commission says, it is all about intel-

ligence gathering. Gathering that information in advance is the best that we can do, and processing people through there.

I think when you look at tight budgetary time, that is one approach; working with private vendors who can also cooperate here. I mentioned Clear earlier as one example of an entity that can help on background checks and in other areas that are opportunities here to achieve the security that Ranking Member Jackson Lee rightfully demands will also streamline the process.

Mr. LUNGREN. Mr. Gilliland, do you have any suggestions how they can improve without having an increased budget if they have to deal with that situation, as most Government agencies are going to have to?

Mr. GILLILAND. Well, I think the very programs that have been mentioned here are opportunities to use the same number of people to screen more. What I mean by that is that you see PreCheck, you see Global Entry—it allows people to move through the process more quickly. It allows TSA to focus on people they don't know.

However, we do need to—as Dr. Carafano pointed out, we need to get more people into the program. So it can't simply be about frequent travelers, although they are the highest volume of entry and exit into and out of airports. It can't just be about frequent fliers.

We have got to get the programs like Clear, other programs that can get more and more people into that process. If you do that, you can process more people with fewer TSA agents or—

Mr. LUNGREN. Dr. Carafano, any other suggestions?

Mr. CARAFANO. Well, you know, I think that they are both correct. If you reduce your screener requirement you are going to save a ton of money. The question is—even if you vastly spend, the number of people that are low-risk, and the getting people into—wind up into the low-risk category, is just like getting people to use Twitter.

I mean, the rules are exactly the same. It has to be simple. It has to be vigorous, and the traveler has to see value in that. So unless you create a system that has those three attributes, you are not going to get the numbers of people into the system at the level you do to significantly reduce costs.

I don't see how you get to that kind of system with just a Government-run program. I do think you are going to have to have a program which has greater input from industry and travelers and stakeholders to shape the kind of programs that are suitable and flexible to their needs.

Mr. LUNGREN. Thank you, Mr. Chairman.

Mr. ROGERS. I thank the gentleman.

Mr. Davis is recognized for 5 minutes.

Mr. DAVIS. Thank you very much, Mr. Chairman. I want to thank the witnesses for being here.

Mr. Freeman, in your testimony, you discuss the economic impact travel has on our Nation's economic health and the many jobs that are dependent upon the travel industry.

Is it accurate to say that when TSA does its job effectively and prevents terrorist attacks from occurring, it is helping to ensure the health of a critical part of our economy?

Mr. FREEMAN. The most important things to increase travel are safety and efficiency, so both of those things have to work hand-in-hand.

Unfortunately, we have the same number of air travelers today that we had in 2000. So I think we have to ask ourselves, "What is it going to take to get more people traveling?" What is it going to take to get more people in the air so that we can go into these local communities and not just stay in hotels and rent cars, but go to the local drugstores, go to the dry cleaners, spend that money throughout those local communities to strengthen them?

Right now, we are static.

Mr. DAVIS. You also cite in your testimony studies that suggest individuals do not fly oftentimes due to hassles related to the checkpoint screening.

What would you suggest TSA and the travel industry do collaboratively to ensure that individuals are not deterred from flying because of security hassles?

Mr. FREEMAN. Yes, the travelers that most often avoid trips are those travelers who travel most, the frequent business travelers. The single biggest thing those travelers want is predictability. They want a sense of, if it is an hour wait 1 day and 1 minute or 5 minutes the next day, why is that? Why are things changing constantly?

If we can work together to provide that predictability, we will be much better off. One thing we have been discussing with TSA is the ability of travelers if TSA would be willing to provide the information to check from an offsite location as to the length of wait times at various airports so they can know before they depart for the airport.

That is one example, I think, would help business travelers in particular.

Mr. DAVIS. Thank you.

Also in your testimony, you referenced that TSA restarted the Aviation Security Advisory Committee and has increased its interaction with the private sector.

I know that Mr. Thompson, our Ranking Member Thompson, has legislation H.R. 1447 which would codify the Aviation Security Advisory Committee. Do you support that kind of approach or Mr. Thompson's legislation?

Mr. FREEMAN. The Aviation Security Advisory Council is critical. Sam's Blue-Ribbon Panel recommended putting that into full gear. I need to look at Mr. Thompson's bill. I am not familiar with it, but we absolutely support councils like that to ensure that TSA can get the outside council that it needs.

Mr. DAVIS. In your testimony, you also state that TSA's PreCheck program is an essential first step to creating a more efficient and secure screening process.

What would you recommend that the next step be in an effort to expand that activity?

Mr. FREEMAN. Well, I think two important next steps.

One is working with outside entities who can help direct more travelers to that so that Global Entry is not the only model for coming into the program, as well as working to create some interoperability with the airlines.

One of the biggest shortcomings today is that if you have 100,000 miles with one airline and you fly on that airline, you may be in PreCheck. The next day you fly with a different airline, you are the same person, you are the same security threat, and yet you have a different experience.

We have got to address that issue.

Mr. DAVIS. Thank you very much.

Mr. Gilliland, let me ask you, the Blue-Ribbon Panel's report states that TSA should develop a comprehensive technology procurement strategy.

How many years would you suggest the strategy cover, and do we ensure TSA retains the flexibility to adapt to new threats that may have not been envisioned at the time the strategy was developed?

Mr. GILLILAND. Well, first of all, if I were to apply private-sector approaches to a forward-looking view on technology planning, I would say 3 to 5 years would be a good time horizon to think about in terms of a technology plan.

I think, though, going along with that, it is going to be really important for this subcommittee to provide a multi-year authorization for that type of plan.

Sir, I am sorry, the second part of your question?

Mr. DAVIS. The second part would be—let us see, what did I ask here? The second part was what kind of flexibilities, I guess, would one project the need for over that period of time?

Mr. GILLILAND. Well I think, and again, this comes back to the challenge of the budget process around here. But often you can plan in the private sector to purchase something a year out and your plan won't change.

In the budgetary process here, you are often forecasting out several years. By the time you get there to implement the technology has passed you by and you need to procure new—so I think the flexibility that is needed is both an ability to purchase soon after the decisions are made and also than to have a budgeting process that allows you think forward a couple of years and purchase at the time of need as opposed to having to forecast so far out that the technology has become obsolete by that time.

Mr. DAVIS. Thank you very much.

Mr. Chairman, I yield back.

Mr. ROGERS. I thank the gentleman.

The Chairman now recognizes the gentleman from New York, Mr. Turner, for any questions he may have.

Mr. TURNER. Thank you, Mr. Chairman.

A question for Dr. Carafano—you mentioned the international studies and comparisons with some of the European operations in airports. Could you elaborate a little bit on what has been learned that is positive that could translate here?

Mr. CARAFANO. Well, I think if you look at the European experience—with the last data I looked at from the Reason Institute was about—I think they said 48 percent of European countries either use contractor airport security—Government security—their compliance with ICAO—their safety records have been comparable with the United States.

That raises—

Mr. TURNER. Cost?

Mr. CARAFANO. I am not sure on the European costs. The most interesting data I have seen on cost comparisons was the work that the House Transportation Committee did in 2011 where they looked at LAX, which is a completely TSA airport, vis-à-vis San Francisco, which was in the screening partnership program—San Francisco had lower costs and equal efficiency; and actually some cases better efficiency, but equal levels of security.

The question of Government versus private screeners in terms of the level of security they provide—I think the answer is, with the appropriate oversight and requirements on them, they can provide equal security. Then the question of cost efficiency gets a little more complicated as to the size of the airport, how it is structured and everything.

But clearly we have seen there is potential for airports with private security screening to deliver equal services at lower cost.

Mr. TURNER. Sure, all right, thank you.

Mr. Freeman, I can only agree with you, as a frequent flyer and roughly 2.5 million miles as well over many years. If I can avoid flying, I do.

Just the operations at the airport are—it is off-putting and some days it is belts-on. Some days it is belts-off, shoes-off, don't quite know why. Just the last time I flew, I had my Congressional identity challenged—“No, we can't use that. We can only use State driver's license.” I said, “Really?”

But, I let that one go because by the time you get a supervisor over, just—I can drive in 5 hours down here as opposed to getting to the airport an hour early and going through that hassle and waiting on the tarmac another 40 minutes on. What you say is very true.

I have a dozen friends who now drive from New York to Myrtle Beach. They have had it with the airport process. They will take a day-and-a-half drive rather than two airline trips.

So I am sure it is affecting the commerce and the business of airline travel, and it is not positive.

Now I don't think this is that difficult to find who the frequent travelers are, identify them and move them through. I think that can be a very big and broad list. But if you have anything to add, I would like to hear it.

Mr. FREEMAN. I am sorry your experience mimics that of so many others. We can do better. I think that is the essence of what the Blue-Ribbon Panel chaired by Sam, Tom Ridge, former Congressman Jim Turner, everyone looking at this issue is saying we can do better.

Security is absolutely job No. 1. As Americans, let us find a way to achieve that security with world-class efficiency, with a world-class customer service and letting people know that we want to help you move around this country. That is the challenge we face, and we can do it.

Mr. TURNER. Thank you.

I yield back, Mr. Chairman.

Mr. ROGERS. I thank the gentleman.

You all are probably aware that this committee has held a series of hearings on procurement and acquisition and the problems that

alluded to Dr. Carafano's opening statement as being accurate, but it is accurate across the whole Department. This has been real frustrating to me.

Mr. Gilliland, has TSA requested the assistance of the private sector, to your knowledge, to help in establishing a truly risk-based screening process at checkpoints?

Mr. GILLILAND. Well, I think the ASAC is an example of the type of collaboration that can occur if we bring public and private sector together. So I think there is certainly that collaboration.

I think the other collaboration that has occurred here more recently is less related to technology and more related to communications and process.

Certainly, there has been a lot of collaboration around: How do we get the word out about Global Entry? How do we get more people signed up? How do we get more people into TSA PreCheck and help them understand? Can you be helpful if it relates—can private sector be helpful as it relates to technology on our website—and the clarity of that information, the flow of the website so that we can be a lot more helpful to travelers with the information they would really like to get out to them?

Mr. ROGERS. You heard Mr. Freeman talk about being qualified for Global Entry and being denied for PreCheck and made the reference to the fact that, just like I am, I am PreCheck for Delta, but US Air, I am not, which is—

Mr. GILLILAND. Yes.

Mr. ROGERS. Do you have an opinion as to whether or not the technology exists and whether it would be prohibitively difficult or expensive to put in a central database of people who are qualified for PreCheck or Global Entry or whatever so that each airline would be able to ping off that database somebody that has bought a ticket?

Mr. GILLILAND. Certainly, from a technology perspective, it is doable. I think, from a policy perspective and just as you think about the passengers themselves and their willingness to opt in, which I think many would be happy to opt in, to provide their information and data more freely.

I think it is clearly possible, from a tech perspective. There are probably some processes and maybe even some policy that you need to apply to it though as well.

Mr. ROGERS. I am interested—do you all have any thoughts on that point? Since you brought it up, Mr. Freeman, the Global Entry thing I think, is just amazing—that after having that done you can't qualify for PreCheck.

Tell me more about the general—I don't know your particulars, but why you think that happens?

Mr. FREEMAN. My understanding is, in talking with TSA, that it deals with different entry codes in the various airline systems as well as TSA's systems whether your middle initial is entered in one system and your full middle name in another.

These systems are having difficulty talking to one another. That certainly needs to get addressed. It can be done, as Sam said, from a technology standpoint. We just have to place greater emphasis on it.



Mr. ROGERS. Dr. Carafano, what would you suggest we do to try to enhance or facilitate more public-private conversation between the Department and the private sector?

Mr. CARAFANO. That is a great question. I think it is all an interesting kind of academic debate. We don't get to the fundamental problem, which is the Department, overall, lacks an organized, coherent acquisition process and we need that. Without that everything else around is just kind of window dressing.

There are some great initiatives. For example, the Homeland Security Policy Institute runs a program for DHS on technology review where they bring in stakeholders and they say, "Hey, here is the technology, what do you guys think?"

They get a variety of stakeholders from industry and private sector and they comment on it. The idea is to understand how the public and how customers would react to this technology if the Department rolled it out or if they tried to, you know, hand it over to industry.

It is a great initiative, but it is a great initiative absent the context of a structured acquisition program for the Department.

Mr. ROGERS. Frustrating. Thank you very much.

The Chairman recognizes the Ranking Member for any additional questions she may have.

Ms. JACKSON LEE. Mr. Chairman, thank you so very much.

I want to make sure that the panelists know how much I appreciate the insight is crucial. It is good for us to have a give-and-take. I want Mr. Turner to be able to not have to drive 5 hours and do other things.

I, most of all, want to make sure that TSO officers understand what a Government ID is and that a Congressional ID is a Government-issued ID and it should not be question not because we are Members of Congress, but because it is a Government ID.

So I hope that those who are in the sound of my voice can hear that, Mr. Chairman, because that is an embarrassment.

But I do want Mr. Freeman, who I want to welcome in particular, to at least give me the moment that a lot of other things impact traveling such as—a \$150 travel fee, baggage fees, waiting on tarmacs, canceled flights are part of it. But I think we can come together and I want to just raise this question with you which I think is important.

The U.S. Travel Association's Blue-Ribbon Panel Report recommends that Congress act immediately to clear up confusion over ownership of commercial aviation security and authorize TSA to control the entire security checkpoint starting at the beginning of the security lines and ending as the traveler exits the screening area.

I would almost make the argument about the area right outside the airplane and the place of entry onto the plane. But, in any event, would implementation of this recommendation enhance both efficiency and security and, also, do what I think you said is the integration of the PreCheck and the Global Entry and to expedite that processing even if we have moved to the point where we have it integrated? I think it would be important to integrate that system to make it one so that you could do that in a more expeditious way.

Let me just finish by saying you also recommend the Department of Transportation issue regulations requiring airlines to allow passengers one checked bag as part of their base airfare.

So why don't I let you answer that with the focus being how TSA, by getting more control over areas, put on the onus and burden of them being efficient.

I do want to acknowledge Mr. Richmond and Mr. Davis' presence here for the record, even though Mr. Davis has already spoken.

I yield to you.

Mr. FREEMAN. I appreciate that. Let me take those questions in reverse order. The panel did look at the issue of increased bags coming through the security checkpoint.

According to Secretary Napolitano, they have picked up—DHS has—in excess of \$300 million in new costs since the implementation of baggage fees and the increased bags coming through the security checkpoint.

Administrator Pistole has told folks in the industry, they have seen a 50 percent increase in bags coming through the TSA checkpoint. We think that is an issue that needs to be investigated, that, absolutely, it would play a significant role in the inefficiency of that process and it is something that needs to be explored, No. 1.

With regard to Global Entry integration, we completely agree. Global Entry is a good model for what PreCheck can look like. It includes a background check. It includes a personal interview. It includes a lot of the things that speak to risk management. So we agree on the integration.

On your last point regarding the whole checkpoint, I think one thing that many people are unfamiliar with is that the airlines control the security checkpoint up until you reach the Travel Document Checker.

Ms. JACKSON LEE. Right.

Mr. FREEMAN. So that whole line process is controlled by the airlines, and we understand why they see value in that. Certain travelers get a different, perhaps better experience, than other travelers.

It would be our opinion that the security checkpoint is about security and the way to get a better security experience is to provide more information about yourself. The more information you provide, the more information that speaks to security—the better experience you get based less on your frequency of flying or how much money you have paid someone and much more on the security information you have provided.

Having control of that entire checkpoint will increase efficiency and will get us to a system that is more risk-based than dollar-based.

Ms. JACKSON LEE. There lies a very conspicuous place of agreement and a place where we can include and engage the U.S. Travel Association and airlines, which, Mr. Chairman, I think are very important to come into this discussion because Mr. Freeman is right.

If you look at the lines, you will see a slow process, long lines based upon ticket structure. But, more importantly, you will see, as a frequent traveler—and you are I know—the huge numbers of bags that individuals—I am amazed at how many bags they can pack under their arm or on their backpack or in between their

shoulders, et cetera, in order to avoid what is expensive baggage fees.

I am not criticizing travelers at all, but we have got to find a common ground because I believe that America has been made secure because we have had a process in place. Now, we have to refine and define and make better the process.

So let me thank you. That is the only question I wanted to follow-up with is about the control of the security area and how we can expedite and make better security and expedite travelers. Thank you very much for our testimony.

Mr. FREEMAN. Thank you.

Mr. ROGERS. I thank the gentlelady.

That concludes our question period. We do have one brief statement that the gentleman from California wanted to make.

Mr. LUNGREN. I just wanted to say, Mr. Chairman, I join my colleagues in wondering why the identification card for Members of Congress, which is a Government-issued document, which has a picture on it, is not accepted.

It certainly seems to me that has a higher level of security than a driver's license. Twice at Los Angeles Airport, I have been told by the person "Well, I don't recognize that. That is not one of the usual ones and if you wait here for 5 or 10 minutes, we can get the supervisor to come."

If the purpose is security, the manner in which it is used just goes upside-down. So maybe they will hear today from this hearing.

Mr. ROGERS. Yes, that is demonstrative of a larger problem.

Thank all of you all for your very thoughtful comments and answers to our questions. It has been very helpful and I appreciate it.

With that, this panel is dismissed, and we will call up the second panel.

The Chairman now recognizes the second panel.

We are pleased to have two additional witnesses for us today on this important topic—both of them very familiar figures when it comes to this subcommittee.

Let me remind the witnesses their entire written statements will appear in the record.

Our first witness, Mr. John Halinski, currently serves as deputy administrator for TSA.

The Chairman now recognizes Mr. Halinski for 5 minutes.

**STATEMENT OF JOHN W. HALINSKI, DEPUTY ADMINISTRATOR,  
TRANSPORTATION SECURITY ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY**

Mr. HALINSKI. Chairman Rogers, Ranking Member Jackson Lee, distinguished Members of the subcommittee, thank you for the opportunity to appear before you today.

None of us needs to be reminded of the significance of this day. Few dates in our history carry the weight associated with the numbers 9/11. Like today, September 11, 2001 was a Tuesday. The attacks occurred from 8:46 to 10:03. When it was over, 2,977 people had been killed, and more than 3,000 children lost a parent.

As the wreckage of the World Trade Center smoldered, the United States Congress passed ATSA, the Aviation and Transpor-

tation Security Act, authorizing the creation of the Transportation Security Administration.

We were built to strengthen the security of the Nation's transportation systems while ensuring the freedom of movement for people in commerce. We were built to coordinate and collaborate security efforts with the public and private-sector stakeholders across all modes of transportation. We were built to ensure that no other date is ever as deeply and permanently scarred as this one.

Everywhere we work, our actions are guided by the promise that we will never forget. Every year, more than 9 billion passengers use mass transit, while another 750 million people travel on over-the-road buses. Additionally, nearly 800,000 shipments of hazardous material are transported every day, 95 percent of them by truck. Transportation security officers perform security screening for approximately 640 million passengers each year.

Our commitment to never forget the significance of this day includes an understanding that commercial aviation continues to be a priority target for terrorists who continue developing and adapting threats against the global aviation system. This is why intelligence is a key driver for all we do.

Continuing our efforts to strengthen global aviation this week, TSA administrator John Pistole will meet with leaders from around the world. This high-level conference, which is a culmination of 2 years' worth of work on aviation security, is sponsored by the international civil aviation organization and will address key aviation security principles. Agenda items vary from risk-based security, to cargo, to combating the insider threat.

As you know, we are taking a number of steps to achieve our primary goal of providing the most effective security in the most efficient way for passengers as well. These include modified screening procedures for passengers 12 and younger and 75 and older, the launch of TSA PreCheck, the Known Crewmember program, and the expedited screening for members of the U.S. armed forces.

The success of these risk-based security initiatives depend upon our most valuable resource, our people. Maintaining and enhancing the capabilities of our employees through training is a priority. The nature of our work and advances in technology require our work force to adapt and develop new specialized skills as threats evolve.

It is not enough to train and engage our work force. We must hold everyone accountable in the success for our mission, and remove people who do not meet the high standards of integrity that our mission requires.

To honor our commitment to never forget, we must also engage our work force, shaping them for success and driving efficiencies across the organization, so that all who travel can do so securely, as exemplified by recent TSA support to the Olympics and the conventions in Tampa and Charlotte.

Eleven years ago, we—all Americans—stood united to defeat a diabolical threat that attacked our Nation. TSA was born from this tragedy, and lives this event every day. We do this with honor, integrity, and professionalism. Our mission appears simple to many, but its complexity and variety makes it a difficult task for anyone to accomplish.

As the memories of 9/11 slip by for many, we at TSA cannot afford to forget what our job is. We cannot be distracted by critics and others who forget we face a threat, that just this spring rose again and attempted to attack our transportation system.

We will never forget and not let it happen on our watch. I am proud of our employees who come to work each day and every day to serve and protect the traveling public.

I appreciate the opportunity to be here with you on this important anniversary. I look forward to answering your questions. Thank you very much.

[The prepared statement of Mr. Halinski follows:]

PREPARED STATEMENT OF JOHN W. HALINSKI

SEPTEMBER 11, 2012

Chairman Rogers, Ranking Member Jackson Lee, and distinguished Members of the subcommittee, thank you for the opportunity to appear before you today on the anniversary of the September 11 terrorist attacks against our Nation.

The Transportation Security Administration (TSA) was created in the wake of 9/11 to strengthen the security of the Nation's transportation systems while ensuring the freedom of movement for people and commerce. TSA functions as a critical component of our Nation's counterterrorism efforts with a highly dedicated workforce working around the clock and across the globe to execute our transportation security responsibilities. Every day we work closely with public and private-sector stakeholders in the aviation, rail, mass transit, highway, and pipeline sectors to employ an intelligence-driven, risk-based security approach across all modes of transportation.

The vast nature of the Nation's transportation systems as well as its impact on our Nation's economy requires that our personnel continually adjust and adapt security practices and procedures to best address evolving threats and vulnerabilities. Every year, passengers make more than 9 billion mass transit trips while over 750 million over-the-road bus trips are completed. Additionally, nearly 800,000 shipments of hazardous materials are transported every day, of which 95 percent are shipped by truck. Within the commercial aviation environment, Transportation Security Officers (TSOs) perform security approximately 640 million passenger screenings each year. This volume is roughly equivalent to screening every person residing in the United States, Mexico, Germany, France, the United Kingdom, and Italy.

TSA's security measures create a multi-layered system of transportation security that mitigates risk. We continue to evolve our security approach by examining the procedures and technologies we use, how specific security procedures are carried out, and how screening is conducted. As we carry out our mission, TSA is focused on providing the most effective transportation security in the most efficient way possible.

#### MAINTAIN FOCUS ON GLOBAL STRATEGY

We are committed to maintaining our focus on global strategies in order to mitigate the likelihood of a successful attack that originates from beyond our borders. To accomplish our mission, TSA has a globally-deployed outreach and engagement workforce comprising TSA representatives (TSAR) who coordinate closely with foreign government counterparts and international industry representatives who serve as the direct liaison to regulated foreign airlines. Also, TSA has a cadre of aviation security instructors who focus on capacity development and provide formal training to international counterparts when capacity development and training are deemed a viable solution for vulnerabilities. Through these interactions, TSA is able to synchronize our approach with the entities affected by our security decisions while promoting both international security and commerce.

We believe that good, thoughtful, sensible security by its very nature facilitates lawful travel and legitimate commerce. Tomorrow, DHS Secretary Janet Napolitano and TSA Administrator John Pistole will meet with leaders from around the world at a High-Level Conference on Aviation Security of the International Civil Aviation Organization (ICAO) to address, among other things, key principles of air cargo and mail security developed by an ICAO working group in May of this year. These principles recognize that strong, sustainable, and resilient air cargo security is essential

and recommend the adoption of the total supply chain approach to security that has already been incorporated by the United States to secure domestic cargo. The principles also emphasize the importance of oversight, quality control, and international cooperation and coordination of security measures for the global air cargo supply chain.

TSA has worked closely with its international and private-sector partners to increase the security of air cargo without restricting the movement of goods and products. By December 3, 2012, TSA will require 100 percent physical screening of all air cargo transported on passenger aircraft bound for the United States. This important step not only builds on the current practice of 100 percent screening of identified high-risk international cargo, but also adds TSA's risk-based, intelligence-driven procedures into the prescreening process by determining appropriate screening protocols on a per-shipment basis. This process requires enhanced screening for any shipment designated as higher-risk based on a review of information about the shipper and the shipment itself, which must undergo the most stringent screening protocols prior to transport on both passenger and all-cargo aircraft bound for the United States. In addition, TSA continues to pursue bilateral efforts with appropriate foreign government partners through its National Cargo Security Program (NCSP) recognition program. Under this program, an air carrier can choose to implement the security program of the country from which it is operating once TSA has determined that such programs provide a level of security commensurate with current U.S. air cargo security requirements.

#### RISK-BASED SECURITY IMPROVES MISSION EFFECTIVENESS

Risk-based screening strengthens security while significantly enhancing the travel experience for passengers whenever possible. By learning more about travelers through information they voluntarily provide, and combining that information with our other layers of security, DHS can focus more resources on higher-risk and unknown passengers. DHS will continue to incorporate random security steps as well as other measures both seen and unseen in order to maintain the safest and most efficient system possible for the traveling public. Since the fall of 2011, TSA has offered modified screening procedures to a variety of low-risk populations including passengers 12 and younger and 75 and older.

In October 2011, TSA launched the TSA PreCheck™ program to build on our intelligence-driven, risk-based initiatives helping TSA move away from a one-size-fits-all model and closer to its goal of providing the most effective security in the most efficient way. To date, more than 2 million passengers have experienced TSA PreCheck™. TSA PreCheck™ is now available in 23 airports for Alaska Airlines, American Airlines, Delta Air Lines, United Airlines, and US Airways frequent flyers. A total of 35 airports are scheduled to be on-line by the end of this year. As participating airlines and airports become operationally ready, TSA will announce the implementation of TSA PreCheck™ at additional locations.

TSA PreCheck™ enables TSA to focus our efforts on the passengers we know little about and high-risk passengers, while providing expedited screening and a better experience for those travelers TSA knows the most about. Airports with TSA PreCheck™ provide expedited screening to U.S. citizens flying domestically, who are members of existing U.S. Custom and Border Protection (CBP) Trusted Traveler programs (Global Entry, NEXUS, and SENTRI), or eligible airline frequent flyers who have opted in.

TSA continues to take steps to further enhance our layered approach to security through state-of-the-art technologies, better passenger identification techniques, and other developments that strengthen our capabilities to keep terrorists off commercial aircraft. However, TSA will always incorporate random and unpredictable security measures throughout the airport and no individual will be guaranteed expedited or modified screening. Airport security checkpoints are only one part of a multi-layered system for aviation security. Other parts, both seen and unseen by the public, include analysis of intelligence, explosives detection, canine teams, Federal Air Marshals, and closed-circuit television monitoring. With the tools that exist today, if we can confirm a person's identity and learn more about them through information they voluntarily provide, and combine that information with our other layers of security, we can expedite the physical screening for many people.

As part of the continued expansion of RBS initiatives, TSA will include flight attendants from U.S.-based airlines and traveling from U.S. airports into the Known Crew Member (KCM) program that already includes pilots. KCM provides positive identity verification of the airline crewmember, enabling expedited screening. TSA anticipates that it may take 6 to 12 months for the air carriers and their service providers to make the necessary system modifications to incorporate flight attend-

ants into the expedited screening process already in place for U.S. airline pilots and fully develop, test, and implement the program. As of August 2012, KCM has been deployed at 18 airports, with 13 additional sites scheduled to come on-line by the end of the calendar year.

TSA also recognizes that members of the U.S. Armed Forces, who are trusted to protect the security and values of America with their lives, pose a lower risk to aviation security. In fact, TSA is proud to count many uniformed service members among our employees. At airport checkpoints Nation-wide, U.S. service personnel in uniform with proper identification, whether traveling on official orders or not, are not required to remove their shoes or boots unless they alarm our technology. Other screening courtesies that we extend to U.S. military personnel traveling in uniform significantly reduce the likelihood that they will receive a pat-down or other additional screening. In addition, family members may obtain gate passes to accompany departing troops or meet their loved ones when they come home. TSA also expedites screening for honor flight veterans, and partners with the Department of Defense to expedite screening of wounded warriors. Additionally, as part of our intelligence-driven, risk-based approach to security, TSA now offers TSA PreCheck™ expedited screening benefits to active-duty service members at Ronald Reagan Washington National Airport and Seattle-Tacoma International Airport as part of an initial proof of concept.

#### WORKFORCE ENGAGEMENT INITIATIVES

The success of RBS and initiatives like TSA PreCheck™ depend upon people. A dedicated TSA workforce assures the traveling public that they are protected by a multi-layered system of transportation security that mitigates risk. An effective workforce must be properly trained. We are currently engaged in a transformation of TSA that is designed to increase efficiencies and more prudently allocate resources. An important part of this effort is the creation of the Office of Training and Workforce Engagement (OTWE), which centralizes technical and leadership training, as well as workforce engagement programs that were previously dispersed throughout TSA. Maintaining and enhancing the capabilities of our employees, and particularly our TSOs, is a priority. Both the nature of our work and advances in technology have required our workforce to adapt and develop new, specialized skills as threats continue to evolve. As part of this strategic alignment, OTWE developed and implemented a new TSA training program at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA in April 2012.

In addition to technical training, on-going programs support the professional development of TSOs to continually improve their overall effectiveness and efficiency. For example, since last summer TSA has been delivering a tactical communications course for all managers, supervisors, and TSOs. The course, which expands upon the concepts and principles introduced during earlier engagement training, teaches officers how to effectively interact with passengers and co-workers. The course is designed to prepare TSOs for all types of human interactions by giving them tools and techniques to de-escalate difficult situations. At the checkpoint, these skills enable TSOs to more effectively complete the screening process.

We are also expanding supervisory training as we implement the Department of Homeland Security Cornerstone program, a unified approach to the development of essential skills for new and seasoned TSA supervisors. This program includes instructor-led classroom training, mentoring, and on-going development opportunities. Over the next 18 months all of our Supervisory Transportation Security Officers (STSO) will complete a course on the essentials of supervising screening operations. This training will build upon the basic leadership and technical skills of front-line supervisors, including effective communications, coaching, mentoring, and problem solving, and will enhance technical skills needed for effectively implementing security procedures. One of the key course objectives is to encourage STSOs to take ownership of their role in facilitating and contributing to the development of a responsible and professional workforce by establishing a high standard for performance, accountability, and integrity that their team members will strive to emulate.

Workforce development is further enhanced by the TSA Associates Program, which continues to provide TSA's front-line workforce the opportunity to receive a TSA Certificate of Achievement in Homeland Security upon the completion of three core courses offered at community colleges across the country. More than 2,500 officers have enrolled since the program's inception. Today, the program is represented by employees in all 50 States with more than 70 airports and 60 community colleges participating in the program. TSA has also implemented employee development initiatives like the Leaders at Every Level (LEL), through which TSA identifies high-performing employees and fosters commitments to excellence and teamwork. The

implementation of a new four-tier performance management program for non-TSOs enables the workforce to actively engage in developing their annual performance goals in collaboration with their supervisors, while promoting two-way communication between employees and their supervisors throughout the performance year. Providing a mechanism to proactively identify opportunities to improve their performance has increased employee morale.

It is not enough to train and engage our workforce—we must hold everyone accountable in the success of our mission. Administrator Pistole, shortly after coming to TSA, established the Office of Professional Responsibility (OPR) to ensure that allegations of misconduct are thoroughly investigated and that discipline is appropriate and fair across the agency. OPR ensures that our workforce is treated fairly by removing people that do not meet the high standards of integrity that our mission requires.

#### EFFICIENCIES IMPROVE ORGANIZATION, MANAGEMENT

Over the past year, TSA has announced several enhancements to its headquarters functions to improve the agency's overall security posture. For example, to support a more effective means of vetting functions with the operational use of intelligence information, we merged the Office of Intelligence with Secure Flight and the Office of Transportation Threat Assessment and Credentialing. This change allows TSA to more effectively identify potential threats posed by airline passengers and transportation workers across all vetted populations.

Restructuring efforts have allowed TSA to gain efficiencies with many support functions including training and information technology (IT) management. For example, as discussed above, we have placed all security training programs under a single Assistant Administrator, which eliminated multiple levels of supervision in several offices and reduced processing times and redundant review functions. In addition, by combining IT management activities under a single functional area, TSA has ensured IT strategies are in accordance with the consolidated DHS IT architecture.

In addition, combining the technology deployment and integration groups under the Office of Security Capabilities has improved coordination and deployment of new equipment while eliminating redundant management structures. These changes have enabled TSA to better address recommendations for improvements provided by Congress, the Government Accountability Office, the DHS Inspector General, and our own workforce.

Finally, to improve field coordination, TSA has reduced the number of field regions within the Office of Security Operations (OSO) from 12 to 6 and has developed a scorecard to evaluate operational effectiveness and efficiency at the National, regional, and local levels. OSO has further enhanced its ability to measure effectiveness by formalizing its Presence, Advisements, Communication, and Execution (PACE) program, which tracks performance metrics. The PACE program establishes and measures the level of standardization that exists across airports in areas not traditionally set or measured by other programs. This includes such things as evaluating to what extent TSOs exhibit command presence and how effective their interaction is with passengers, as well as adherence to other Management Directives and Standard Operating Procedures.

#### CONCLUSION

Our Nation's transportation systems continue to face evolving threats. To achieve its mission, TSA will continue to effectively implement an intelligence-driven and risk-based security system across all transportation modes while increasing the level of engagement with our workforce to shape them for success and drive operational and management efficiencies across the organization. TSA strives to achieve these goals as it continues to protect the Nation's transportation systems to ensure freedom of movement for people and commerce. We appreciate your continued support as we strive to ensure that our workforce is well-prepared and given the proper tools to meet the challenges of securing our aviation transportation system. Thank you, Chairman Rogers, Ranking Member Jackson Lee, and Members of the subcommittee, for the opportunity to appear before you today. I look forward to answering your questions.

Mr. ROGERS. Thank you, Mr. Halinski, for your testimony. We appreciate your many years of service, in the military and now with the Department.



Our second witness is Mr. Steve Lord—currently serves as director of Homeland Security and Justice Issues for Government Accountability Office.

The Chairman now recognizes Mr. Lord.  
Welcome back.

**STATEMENT OF STEPHEN M. LORD, DIRECTOR, HOMELAND SECURITY AND JUSTICE ISSUES, GOVERNMENT ACCOUNTABILITY OFFICE**

Mr. LORD. Thank you, Chairman Rogers, Ranking Member Jackson Lee, other Members of the committee. I am truly honored to be here today to testify on the anniversary of the 9/11 attacks.

These attacks underscore the importance of implementing effective screening systems, not only for airline passengers, but air cargo, and checked baggage, as well as preventing foreign nationals coming to this country to take flight school training.

I would first like to note that DHS and TSA have made some notable achievements and deserve to be commended for enhancing security since these attacks. At the same time, as our reports have demonstrated, they faced a number of challenges along the way.

Today, just to give you a flavor for some of the progress and challenges, I would like to briefly highlight three key TSA programs of which we have reported on.

The first is its behavior detection program called SPOT, its program for screening air cargo, and its program for screening foreign nationals coming to this country to take flight school training.

First, regarding TSA's behavior-detection program—we have done a lot of work in this area, and we have highlighted the fact that DHS and TSA need to take additional actions to ensure the science underpinning this program has been validated by outside experts.

The good news is DHS did complete a validation study in April 2011, but the report itself raised a number of issues that remain to be addressed and our view is this additional research could take several more years to complete.

Our 2010 report on the program also recommended that TSA standardize the process by which the behavior-detection officers deployed to across the Nation, standardize the process by which they collect and share information internally to help TSA connect the dots on potential terrorist activity. As you know, connecting the dots was one of the major failures of 9/11.

The good news, also, is we are conducting a follow-on review of this program. We have made several recommendations to strengthen the program, which TSA has agreed with, and we will be giving you a status update in the spring of next year.

Regarding air cargo, again, the good news is TSA has taken some important actions to enhance the security of air cargo. Again, that is cargo that goes in the belly of the aircraft.

They have tightened existing screening requirements. They have entered in a security regime, so—with other countries such as the European Union, Switzerland, and Canada. This alleviates air carriers of having to respond to different sets of security requirements.

However, again, they face some challenges in this area that could hinder their efforts to fully meet the Congressional mandate to

screen 100 percent of cargo on passenger aircraft. These challenges include logistical issues, as well as verifying the accuracy of screening data submitted by the carriers.

It is important to note contextually, there is no equivalent reporting requirement for all cargo carriers that ship air cargo. This is important because they actually ship the highest percentage of the cargo coming into this country. Thus, TSA does not really know the extent to which these off-cargo carriers are compliant with the new screening requirements implemented after the 2010 Yemen incident.

Finally, regarding TSA's Alien Flight School program—I testified before this committee in July, highlighted a number of weaknesses in their vetting process. TSA and ICE agreed to move out smartly to implement our recommendations. Yet as of today, these recommendations are still open, these weaknesses still exist. I know there was some confusion at the last time I testified on this point.

In closing, over a decade after the 9/11 attacks, DHS has implemented a broad range of programs in concert with TSA to help secure, not only the homeland, but the U.S. aviation system. However, as highlighted in our extensive reporting, more work needs to be done to strengthen these systems.

I look forward to helping this committee do future oversight on these issues. I think we all share the common goal of ensuring these programs are risk-based, cost-effective, and best serve the traveling public.

Mr. Chairman, this concludes my testimony. I look forward to your questions.

[The prepared statement of Mr. Lord follows:]

PREPARED STATEMENT OF STEPHEN M. LORD

SEPTEMBER 11, 2012

GAO HIGHLIGHTS

Highlights of GAO-12-1024T, a testimony before the Subcommittee on Transportation Security, Committee on Homeland Security, U.S. House of Representatives.

*Why GAO Did This Study*

Securing commercial aviation operations remains a daunting task, with hundreds of airports, thousands of aircraft, and thousands of flights daily carrying millions of passengers and pieces of carry-on and checked baggage. The attempted terrorist bombing of Northwest flight 253 on December 25, 2009, and the October 2010 discovery of explosive devices in air cargo packages on an all-cargo aircraft bound for the United States from Yemen highlight the continuing need for effective passenger, cargo, and baggage screening. This statement discusses actions TSA has taken to: (1) Validate the scientific basis of its behavior-based passenger screening program (the Screening of Passengers by Observation Techniques, or SPOT); (2) strengthen the security of inbound air cargo (3) acquire checked baggage screening technology in accordance with established guidance; and (4) vet foreign nationals training at U.S. flight schools. This statement is based on GAO's work issued from September 2009 through July 2012, and includes selected updates on air cargo screening conducted from July through September 2012. For the selected updates, GAO interviewed TSA officials.

*What GAO Recommends*

GAO is not making any new recommendations. GAO has previously recommended that TSA take actions to improve aviation security. In general, TSA concurred with the recommendations, and is taking actions to address them.

## AVIATION SECURITY.—9/11 ANNIVERSARY OBSERVATIONS ON TSA'S PROGRESS AND CHALLENGES IN STRENGTHENING AVIATION SECURITY

*What GAO Found*

The Transportation Security Administration (TSA) has taken actions to validate the science underlying its behavior-based passenger screening program, the Screening of Passengers by Observation Techniques, or SPOT, program, but more work remains. GAO reported in May 2010 that: (1) TSA deployed SPOT before first determining whether there was a scientifically valid basis for using behavior and appearance indicators to reliably identify passengers who may pose a risk; and (2) it is unknown if the SPOT program has ever resulted in the arrest of anyone who is a terrorist, or who was planning to engage in terrorist-related activity, although there is other evidence that terrorists have transited through SPOT airports. GAO recommended in May 2010 that the Department of Homeland Security (DHS) convene an independent panel of experts to review the methodology of the on-going validation study on the SPOT program to determine whether it is sufficiently comprehensive to validate the program. DHS concurred and subsequently revised its validation study to include an independent expert review. DHS's study, completed in April 2011, found that SPOT was more effective than random screening to varying degrees; however, DHS noted limitations to the study, such as that it was not designed to comprehensively validate whether SPOT can be used to reliably identify individuals who pose a security risk. GAO is currently reviewing the program and will issue our report next year.

TSA has taken actions to enhance the security of cargo on in-bound aircraft, but challenges remain. For example, TSA issued new screening requirements aimed at enhancing the security of cargo on aircraft, such as prohibiting the transport of air cargo on passenger aircraft from Yemen. In June 2010, GAO recommended that TSA develop a mechanism to verify the accuracy of all screening data. TSA concurred in part and required air carriers to report inbound cargo screening data, but has not yet fully addressed the recommendation. In June 2012, TSA required air carriers to screen 100 percent of inbound air cargo transported on passenger aircraft by December 3, 2012. However, air carriers and TSA face challenges in implementing this requirement and in providing reasonable assurance that screening is being conducted at reported levels.

DHS and TSA have experienced difficulties establishing acquisition program baselines, schedules, and cost estimates for the Electronic Baggage Screening Program (EBSP). For example, GAO reported in July 2011 that TSA had established a schedule for the acquisition of the explosives detection systems (EDS) TSA deploys to screen checked baggage, but it did not fully comply with leading practices. GAO recommended that DHS develop and maintain a schedule for the EBSP in accordance with leading practices. DHS concurred.

GAO reported in July 2012 that TSA has worked to enhance general aviation security, such as through issuing regulations, but there are weaknesses in its process for vetting foreign flight school student applicants, and in DHS's process for identifying flight school students who may be in the country illegally. For example, TSA's program to help determine whether flight school students pose a security threat does not determine whether they entered the country legally. GAO recommended actions that DHS and TSA could take to address these concerns, with which DHS and TSA have concurred, and are starting to take actions.

Chairman Rogers, Ranking Member Jackson Lee, and Members of the subcommittee: I appreciate the opportunity to participate in today's hearing on the anniversary of the September 11, 2001, terrorist attacks to discuss our work examining key layers of aviation security: (1) The Transportation Security Administration's (TSA) behavior-based passenger screening program; (2) the security of air cargo on flights bound for the United States from foreign countries (known as inbound air cargo); (3) the deployment of checked baggage screening technology; and (4) the Federal Government's vetting process for individuals training at U.S. flight schools. This work may help inform future deliberations about any potential challenges and corrective actions regarding U.S. aviation security.

In the years that have passed since TSA assumed responsibility for aviation security, TSA has spent billions of dollars and implemented a wide range of initiatives to strengthen aviation security. Our work has shown that TSA has enhanced aviation security with respect to passenger, checked baggage, and air cargo screening, among other areas. Securing commercial aviation operations, however, remains a daunting task—with hundreds of airports, thousands of aircraft, and thousands of flights daily carrying millions of passengers and their property, as well as cargo. The attempted terrorist bombing of Northwest flight 253 on December 25, 2009, and the October 2010 discovery of explosive devices in air cargo packages on an all-cargo

aircraft bound for the United States from Yemen provides a vivid reminder that civil aviation remains an attractive terrorist target and highlights the continuing need for effective passenger, cargo, and baggage screening. According to the President's National Counterterrorism Strategy, released in June 2011, aviation security and screening is an essential tool in our ability to detect, disrupt, and defeat plots to attack the homeland.<sup>1</sup>

My statement today discusses actions TSA has taken to: (1) Validate the scientific basis of its behavior-based passenger screening program (known as the Screening of Passengers by Observation Techniques, or SPOT program), (2) strengthen the security and screening of inbound air cargo, (3) acquire checked baggage screening technology in accordance with established guidance, and (4) vet foreign nationals seeking to undertake flight training at U.S. flight schools,<sup>2</sup> as well as the challenges associated with implementing these actions.

This statement is based on our prior work issued from May 2010 through July 2012, and includes selected updates conducted from July 2012 through September 2012 on TSA's efforts to improve security of in-bound air cargo.<sup>3</sup> Our previously published products contain additional details on the scope and methodology, including data reliability, for these reviews. For the updated information on air cargo screening, we obtained TSA views on our findings and incorporated technical comments where appropriate. We conducted our work in accordance with generally accepted Government auditing standards.

#### BACKGROUND

The Aviation and Transportation Security Act established TSA as the Federal agency with primary responsibility for securing the Nation's civil aviation system, which includes the screening of all passenger and property transported by commercial passenger aircraft.<sup>4</sup> At the more than 450 TSA-regulated airports in the United States, prior to boarding an aircraft, all passengers, their accessible property, and their checked baggage are screened pursuant to TSA-established procedures. TSA relies upon multiple layers of security to deter, detect, and disrupt persons posing a potential risk to aviation security. These layers include behavior detection officers (BDOs), who examine passenger behaviors and appearances to identify passengers who might pose a potential security risk at TSA-regulated airports;<sup>5</sup> travel document checkers, who examine tickets, passports, and other forms of identification; transportation security officers (TSO), who are responsible for screening passengers and their carry-on baggage at passenger checkpoints using X-ray equipment, magnetometers, Advanced Imaging Technology, and other devices, as well as for screening checked baggage; random employee screening; and checked baggage screening systems.<sup>6</sup> The Implementing Recommendations of 9/11 Commission Act of 2007 further mandates that the Secretary of Homeland Security establish a system to screen 100 percent of cargo transported on passenger aircraft, and defines screening for purposes of meeting this mandate, in general, as a physical examination or the use of nonintrusive methods to assess whether cargo poses a threat to transportation security.<sup>7</sup> Such cargo ranges in size from 1 pound to several tons and ranges

<sup>1</sup>*National Strategy for Counterterrorism*, (Washington, DC: June 28, 2011).

<sup>2</sup>Flight schools fall within the general aviation community, which also includes non-scheduled aircraft operations such as air medical-ambulance, corporate aviation, and privately-owned aircraft—generally, aircraft not available to the general public for transport.

<sup>3</sup>See GAO, *Aviation Security: Efforts to Validate TSA's Passenger Screening Behavior Detection Program Underway, but Opportunities Exist to Strengthen Validation and Address Operational Challenges*, GAO-10-763 (Washington, DC: May 20, 2010); *Aviation Security: TSA Has Deployed Optimal Systems at the Majority of TSA-Regulated Airports, but Could Strengthen Cost Estimates*, GAO-12-266 (Washington, DC: Apr. 27, 2012); *Aviation Security: Actions Needed to Address Challenges and Potential Vulnerabilities Related to Securing Inbound Air Cargo*, GAO-12-632 (Washington, DC: May 10, 2012); and *General Aviation Security: Weaknesses Exist in TSA's Process for Ensuring Foreign Flight Students Do Not Pose a Security Threat*, GAO-12-875 (Washington, DC: July 18, 2012).

<sup>4</sup>See Pub. L. No. 107-71, 115 Stat. 597 (2001). For purposes of this testimony, "commercial passenger aircraft" refers to U.S. or foreign-flagged air carriers operating under TSA-approved security programs with regularly scheduled passenger operations to or from a U.S. airport.

<sup>5</sup>TSA designed SPOT to provide BDOs with a means of identifying persons who may pose a potential security risk at TSA-regulated airports by focusing on behaviors and appearances that deviate from an established baseline and that may be indicative of stress, fear, or deception.

<sup>6</sup>Advanced Imaging Technology screens passengers for metallic and non-metallic threats including weapons, explosives, and other objects concealed under layers of clothing. At airports participating in TSA's Screening Partnership Program, screeners employed by private-sector entities under contract to and overseen by TSA, and not TSOs, perform the passenger and checked baggage screening function in accordance with TSA requirements. See 49 U.S.C. § 44920.

<sup>7</sup>See 49 U.S.C. § 44901(g).

in type from perishable commodities to machinery. In 2011, all-cargo carriers transported approximately 66 percent (6.9 billion pounds) of the total cargo (10.4 billion pounds) transported to the United States.<sup>8</sup> Additionally, TSA has responsibilities for general aviation security, and developed the Alien Flight Student Program (AFSP) to help determine whether foreign students enrolling at flight schools pose a security threat.<sup>9</sup> U.S. Government threat assessments have discussed plans by terrorists to use general aviation aircraft to conduct attacks. Further, analysis conducted on behalf of TSA has indicated that larger general aviation aircraft may be able to cause significant damage to buildings and other structures.

TSA HAS TAKEN ACTIONS TO VALIDATE THE SCIENCE UNDERLYING ITS BEHAVIOR  
DETECTION PROGRAM, BUT MORE WORK REMAINS

We reported in May 2010 that TSA deployed SPOT Nation-wide before first determining whether there was a scientifically valid basis for using behavior and appearance indicators as a means for reliably identifying passengers who may pose a risk to the U.S. aviation system.<sup>10</sup>

According to TSA, SPOT was deployed before a scientific validation of the program was completed to help address potential threats to the aviation system, such as those posed by suicide bombers. TSA also stated that the program was based upon scientific research available at the time regarding human behaviors. We reported in May 2010 that approximately 14,000 passengers were referred to law enforcement officers under SPOT from May 2004 through August 2008.<sup>11</sup> Of these passengers, 1,083 were arrested for various reasons, including being illegal aliens (39 percent), having outstanding warrants (19 percent), and possessing fraudulent documents (15 percent). The remaining 27 percent were arrested for other reasons such as intoxication, unruly behavior, theft, domestic violence, and possession of prohibited items. As noted in our May 2010 report, SPOT officials told us that it is not known if the SPOT program has ever resulted in the arrest of anyone who is a terrorist, or who was planning to engage in terrorist-related activity. More recent TSA data covering the period from November 1, 2010, to April 18, 2012, indicates that SPOT referred 60,717 passengers for additional screening, which resulted in 3,803 referrals to law enforcement officers and 353 arrests. Of these 353 arrests, 23 percent were related to immigration status, 23 percent were drug-related, 9 percent were related to fraudulent documents, 22 percent were related to outstanding warrants, and 28 percent were for other offenses.<sup>12</sup>

A 2008 report issued by the National Research Council of the National Academy of Sciences stated that the scientific evidence for behavioral monitoring is preliminary in nature.<sup>13</sup> The report also noted that an information-based program, such as a behavior detection program, should first determine if a scientific foundation exists and use scientifically valid criteria to evaluate its effectiveness before deployment. The report added that such programs should have a sound experimental basis and that the documentation on the program's effectiveness should be reviewed by an independent entity capable of evaluating the supporting scientific evidence.<sup>14</sup>

As we reported in May 2010, an independent panel of experts could help DHS determine if the SPOT program is based on valid scientific principles that can be effectively applied in an airport environment for counterterrorism purposes. Thus, we recommended that the Secretary of Homeland Security convene an independent panel of experts to review the methodology of DHS's Science and Technology Directorate's on-going validation study on the SPOT program being conducted to determine whether the study's methodology is sufficiently comprehensive to validate the SPOT program. We also recommended that this assessment include appropriate input from other Federal agencies with expertise in behavior detection and relevant subject matter experts.<sup>15</sup> DHS concurred and stated that its validation study, com-

<sup>8</sup>Based on 2011 TSA data.

<sup>9</sup>See 49 C.F.R. pt. 1552, subpt. A.

<sup>10</sup>See GAO-10-763.

<sup>11</sup>See GAO-10-763.

<sup>12</sup>These percents add to more than 100 percent (specifically, 105 percent) because some of the passengers were arrested for multiple offenses.

<sup>13</sup>National Research Council, *Protecting Individual Privacy in the Struggle Against Terrorists: A Framework for Assessment* (Washington, DC: National Academies Press, 2008). We reviewed the approach used and the information provided in this study and found the study and its results to be reliable for the purposes for which we used it in this report.

<sup>14</sup>A study performed by the JASON Program Office raised similar concerns. The JASON Program Office is an independent scientific advisory group that provides consulting services to the U.S. Government on matters of defense science and technology.

<sup>15</sup>See GAO-10-763.

pleted in April 2011, included input from a broad range of Federal agencies and relevant experts, including those from academia.<sup>16</sup> DHS's validation study found that SPOT was more effective than random screening to varying degrees. For example, the study found that SPOT was more effective than random screening at identifying individuals who possessed fraudulent documents and identifying individuals who law enforcement officers ultimately arrested.<sup>17</sup>

According to DHS's study, no other counterterrorism or screening program incorporating behavior and appearance-based indicators is known to have been subjected to such a rigorous, systematic evaluation of its screening accuracy. However, DHS noted that the identification of high-risk passengers was rare in both the SPOT and random tests. DHS's study also noted that the assessment was an initial validation step, and was not designed to fully validate whether behavior detection can be used to reliably identify individuals in an airport environment who pose a security risk. According to DHS, further research will be needed to comprehensively validate the program.

In addition, DHS determined that the base rate, or frequency, of SPOT behavioral indicators observed by TSA to detect suspicious passengers was very low and that these observed indicators were highly varied across the traveling public. Although details about DHS's findings related to these indicators are sensitive security information, the low base rate and high variability of traveler behaviors highlights the challenge that TSA faces in effectively implementing a standardized list of SPOT behavioral indicators. In addition, DHS outlined several limitations to the study. For example, the study noted that BDOs were aware of whether individuals they were screening were selected as the result of identified SPOT indicators or random selection. DHS stated that this had the potential to introduce bias into the assessment. DHS also noted that SPOT data from January 2006 through October 2010 were used in its analysis of behavioral indicators even though questions about the reliability of the data exist.<sup>18</sup>

The study also noted that it was not designed to comprehensively validate whether SPOT can be used to reliably identify individuals in an airport environment who pose a security risk. The DHS study also made several additional recommendations related to strengthening the program and conducting a more comprehensive validation of whether the science can be used for counterterrorism purposes in the aviation environment.<sup>19</sup> Some of these recommendations, such as the need for a comprehensive program evaluation including a cost-benefit analysis, reiterate recommendations made in our prior work. In March 2011, we reported that Congress may wish to consider the study's results in making future funding decisions regarding the program.<sup>20</sup> TSA is reviewing the study's findings and assessing the steps needed to address DHS's recommendations. If TSA decides to implement the recommendations in the April 2011 DHS validation study, it may be years away from knowing whether there is a scientifically valid basis for using behavior detection techniques to help secure the aviation system against terrorist threats given that the initial study took about 4 years to complete. We are conducting a follow-on review of TSA's behavior detection program, and its related variant, the so-called "Assessor Program," which incorporates more extensive verbal interactions ("chat downs") with the traveling public. The Assessor program is currently being test piloted in Boston and Detroit. Our follow-on report on this program will be issued early next year.

<sup>16</sup> See DHS, *SPOT Referral Report Validation Study Final Report Volume I: Technical Report*, (Washington, DC: Apr. 5, 2011). DHS's study was conducted to determine the extent to which SPOT was more effective than random screening at identifying security threats and how the program's behaviors correlate to identifying high-risk travelers. The study defines high-risk passengers as travelers that knowingly and intentionally try to defeat the security process including those carrying serious prohibited or illegal items, such as weapons, drugs, or fraudulent documents; or those that were ultimately arrested by law enforcement.

<sup>17</sup> The extent to which SPOT is more effective than random screening at identifying fraudulent documents and individuals ultimately arrested by law enforcement officers is deemed sensitive security information by TSA.

<sup>18</sup> DHS officials stated that this historical SPOT data was not used in their analysis to determine whether SPOT was more effective than random screening.

<sup>19</sup> The study made recommendations related to SPOT in three areas: (1) Future validation efforts, (2) comparing SPOT with other screening programs, and (3) broader program evaluation issues. TSA designated the specific details of these recommendations sensitive security information.

<sup>20</sup> See GAO, *Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue*, GAO-11-318SP (Washington, DC: Mar. 1, 2011).

DHS AND TSA HAVE TAKEN ACTIONS TO ENHANCE THE SECURITY OF CARGO ON INBOUND AIRCRAFT, BUT CHALLENGES REMAIN

DHS and TSA have taken four primary actions to enhance the security of inbound cargo on passenger and all-cargo aircraft following the October 2010 bomb attempt originating in Yemen.

*TSA issued new screening requirements aimed at enhancing the security of cargo on passenger and all-cargo aircraft.*—Beginning in October 2010, TSA imposed new risk-based security procedures on passenger and all-cargo aircraft aimed at focusing more detailed screening measures on high-risk shipments and, among other things, prohibited the transport of cargo on passenger aircraft from Yemen and Somalia due to threats stemming from those areas.<sup>21</sup>

*DHS instituted working groups with air cargo industry stakeholders to identify ways to enhance air cargo security.*—In January 2011, the Secretary of Homeland Security established an Air Cargo Security Working Group to obtain advice and consultations from air cargo security stakeholders on ways to enhance the security of the air cargo system.<sup>22</sup> The Air Cargo Security Working Group briefed the Secretary of Homeland Security, the Commissioner of U.S. Customs and Border Protection (CBP), and the TSA Administrator in April 2011 on proposed solutions, and recommended that TSA reevaluate the agency's implementation plan, time line, and resources related to TSA's program to recognize the security programs of foreign countries, known as the National Cargo Security Program (NCSP). According to TSA officials, participants of this working group have reconvened as part of the Aviation Security Advisory Committee, which held its first meeting in May 2012, and the committee will meet again in mid-September 2012 to discuss the implementation of the recommendations.

*DHS initiated an Air Cargo Advance Screening (ACAS) pilot to identify high-risk cargo for screening prior to transport to the United States.*—The aim of the pilot, which is on-going, is to determine whether it is feasible for air carriers to submit air cargo manifest data to CBP prior to departure from all foreign last point of departure airports to allow CBP to analyze, target, and, if needed, issue instructions to air carriers to provide additional cargo information or take additional security measures before such cargo is loaded onto aircraft. DHS initially focused on all-cargo express carriers and companies due to the elevated risk highlighted by the October 2010 incident.<sup>23</sup> As of August 2012, the ACAS pilot included 3 passenger air carriers and 4 all-cargo carriers that service the United States and is focused on about 189 geographic locations. Under existing CBP requirements, CBP must receive manifest data for air cargo shipments from air carriers no later than 4 hours prior to the flight's arrival in the United States or no later than the time of departure (that is, "wheels up" and en route directly to the United States) from locations in North America.<sup>24</sup> Under the pilot program, however, participants provide manifest data prior to loading cargo aboard aircraft.

*TSA developed a program to recognize foreign air cargo security programs.*—TSA has developed the NCSP recognition program to review and recognize the air cargo security programs of foreign countries if TSA deems those programs as providing a level of security commensurate with TSA's air cargo security standards. In May 2012, TSA recognized Canada as providing a level of security commensurate with U.S. air cargo security standards, and in June 2012, the agency recognized the European Union and Switzerland as also providing this same level of security based on the principle of "mutual recognition."<sup>25</sup> TSA officials stated that the NCSP rec-

<sup>21</sup> TSA imposed requirements on both U.S. and foreign-flagged passenger and all-cargo carriers. All-cargo carriers are generally aircraft configured solely for the transport of cargo (e.g., FedEx and United Parcel Service).

<sup>22</sup> DHS's Air Cargo Security Working Group consists of four subgroups: (1) Information subgroup, whose objective is to, among other things, enhance intelligence and information sharing among Federal stakeholders and between the U.S. Government and private-sector entities; (2) technology- and capacity-building subgroup, whose objective is to review technology standards and develop suggestions for addressing technology limitations; (3) global cargo programs subgroup, whose objective is to review and explore opportunities for enhanced public-private coordination as DHS works to address statutory requirements for screening 100 percent of inbound air cargo; and (4) global mail subgroup, whose objective is to, among other things, identify potential vulnerabilities for global mail and propose alternative processes and procedures to ensure the safety of mail transported by air.

<sup>23</sup> All-cargo express carriers and companies focus on transporting cargo under quick time frames.

<sup>24</sup> See 19 C.F.R. § 122.48a(b).

<sup>25</sup> TSA had previously recognized France and the United Kingdom as providing a level of security commensurate with U.S. air cargo security standards.

ognition program is a key effort in meeting the 100 percent screening mandate because it will eliminate the need for air carriers to comply with two countries' security programs.

Despite these actions, air carriers and TSA face three key challenges that, among other things, could limit TSA's ability to meet the 9/11 Commission Act mandate to screen 100 percent of cargo transported on passenger aircraft as it applies to inbound air cargo and to provide reasonable assurance that screening is being conducted at reported levels.<sup>26</sup> All-cargo carriers subject to TSA regulation also reported facing challenges in implementing new TSA screening requirements established after the October 2010 Yemen incident.

*Passenger air carriers reported logistical challenges implementing proposed screening requirements.*—In January 2011, TSA proposed changes to passenger aircraft security requirements outlined in the Aircraft Operator Standard Security Program and the Model Security Program to further enhance the security of air cargo departing foreign locations by requiring 100 percent screening of inbound cargo previously exempt from screening. TSA requirements currently call for air carriers to screen a certain percentage of all cargo.<sup>27</sup> TSA proposed changes that would require passenger air carriers to screen 100 percent of cargo as part of its efforts to meet the 9/11 Commission Act mandate. Passenger air carriers expressed concerns about being able to meet the 100 percent screening mandate as it applies to inbound cargo stating that it would cause significant disruptions in the air cargo supply chain, among other issues. In response to these concerns, TSA officials stated that they revised the proposed requirements and issued new passenger security requirements in June 2012. Agency officials said they plan to require air carriers to screen 100 percent of inbound air cargo transported on passenger aircraft by December 3, 2012.

*TSA faces challenges verifying screening data on inbound passenger cargo.*—TSA relies on data submitted to the agency by air carriers to determine the amount of inbound air cargo screened in accordance with TSA screening requirements. As of September 2011, TSA officials stated that air carrier-reported screening percentages—which they estimate to be about 80 percent—are based on actual data reported by air carriers, but agreed that it is difficult to verify the accuracy of the screening data reported by air carriers with reasonable assurance. According to TSA, as of August 2012, the air carrier data have not been independently verified for accuracy since TSA has not developed a mechanism to cross-reference local screening logs with screening reports submitted by air carriers to TSA that do not contain such information. To more accurately identify the level of screening being conducted on inbound air cargo, we recommended in June 2010 that TSA develop a mechanism to verify the accuracy of all screening data through random checks or other practical means.<sup>28</sup> TSA concurred in part and stated that as of May 1, 2010, they had issued changes to air carriers' standard security programs that require air carriers to report inbound cargo screening data to TSA. Specifically, TSA officials told us that in May 2010 the agency created a reporting requirement for air carriers to provide screening data on a monthly basis. TSA also stated that inspectors review screening data, among other things, when inspecting air carriers as part of the agency's air carrier compliance inspections. However, since TSA still has not developed a mechanism to verify the accuracy of the data reported by air carriers, the agency has not yet fully met the intent of the recommendation. It will be important for TSA to continue to work towards ensuring verification of inbound air cargo screening data submitted by air carriers and that inbound air cargo is screened in accordance with the mandate.

*Reporting screening data could facilitate oversight of all-cargo carrier compliance requirements.*—TSA relies on data submitted by passenger carriers to determine the amount of air cargo screened on inbound passenger aircraft but there is no requirement for all-cargo carriers to report comparable screening data to TSA, even though most of the cargo shipped from abroad into the United States is shipped on all-cargo carriers. Thus, TSA does not know the extent to which all-cargo carriers are screening cargo or meeting the enhanced screening requirements introduced after the October 2010 incident in Yemen. Officials from two global all-cargo carriers said that submitting such information to TSA would be feasible because they are already collecting this data internally, but officials from two other all-cargo carriers stated that reporting screening data to TSA would be challenging because of staffing limitations or because such data may not be available. TSA officials said that TSA does not require that all-cargo carriers submit screening data because it has focused its efforts

<sup>26</sup> See 49 U.S.C. § 44901(g).

<sup>27</sup> Details on TSA's screening requirements are deemed sensitive security information and not included in this statement.

<sup>28</sup> GAO-10-446.



on collecting data from passenger air carriers in support of meeting the 100 percent mandate. TSA officials stated that TSA may consider opportunities to capture additional inbound air cargo information, but has not yet weighed the costs and benefits of doing so because it has focused its efforts on establishing the ACAS pilot program, which DHS established to more readily identify high-risk cargo. The pilot program is a key effort to identify high-risk cargo prior to aircraft departing from foreign airports, but is not intended to provide TSA with screening data, which if collected and verified, could provide additional assurance that all-cargo carriers are complying with TSA's enhanced screening requirements. To help TSA better determine what actions are needed, if any, to ensure that all-cargo carriers are complying with the agency's enhanced screening requirements, we recommended in May 2012 that DHS assess the costs and benefits of requiring all-cargo carriers to report data on screening conducted.<sup>29</sup> DHS concurred with the recommendation and is taking actions to address it.

DHS AND TSA HAVE EXPERIENCED DIFFICULTIES ESTABLISHING ACQUISITION PROGRAM BASELINES, SCHEDULES, AND COST ESTIMATES FOR CHECKED BAGGAGE SCREENING SYSTEMS

TSA's Electronic Baggage Screening Program (EBSP) reports that 76 percent of the airports (337 of 446) the agency regulates for security have a mix of in-line and stand-alone baggage screening configurations that best meet airport needs (i.e., optimal systems). Our prior work on TSA's checked baggage screening program—EBSP—identified a number of shortcomings in DHS and TSA's process for establishing program baselines, program schedules, and cost estimates.

*Acquisition program baselines.*—We found that realistic acquisition program baselines with stable requirements for cost, schedule, and performance are among the factors that are important to successful acquisitions delivering capabilities within cost and schedule.<sup>30</sup> Further, we reported in April 2009 that program performance metrics for cost and schedule can provide useful indicators of the health of acquisition programs and, when assessed regularly for changes and the reasons that cause changes, such indicators can be valuable tools for improving insight and oversight of individual programs as well as the total portfolio of major acquisitions.<sup>31</sup> According to DHS's acquisition guidance, the program baseline is the contract between the program and departmental oversight officials and must be established at program start to document the program's expected cost, deployment schedule, and technical performance. By tracking and measuring actual program performance against this baseline, management can be alerted to potential problems, such as cost growth or changing requirements, and has the ability to take corrective action.

We reported in April 2012 that TSA has not had a DHS-approved acquisition program baseline for EBSP since the program's inception more than 8 years ago.<sup>32</sup> Further, DHS did not require TSA to complete an acquisition program baseline until November 2008. TSA officials said they have twice submitted an acquisition program baseline to DHS for approval—first in November 2009 and again February 2011. However, according to DHS officials TSA did not have a fully developed life-cycle cost estimate. In November 2011, DHS told TSA that it needed to revise the life-cycle cost estimates as well as its procurement and deployment schedules to reflect budget constraints. DHS officials told us that they could not approve the acquisition program baseline as written because TSA's estimates were significantly over budget. An approved baseline will provide DHS with additional assurances that TSA's approach is appropriate and that the capabilities being pursued are worth the expected costs. TSA officials stated that TSA is working with DHS to amend the draft program baseline and plans to resubmit a revised life-cycle cost estimates with a revised acquisition program baseline by December 31, 2012. As we reported, establishing and approving a program baseline, as DHS and TSA plan to do for the EBSP, could help DHS assess the program's progress in meeting its goals and achieve better program outcomes.

*Schedules.*—In July 2011, we reported that TSA had established a schedule for the acquisition of the explosives detection systems (EDS) TSA deploys to screen checked baggage, but it did not fully comply with leading practices, and TSA had not developed a plan to upgrade its EDS fleet to meet the 2010 explosives detection

<sup>29</sup> See GAO-12-632.

<sup>30</sup> GAO-10-588SP.

<sup>31</sup> *Defense Acquisitions: Measuring the Value of DOD's Weapon Programs Requires Starting with Realistic Baselines*, GAO-09-543T (Washington, DC: April 1, 2009).

<sup>32</sup> GAO-12-266.

requirements.<sup>33</sup> We noted that some of TSA's approximately 2,200 deployed systems met 2005 explosive requirements while the remainder met 1998 explosive detection requirements.<sup>34</sup> Leading practices state that the success of a large-scale system acquisition, such as TSA's EDS acquisition, depends in part on having a reliable schedule that identifies when the program's set of work activities and milestone events will occur, amongst other things. We reported that the schedule for the EDS acquisition is not reliable because it does not include a timeline to deploy EDS or plans to procure EDS to meet subsequent phases of explosive detection requirements. We stated that developing a reliable schedule would help TSA better monitor and oversee the progress of the EDS acquisition. DHS concurred with the recommendation to develop and maintain a schedule for the entire EBSP in accordance with the leading practices we identified for preparing a schedule. DHS commented that TSA had already begun working with key stakeholders to develop and define requirements for a schedule and to ensure that the schedule aligns with the leading practices. In April 2012, TSA stated that it had secured contractor resources to support development of an integrated master schedule in accordance with our and industry best practices, and that it anticipated completion of this schedule by September 2013.

*Cost estimates.*—In April 2012, we reported that TSA's methods for developing life-cycle cost estimates for the EBSP did not fully adhere to best practices for developing these estimates.<sup>35</sup> We reported in March 2009 that a high-quality, reliable cost estimation process provides a sound basis for making accurate and well-informed decisions about resource investments, budgets, assessments of progress, and accountability for results and thus is critical to the success of a program.<sup>36</sup> We reported that TSA's estimates partially met three characteristics and minimally met one characteristic of a reliable cost estimate.<sup>37</sup> DHS concurred with the recommendation that TSA ensure that its life-cycle cost estimates conform to cost estimating best practices, and identified efforts underway to address it.

TSA ESTABLISHED A PROCESS FOR VETTING FOREIGN FLIGHT STUDENTS BUT WEAKNESSES REMAIN

As we reported in July 2012, TSA has worked with industry and other stakeholders to enhance general aviation security, such as issuing regulations and enhancing outreach and awareness, but there are weaknesses in the agency's process for vetting foreign flight student applicants and in DHS's process for identifying flight students who may be in the country illegally. We recommended two actions that DHS and TSA could take to address these concerns, with which DHS concurred.

*Vetting foreign flight student applicants.*—Under AFSP, foreign nationals seeking flight training in the United States undergo a TSA security threat assessment before receiving flight training to determine whether each applicant is a security threat to the United States. According to TSA officials, when a foreign national applies to AFSP to obtain flight training, TSA uses information submitted by the foreign national—such as name, date of birth, and passport information—to conduct a criminal history records check, a review of the Terrorist Screening Database, and a review of the Department of Homeland Security's TECS system.<sup>38</sup> According to

<sup>33</sup> GAO, *Aviation Security: TSA Has Enhanced Its Explosives Detection Requirements for Checked Baggage, but Additional Screening Actions Are Needed*, GAO-11-740, (Washington, DC: July 11, 2011).

<sup>34</sup> The specific number of EDS operating at particular detection levels is considered sensitive security information.

<sup>35</sup> See GAO-12-266.

<sup>36</sup> *GAO Cost Estimating and Assessment Guide: Best Practices for Developing and Managing Capital Program Costs*. (Supersedes GAO-07-1134SP). GAO-09-3SP, (Washington, DC: Mar. 2, 2009).

<sup>37</sup> Specifically, we found their life-cycle cost estimate to be partially comprehensive, partially documented, partially accurate, and minimally credible: (1) Partially comprehensive because the cost estimate does not incorporate costs associated with all security threats, lacks a detailed scope of work, and lacks a single technical baseline; (2) partially documented because TSA did not adequately document many assumptions or methodologies underlying its cost model, and provided little or no evidence that the assumptions and methodologies underlying the cost estimate were approved by management; (3) partially accurate because differences between planned and actual costs are not fully documented, explained, or reviewed; and (4) minimally credible because TSA did not complete relevant activities, such as an independent cost estimate—to ensure that the estimate accounts for bias and uncertainty. See GAO-12-875.

<sup>38</sup> Information in the Terrorist Screening Center's consolidated database of known or suspected terrorists—the Terrorist Screening Database—is used for security-related screening of foreign nationals applying to AFSP, among other purposes. TECS, an updated and modified version of the former Treasury Enforcement Communications System, is an information-sharing

TSA officials, most foreign nationals taking training from a U.S. flight training provider will apply for a Federal Aviation Administration (FAA) airman certificate (pilot's license) once their flight training is completed. Information obtained by FAA as part of this application for certification is placed in the airmen registry. From January 2006 through September 2011, 25,599 foreign nationals had applied for FAA airman certificates, indicating they had completed flight training. However, TSA computerized matching of FAA data determined that some known number of foreign nationals did not match with those in TSA's database, raising questions as to whether they had been vetted.<sup>39</sup>

Since 2009, TSA has vetted all new and existing FAA airman certificate holders against the Terrorist Screening Database on an on-going basis, which would include the foreign nationals identified through TSA's analysis. However, this vetting does not occur until after the foreign national has obtained flight training. Thus, foreign nationals obtaining flight training with the intent to do harm—such as three of the pilots and leaders of the September 11, 2001, terrorist attacks—could have already obtained the training needed to operate an aircraft before they received any type of vetting.<sup>40</sup> We recommended that TSA take steps to identify any instances where foreign nationals receive FAA airman certificates without first undergoing a TSA security threat assessment and examine those instances so that TSA can identify the reasons for these occurrences and strengthen controls to prevent future occurrences. DHS concurred with this recommendation and stated that TSA signed a memorandum of understanding with FAA in February 2012 to help address this issue. The memorandum outlines a process for FAA to provide certain data from its airmen registry on a monthly basis and authorizes TSA to use the data to ensure flight training providers are providing TSA with information to conduct background checks prior to flight instruction. This is an important step toward addressing the first part of our recommendation, provided that TSA uses the data to identify instances where foreign nationals receive FAA airman certificates without first undergoing a TSA security threat assessment, identifies reasons for these occurrences, and strengthens controls to prevent future occurrences, as we recommended.

*Identifying flight students entering the country illegally.*—We also reported that AFSP is not designed to determine whether a foreign flight student entered the country legally; thus, a foreign national can be approved for training through AFSP after entering the country illegally. A March 2010 U.S. Immigration and Customs Enforcement (ICE) investigation of a flight school led to the arrest of six such foreign nationals, including one who had a commercial pilot's license. As a result, TSA and ICE jointly worked on vetting names of foreign students against immigration databases, but had not specified desired outcomes and time frames, or assigned individuals with responsibility for fully instituting the program as of July 2012. Thus, this weakness still exists today. Having a road map, with steps and time frames, and assigning individuals the responsibility for fully instituting a pilot program could help TSA and ICE better identify and prevent potential risk. We recommended that TSA and ICE develop a plan, with time frames, and assign individuals with responsibility and accountability for assessing the results of their pilot program to check TSA AFSP data against information DHS has on applicants' admissibility status to help detect and identify violations by foreign flight students, and institute that pilot program if it is found to be effective. DHS concurred and stated that TSA will prepare a plan by December 2012 to assess the results of the pilot program with ICE to determine the lawful status of the active AFSP population. We believe that these are positive actions that could help TSA address the weaknesses identified in our report. We will continue to monitor TSA's progress on the proposed solutions as the agency proceeds.

Chairman Rogers, Ranking Member Jackson Lee, and Members of the subcommittee, this concludes my prepared statement. I look forward to responding to any questions that you may have.

Mr. ROGERS. I thank the gentleman.  
The Chairman now recognizes himself for 5 minutes.

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platform that allows users to access different databases relevant to the antiterrorism and law enforcement mission of numerous other Federal agencies.

<sup>39</sup>The exact number is considered to be sensitive security information.

<sup>40</sup>TSA likewise does not vet flight student applicants claiming U.S. citizenship. H.R. 6159—the Flight School Security Act of 2012, introduced in July 2012—would require, among other things, a determination by TSA that the individual seeking training is a non-threat to aviation prior to beginning flight training. See H.R. 6159, 112th Cong. (2d Sess. 2012). The bill, sponsored by Representative Bennie G. Thompson, was referred to the Committee on Homeland Security, Subcommittee on Transportation Security.

Mr. Halinski, you have had a chance to review the report of this committee as Majority staff has issued yesterday?

Mr. HALINSKI. Sir, I received this yesterday afternoon—our headquarters received the report. I have people looking at the report. I personally have not had a chance to review the report. I plan to do that over the next couple of days, sir.

Mr. ROGERS. Okay. I would very much like to have you share your thoughts with me on what you agree with and disagree with in our findings and put those back to me in writing.

Mr. HALINSKI. Yes sir.

Mr. ROGERS. I look forward to receiving that.

I want to ask, Mr. Halinski, do you know—and you know I have been hot on this procurement and acquisition concern within the Department of Homeland Security, but also within TSA. Do you know if TSA has recently requested the private sector to help them in developing a more risk-based screening process at its check-points?

Mr. HALINSKI. Yes, sir. We have, sir, quite frankly. One of the issues that we want to do with risk-based security, as we have done with liquids, aerosols, and gels, is we understand that this has got to be a joint effort. It is not just the Government, quite frankly. It has to be the private industry.

I would point to the recreation of the Aviation Security Advisory Committee, which is a regular committee that meets. Within that committee, we have created a Risk-Based Security subcommittee. Since May, it has met three times. This is both private industry and stakeholders and TSA.

Mr. ROGERS. It is comprised of—

Mr. HALINSKI. Stakeholders, sir? Industry—

Mr. ROGERS. What industry? I mean, what groups did you reach out to?

Mr. HALINSKI. I will have to get you the names of the board members, but typically who we deal with is the stakeholders at the airport, stakeholders for the air carrier, A4A, IATA. They are all represented on the Aviation Security Advisory Committee.

Mr. ROGERS. Excellent.

Mr. HALINSKI. This is a subcommittee of that.

As I said, it meets three times. It actually will meet tomorrow. The goal of this is—and we have pushed this with RBS. Now, we recognize that for risk-based security to be successful we have to have buy-in from everybody. They know the industry. We want to work with them on how to make this successful, sir.

Mr. ROGERS. Are you working with them or even discussing with them improvements that you can make on the regulatory processes that they have to adhere to?

Mr. HALINSKI. Sir, I would tell you we are.

You know, one of the things—as I am with you always, sir, I am going to be right up front. We can't look through the world with just one lens.

I believe that what we have to do with risk-based security, because it is, I think, the way to go in the future, is to be able to take advice—take advice from industry, take advice from here, take advice from Mr. Lord.

Quite frankly, I have had two meetings with Mr. Lord since July when I came in as the deputy, because we need that and we use that as a tool. We don't have all answers—readily admit that. We are willing to take advice and look at it, sir.

Mr. ROGERS. Great. Well, I hope you will be aggressive, particularly on the regulatory front, because I get a lot of feedback about how burdensome and cumbersome—and some of it is antiquated. So we need to stay on top of that.

Mr. Lord, do you think TSA has sufficiently addressed privacy concerns of its passengers, yes or no?

Mr. LORD. I believe that they have made a concerted effort in the last year or two to address privacy concerns, most notably in the privacy software incorporated in their whole-body imaging equipment—advance imaging technology.

Obviously, they can continue to work on that, but that was, I believe, a major step in the right direction. They also have a privacy officer employed full-time at the agency, and they have done some outreach with industry to see how they could better address these issues.

Obviously, it is a delicate balancing act. They are concerned with security. At the same time, you want to respect passengers' privacy and not impede commerce. So I always present this policy triangle. Where do you draw the line within the triangle in making policy?

Mr. ROGERS. Mr. Halinski, what is the status of the Foreign Airport Repair Station Security rule and the Large Aircraft Security Program rule?

Mr. HALINSKI. Yes, sir. Sir, we are following the rulemaking process. I will say right off the bat I understand your frustration with that process.

The process as we work through it is guided by OMB, and they fall under the statutes from Congress. We are working toward getting the rule finalized. The rule is in review right now. I know, sir, it has been a long process, one that has frustrated many on this committee.

Mr. ROGERS. Many years.

Mr. HALINSKI. Yes, sir—absolutely understand that, sir. We are pushing that forward.

I will tell you, though, just because the rule isn't complete doesn't mean we are not taking action. We have looked at the most critical foreign repair stations and conducted surveys and visits to those to ensure that they do not pose a security threat.

We have found that of those 170—what we consider critical airports—all of them have security plans. All of them will meet, when the rule is final, the regulatory responsibility.

Mr. ROGERS. So it is going to have to wait for certification? Those repair stations can't be certified until the rule is complete, is that correct?

Mr. HALINSKI. Sir, under the rulemaking process, I don't believe we can do that.

Mr. ROGERS. Okay.

Last question I have got is—Mr. Halinski, the Alien Flight Student program—you know, we talked about the No-Fly list at least being adhered to. Can you talk to me about what has happened since then?

Mr. HALINSKI. Yes, sir.

After the testimony of our TSA representative here, and working with the recommendations from Mr. Lord, we have pursued trying to close the vulnerabilities in the system and we are working at them very aggressively.

We appreciate that there is legislation—it appears forthcoming—which will help clarify the Congressional intent, particularly when it comes to U.S. persons that are flying.

If you were to ask me, “Do we have the authority to do that?” Sir, yes, we do. But if we do it, we know that it will end up in a rulemaking process, sir.

We estimate there is about 350,000 people a year who start—U.S. citizens who start the flight process. We are trying to work with FAA.

On the alien side sir, we are trying to clean up the recommendations that we got from GAO with ICE and also with FAA.

We are pursuing it, sir. We welcome the support of your committee on this. I will tell you, we are pushing it, sir. I hope we can close the gap here quickly, sir.

Mr. ROGERS. I hope so too. That is one of the more ugly shortcomings that we have discovered, so I really hope you could fix that.

With that I want to ask for unanimous consent to submit a letter by GAMA, General Aviation Manufacturers, to Secretary Napolitano on these issues.

Without objection, so ordered.\*\*

The Chairman now recognizes the Ranking Member for any questions.

Ms. JACKSON LEE. I thank the Chairman very much.

I thank the witnesses who have come, both Mr. Halinski and, of course, Mr. Lord who has been diligent in his review.

Just a quick question to you, Mr. Lord—and I think you said in your testimony you have seen cooperation and improvement in the assessments that GAO has made and how TSA has responded?

Mr. LORD. Yes, ma’am, we have. We meet at the very high level on a regular basis to go over our open recommendations, and I think that is really facilitated a process, ensure we are not talking past each other and leads to an expedited closeout process.

Ms. JACKSON LEE. Let me thank you for that.

Mr. Halinski, I have a series of questions, and you can be pointed and brief.

We have had 11 years—and Homeland Security was created in the shadow and the tragedy of 9/11, and therefore Transportation Security Administration.

What would you view as the agency’s greatest accomplishment?

Mr. HALINSKI. Yes, ma’am.

I would tell you that I think the greatest accomplishment that we have is being able to take a very simple mission, which is to protect the traveling public, and try to make that work, because it is a very complex mission. It ranges from screening in the airports to protection of our surface systems, mass transit systems, our

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\*\*The information has been retained in committee files.

pipeline systems, and then the myriad of other things that we have talked about here—general aviation, insider threat, cargo.

We are addressing them. We are trying to work towards them and accomplish them because we understand the vulnerability and risk.

I believe to be able to do that as an organization in 10 years is an accomplishment, but it is due mainly to the people that we have in the organization.

I know sometimes people think that we are a very large organization. But we screen 1.7 million people a day. We look at 2.2 million checked bags and over 2 million hand-carry bags a day in the airports in the 450 airports that we are in.

I think that is a major accomplishment when you look at the people that are there, most of them earning about \$34,000 a year. They are doing this service for the American public. It is not because they are doing it for the money. They are not doing it for the glory. But, quite frankly, they are doing it because they believe in this mission.

Anytime you have a team that can believe in a mission like that, I want to be on that team.

Ms. JACKSON LEE. Well, I want to thank them. But I also want to acknowledge that as public servants and workers of the Federal Government, we all want to do our very best. We want to do it, as you have indicated, not matter what our salary range is. Because we have Americans who are waitresses and nurses' aides and bus drivers and others whose salaries don't equate, and we want them to do their very best.

So I am glad that you are saying that without regard to salary you feel that the TSO officers, the Transportation Security Administration—that the TSOs are doing their very best. Is that what you are telling me?

Mr. HALINSKI. Yes, ma'am, I am.

Ms. JACKSON LEE. Let me thank you. Americans had an episode of democracy over the last 2 weeks—one in Tampa, one on Charlotte.

How do you think that went? They were, I understand, thousands going through different airports, Tampa and then Charlotte. How did you see that with respect to TSA's responsibility?

Mr. HALINSKI. Yes, ma'am. I think that from a TSA perspective, it went very well. But it was also a very collegial effort among all of the Department of Homeland Security, Secret Service, Customs and Border Protection.

All the folks that were there, quite frankly, did a good job, as well as local law enforcement and State law enforcement, primarily because of planning. The planning process for an event like that takes almost a year or more, and it takes a lot of communication and collaboration. I think that is why it was successful.

Ms. JACKSON LEE. When I was able to view in Charlotte, I did not see long lines. I did not see stalled lines. I think that was very good.

Let me just raise these two questions, and I will—let me raise the questions of SPOT. There are several investigations going on, and there is representation that SPOT has been discriminatory and has done racial profiling.

How do you respond to that?

Mr. HALINSKI. Ma'am, we train our officers that if racial profiling is conducted you are failing the program. We don't believe it. We train our officers not to do that.

We want to ensure that our officers don't do that, so we try to ensure quality control. I believe that the SPOT program is a program that is essential to a layered effect.

I think when you look at security from an airport—and we look at the layered effect because I don't believe there is one single piece of technology or process—human process or other process—that can stand alone and by itself. It has to be interwoven; it has to be redundant and not duplicative. I believe that the SPOT program is successful.

Quite frankly, I had very good conversations with Mr. Lord. We have talked to our DHS I.G. about this program. There is always a way to improve programs, and we are looking at that. I think that is what is important—is to continually improve the program based on threat, based on perceived vulnerabilities, and based on recommendations from our partners in GAO, at DHS, and in other agencies.

Ms. JACKSON LEE. Let me ask these series of questions.

I would like to ask unanimous consent to put into the record a letter to Ranking Member Thompson from Mr. Pistole dated January 30, 2012, that says TSA uses a standardized interview process for promotions in the SPOT program as well as new management positions, the SPOT referral interview rate is not factored into these decisions.

I would like unanimous consent to put this into the record.

Mr. Chairman, I would like unanimous consent to put this into the record.

Mr. WALBERG [presiding]. No objection.\*\*\*

Ms. JACKSON LEE. Thank you. I am just finishing my questions. Can you answer these rather quickly, please?

Mr. HALINSKI. Yes, ma'am.

Ms. JACKSON LEE. One, there are several individuals who are involved in investigations regarding the SPOT program. Can you give me assurance that those individuals—let me just ask my questions and then if you can answer them—can you give me your assurance that those individuals who have spoken with investigators will not be subjected to any punishment or other adverse personnel actions because of their participation in these investigations?

Mr. HALINSKI. Yes, ma'am. They will not be.

Ms. JACKSON LEE. Will you issue a public statement to the TSA workforce pledging that those who come forward with information about racial or ethnic profiling will not be subject to punishments or adverse personnel actions because of their participation in these investigations?

Mr. HALINSKI. Yes, ma'am. In fact, we put that in our training for all of our personnel.

Ms. JACKSON LEE. That you will announce it.

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\*\*\*The information has been retained in committee files.



Then, there was a report in Houston indicating that you had wasted \$800 million in the SPOT program. Can you respond to that?

Let me just finish with this final question. I have long been concerned—and you mentioned in your testimony, Mr. Halinski—and I think also Mr. Lord—about surface transportations. While our focus has been on aviation security, it is certainly warranted, it is critical that we not take our eye off the ball when it comes to the security of our rail, subway, and bus systems.

That is why I introduced a bill, H.R. 1900, the Surface Transportation and Mass Transit Security Act of 2011, earlier this Congress, to enhance surface transportation.

What steps are being taken by TSA to ensure sufficient resources are being allocated to surface transportation and mass transportation?

Will you answer the SPOT question about \$800 million in expenditures versus what you may have expended, and whether or not you are vetting SPOT to ensure the validity of the science?

Mr. HALINSKI. Yes, ma'am. The—

Ms. JACKSON LEE. SPOT is BDO, right?

Mr. HALINSKI. Yes, ma'am.

Ms. JACKSON LEE. It is one of the subsets of BDO?

Mr. HALINSKI. Yes, ma'am, it is.

Ms. JACKSON LEE. All right.

Mr. HALINSKI. Yes, ma'am.

Ms. JACKSON LEE. Would you please?

Mr. HALINSKI. Yes, ma'am—\$800 million, ma'am.

The program was started. I have an accounting of all the money that was spent for that particular program. The majority of that money was spent on pay and benefits for the identified behavior detection officers that are in the program.

We have approximately 3,000 personnel in that program. The program has been in existence since, I believe, about 2005. The money that has been allocated is—the recording is through 2007, I am sorry. That money was spent on pay and benefits for those particular officers—payroll, ma'am. There is some money that has been spent—approximately \$5 million on training for these officers, and some on travel—for instructors and participants, roughly about the same on that, ma'am.

Ms. JACKSON LEE. So you will be able to submit that to the record for this committee?

Mr. HALINSKI. Yes, ma'am, I should be able to.

Ms. JACKSON LEE. Okay. So the question of the \$800 million—you believe you spent \$800 million or you believe you spent less than that?

Mr. HALINSKI. No, we spent \$800 million, ma'am.

Ms. JACKSON LEE. You can document what you spent it on?

Mr. HALINSKI. Yes, ma'am, I can.

Ms. JACKSON LEE. Okay—and the transportation for transit?

Mr. HALINSKI. Yes, ma'am. As far as transit goes, we have an entire division in TSA that is oriented toward surface security.

Part of our program is to recognize the fact that in the surface security world, we deal both with private industry, with local authorities and State authorities. I believe we have allocated the

right amount of assets at this time to that, with the idea that we have to work in unison and collaboratively with our local and State authorities, as well as private industry.

Ms. JACKSON LEE. Thank you. You didn't answer, but let me just make sure you put it in the record. You are going to continue to validate the SPOT technology?

Mr. HALINSKI. Yes, yes, ma'am. I will give you my word on that, ma'am—that we will continue to validate that program and ensure that it is meeting our expectations and has a solid quality-assurance-and-metrics program.

Ms. JACKSON LEE. Thank you, Mr. Chairman. Thank you very much. I yield back.

Mr. WALBERG. Thank the gentlelady.

I will recognize myself for a round of questioning, and apologize for being delayed in getting over here.

But you may have answered the question, Mr. Halinski, already, about the time line for the foreign repair stations being up and running, the decision being made. I just met with a major foreign repair station entity in my district, with concerns around the world, and great concern that that is still so delayed.

Is there any time, a date certain, where we will have this in place?

Mr. HALINSKI. Sir, I am going to be frank with you. I would love to give you a date when this is going to be done. I can't give you a date, sir, because I don't know.

I will tell you that we are aggressively pursuing this. We understand the frustration on the—

Mr. WALBERG. Aggressive for me—versus what I am hearing here seems awful slow to be aggressive.

Mr. HALINSKI. Yes, sir. I fully recognize this one has been a long time in coming. We are trying to work through the process. We are moving it forward. We are pushing it as fast as we can, sir. We will push it as fast as we can.

I don't have a date, sir. I would hope by the end of the year, but I can't guarantee that, sir, and I don't want to give you a guarantee I can't give.

Mr. WALBERG. Do we have a set of factors that are causing this restriction, this delay to take place? I don't know whether it was shared with the committee before I got here, but I guess my concern is, while we talk about being aggressive, what at this point in time, after this length of time, continues to hold us up and short-circuit the process?

Mr. HALINSKI. Yes, sir. I would tell you, sir, that this particular issue has gone back and forth, back and forth. It is in the process. It has left TSA. It is moving through the process. We believe that it should work its way through shortly. If you ask me what shortly is, sir, I am going to be honest with you again. I can't give you what that is.

We are pushing it, sir. We understand it. As I said before you came here, though, we are not holding up the security vulnerability piece. Realizing that the rule isn't in place, we have actively gone out to outside of the United States, to foreign repair stations, to look at what we consider to be the most critical 170 of those foreign

repair stations, to ensure that they have security plans, to ensure they meet the intent of the future rule.

We have done that, sir, and we will continue to push it as hard as we can. I understand your frustration. I also understand the fact that I would love to have that rule done as well, sir.

Mr. WALBERG. Well, we will continue to wait.

Mr. HALINSKI. Yes, sir.

Mr. WALBERG. Mr. Lord, what do you make of the fact that TSA doesn't do any cost-benefit analysis?

Mr. LORD. Well, that has been a consistent theme of some of our reporting. In some cases, we urge them to conduct a cost-benefit analysis before deciding to go forward with a program. A related issue is their life-cycle cost estimates. When senior managers are making a decision about a program, we think it is important to know, "How much is this program going to cost over the life of the program?"

So we have made—

Mr. WALBERG. It seems logical, doesn't it?

Mr. LORD. Yes, now, so we have—I mean, it is not that they don't have any, but they can obviously be refined and improved, giving better granularity on—you know, these are big programs, technology programs we are referring to.

But the good news is TSA has agreed. I think in some cases they didn't have the in-house expertise to really develop a good one, but they have recently taken some steps to address that. So hopefully, over the future, we will be seeing better cost estimates, better cost-benefit analysis, et cetera.

Mr. WALBERG. Mr. Halinski, what is the process, if you could describe it for us, for coordinating with other agencies such as the DOD on evaluating and incorporating new technologies for use in security screening?

Mr. HALINSKI. Yes, sir.

I would say that one of the things we are trying to do with technology—and we have taken on-board recommendations from GAO. We have taken on-board recommendations from DHS and other entities—is to look at the way we approach technology. We have done this in the last, I would say, year.

What we are trying to do is approach it from the perspective that instead of you have technology drive operations, requirements and threat drives technology. That is what we are looking for.

What we want to try to do is work with industry. We have industry days. We work with the Washington Homeland Security group that deals with technology. We are looking at putting together a strategic plan—a 5-year plan, which at times can be a little bit difficult because the budget cycles go in 1 and 2 years, particularly 2 years for acquisition of technology.

But we believe that a 5-year plan, listening to our counterparts in GAO, would be very productive to us. That is one of the things that DOD does.

Having come from DOD—spent 25 years there—I know the way their process works, and the way their process works with technology. I think it is a good model.

We have done outreach to DOD on a consistent basis when it comes to technology. We have talked to other departments when it

comes to technology. We have an entire division—our Office of Security Capabilities—that deals with that kind of outreach to other departments, as well as to private industry.

We recognize the fact that we could probably take a different approach, be a little bit more strategic in our planning as far as technology goes, and ensure that requirements and ensure that threat is driving technology and not a single piece of technology is driving operations.

Mr. WALBERG. Okay. Thank you.

My time is expired.

I recognize Mr. Richmond.

Mr. RICHMOND. Thank you.

We touched for a second on PreCheck. It appears from testimony and my experience that airlines, they run PreCheck on the outside of the security gate.

Mr. HALINSKI. Sir—

Mr. RICHMOND. Here is my question.

Mr. HALINSKI. Yes, sir.

Mr. RICHMOND. If I am PreChecked with US Air—

Mr. HALINSKI. Yes, sir.

Mr. RICHMOND But I am not PreChecked with Delta—so that means in the D.C. airport I am PreChecked, but in the Atlanta airport I am not. Why does that happen?

Mr. HALINSKI. Okay, sir. Under the PreCheck concept—and we are still piloting PreCheck, sir, right now. We are in 23 airports in the United States. We will be in 35 by the end of this year.

We are continuing to grow PreCheck. Some of it has to do, quite frankly, with the physical setups of the PreCheck areas vice the screening area.

Some of it is logistics. We have to work with an airport. We have to ensure that it is going to meet the right requirements and the right configuration. That is one way.

The other area that I heard earlier, sir, has to deal with, “If I am a frequent-flyer program in one airline, why can’t I go to another one?” It is not as easy as having computers talk to each other. Quite frankly, we do that with Secure Flight every day. So that is not the issue.

I would say it is a proprietary issue among air carriers. I am giving out your best customer list and there are some concerns on how that will be protected.

We are working with industry to try to say that we will protect and we will ensure that there is cross-pollination there. We would like nothing more than to increase the amount of people that are going through PreCheck. We have 12 and under, 75 and older, armed forces of the military, we are looking at new populations every single day.

One of the reasons we have asked industry to help us is to drive towards these new populations because we understand very clearly now, we have evolved. I will tell you we have evolved from one-size-fits-all to, “Let us look at the traveling public and see who poses the highest threat and the rest we screen, but we screen to a standard that is acceptable to the level of risk.”

Mr. RICHMOND. Has anyone come up with a formula for what they believe passenger traffic through a security point to the proportionate number of TSA agents? Do we have a ratio on that?

Mr. HALINSKI. Well, yes sir, and that is one of the models we are looking at. To make PreCheck successful, we need to ensure that the amount of people that are using the PreCheck lanes are substantial enough and right now. That is why we are in the pilot stage.

We don't—

Mr. RICHMOND. Well actually I am talking about just the regular checkpoints, not PreCheck, just your regular checkpoints, do you have best practices on how many agents per—

Mr. HALINSKI. Yes sir, we do. We have an entire model. It is not only based on the number of flights during a specific time, down periods—the airline industry uses banks when there are higher numbers of flights coming in and out of that airport.

So we have a very good model, we think, optimizing and effectively using the number of TSOs at the checkpoint based on configuration, based on operations, and based on the type of technology that is there.

Mr. RICHMOND. I will just add, the last meeting we had or committee hearing that we had on TSA and basically that was a meeting on your approval rating. But when I left that meeting and they talked about the number of TSO officers in airports, I noticed that in the District of Columbia, the line now was substantially larger. In the conversation with the airport people, they said that they added flights and they said, "We added a good number of flights at the D.C. airport." I said, "Did you get anymore TSA agents?" They said "No," hence the long line.

So that is why I am asking if there is a formula you use, if you use it, and how long after they add flights or make adjustments do you adjust to make sure you don't have those long waiting periods at the airport?

Mr. HALINSKI. Yes, sir. The key to success in security operations, we believe is not just the security screening process itself. It is the communication that exists between the airport authority, the law enforcement, and all the other vendors that are in the airport.

Let me use the example of DCA, was there a blockage there for probably about a week or 2—yes, there was. When we went back and looked at that process, what we found is that two different air carriers had moved into one of the terminals. They had changed the type of aircraft. They had gone from a smaller aircraft to 757s, which means that you are going to have more people going through.

What was needed was more communication from everybody involved—TSA, Airport Authority. I think that communication hit them real hard and real fast and I believe that when you go there now, you will see that they are at the right level.

"Communication, collaboration, cooperation"—that is a motto that we have that we think works if we follow it.

Mr. RICHMOND. My time has expired.

If the Chairman will, I just have one last question.

My experience with Government entities, especially the Corps of Engineers, which did all the levee protection around New Orle-

ans—and one thing we advocated for was third-party independent review of their engineering plans and practices to give the general public more confidence.

I guess my question is, do you all do an individual—I mean and independent of technology and evaluations of some of your security either technology or procedures or things of that nature?

Mr. HALINSKI. Yes sir, in fact I am sitting next to Mr. Lord who probably is our greatest quality control person that we have right now.

We also use the Department's inspector general and we have in the past used outside contractors to validate some of our processes. It is a great tool to have, sir, and I think it is important to conduct the analysis and look inward at your processes.

Mr. RICHMOND. Thank you.

Mr. WALBERG. I thank the gentleman.

You could have more time to ask questions if you would commit to not pitching the first four innings of the Congressional ballgame next year that—we will let that go.

Just to make one final comment, my experience with PreCheck in Detroit, where I go through coming here, has just been excellent—works so well. It is not crowded, and I think it is doing what it was intended to do.

At DCA, it is still pretty crowded at this point where it probably encourages some of us not to go through PreCheck, it is faster to go through the regular line. I know that is something that has to be worked out over time.

But I do want to say that where it is working, it is working and we appreciate that and trust that as the days go on and you work out the arrangements with the airlines itself. I appreciate that testimony, because that is not something that I thought about. It is proprietary in getting lists of people understanding the process or the numbers that are coming through, that is just an added point of your consideration. So I appreciate that.

I thank the witnesses for their valuable testimony, the Members for their questions. The Members of the committee may have some additional questions for the witnesses that we will ask you to respond to in writing.

The hearing record will be held open for 10 days. So without objection the committee stands adjourned.

[Whereupon, at 4:29 p.m., the subcommittee was adjourned.]

