

TRAVEL VS. TERRORISM: FEDERAL WORKFORCE ISSUES IN MANAGING AIRPORT SECURITY

HEARING

BEFORE THE
SUBCOMMITTEE ON THE FEDERAL WORKFORCE
AND AGENCY ORGANIZATION

OF THE

COMMITTEE ON
GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

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CONTENTS

	Page
Hearing held on April 4, 2006	1
Statement of:	
Berrick, Cathleen, Director, Homeland Security and Justice Issues, U.S. Government Accountability Office; Robert Jamison, Deputy Secretary for Security Operations, Transportation Security Administration; Kathy Dillaman, Deputy Associate Director for the Center for Federal Investigative Services, Office of Personnel Management; and Dawn E. Lucini, airport security administrator, McCarran International Airport, Las Vegas, NV, on behalf of the Clark County Department of Aviation, owner and operator of McCarran International Airport	13
Berrick, Cathleen	13
Dillaman, Kathy	63
Jamison, Robert	56
Lucini, Dawn E.	68
Letters, statements, etc., submitted for the record by:	
Berrick, Cathleen, Director, Homeland Security and Justice Issues, U.S. Government Accountability Office, prepared statement of	16
Davis, Hon. Danny K., a Representative in Congress from the State of Illinois, prepared statement of	9
Dillaman, Kathy, Deputy Associate Director for the Center for Federal Investigative Services, Office of Personnel Management, prepared statement of	65
Jamison, Robert, Deputy Secretary for Security Operations, Transportation Security Administration, prepared statement of	58
Lucini, Dawn E., airport security administrator, McCarran International Airport, Las Vegas, NV, on behalf of the Clark County Department of Aviation, owner and operator of McCarran International Airport, prepared statement of	70
Porter, Hon. Jon C., a Representative in Congress from the State of Nevada, prepared statement of	5

TRAVEL VS. TERRORISM: FEDERAL WORK- FORCE ISSUES IN MANAGING AIRPORT SE- CURITY

TUESDAY, APRIL 4, 2006

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FEDERAL WORKFORCE AND AGENCY
ORGANIZATION,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:02 p.m., in room 2247, Rayburn House Office Building, Hon. Jon C. Porter, (chairman of the subcommittee) presiding.

Present: Representatives Porter, Schmidt, Davis of Illinois and Van Hollen.

Staff present: Ronald Martinson, staff director; Patrick Jennings, OPM detailee/senior counsel; Alex Cooper, legislative assistant; Tania Shand, minority professional staff member; and Teresa Coufal, minority assistant clerk.

Mr. PORTER. I would like to bring the meeting to order, a quorum being present. Thank you all for being here this afternoon. I know that we have just filled the room, so that is good. If we need some more chairs, we will be happy to bring some in a little bit later. Again, I do appreciate those that have come across the country and for those that are here today.

Although for the most part, airport security is moving in the right direction, it is an area that deserves close congressional scrutiny from all relevant congressional committees to ensure that our airports continue to be safe and secure. The American public deserves nothing less. Federal employees play an integral role in airport security in a variety of ways. The hearing today will examine that role and address ways to improve upon staffing and human capital programs within DHS. In addition, I am also interested in learning more today about the foreign management of some of our airports.

Recently, the Dubai ports deal was reported by the press, and people were understandably concerned that the deal would have allowed a foreign company to operate some of the country's largest seaports. Not many people know, however, that operations at some of our largest international airports are also operated by foreign firms. For example, Indianapolis International Airport is managed by the British Airlines, a subsidiary of British Airports Authority, BAA USA, to be specific. BAA also manages the concessions in the passenger terminal at Pittsburgh International Airport. Terminal 4

at JFK International Airport is operated by a consortium led by a subsidiary of a company based in the Netherlands. The terminals at Orlando Sanford International Airport are operated by a Spanish company.

I believe that the issue of who manages and who works at our airports deserves our attention and certainly our scrutiny. We need to know who checks the backgrounds of these companies and their employees. We need to know how these companies and their employees are cleared to operate at our airports across the country.

I have been almost 5 years since the attacks on September 11, 2001. After the attacks, we made many positive steps forward in Government organization and airport security procedures. In 2001, Congress established the Transportation Security Administration. In January 2003, 22 Homeland Security agencies were brought together when the Department of Homeland Security came into existence. In terms of security operations, the baggage screening process at airports has been placed under Federal control. The number of air marshals has been increased, and TSA Federal Security Directors have been assigned to the Nation's more than 440 commercial airports to lead and coordinate the TSA security activities.

Unfortunately, we still have a long way to go in terms of airport security. A quick scan of news reports from 2006 alone provides some examples that illustrate problems within DHS's control.

On February 27, 2006, a Will Rogers World Airport in Oklahoma City, authorities found threatening graffiti in the cargo hold of an airliner. An airport spokeswoman noted that the markings were found in a place that should only have been accessible by authorized personnel.

On March 6, 2006, at John F. Kennedy International Airport in New York, an elderly man drove his car through two guard gates onto the tarmac in the early hours of the morning. The driver entered an area managed by a private contractor. Eventually he crossed at least one active runway, where an Air France jet was about to land. About 23 minutes after the incident started, the Port Authority Police intercepted the man.

That same day at Midway International Airport in Chicago, a man ran through a gate into a secure area while the gate was opened for a vehicle. As a result, runway 4 was closed briefly. Out of the three perimeter gates at Midway, the man apparently got through the only one without a security camera. In response to this event, airport authorities said they would retrain 222 aviation security officers and redesign the perimeter gates.

On March 11, 2006, news reports indicated that Federal officials removed the head of security at Newark Liberty International Airport following 4 years of security breaches and staffing problems.

On March 31, 2006, two baggage screeners at the Honolulu International Airport pleaded guilty to stealing thousands of dollars in yen from the luggage of Japanese tourists. According to prosecutors, the two screeners admitted to being among a group of security screeners who stole money from the baggage of outbound international travelers and divided the cash.

Despite these reports, I believe that Federal and private security employees at airports are doing the best they can under some difficult circumstances. However, we need to examine this situation

from a work force standpoint to ensure that we are doing all we can to help the people protecting our airports.

The subcommittee will examine the hiring, background screening, training and deployment of Federal and private sector employees working at airports. Airport security is the responsibility of the Department of Homeland Security. Two components of DHS have key missions at airports—the Transportation Security Administration and Customs and Border Protection. DHS deploys and trains an airport security work force that includes TSA Federal Security Directors, Transportation Security Officers, known as “screeners,” and CBP inspectors. In addition to security operations, DHS sets the rules for airport and air carrier security. Specifically, DHS sets standards for airport perimeter security, access controls and airport and air carrier security activities, and due to recent legislation, the TSA is working to implement an identification system for worker access at seaports and at airports.

The Office of Personnel Management also plays a major role in airport security. OPM’s Federal Investigative Services Division conducts background checks of Federal employee and contractors working at our airports. OPM is responsible for ensuring Federal and contract airport employees are investigated thoroughly before they are hired. OPM accomplishes this by checking job applicants against fingerprint records, national criminal data bases at the FBI, and other sources, to ensure that the applicants have no disqualifying factors in their background.

Airport security is of critical importance to the Nation. According to the Air Transport Association of America, in 2004 the total impact of commercial aviation on the U.S. economy was approximately \$1.2 trillion in growth output, \$380 million in personal earnings, and 11.4 million jobs. Approximately 8.8 percent of U.S. employment is directly or indirectly attributable to the commercial aviation sector. In my district, where McCarran Airport is located, which I think is one of the best in country, if not in the world—I will put in a plug for Las Vegas—we have 44.3 million air travelers that are passing through McCarran each year. Most of these travelers are tourists. Tourism is by far the most important part of the Las Vegas economy. Las Vegas and the rest of the country can’t afford another disruption of air travel like we experienced after September 11th. We need to find a balance between security and the need to move air travelers efficiently through our airports. Our country depends upon air transportation, and air transportation in turn on the airport security personnel. Proper management and security at airports is a matter of national security. That’s why the issues we will examine today are vital issues to be addressed by this subcommittee.

As I mentioned, being from the communities of Nevada and Las Vegas, I remember quite well, personally, September 11th, because I had at that time a view of the landing pattern of McCarran International, and I remember that day when there wasn’t a bird in the sky or a plane in the sky. And it is one of those moments I think in time, as we look back, whether it be the Kennedy assassination or whatever, I think we each have these moments of time that we remember like a photograph. I remember that day when the planes were not flying and cars were not driving. From that moment on,

I knew we had to change the way we do business in this country, and I applaud those folks that have been working very hard to ensure traveler safety, but I still think we have a long way to go.

So today, I have invited witnesses from the GAO, TSA, OPM and McCarran International Airport to discuss airport work force issues. As I said, I hope this discussion will reveal areas that need attention, help clarify some roles of all the employees involved in airport security, and I look forward to a discussion with all the witnesses that are here this afternoon.

[The prepared statement of Hon. Jon C. Porter follows.]

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Opening Statement of Chairman Jon Porter

Hearing of the House Government Reform
 Subcommittee on Federal Workforce and Agency Organization

*"Travel vs. Terrorism: Federal Workforce Issues in Managing
 Airport Security"*

April 4, 2006

Thank you so much for attending the hearing this afternoon.

Although for the most part airport security is moving in the right direction, this is an area that deserves close congressional scrutiny from all relevant congressional committees to ensure that our airports continue to be safe and secure. The American public deserves nothing less. Federal employees play an integral role in airport security in a variety of ways. The hearing today will examine that role and address ways to improve upon staffing and human capital programs within DHS. In addition, I am also interested in learning more today about the foreign management of some of our airports.

Recently, the Dubai ports deal was reported by the press. People were understandably concerned that the deal would have allowed a foreign company to operate some of the country's largest seaports. Not many people know, however, that operations at some of our largest international airports are also operated by foreign firms. For example, Indianapolis International Airport is managed by BAA USA, a subsidiary of British Airports Authority PLC. BAA also manages the concessions in the passenger terminal at Pittsburgh International Airport. Terminal 4 at JFK International Airport is operated by a consortium led by a subsidiary of company based in the Netherlands. The terminals at Orlando Sanford International Airport are operated by the Spanish company Albetris. I believe that the issue of who manages and works at our airports deserves our attention. We need to know who checks the backgrounds of these companies and their employees, and we need to know how these companies and their employees are cleared to operate at our airports.

It has been almost five years since the attacks on September 11th 2001. After the attacks, we have made many positive steps forward in government organization and airport security procedures. In 2001, Congress established the Transportation Security Administration. In January 2003, 22 homeland security agencies were brought together when the Department of Homeland Security came into existence. In terms of security operations, the baggage screening process at airports has been placed under Federal control, the number of Air Marshals has been increased, and TSA Federal Security Directors have been assigned to the nation's more than 440 commercial airports to lead and coordinate TSA security activities.

Unfortunately, we still have a long way to go in terms of airport security. A quick scan of the news reports from 2006 alone provides some examples that illustrate problems within DHS's control.

- On February 27, 2006, at Will Rogers World Airport in Oklahoma City, authorities found threatening graffiti in the cargo hold of an airliner. An airport spokeswoman noted that the markings were found in a place that should only have been accessible by authorized personnel.
- On March 4, 2006, at McCarran International Airport in Las Vegas, Paula Abdul, the American Idol judge, caused a security breach when, apparently, an airport worker assisted Ms. Abdul and a companion to bypass airport security and board a flight.
- On March 6, 2006, at John F. Kennedy International Airport in New York, an elderly man drove his car through two guard gates onto the tarmac, in the early hours of the morning. The driver entered an area managed by a private contractor. Eventually, he crossed at least one active runway, where an Air France jet was about to land. About 23 minutes after the incident started, Port Authority Police intercepted the man.
- That same day, at Midway International Airport in Chicago, a man ran through a gate into a secure area while the gate was opened for a vehicle. As a result, runway 4 was closed briefly. Out of the three perimeter gates at Midway, the man apparently got through the only one without a security camera. In response to this event, airport authorities said that they would retrain 222 aviation security officers and redesign the perimeter gates.
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screeners who stole money from the baggage of outbound international travelers and divided the cash.

Despite these reports, I believe that Federal and private security employees at airports are doing the best they can under difficult circumstances. However, we need to examine this situation from a workforce standpoint to ensure that we are doing all we can to help the people protecting our airports.

The Subcommittee will examine the hiring, background screening, training, and deployment of Federal and private sector employees working at airports. Airport security is the responsibility of the Department of Homeland Security. Two components of DHS have key missions at airports --- the Transportation Security Administration and Customs and Border Protection. DHS deploys and trains an airport security workforce that includes TSA Federal Security Directors, Transportation Security Officers, known as "screeners", and CBP inspectors. In addition to security operations, DHS sets the rules for airport and air carrier security. Specifically, DHS sets standards for airport perimeter security, access controls, and airport and air carrier security activities. Due to recent legislation, the Transportation Security Administration is working to implement an identification system for worker access at seaports and airports.

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Today, I have invited witness from GAO, TSA, OPM, and McCarran International Airport to discuss airport workforce issues. I hope that the discussion will reveal the areas that need attention and clarify the roles of all of the employees involved in airport security.

I look forward to the discussion with all of the witnesses this afternoon.

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Mr. PORTER. I would like to now again say welcome to all of you who are here today, and introduce our ranking minority member, Mr. Danny Davis, for any opening comments.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

When this subcommittee was considering the legislation that created the Transportation Security Administration [TSA], the Aviation and Transportation Security Act [ATSA], there was much debate about whether airport screeners at the new agency would be Federal employees or private contractors. It was a very vigorous debate, and a compromise of sorts was reached. Within 1 year of being created, TSA was mandated to hire Federal employees to take over airport screening services at all but five U.S. commercial airports. Those five airports were permitted to hire private screening companies as part of a pilot program. All other airports were allowed by the ATSA, after November 19, 2004, the choice of maintaining Federal screeners or opting out and using private contractors.

Both Federal and private airport screeners have been providing their services long enough for us to know how the two groups performed. Reports by the Government Accountability Office [GAO], and TSA's Office of Inspector General have shown little difference between Federal screeners and private screeners. They both perform in an equally poor manner.

The question that needs to be answered here is why. Do we have enough Federal screeners? What are the staffing levels? Why is there a hiring cap of 45,000 screeners? Are Federal screeners adequately trained? Do airports have high-speed Internet access so that screeners can take advantage of online training? Is TSA taking advantage of aviation security technologies for checkpoint screenings? All of these questions must be answered and addressed before any judgment can be made about the effectiveness of Federal screeners. Today's witnesses, of course, are in a position to help us address and understand these issues, and I look forward to their testimony.

And thank you, Mr. Chairman, for calling this hearing, and I yield back the balance of my time.

[The prepared statement of Hon. Danny K. Davis follows:]

COMMITTEE ON GOVERNMENT REFORM

Hearing: "Travel vs. Terrorism: Federal Workforce
Issues in Managing Airport Security"

April 4, 2006
2:00 p.m.

Room 2203, Rayburn House Office Building

Opening Statement of Congressman Elijah E. Cummings

Mr. Chairman:

I thank you for calling today's hearing to give us the opportunity to take a comprehensive look at the systems currently in place for ensuring security at our nation's airports and on our nation's commercial airplanes.

As a member not only of the Committee on Government Reform but also the Committee on Transportation and Infrastructure, I have long argued that we have had such a single-minded focus on aviation security that we have shortchanged security on other transportation modes, such as public transportation and maritime transportation.

The Congressional Research Service (CRS) reports that our nation has expended nearly \$20 billion in federal funding to improve aviation security since 9/11. Our annual budget for the

explosive materials. I consider this response to be insufficient – and I would like to know why training on explosives detection has obviously been so inadequate to date.

A report issued by the GAO in May 2005 specifically calls into question TSA’s ability to adequately train its workforce. Entitled *Aviation Security: Screener Training and Performance Measurement Strengthened, but More Work Remains*, the report found that TSA’s screeners were not completing continuing education requirements in a timely fashion – often because of something as simple as a lack of high-speed internet access. The GAO further found that TSA – and I quote – “has no formal policies for monitoring the completion of required training.”

Given these findings, I would like to know how TSA will ensure that it can now provide adequate training to its employees on the detection of explosives.

Other significant problems appear to exist at TSA. A GAO report issued in September 2005 entitled *Transportation Security Administration: More Clarity on Authority of Federal Security Directors is Needed* suggests that TSA still needs to clarify the role

and authority of the Federal Security Directors (FSD), which are the head TSA officers assigned to each airport.

As there are many security agencies working within our airports, it is essential that the roles and responsibilities of each agency be clear and complementary – and that effective chains of command be in place to guide responses to all incidents.

Finally, while it is clear that work is still needed to make sure that TSA is as effective and efficient as it can be in screening passengers and providing security at airports, I also note that other areas of aviation security are still not receiving the attention that they need.

Thus far, TSA's efforts to improve aviation security have focused predominantly on screening passengers and their baggage. As a result, we do not yet have in place a comprehensive system for screening all air cargo, including approximately 6 billion pounds of cargo transported on passenger planes. In my opinion, this is a gaping hole in our security system that requires urgent attention.

I look forward to hearing from today's witnesses about the steps that need to be taken to ensure that the \$20 billion investment we

12

have made in air security is making our air travel system as safe and secure as the American people expect it to be.

Thank you and I yield back.

Mr. PORTER. Thank you, Mr. Davis. Again, we appreciate you being here today.

I would like to do some procedural matters. I would like to ask unanimous consent that all Members have 5 legislative days to submit written statements and questions for the hearing record, and the answers to written questions provided by the witnesses also be included in the record.

Without objection, so ordered.

I ask unanimous consent that all exhibits, documents, and other materials referred to by Members and their witnesses may be included in the hearing record, that all Members will be permitted to revise and extend their remarks.

Without objection, so ordered.

It is also the practice of this committee to administer the oath to all witnesses, so if you all would stand for a moment, please, and raise your right hands.

[Witnesses sworn.]

Mr. PORTER. Let the record reflect that the witnesses have answered in the affirmative. Please be seated.

As with most congressional hearings, we will have Members that will be coming and going throughout the afternoon, but know that everything that is said today will be included in the record and be used for our decision process later on. So, again, we appreciate you being here.

I would like to begin by combining the panels, which we have done, and let you know that each will have approximately 5 minutes and then we will be asking questions. Some of the questions will be asked in writing, so you will have some time to submit the answers.

First I would like to welcome today our Director of Homeland Security at the Government Accountability Office. That is Ms. Cathleen Berrick, and we appreciate you being here. So, please, open your testimony.

STATEMENTS OF CATHLEEN BERRICK, DIRECTOR, HOMELAND SECURITY AND JUSTICE ISSUES, U.S. GOVERNMENT ACCOUNTABILITY OFFICE; ROBERT JAMISON, DEPUTY SECRETARY FOR SECURITY OPERATIONS, TRANSPORTATION SECURITY ADMINISTRATION; KATHY DILLAMAN, DEPUTY ASSOCIATE DIRECTOR FOR THE CENTER FOR FEDERAL INVESTIGATIVE SERVICES, OFFICE OF PERSONNEL MANAGEMENT; AND DAWN E. LUCINI, AIRPORT SECURITY ADMINISTRATOR, MCCARRAN INTERNATIONAL AIRPORT, LAS VEGAS, NV, ON BEHALF OF THE CLARK COUNTY DEPARTMENT OF AVIATION, OWNER AND OPERATOR OF MCCARRAN INTERNATIONAL AIRPORT

STATEMENT OF CATHLEEN BERRICK

Ms. BERRICK. Thank you, Mr. Chairman, and Mr. Davis, for inviting me to discuss the progress TSA has made and the challenges it faces in managing a Federal work force to support aviation security. My testimony today focuses on the management, deployment and training of a Federalized security work force with operational responsibility for passenger and checked baggage screening, any ac-

tions TSA has taken, and the challenges it faces to provide regulatory oversight of other airport security activities.

Regarding TSA's efforts to manage, deploy and train a Federal security work force, TSA has made significant progress in these areas but continues to face staffing and training challenges.

Regarding security leadership, the TSA Federal Security Director is the ranking Federal authority responsible for security at commercial airports. We found that despite initial difficulties, Federal Security Directors have since formed effective partnerships with key airport stakeholders, and have improved coordination efforts to address airport security needs. However, we found that TSA had not clearly delineated the Security Director's authority related to other airport stakeholders, which sometimes resulted in confusion when a security incident arose.

Federal Security Directors are also responsible for overseeing airport, passenger and checked baggage screening operations performed by about 40,000 Transportation Security Officers [TSOs]. We found that TSA has taken a number of steps to improve the training and performance of the TSO work force, although areas for improvement exist.

For example, TSA has significantly increased the amount of training available to TSOs and have made changes to training programs based on identified vulnerabilities. However, insufficient staffing has made it difficult for all TSOs to have the time needed to take required training. We found that Federal Security Directors at about half of the 263 airports we surveyed reported there was not sufficient time for TSOs to receive required training within regular work hours.

In addition, a lack of high-speed Internet capability at about half of the Nation's airports have prevented many TSOs at these airports from fully utilizing TSA's online learning center.

TSA has also developed a staffing allocation model to identify needed TSO staff allocations at airports. However, TSA has had difficulty attracting and retaining a part-time TSO work force needed to address staffing needs. Some screeners are used to performing administrative duties at airports due to a lack of administrative staff.

In addition to having operational responsibility for passenger and checked baggage screening, TSA also has oversight responsibility for air cargo security and the security of airport perimeters and restricted areas. We reported in October 2005 that TSA had significantly increased the number of domestic air cargo inspections it conducted of air carriers and freight forwarders or entities that consolidate cargo for transportation to the airport. However, we found that TSA did not determine to what extent air carriers and freight forwarders were complying with existing security requirements, and had not analyzed the results of its inspections to target future areas of highest risk.

TSA also established a requirement for the random inspection of air cargo, a reflection of the agency's position that inspecting 100 percent of air cargo is not feasible. We found that TSA established exemptions that allow certain cargo to go uninspected, which if become known to shippers and could potentially cause security weaknesses.

Related to airport perimeter security and access controls, we found that TSA had begun conducting compliance inspections of airport operators, and had conducted covert testing of selected security procedures. We also found that TSA required background checks for most airport workers, required by legislation.

Regarding measuring the effectiveness of its screening systems, TSA has made significant progress in testing the screening components, including establishing an annual recertification program for TSOs. However, despite these efforts, testing has shown that weaknesses and vulnerabilities continue to exist in the screening system.

In conclusion, TSA has made significant progress in managing and deploying a Federal work force to conduct and oversee security activities at the Nation's airports, including hiring, deploying and training a work force of over 40,000 Transportation Security Officers. However, as TSA moves forward, opportunities for further strengthening Federal security efforts exist.

Mr. Chairman, this concludes my opening statement. Thank you.
[The prepared statement of Ms. Berrick follows:]

United States Government Accountability Office

GAO

Testimony before the Subcommittee on
Federal Workforce and Agency
Organization, Committee on Government
Reform, House of Representatives

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AVIATION SECURITY

**Transportation Security
Administration Has Made
Progress in Managing a
Federal Security Workforce
and Ensuring Security at
U.S. Airports, but
Challenges Remain**

Statement of Cathleen A. Berrick, Director,
Homeland Security and Justice Issues



April 4, 2006



Highlights of GAO-06-597T, a testimony before the Subcommittee on Federal Workforce and Agency Organization, Committee on Government Reform, House of Representatives

Why GAO Did This Study

It has been over 3 years now since the Transportation Security Administration (TSA) assumed responsibility for passenger and baggage screening at commercial airports. This testimony focuses on the progress TSA is making in strengthening aspects of aviation security and the challenges that remain. Particularly, this testimony highlights (1) progress TSA has made, and challenges it faces, in managing a federalized security workforce with operational responsibility for ensuring security of passengers and their baggage; and (2) actions TSA has taken, and the challenges it faces, to ensure appropriate regulatory oversight of other airport security activities.

What GAO Recommends

In prior reports, GAO has made numerous recommendations designed to strengthen aviation security with respect to strategic aviation workforce planning, deployment, and oversight. GAO also has ongoing reviews related to TSA staffing models and other aviation security issues, and may make additional recommendations as appropriate.

www.gao.gov/cgi-bin/getrpt?GAO-06-597T.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Cathleen A. Berrick at (202) 512-3404 or berrickc@gao.gov.

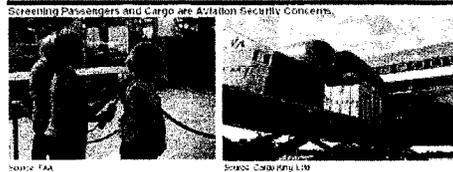
AVIATION SECURITY

Transportation Security Administration Has Made Progress in Managing a Federal Security Workforce and Ensuring Security at U.S. Airports, but Challenges Remain

What GAO Found

TSA has made progress in managing, deploying, and training a federalized aviation security workforce, including federal security directors (FSDs—the lead authority at U.S. airports) and transportation security officers (TSOs—formerly known as screeners). FSDs have, for example, formed partnerships with key federal and private-sector stakeholders at airports engaged in security and operations. We reported, however, that the FSDs' authority is outdated and lacks clarity, particularly during security incidents when FSDs must coordinate with other stakeholders. Regarding TSOs, TSA has taken and has planned actions to strengthen the management and deployment of the TSO workforce. TSA has, for instance, developed a staffing allocation model to determine TSO staffing levels at airports. However, FSDs have reported concerns that despite such a model, attracting, hiring, and retaining an adequate part-time TSO workforce remains a challenge. We have reported that, while TSA has expanded security training opportunities for TSOs, insufficient TSO staffing and other problems hinder the ability of TSOs to take training. To evaluate TSO performance, TSA has collected performance data by performing covert (undercover, unannounced) tests at passenger screening checkpoints.

TSA has taken steps to strengthen key areas of aviation security for which it has regulatory and oversight responsibility, including domestic air cargo security, but faces challenges related to oversight and performance measurement. We reported in October 2005, for example, that while TSA had significantly increased the number of domestic air cargo inspections conducted, performance measures to determine to what extent air carriers and others are complying with air cargo security requirements had not been developed. Without such performance measures, and a systematic analysis of these results of air cargo security inspections, TSA's ability to target its workforce for future inspections, and fulfill oversight responsibilities, will be limited. Further, while TSA has incorporated elements of risk-based decision making into securing air cargo, their efforts are not yet complete. To address these and other issues, TSA officials stated that they plan to compile additional information on air cargo inspections to enhance the ability to conduct compliance inspections of air carriers using covert testing, and to require random inspection of air cargo to address threats to the nation's aviation transportation system.



Source: FAA

Source: Cargo King Ltd

United States Government Accountability Office

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to participate in today's hearing to discuss the management and deployment of federal employees charged with securing U.S. commercial airports. After the terrorist attacks of 2001, securing the nation's aviation system—and ensuring that a federal workforce was in place to carry out a wide range of aviation security responsibilities—became a key goal of the administration and the Congress. Among the actions taken to address this need, the Aviation and Transportation Security Act (ATSA) of 2001, which established the Transportation Security Administration (TSA), charged the agency with, among other things, overseeing security operations at the nation's more than 400 commercial airports.¹ In TSA, the federal workforce comprises, among others, federal security directors (FSDs)—the ranking authority responsible for leading and coordinating security activities at airports; transportation security officers (TSO), formerly known as screeners; and inspectors responsible for ensuring that air carriers, airport employees and airport vendors comply with established security requirements.

My testimony today addresses two separate areas related to the management and oversight of the federal airport security workforce: (1) the progress TSA has made, and the challenges it faces, in managing a federalized security workforce with operational responsibility for ensuring security of passengers and their baggage, and (2) the actions TSA has taken, and the challenges it faces, to ensure appropriate regulatory oversight of other airport security activities.

My comments are based on issued GAO reports and testimonies addressing the security of the U.S. commercial aviation system and our ongoing work on TSA's staffing standards for TSOs. We did our work in accordance with generally accepted government auditing standards. Appendix I contains a list of related GAO products issued since September 11, 2001.

¹ATSA created TSA as an agency within the Department of Transportation (DOT) with responsibility for securing all modes of transportation, including aviation. Pub. L. No. 107-71, § 101, 115 Stat. 597 (2001). The Homeland Security Act of 2002, signed into law on November 25, 2002, transferred TSA from the DOT to the new Department of Homeland Security (DHS). Pub. L. No. 107-296, § 403, 116 Stat. 2135, 2178.

Summary

While TSA has made progress in managing the federalized aviation security workforce, including its FSDs and TSOs, TSA continues to face challenges in several key areas, including clarifying FSD roles and responsibilities, and managing the deployment and training of its TSO workforce. TSA has made changes to better support and empower the FSD position, including granting greater authority and flexibility to FSDs in carrying out their responsibilities. For example, in carrying out their responsibilities in overseeing security at the nation's airports, FSDs have formed partnerships with key stakeholders and participated in communication and coordination efforts to address a range of issues, including airport security, operations, and coordination. However, while TSA has developed guidance that describes the many roles and responsibilities of FSDs, we recently reported that TSA's primary document outlining FSDs' authority was outdated and lacked clarity regarding FSD authority during security incidents relative to other airport stakeholders with whom FSDs must coordinate closely on aviation security matters. For example, we found examples of where confusion or conflicting opinions developed over whether the FSD had the authority to take certain actions during particular security incidents. Regarding its TSOs, TSA has taken and has planned actions to strengthen the management of the TSO workforce, which must be deployed in sufficient numbers and trained and certified in the latest screening procedures and technology to accomplish its security mission. Acknowledging imbalances in the screener workforce, TSA developed standards for determining TSO staffing for all airports at which federal screening is required and developed a Staffing Allocation Model (SAM) to determine airport staffing levels. In determining staffing allocations, the SAM takes into account not only flight and passenger data, but also data unique to each airport--including flight schedules, passenger and baggage distribution curves, and TSA passenger and baggage screening configurations. However, FSDs we interviewed had preliminary concerns about the assumptions in the model, noting, among other things, that it has been a challenge to attract, hire, and retain a part-time TSO workforce at the 20 percent level indicated in the model. In addition to having an adequate number of screeners, effective screening involves screeners properly trained to do their job. TSA has taken numerous steps to expand training beyond the basic training requirement to include self-guided courses on its Online Learning Center; a recurrent training requirement of 3 hours per week, averaged over a quarter; and training on threat information, explosives detection, and new screening approaches. However, insufficient TSO staffing and a lack of high-speed Internet/intranet connectivity create impediments to the TSO workforce taking full advantage of training opportunities. With respect to evaluating TSOs, TSA has strengthened its efforts to measure the

performance of the various components of the passenger and checked baggage screening systems—people, processes and technology. Specifically, TSA has implemented and strengthened efforts to collect performance data by performing covert (undercover, unannounced) tests, using the Threat Image Projection (TIP) system² at passenger screening checkpoints, and implementing a congressionally mandated annual TSO recertification program. Despite these efforts, TSA covert testing has identified that weaknesses existed in the ability of TSOs to detect threat objects on passengers, in their carry-on bags, and in checked baggage.

TSA has taken steps to strengthen the federal workforce responsible for other key areas of aviation security, including domestic air cargo and airport perimeters and access controls, but it faces additional challenges in each of these areas related to performance measurement and regulatory oversight. We reported in October 2005, for example, that TSA had significantly increased the number of domestic air cargo inspections. We noted, however, that TSA had not developed performance measures to determine to what extent air carriers and indirect air carriers—carriers that consolidate air cargo from multiple shippers and deliver it to air carriers to be transported—are complying with air cargo security requirements, and had not analyzed the results of inspections to systematically target future inspections on those entities that pose a higher security risk to the domestic air cargo system. Without these performance measures and systematic analyses, TSA will be limited in its ability to effectively target its workforce for future inspections and fulfill its oversight responsibilities for this important area of aviation security. In June 2005, TSA officials informed us that in the future they intend to compile information on the number of instances in which specific air cargo security requirements are inspected, and are taking steps to enhance TSA's ability to conduct compliance inspections of indirect air carriers, by among other things, using undercover testing to identify air cargo security weaknesses. We also found that TSA has made efforts to incorporate risk-based decision making into securing air cargo, but has not conducted assessments of air cargo vulnerabilities or critical assets (cargo facilities and aircraft)—two crucial elements of a risk-based management approach without which TSA may not be able to appropriately focus its resources on the most critical security needs. Moreover, to better allocate resources for

²The Threat Image Projection system is designed to test TSOs' detection capabilities by projecting threat images, including images of guns and explosives, into bags as they are screened. TSOs are responsible for positively identifying the threat image and calling for the bag to be searched.

air cargo security, TSA established a requirement for random inspection of air cargo to address threats to the nation's aviation transportation system—a reflection of the agency's position that inspecting 100 percent of air cargo was not technologically feasible and would be potentially disruptive to the flow of air commerce. In the area of airport perimeter and access control security, we reported in June 2004 that while background checks were not required for all airport workers, TSA requires most airport workers who perform duties in secured and sterile areas¹ to undergo a fingerprint-based criminal history records check. TSA further requires airport operators to compare applicants' names against TSA's aviation security watch lists. Once workers undergo this review, they are granted access to airport areas in which they perform duties. In addition, ATSA mandated that TSA require airport operators and air carriers to develop security awareness training programs for airport workers such as ground crews and gate, ticket, and curbside agents of air carriers. According to TSA, training requirements for these airport workers had not been established because additional training would result in increased costs for airport operators. In the area of security-related training, TSA did not require airport vendors with direct access to the airfield and aircraft to develop security programs, which would include security measures for vendor employees and property, as required by ATSA. In July 2004, in response to our recommendations, TSA made several improvements in these areas, through the issuance of a series of security directives, including requiring enhanced background checks and improved access controls for airport employees who work in restricted airport areas.

Background

TSA Operational Responsibilities for Passenger and Checked Baggage Security

Prior to the passage of ATSA, the screening of passengers and checked baggage had been performed by private screening companies under contract to the airlines. The Federal Aviation Administration (FAA) was responsible for ensuring compliance with screening regulations. With the passage of ATSA and the transfer of aviation security responsibilities to TSA, including passenger and checked baggage screening at airports, TSA assigned PSDs—the top-ranking TSA authorities responsible for security

¹ Sterile areas are located within the terminal where passengers wait after screening to board departing aircraft. Access to these areas is generally controlled by TSA screeners at checkpoints where they conduct physical screening of passengers and their carry-on baggage for weapons and explosives.

at the nation's airports—to one or more commercial airports to oversee security activities. TSA has approximately 157 FSD positions at commercial airports nationwide to lead and coordinate TSA security activities. Although an FSD is responsible for security at each commercial airport, not every airport has an FSD dedicated solely to that airport. Most category X airports⁵ have an FSD responsible for that airport alone, while at other airports the FSD located at a hub airport has responsibility over one or more spoke airports of the same or smaller size.

In addition to establishing TSA and giving it responsibility for passenger and checked baggage screening operations, ATSA also set forth specific enhancements to screening operations for TSA to implement, with deadlines for completing many of them. These requirements include

- assuming responsibility for screeners and screening operations at more than 400 commercial airports by November 19, 2002;
- establishing a basic screener training program composed of a minimum of 40 hours of classroom instruction and 60 hours of on-the-job training;
- conducting an annual proficiency review of all screeners;
- conducting operational testing of screeners;⁶
- requiring remedial training for any screener who fails an operational test; and
- screening all checked baggage for explosives using explosives detection systems by December 31, 2002.⁷

As mandated by ATSA, TSA hired and deployed a TSO workforce to assume operational responsibility for conducting passenger and checked baggage screening. Passenger screening is a process by which authorized TSA personnel inspect individuals and property to deter and prevent the carriage of any unauthorized explosive, incendiary, weapon, or other dangerous item onboard an aircraft or into a sterile area. TSOs must

⁵TSA classifies the commercial airports in the United States into one of five security risk categories (X, I, II, III, IV, and V) based on various factors, such as the total number of takeoffs and landings annually, and other special security considerations. In general, category X airports have the largest number of passenger boardings, and category IV airports have the smallest.

⁶TSA defines an operational screening test as any covert test of a TSO conducted by TSA, on any screening function, to assess the screener's threat item detection ability or adherence to TSA-approved procedures.

⁷Pursuant to the Homeland Security Act, the deadline for screening all checked baggage using explosive detection systems was, in effect, extended until December 31, 2003.

inspect individuals for prohibited items at designated screening locations.⁷ The four passenger screening functions are (1) X-ray screening of property, (2) walk-through metal detector screening of individuals, (3) hand-wand or pat-down screening of individuals, and (4) physical search of property and trace detection for explosives. Checked baggage screening is a process by which authorized TSOs inspect checked baggage to deter, detect, and prevent the carriage of any unauthorized explosive, incendiary, or weapon onboard an aircraft. Checked baggage screening is accomplished through the use of explosive detection systems⁸ (EDS) or explosive trace detection (ETD) systems,⁹ and through the use of other means, such as manual searches, canine teams, and positive passenger bag match,¹⁰ when EDS and ETD systems are unavailable.

**TSA Regulatory
Responsibilities for Air
Cargo and Airport Security**

In addition to establishing requirements for passenger and checked baggage screening, ATSA charged TSA with the responsibility for ensuring the security of air cargo, including, among other things, establishing security rules and regulations covering domestic and foreign passenger carriers that transport cargo, domestic and foreign all-cargo carriers, and domestic indirect air carriers—carriers that consolidate air cargo from multiple shippers and deliver it to air carriers to be transported; and overseeing implementation of air cargo security requirements by air carriers and indirect air carriers through compliance inspections. In general, TSA inspections are designed to ensure air carrier compliance with air cargo security requirements, while air carrier inspections focus on

⁷TSOs must deny passage beyond the screening location to any individual or property that has not been screened or inspected in accordance with passenger screening standard operating procedures. If an individual refuses to permit inspection of any item, that item must not be allowed into the sterile area or aboard an aircraft.

⁸ Explosive detection systems use probing radiation to examine objects inside baggage and identify the characteristic signatures of threat explosives. EDS equipment operates in an automated mode.

⁹ Explosive trace detection works by detecting vapors and residues of explosives. Human operators collect samples by rubbing bags with swabs, which are chemically analyzed to identify any traces of explosive materials.

¹⁰ Positive passenger bag match is an alternative method of screening checked baggage that requires that the passenger be on the same aircraft as the checked baggage.

ensuring that cargo does not contain weapons, explosives, or stowaways.¹¹ TSA is responsible for inspecting 285 passenger and all-cargo air carriers with about 2,800 cargo facilities nationwide, as well as 3,800 indirect air carriers with about 10,000 domestic locations. In conducting inspections, TSA inspectors review documentation, interview carrier personnel, directly observe air cargo operations, or conduct tests to determine whether air carriers and indirect air carriers are in compliance with air cargo security requirements. In 2004, an estimated 23 billion pounds of air cargo was transported within the United States, with about a quarter of this amount transported on passenger aircraft. Recently, DHS reported that most cargo on passenger aircraft is not physically inspected.

ATSA also granted TSA the responsibility for overseeing U.S. airport operators' effort to maintain and improve the security of commercial airport perimeters, access controls, and airport workers. While airport operators, not TSA, retain direct day-to-day operational responsibilities for these areas of security, ATSA directs TSA to improve the security of airport perimeters and the access controls leading to secured airport areas, as well as take measures to reduce the security risks posed by airport workers. Each airport's security program, which must be approved by TSA, outlines the security policies, procedures, and systems the airport intends to use in order to comply with TSA security requirements. FSDs oversee the implementation of the security requirements at airports.

Of TSA's 950 aviation security inspectors located at airports throughout the United States, 750 are considered generalists who conduct a variety of aviation security inspections, and 200 are dedicated to conducting air cargo inspections. The FSD at each airport is responsible for determining the scope and emphasis of the inspections, as well as discretion for how to assign local inspection staff. TSA provides local airport FSDs and inspectors with goals for the number of inspections to be conducted per quarter.

¹¹Domestic passenger air carriers have 11 separate areas of cargo security that are subject to inspection, while indirect air carriers have 12 areas that are subject to inspection. All cargo carriers that have implemented the voluntary all-cargo security program have 24 areas that are subject to inspection. These areas of inspection include access to cargo, cargo acceptance, including cargo from known shippers, and security training and testing.

TSA Has Taken Steps to Strengthen the Management and Performance of an Aviation Security Workforce, but Continues to Face Challenges

In recent years, TSA has taken numerous actions related to the deployment, training, and performance of their aviation security workforce. TSA has, for example, taken action to support the authority of FSDs at airports, though additional clarification of their roles is needed. TSA also has improved the management and deployment of its TSO workforce with the use of a formal staffing model, though hiring and deployment challenges remain. TSA has also strengthened TSO training, and implemented various approaches to measuring TSO performance related to passenger and baggage screening activities.

TSA Has Taken Action to Support FSDs, but Additional Clarification of Roles Is Needed to Support Stakeholder Coordination

In recent years, TSA has taken steps to ensure that FSDs, as the ranking TSA authorities at airports, coordinated their security actions with various airport stakeholders, and had sufficient authority to carry out their responsibilities. In September 2005, we reported on the roles and responsibilities of FSDs and other issues related to the position, including the extent to which they formed and facilitated partnerships with airport stakeholders.¹² At that time, we reported that the FSDs and most stakeholders at the seven airports we visited had developed partnerships that were generally working well. TSA recognized that building and maintaining partnerships with airport stakeholders was essential to FSDs' success in addressing security as well as maintaining an appropriate level of customer service. To that end, TSA established general guidance for FSDs to follow in building stakeholder partnerships, but left it to the FSDs to determine how best to achieve effective partnerships at their respective airports. As a part of their security responsibilities, FSDs must coordinate closely with airport stakeholders—airport and air carrier officials, local law enforcement, and emergency response officials—to ensure that airports are adequately protected and prepared in the event of a terrorist attack. FSDs' success in sustaining and ensuring the effectiveness of aviation security efforts is dependent on their ability to develop and maintain effective partnerships with these stakeholders. FSDs need to partner with law enforcement stakeholders, for example, because they do not have a law enforcement body of their own to respond to security incidents. Partnerships can be of mutual benefit to FSDs and airport stakeholders and can enhance customer service. For example, FSDs rely

¹²GAO, *Transportation Security Administration: More Clarity on the Authority of Federal Security Directors Is Needed*, GAO-05-435 (Washington D.C.: Sept. 23, 2005).

on air carrier data on the number of passengers transiting through checkpoints to appropriately schedule screeners, and air carriers rely on the FSD to provide an efficient screening process to minimize wait times for passengers.

At the airports we visited, FSDs and stakeholders cited several ways FSDs maintained partnerships, including being accessible to their stakeholders to help resolve problems and meeting with stakeholders to discuss how to implement new security policies. In addition, a variety of communication and coordination efforts were in place at the airports we visited, and many of these efforts existed before TSA assigned FSDs to airports. Formal mechanisms included security and general airport operations meetings, incident debriefings, and training exercises to help ensure a coordinated response in the event of a security incident.

We also found that in response to concerns over FSD authority in responding to airport-specific security needs, in 2004, TSA made a number of changes to better support and empower the FSD. These changes included

- establishing a local hiring initiative that vested more hiring authority with the FSDs to address airport staffing needs,
- providing flexibility to offer training locally to screeners,
- increasing authority to address performance and conduct problems,
- relocating five area director positions from the headquarters to the field in conjunction with establishing a report group to provide operational support and a communication link with headquarters, and
- establishing a mentoring program for newly appointed FSDs or their deputies.

Most of the 25 FSDs we interviewed generally viewed these changes favorably. For example, most were satisfied with TSA's new local hiring process that provided more options for FSDs to be involved with hiring screeners, and most said that the new process was better than the more centralized hiring process it replaced. TSA officials concluded, among other things, that TSO candidates selected at airports where the FSD and staff were conducting the hiring process were more selective in accepting offers—leading to lower attrition—because they had more knowledge of what the job would entail than contractors did when they handled the hiring process. In addition, most of the FSDs we interviewed also saw value in the headquarters group TSA established to provide operational support to the field and a communication link among headquarters, field-based area directors, and FSDs.

One area where we noted room for improvement at the FSD level was in how the FSD's authority has been defined. In September 2005, we reported that TSA had developed guidance that describes the many roles and responsibilities of FSDs, most of which is associated with securing commercial airports from terrorist threats.¹³ However, while the guidance clearly defined FSD roles and responsibilities, TSA's primary document outlining FSDs' authority was outdated and lacked clarity regarding FSD authority relative to that of other airport stakeholders with whom FSDs must coordinate closely to help ensure the effectiveness of aviation security efforts. The absence of a clear understanding of the authority of the position had reportedly resulted in confusion during past security incidents and had raised concerns among some stakeholders at both the national and airport levels about possible ambiguity regarding FSDs' authority during incidents. Accordingly, we recommended that steps be taken to update TSA's Delegation of Authority to FSDs to clearly reflect the authority of FSDs relative to that of airport stakeholders during security incidents and communicate the authority of the position, as warranted, to the FSDs and all airport stakeholders. Such action would benefit FSDs by further enabling them to communicate and share consistent information about their authority with their staff and airport stakeholders, including law enforcement agencies. In commenting on our recommendation, DHS stated that a new restatement of the Delegation Order had been drafted by a working group composed of FSDs from the FSD Advisory Council and relevant stakeholders and is being internally coordinated for comment and clearance.

TSA Has Taken Steps to Better Manage Its TSO Workforce, but Continues to Face Deployment Challenges

To accomplish its security mission, TSA needs a sufficient number of passenger and checked baggage TSOs trained and certified in the latest screening procedures and technology. We reported in February 2004 that staffing shortages and TSA's hiring process had hindered the ability of some FSDs to provide sufficient resources to staff screening checkpoints and oversee screening operations at their checkpoints without using additional measures such as overtime.¹⁴ TSA has acknowledged that its initial staffing efforts created imbalances in the screener workforce and has since been taking steps to address these imbalances over the past 2 years, by, among other things, meeting a congressional requirement to

¹³GAO-05-935.

¹⁴GAO, *Aviation Security: Challenges Exist in Stabilizing and Enhancing Passenger and Baggage Screening Operations*, GAO-04-440T. (Washington, D.C.: Feb. 12, 2004).

develop a staffing model for TSOs. Specifically, the Intelligence Reform and Terrorism Prevention Act of 2004 required TSA to develop and submit to Congress standards for determining the aviation security staffing for all airports at which screening is required.¹⁵ The act also directed GAO to review these standards, which we are doing. These staffing standards are to provide for necessary levels of airport security, while also ensuring that security-related delays experienced by airline passengers are minimized. In June 2005, TSA submitted its report on aviation security staffing standards to Congress. Known as the Screening Allocation Model (SAM), these standards are intended to provide an objective measure for determining TSO airport staffing levels, while staying within the congressionally mandated limit of 45,000 FTE screeners.

Whereas TSA's prior staffing model was demand-driven based on flight and passenger data, the SAM model analyzes not only demand data but also data on the flow of passenger and baggage through the airport and the availability of the workforce. In determining the appropriate TSO staffing levels, the SAM first considers the workload demands unique to each individual airport—including flight schedules, load factors and connecting flights, and number of passenger bags. These demand inputs are then processed against certain assumptions about the processing of passengers and baggage—including expected passenger and baggage processing rates, required staffing for passenger lanes and baggage equipment, and equipment alarm rates. Using these and various other data, the SAM determines the daily workforce requirements and calculates a work schedule for each airport. The schedule identifies a recommended mix of full-time and part-time staff and a total number of TSO full-time equivalents (FTE) needed to staff the airport,¹⁶ consistent with a goal of 10 minutes maximum wait time for processing passengers and baggage.

For fiscal year 2006, the SAM model estimated a requirement of 42,170 TSO FTEs for all airports nationwide. In order to stay within a 43,000 TSO FTE budgetary limit for fiscal year 2006, TSA officials reduced the number of FTEs allocated to airports to 42,056, a level that allowed it to fund the 615 TSO FTEs in the National Screener Force—a force composed of TSOs who provide screening support to all airports—and to maintain a contingency of 329 TSO FTEs in reserve to meet unanticipated

¹⁵Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, § 4023, 118 Stat 3638, 3723-24.

¹⁶One full-time-equivalent is equal to one work year or 2,080 non-overtime hours.

demands, such as a new air carrier coming on line at an airport.¹⁷ As of January 2006, there were 37,501 full-time TSOs and 5,782 part-time TSOs on board nationwide, representing an annualized rate of 41,085 TSO FTEs. According to TSA headquarters officials, the SAM can be adjusted to account for the uniqueness of particular airport security checkpoints and airline traffic patterns. Further, it is up to the FSDs to ensure that all of the data elements and assumptions are accurate for their airports, and to bring to TSA's attention any factors that should be reviewed to determine if changes to the SAM are appropriate. The President's fiscal year 2007 budget requests a total of 45,121 FTEs under the Passenger and Baggage TSO personnel compensation and benefits categories.

As part of our ongoing review of the SAM model, we have identified several preliminary concerns about TSA's efforts to address its staffing imbalances and ensure appropriate coverage at airport passenger and checked baggage screening checkpoints. At the five airports we visited, FSD staff raised concerns about the SAM assumptions as they related to their particular airports.¹⁸ Among other things, they noted that the recommendation for 20 percent part-time TSO workforce—measured in terms of FTEs—often could not be reached, the expected processing rates for passenger and baggage screening were not being realized, non-passenger screening at large airports was higher than assumed, and the number of TSO FTEs needed per checkpoint lane and per baggage screening machine was not sufficient for peak periods. Regarding the SAM assumption of a 20 percent part-time TSO FTE level across all airports, FSD staff we visited stated that the 20 percent goal has been difficult to achieve because of, among other things, economic conditions leading to competition for part-time workers, remote airport locations coupled with a lack of mass transit, TSO base pay that has not changed since fiscal year 2002, and part-time workers' desire to convert to full-time status. According to TSA headquarters officials, while the nationwide annual TSO attrition rate is about 23 percent (compared to a rate of 14 percent reported in February 2004), it is over 50 percent for part-time TSOs. TSA has struggled with hiring part-time TSOs since it began actively recruiting them in the summer of 2003. In February 2004, we reported that FSDs at several of the airports we visited stated that they experienced

¹⁷ This budgetary FTE limit is not to be confused with the 45,000 FTE screener cap imposed by Congress in the FY2006 DHS Appropriations Act that limits the total number of FTE screeners available to TSA.

¹⁸ We interviewed FSD staff at 3 category X airports, 1 category I airports, and 1 category III airport.

difficulty in attracting needed part-time TSOs, which they believed to be due to many of the same factors, such as low pay and benefits, undesirable hours, the location of their airport, the lack of accessible and affordable parking or public transportation, and the high cost of living in the areas surrounding some airports.¹⁹ These FSDs stated that very few full-time TSOs were interested in converting to part-time status—a condition that still exists—and TSA officials stated that attrition rates for part-time TSOs were considerably higher than those for full-time TSOs.

At two of the five airports we visited as part of our ongoing review of the SAM model, FSD staff told us that they had not been able to hire up to their authorized staffing levels. In February 2004, we reported that many of the FSDs we interviewed expressed concern that TSA's hiring process was not responsive to their needs and hindered their ability to reach their authorized staffing levels and adequately staff screening checkpoints. Specifically, FSDs expressed concern with the lack of a continuous hiring process to backfill screeners lost through attrition, and their lack of authority to conduct hiring on an as-needed basis. We reported that TSA was taking steps to make the hiring process more responsive to FSDs' needs. Since then, TSA has provided FSDs with more input into the hiring process in an effort to streamline the process and enable FSDs to more quickly meet their staffing needs.

During our five airport visits, some FSD staff we interviewed also cited another limitation of the SAM—specifically, that the model does not account for screeners who are performing administrative or other duties. The officials also noted that, because they are not authorized to hire a sufficient number of mission support staff, TSOs are being routinely used—in some cases full time—to carry out non-screening and administrative duties, including supporting payroll, scheduling, uniform supplies, legal support, logistics, and operations center activities. At the five airports we visited in January and February 2006, out of a total of 2,572 TSO full time equivalents (FTE) on-board at those airports, roughly 136 FTEs (just over five percent) were being used for administrative duties. FSD staff stated that some of these TSOs are being used on a part-time basis, while others are used on a full-time basis. The use of TSOs in these support functions could adversely affect the ability of FSDs to adequately staff their screening checkpoints.

¹⁹GAO-04-440T.

To compensate for screener shortages and to enable operational flexibility to respond to changes in risk and threat, in October 2003, TSA established a National Screening Force (formerly known as the Mobile Screening Force established in November 2002) to provide screening support to all airports in times of emergency, seasonal demands, or under other special circumstances that require a greater number of screeners than regularly available to FSDs. In February 2004, we reported that the National Screening Force consisted of over 700 full-time passenger and baggage TSOs. TSA officials stated that while these screeners have a home airport to which they are assigned, they travel to airports in need of screening staff approximately 70 percent of the year.

TSA budgeted from appropriations received in fiscal year 2006 for 615 FTEs for the National Screening Force. The President's fiscal year 2007 budget request includes \$35 million for operational expenses of the National Screening Force (not including salaries and benefits of force members). According to the budget request, in fiscal year 2007, the National Screening Force will generally be deployed only to those airports experiencing significant staffing shortfalls associated with increased seasonal traffic or when a special event, such as a Super Bowl or a large national conference, occurs requiring an immediate influx of additional TSO support. At one category X airport we recently visited, the FSD stated that because of challenges in hiring and retaining TSOs for this airport, he has had to rely on 59 members of the National Screening Force deployed to his airport, and had been relying on this force since 2004. The President's fiscal year 2007 budget request states that TSA will continue to review methods for reducing costs associated with this force, including ensuring that each airport has a sufficient staffing program in place to address short-term needs.

In the President's fiscal year 2007 budget request, TSA identified several additional initiatives it has underway to address the management of the TSO workforce. These efforts include attempts to reduce attrition by creating a performance-based pay system, and establishing retention incentives to include performance bonuses, retention allowances, college credit reimbursement and flexible staffing. TSA also reported efforts to enhance opportunities for career advancement within the TSO job category, reducing on-the-job injuries by reengineering baggage screening areas, and deploying a national nurse care management program at 21 airports to assist TSOs in returning to work in a shorter period of time.

TSA Has Strengthened TSO Training, but Faces Challenges in Delivering the Training

Since we reported on TSO training in September 2003, TSA has taken a number of actions designed to strengthen training available to the TSO workforce as part of its efforts to enhance the performance of TSOs.²⁰ In September 2003, we reported that TSA had not fully developed or deployed a recurrent training program for passenger TSOs. At that time, little training was available to TSOs once they completed their basic TSO training. Since then, TSA has expanded training available to the TSO workforce, such as introducing an Online Learning Center that makes self-guided courses available over TSA's intranet and the Internet and expanding training available to supervisory TSOs. TSA also established a recurrent training requirement of 3 hours per week, averaged over a quarter, and provided FSDs with additional tools to facilitate and enhance TSO training, including at least one modular bomb set kit—containing components of an improvised explosive device (IED)—and at least one weapons training kit. TSA has also instituted a program called Threat in the Spotlight that, based on intelligence TSA receives, provides screeners with the latest in threat information regarding terrorist attempts to get threat objects past screening checkpoints. Additionally, in December 2005, TSA reported completing enhanced explosives detection training for over 18,000 TSOs. This training included both classroom and hands-on experiences, and focused particularly on identifying X-ray images of IED component parts, not just a completely assembled bomb. TSA plans for the remaining TSO workforce to receive this training by June 2006 through the Online Learning Center or other delivery methods. TSA also has developed new training curriculums to support new screening approaches. For example, TSA recently developed a training curriculum for TSOs in behavior observation and analysis at the checkpoint to identify passengers exhibiting behaviors indicative of stress, fear, or deception.

However, as we reported in May 2005, insufficient TSO staffing and a lack of high-speed Internet/intranet connectivity to access the Online Learning Center have made it difficult for all TSOs screeners at many airports to receive required training and has limited TSO access to TSA training tools.²¹ As previously discussed, TSA is taking steps to address the TSO staffing challenges. However, it is too soon to determine whether TSA's efforts will address TSA's ability to provide required training while

²⁰GAO, *Airport Passenger Screening: Preliminary Observations on Progress Made and Challenges Remaining*, GAO-03-1173 (Washington, D.C.: Sept. 24, 2003).

²¹GAO, *Aviation Security: Screener Training and Performance Measurement Strengthened but More Work Remains*, GAO-05-457 (Washington, D.C.: May 2, 2005).

maintaining adequate coverage for screening operations. In terms of access to the Online Learning Center, TSA plans to complete the deployment of high-speed Internet/intranet connectivity to airports during fiscal year 2007. TSA established its Online Learning Center to provide passenger and baggage screeners with online, high-speed access to training courses. However, effective use of the Online Learning Center requires high-speed Internet/intranet access, which TSA has not been able to provide to all airports. In May 2005, we reported that as of October 2004, about 45 percent of the TSO workforce did not have Internet/intranet access to the Online Learning Center. The President's fiscal year 2007 budget request reports that approximately 220 of the more than 400 airport and field locations have full information technology infrastructure installation, to include high-speed network connectivity, while the rest of the airports operate with dial-up access to TSA systems. According to the budget request, TSA will use \$120 million in fiscal year 2006 to deploy high-speed connectivity to all category X and I airports and preliminary high-speed connectivity to all category II, III, and IV airports. The budget request includes a request for a total of \$90 million to support this effort in fiscal year 2007, of which \$54 million is needed to complete the deployment of high-speed connectivity at category II, III, and IV airports.²²

TSA Has Implemented Various Approaches to Measuring the Performance of TSOs Conducting Passenger and Baggage Security Screening Activities

TSA has strengthened its efforts to measure the performance of the various components of the passenger and checked baggage screening systems—people, processes, and technology—but results of covert testing identified that weaknesses and vulnerabilities continue to exist. In November 2003, we first reported on the need for TSA to strengthen its efforts to measure the performance of its screening functions.²³ At that time, TSA had collected limited data on the effectiveness of its aviation security initiatives, to include screening functions. Specifically, limited covert (undercover, unannounced) testing had been performed, the TIP system used to aid TSOs in identifying threat objects within checked baggage was not fully operational at passenger screening checkpoints, and TSA had not fully implemented a congressionally mandated annual TSO

²²According to the budget request, the remaining \$36 million is needed to support operations and maintenance costs, including recurring costs for routers, switches, circuits, cabinets, racks, and network monitoring.

²³GAO, *Aviation Security: Efforts to Measure Effectiveness and Address Challenges*, GAO-04-232T (Washington, D.C.: Nov. 5, 2003).

proficiency review. Since then, TSA has implemented and strengthened efforts to collect performance data in each of these areas.

In the area of covert testing, TSA headquarters increased the amount of passenger and checked baggage screening covert tests it performs and recently changed its approach to covert testing to focus its resources on catastrophic threats—threats that can take down an airplane or blow up an airplane. TSA's Office of Inspections (OI) (formerly the Office of Internal Affairs and Program Review) conducts unannounced covert tests of TSOs to assess their ability to detect threat objects and to adhere to TSA-approved procedures. These tests, in which undercover OI inspectors attempt to pass threat objects through passenger screening checkpoints and in checked baggage, are designed to measure vulnerabilities in passenger and checked baggage screening systems and to identify systematic problems affecting performance of TSOs in the areas of training, procedures, and technology. OI, which began covert testing in September 2002, conducted 836 tests in fiscal year 2003 and 2,369 tests in fiscal year 2004 using its staff of 183 full-time-equivalents.²⁴ In reporting its covert testing results, OI makes recommendations to TSA leadership that address deficiencies identified during testing and are intended to improve screening effectiveness. As of December 2005, OI had issued 29 reports to management on the results of its checkpoint and checked baggage covert testing. In total, the reports include 19 distinct recommendations related to passenger and checked baggage screening.²⁵ Of these 19 recommendations, 11 relate to screener training. In September 2005, OI began implementing a revamped testing process that included a more risk-based approach and focused its resources on catastrophic threats. OI officials stated that they will continue testing. However, TSA leadership is reviewing the results of the revised testing, and final decisions regarding the structure, content, and frequency of future tests have not yet been made.

Our analysis of TSA's covert testing results for tests conducted between September 2002 and September 2005 identified that overall, weaknesses existed in the ability of screeners to detect threat objects on passengers, in

²⁴Covert testing is an ancillary duty and not a full-time assignment for the majority of OI staff. According to OI, 14 full-time-equivalent positions in headquarters are dedicated fully to the covert testing program, which includes covert testing of all modes of transportation, not just airports. These 14 full-time-equivalents are in OI's Special Operations group and form the core of team leaders for the covert testing trips.

²⁵Some recommendations appear repeatedly in multiple reports issued by OIAPR.

their carry-on bags, and in checked baggage. Covert testing results in this analysis cannot be generalized either to the airports where the tests were conducted or to airports nationwide.³⁵

In February 2004, TSA provided protocols to help FSDs conduct their own covert testing of local airport passenger screening activities—a practice that TSA had previously prohibited.³⁷ Between May 2004 and April 2005, FSDs conducted a total of 17,954 local covert tests at 350 airports. In February 2005, TSA released a general procedures document for local covert testing at checked baggage screening locations. Between March 2005 and September 2005, 1,370 local tests of EDS screening were conducted at 71 airports. TSA headquarters officials stated that a key challenge FSDs face in conducting local testing is the lack of available federal staff to conduct the testing, particularly at smaller airports. In May 2005, we reported that TSA officials stated that they had not yet begun to use data from local covert testing to identify training and performance needs because of difficulties in ensuring that local covert testing is implemented consistently nationwide.³⁸ TSA officials stated in March 2006 that the data are available for FSDs to use to identify training needs and levels of TSO performance.

Although covert testing is the sole method TSA uses to measure the security effectiveness of passenger and checked baggage screening procedures and technologies in the operating environment, TSA uses additional methods to assess the performance of passenger and checked baggage TSOs. One source of information on TSO performance in detecting threat objects is the results from the TIP system. TIP is designed to test passenger screeners' detection capabilities by projecting threat images, including images of guns, knives, and explosives, onto bags as

³⁵Test results cannot be generalized because sample tests were not identified using the principles of probability sampling. In a probability sample to assess screener detection of threat objects, each screening of a passenger or baggage would have to have a chance of being selected. A well-designed probability sample would enable failure rates to be generalized to all airports. However, for cost and operational reasons, probability sampling may not be feasible for passenger and checked baggage screening because it would require a very large sample size and an exhaustive examination of each sampled passenger or baggage to determine if there was a threat object to detect.

³⁷The local covert testing protocols were updated in June 2004 and August 2004 to provide information on alternative testing methods.

³⁸GAO, *Aviation Security: Screener Training and Performance Measurement Strengthened but More Work Remains*, GAO-05-457 (Washington D.C.: May 2, 2005).

they are screened during actual operations. TSOs are responsible for identifying the threat image and calling for the bag to be searched. Once prompted, TIP identifies to the screener whether the threat is real and then records the TSO's performance in a database that could be analyzed for performance trends.²⁹ TIP threat detection results in conjunction with OI covert test results and local testing are intended to assist TSA in identifying specific training and performance improvement efforts.

In May 2005, we reported that in October 2003 TSA reactivated TIP as planned with an expanded library of 2,400 images at all but one of the more than 1,800 checkpoint lanes nationwide.³⁰ In December 2005, TSA reported that it has further expanded the image library to include additional images of IEDs and IED components as part of its effort to improve TSOs' detection of explosives. Additionally, the President's fiscal year 2007 budget request states that TSA plans to maximize the training benefits of the TIP system by tailoring TIP sessions to address individual TSO weaknesses revealed in user performance data. For example, if a TSO has particular difficulty identifying IEDs, the TIP would trigger the projection of a higher proportion of simulated IEDs while that TSO was operating the machine under standard circumstances.

Despite these improvements, TIP is not yet available for checked baggage screening. In April 2004, we reported that TSA officials stated that they were working to resolve technical challenges associated with using TIP for checked baggage screening on explosives detection system (EDS) machines and have started EDS TIP image development.³¹ However, in December 2004, TSA officials stated that because of severe budget reductions, TSA will be unable to begin implementing a TIP program for checked baggage in fiscal year 2005. Officials did not specify when such a program might begin.

Another measure of TSO performance is the results of annual recertification testing. ATSA requires that each TSO receive an annual

²⁹The TIP database records both the TIP hit rate and TIP false alarm rate. These two results are used to determine the probability of detection and probability of false alarms, which determine overall TIP performance. The TIP performance measure is classified as sensitive security information.

³⁰GAO-05-457.

³¹GAO, *Aviation Security: Private Screening Contractors Have Little Flexibility to Implement Innovative Approaches*, GAO-04-505T, (Washington, D.C.: April 22, 2004).

proficiency review to ensure he or she continues to meet all qualifications and standards required to perform the screening function. To meet this requirement, TSA established a recertification program. The first recertification program—which was conducted during the period October 2003 through March 2004—was composed of two assessment components, one of TSOs' performance and the other of TSOs' knowledge and skills. During the performance assessment component of the recertification program, TSOs are rated on both organizational and individual goals, such as maintaining the nation's air security, vigilantly carrying out duties with utmost attention to tasks that will prevent security threats, and demonstrating the highest levels of courtesy to travelers to maximize their levels of satisfaction with screening services. The knowledge and skills assessment component consists of three modules: (1) knowledge of standard operating procedures, (2) image recognition, and (3) practical demonstration of skills.

Across all airports, TSOs performed well on the recertification testing for the first 2 years the program was in place, with less than 1 percent of TSOs subject to recertification failing to complete this requirement. In both years, TSOs faced the greatest difficulty on their first attempt to pass the practical demonstration of skills module—a hands-on simulated work sample used to evaluate a screener's knowledge, skill, and ability when performing specific screener tasks along with the ability to provide customer service.²⁰ According to TSA officials, at the completion of recertification at an airport, TSA management has access to reports at both the individual TSO and airport level, which identify the specific areas that were missed during testing. National level reports are also available that isolate areas that need improvement and can be targeted in basic and recurrent training. In fiscal year 2004, TSA established a performance measure for the recertification program.²¹

During the first year of recertification testing, dual-function TSOs who were actively working as both passenger and checked baggage TSOs were required to take only the recertification test for passenger TSOs. They were therefore not required to take the recertification testing modules

²⁰ We cannot report on the specific results of the recertification testing because they are sensitive security information.

²¹ Information related to the measures is sensitive security information.

required for checked baggage, even though they worked in that capacity.³¹ TSA's second annual recertification testing, which began in October 2004, included components for dual-function TSOs, but did not include an image recognition module for checked baggage TSOs—which would include dual-function screeners performing checked baggage screening. TSA officials stated that a decision was made to not include an image recognition module for checked baggage TSOs during this cycle because not all checked baggage TSOs would have completed training on the onscreen resolution protocol by the time recertification testing was conducted at their airports.³² In October 2005, TSA released guidance for screener recertification that included an image recognition module for checked baggage and dual-function screeners trained in the onscreen alarm resolution protocol.

In addition to enhancing its efforts to measure the performance of TSOs, TSA also has developed two performance indexes to measure the effectiveness of the passenger and checked baggage screening systems. These indexes measure overall performance through a composite of indicators and are derived by combining specific performance measures relating to passenger and checked baggage screening, respectively. Such measures can be useful in identifying shortfalls that might be addressed by initiatives to enhance the workforce, such as providing special training. Specifically, these indexes measure the effectiveness of the screening systems through machine probability of detection and covert testing results;³³ efficiency through a calculation of dollars spent per passenger or bag screened; and customer satisfaction through a national poll, customer surveys, and customer complaints at both airports and TSA's national call center. We reported in May 2005 that the screening performance indexes developed by TSA can be a useful analysis tool, but without targets for

³¹As of January 7, 2005, TSA reported that its workforce included approximately 25,947 dual-trained screeners who were certified to serve as passenger or baggage screeners.

³²TSA's onscreen resolution protocol requires that when an EDS machine alarm goes off, indicating the possibility of explosives, TSA screeners, by reviewing computer generated images of the inside of the bag, attempt to determine whether or not a suspect item or items are in fact explosive materials. If the screener is unable to make this determination, the bag is diverted from the main conveyor belt into an area where it receives a secondary screening by a screener with an ETD machine.

³³According to TSA, the machine probabilities of detection are established by the certification standards for each particular model of machines, and machines are not deployed unless they have met those standards.

each component of the index, TSA will have difficulty performing meaningful analyses of the parts that make up the index. For example, without performance targets for covert testing, TSA will not have identified a desired level of performance related to screener detection of threat objects. Performance targets for covert testing would enable TSA to focus its improvement efforts on areas determined to be most critical, as 100 percent detection capability may not be attainable.¹⁶ In January 2005, TSA officials stated that the agency planned to track the performance of individual index components and establish performance targets against which to measure these components. Since then, TSA has finalized targets for the indexes, including targets for passenger and checked baggage covert testing.

TSA Has Made Progress in Providing Regulatory Oversight of Airport and Air Carrier Security Activities, but it Could Better Target Workforce Resources

TSA has taken steps to strengthen oversight for key areas of aviation security, including domestic air cargo security operations conducted by air carriers, and airport perimeter security operations and access controls carried out by airport operators. For air cargo, TSA has increased the number of inspectors used to assess air carrier and indirect air carrier compliance with security requirements, and has incorporated elements of risk-based decision making to guide air cargo security needs. As of October 2005, however, TSA had not developed performance measures to determine to what extent air carriers and indirect air carriers are complying with air cargo security requirements, limiting TSA's ability to effectively target its workforce for future inspections and fulfill its oversight responsibilities. On airport premises, TSA had, at the time of our 2004 review, begun evaluating the security of airport perimeters and the controls that limit access into secured airport areas, but had not completed actions to ensure that all airport workers employed in these areas were vetted prior to hiring and then trained.

¹⁶TSA's measures for covert testing are passenger screener covert test results (percentage of TSOs correctly identifying and resolving threat images) and baggage screener covert test results (percentage of TSOs correctly identifying and resolving threat images). The targets for these measures are classified.

Additional Action Needed to Strengthen TSA Inspections and Oversight of Domestic Air Cargo Security

We reported in October 2005 that TSA had significantly increased the number of domestic air cargo inspections conducted of air carrier and indirect air carrier compliance with security requirements.³⁵ We noted, however, that TSA had not developed performance measures to determine to what extent air carriers and indirect air carriers were complying with security requirements, and had not analyzed the results of inspections to systematically target future inspections on those entities that pose a higher security risk to the domestic air cargo system. Without these performance measures and systematic analyses, TSA will be limited in its ability to effectively target its workforce for future inspections and fulfill its oversight responsibilities for this essential area of aviation security. We also reported on other actions that TSA had taken to focus limited resources on the most critical security needs.

Our analysis of TSA's inspection records³⁶ showed that between January 1, 2003, and January 31, 2005, TSA conducted 36,635 cargo inspections of air carriers and indirect air carriers and found 4,343 violations.³⁷ Although TSA had compiled this information, the agency had not determined what constitutes an acceptable level of performance or compared air carriers' and indirect air carriers' performance against this standard. Without measures to determine an acceptable level of compliance with air cargo security requirements, TSA cannot assess the performance of individual air carriers or indirect air carriers against national performance averages or goals that would allow TSA to target inspections and other actions on those that fall below acceptable levels of compliance. According to TSA officials, the agency was working on developing short-term and long-term

³⁵GAO, *Aviation Security: Federal Action Needed to Strengthen Domestic Air Cargo Security*, GAO-06-76 (Washington, D.C.: Oct. 17, 2005).

³⁶TSA established an automated Performance and Results Information System (PARIS) to compile the results of cargo inspections and the actions taken when violations are identified. The PARIS database, established in July 2003, provides TSA a Web-based method for entering, storing, and retrieving performance activities and information on TSA-regulated entities, including air carriers and indirect air carriers. PARIS includes profiles for each entity, inspections conducted by TSA, incidents that occur throughout the nation, such as instances of bomb threats, and investigations that are prompted by incidents or inspection findings.

³⁷We requested all of TSA's compliance inspection data, starting in November 2001. According to TSA, agency efforts to conduct air cargo compliance inspections during calendar years 2001 and 2002 were minimal. Moreover, documentation of inspection results for that period was problematic in part because of the way the Federal Aviation Administration reported compliance inspection data, which made it difficult to migrate the Federal Aviation Administration's data into TSA's PARIS system.

outcome measures for air cargo security, but they did not provide a timetable for when this effort would be completed.

In addition, TSA had taken initial steps to compile information on the results of its compliance inspections of air carriers and indirect air carriers and identify the most frequent types of violations found. For example, from January 1, 2003, to January 31, 2005, TSA identified violations committed by air carriers and indirect air carriers involving noncompliance with air cargo security requirements in several areas—such as cargo acceptance procedures, access control to cargo facilities, and physical cargo inspections—that TSA had determined to be high-risk because they would pose the greatest risk to the safety and security of air cargo operations. TSA identified indirect air carriers' failure to comply with their own security programs as the area with the most violations, which according to TSA officials is due, in part, to indirect air carriers' unfamiliarity with air cargo security requirements. While TSA had identified frequently occurring violations, it had not yet determined the specific area of violation for a large number of inspections. In addition, TSA could not identify how many of its 36,635 inspections covered each air cargo security requirement. As a result, TSA could not determine the compliance rate for each specific area inspected. Without complete information on the specific air cargo security requirements that air carriers and indirect air carriers violated, as well as the number of times each topic area was inspected, TSA was limited in its ability to determine the compliance rates for specific air cargo security requirements and effectively target future inspections for air cargo security requirements that were most frequently violated and the air carriers and indirect air carriers that violate them. In June 2005, TSA officials informed us that in the future they intended to compile information on the number of instances in which specific air cargo security requirements were inspected.

In addition, while TSA compiled information on the results of its compliance inspections, the agency had not yet systematically analyzed these results to target future inspections on security requirements and entities that pose a higher risk. Analyzing inspection results would be consistent with our internal control standards calling for comparisons of data to identify relationships that could form the basis for corrective actions, if necessary.⁴¹ TSA officials and the agency's fiscal year 2005

⁴¹GAO, *Internal Control Management and Evaluation Tool*, GAO-01-100SG (Washington, D.C.: August 2001).

annual domestic inspection and assessment plan identified the need for such analyses. According to TSA officials, the agency had recently hired one staff person to begin analyzing inspection data. In June 2005, TSA officials also stated that the agency was working to revise its Performance and Results Information System database to allow for more accurate recording of inspection violations. However, the agency had not systematically analyzed the results of its inspections to target future inspections of those entities that pose an increased security risk. Without an analysis of the results of its inspections, TSA had a limited basis to determine how best to allocate its inspection resources.

Further, analyzing key program performance data and using the results of this analysis to effectively allocate resources are consistent with elements of a risk management approach. Specifically, analyzing the results of compliance inspection data could help focus limited inspection resources on those entities posing a higher security risk. Such targeting is important because TSA may not have adequate resources to inspect all air carriers and indirect air carriers on a regular basis. For example, as we reported in October 2005, according to TSA inspection data for the period from January 1, 2003, to January 31, 2005, compliance inspections identified a greater incidence of violations by indirect air carriers than by air carriers. In addition, the percentage of inspections of air carriers that did not identify a violation of air cargo security requirements was significantly higher than that for indirect air carriers. According to TSA officials, the agency was taking steps to enhance its ability to conduct compliance inspections of indirect air carriers.⁴²

To further target its inspections, TSA was conducting special emphasis assessments, which include testing to identify air cargo security weaknesses.⁴³ On the basis of its review of compliance inspection results for the period of January 2003 to January 2005, TSA identified 25 indirect air carriers and 11 air carriers with a history of violations related to air cargo security requirements. TSA officials stated that the agency began conducting tests on these air carriers and indirect air carriers in April

⁴²Factors accounting for the limited number of TSA compliance inspections of indirect air carrier facilities are sensitive security information and discussed in the restricted version of this report, GAO-05-446SU.

⁴³According to TSA, special emphasis assessments are distinct from agency efforts to conduct covert testing by TSA's Office of Internal Affairs and Program Review. Covert testing is typically done by undercover TSA agents and includes testing the security procedures at passenger check points and airport access controls.

2005.⁴⁴ TSA officials stated that the agency planned to conduct additional tests. However, TSA officials stated that the agency had not yet determined how it will use the results of its testing program to help interpret the results from its other compliance inspection efforts. TSA had also not analyzed inspection results to identify additional targets for future testing. Such analysis could include focusing compliance testing efforts on air carriers and indirect air carriers with a history of air cargo security violations related to high-risk areas.

TSA has made efforts to incorporate risk-based decision making into securing air cargo, but has not conducted assessments of air cargo vulnerabilities or critical assets (cargo facilities and aircraft)—two crucial elements of a risk-based management approach without which TSA may not be able to appropriately focus its resources on the most critical security needs. TSA also completed an Air Cargo Strategic Plan in November 2003 that outlined a threat-based risk management approach and identified strategic objectives and priority actions for enhancing air cargo security. Then, in November 2004, TSA issued a proposed air cargo security rule to enhance and improve the security of air cargo transportation.⁴⁵ When finalized, TSA intends for this rule to implement most of the objectives set forth in the strategic plan. TSA had also not completed a methodology for assessing the vulnerability and criticality of air cargo assets, or established a schedule for conducting such assessments because of competing agency efforts to address other areas of aviation security.

TSA had established a centralized Known Shipper database to streamline the process by which shippers (individuals and businesses) are made known to carriers with whom they conduct business. However, the information on the universe of shippers was incomplete because shipper participation was not mandatory and the data had not been thoroughly reviewed. TSA estimated that the database represented less than a third of the total population of known shippers. Further, TSA had not taken steps to identify shippers who may pose a security threat, in part because TSA had incomplete information on known shippers. TSA was attempting to address this limitation by its November 2004 proposed air cargo security

⁴⁴Results of TSA's tests are considered sensitive security information and described in the sensitive security version of this report GAO-05-446SU.

⁴⁵ Air Cargo Security Requirements, 69 Fed. Reg. 65,258 (proposed Nov. 10, 2004) (to be codified at 49 C.F.R. pts. 1540-48).

rule which would make the Known Shipper database mandatory. This would require air carriers and indirect air carriers to submit information on their known shippers to TSA's Known Shipper database. Finally, TSA plans to take further steps to identify those shippers who may pose a security risk.

In addition, TSA established a requirement for random inspection of air cargo to address threats to the nation's aviation transportation system and to reflect the agency's position that inspecting 100 percent of air cargo was not technologically feasible and would be potentially disruptive to the flow of air commerce. However, this requirement, which was revised in 2005 to increase the percentage of inspections required, contained exemptions based on the nature and size of cargo that may leave the air cargo system vulnerable to terrorist attack. TSA's plans for enhancing air cargo security included implementing a system for targeting elevated risk cargo for inspection.⁴⁶ Although the agency acknowledged that the successful development of this system was contingent upon having complete, accurate, and current targeting information, the agency had not yet completed efforts to ensure information that will be used by the system is reliable.

Further, through its proposed air cargo security rule, TSA planned to require air carriers and indirect air carriers to secure air cargo facilities, screen all individual persons boarding all-cargo aircraft, and conduct security checks on air cargo workers. In commenting on the proposed air cargo security rule, industry stakeholders representing air carriers, indirect air carriers and airport authorities stated that several of the proposals, including those mentioned above, may be costly and difficult to implement, and that TSA may have underestimated the costs associated with implementing these proposed measures. Our analysis of TSA's estimate also suggested that it may have been an underestimate. TSA stated that it plans to reassess its cost estimates before issuing its final air cargo security rule.

⁴⁶This system, referred to as Freight Assessment, would target elevated risk cargo for inspection to minimize the agency's reliance on random inspections. This system is supposed to compare information on individual cargo shipments and shippers, among other things, against targeting criteria to assign a risk level to cargo. This would subject elevated risk cargo to additional inspection through physical searches or non-intrusive technology.

In October 2005, we made several recommendations to assist TSA in strengthening the security of the domestic air cargo transportation system.¹⁷ These recommendations included (1) developing a methodology and schedule for completing assessments of air cargo vulnerabilities and critical assets; (2) reexamining the rationale for existing air cargo inspection exemptions; (3) developing measures to gauge air carrier and indirect air carrier compliance with air cargo security requirements; (4) developing a plan for systematically analyzing and using the results of air cargo compliance inspections to target future inspections and identify system wide corrective actions; (5) assessing the effectiveness of enforcement actions in ensuring air carrier and indirect air carrier compliance with air cargo security requirements; (6) and ensuring that the data to be used in the Freight Assessment System are complete, accurate, and current. DHS agreed with our recommendations. We currently have an ongoing review assessing the security of air cargo entering the United States from foreign countries.

Further Steps May Be Needed to Strengthen TSA Oversight of Commercial Airport Perimeters and Access Controls

As discussed previously, domestic commercial airport authorities have primary responsibility for securing airport perimeters and restricted areas, whereas TSA conducts regulatory inspections to help ensure that airport authorities are complying with TSA security requirements. We reported in June 2004 on TSA's efforts to strengthen the security of airport perimeters (such as airfield fencing and access gates), the adequacy of controls restricting unauthorized access to secured areas (such as building entry ways leading to aircraft), and security measures pertaining to individuals who work at airports.¹⁸ At the time of our review, we found TSA had begun evaluating commercial airport security but needed a better approach for assessing results. In addition, TSA required criminal history records checks and security awareness training for most, but not all, the airport workers called for in ATSA. Further, TSA did not require airport vendors with direct access to the airfield and aircraft to develop security programs, which would include security measures for vendor employees and property, as required by ATSA.

TSA is responsible for, and, at the time of our 2004 review, had begun evaluating the security of airport perimeters and the controls that limit

¹⁷GAO-06-76.

¹⁸GAO, *Aviation Security: Further Steps Needed to Strengthen the Security of Commercial Airport Perimeters and Access Controls*, GAO-04-728 (Washington, D.C.: June 4, 2004).

access into secured airport areas, but had not yet determined how the results of these evaluations could be used to make improvements to the nation's airport system as a whole. Specifically, we found that TSA had begun conducting regulatory compliance inspections, covert testing of selected security procedures, and vulnerability assessments at selected airports. These evaluations—though not yet completed at the time of our report—identified perimeter and access control security concerns. For example, TSA identified instances where airport operators failed to comply with existing security requirements, including requirements related to access control.⁴⁸ In addition, TSA identified threats to perimeter and access control security at each of the airports where vulnerability assessments were conducted in 2003. TSA had plans to begin conducting joint vulnerability assessments with the Federal Bureau of Investigation (FBI) but had not yet determined how it would allocate existing resources between its own independent airport assessments and the new joint assessments, or developed a schedule for conducting future vulnerability assessments. In addition, TSA had not yet determined how to use the results of its inspections in conjunction with its efforts to conduct covert testing and vulnerability assessments to enhance the overall security of the nation's commercial airport system.

In June 2004, we also reported that background checks were not required for all airport workers. TSA requires most airport workers who perform duties in secured and sterile areas to undergo a fingerprint-based criminal history records check. TSA further requires airport operators to compare applicants' names against TSA's aviation security watch lists.⁴⁹ Once workers undergo this review, they are granted access to airport areas in which they perform duties. For example, those workers who have been granted unescorted access to secured areas are authorized access to these areas without undergoing physical screening for prohibited items (which passengers undergo prior to boarding a flight). To meet TSA requirements, airport operators transmit applicants' fingerprints to a TSA contractor,

⁴⁸Our evaluation of TSA's covert testing of airport access controls was classified and was discussed in a separate classified report.

⁴⁹49 U.S.C. § 44936 requires airports and air carriers to conduct fingerprint-based criminal history records checks for all workers seeking unescorted access to the Security Identification Display Area. Specifically, no individual may be given unescorted access authority if he or she has been convicted, or found not guilty by reason of insanity, of any of 28 disqualifying offenses during the 10 years before the date of the individual's application for unescorted access authority, or while the individual has unescorted access authority.

who in turn forwards the fingerprints to TSA, who submits them to the FBI to be checked for criminal histories that could disqualify an applicant for airport employment. In March 2006, that TSA contractor reported that its background clearinghouse system had processed over 2 million criminal history record checks of airport and airline employees. TSA also requires that airport operators verify that applicants' names do not appear on TSA's "no fly" and "selectee" watch lists to determine whether applicants are eligible for employment.⁵¹

According to TSA, by December 6, 2002, all airport workers who had unescorted access to secured airport areas—approximately 900,000 individuals nationwide—had undergone a fingerprint-based criminal history records check and verification that they did not appear on TSA's watch lists, as required by regulation. In late 2002, TSA required airport operators to conduct fingerprint-based checks and watch list verifications for an additional approximately 100,000 airport workers who perform duties in sterile areas. As of April 2004, TSA said that airport operators had completed all of these checks.

ATSA also mandates that TSA require airport operators and air carriers to develop security awareness training programs for airport workers such as ground crews, and gate, ticket, and curbside agents of air carriers.⁵² However, while TSA requires such training for these airport workers if they have unescorted access to secured areas, the agency did not require training for airport workers who perform duties in sterile airport areas.⁵³ According to TSA, training requirements for these airport workers have not been established because additional training would result in increased costs for airport operators.

Further, TSA had not addressed the act's provision that calls for the agency to require that airport vendors with direct access to the airfield and aircraft develop security programs to address security measures specific

⁵¹TSA's no-fly list contains the names of individuals that pose, or are suspected of posing, a threat to civil aviation or national security. Individuals on this list will not be permitted to board an aircraft. There is also a selectee process by which individuals who meet certain criteria are set aside for additional screening.

⁵²Pub. L. No. 107-71, § 106(e), 115 Stat. at 610.

⁵³TSA regulations governing security training are virtually the same as those required previously under the regulations as administered by FAA.

to vendor employees (companies doing business in or with the airport).³⁴ TSA said that expanding requirements for background checks and security awareness training for additional workers and establishing requirements for vendor security programs would be costly to implement and would require time-consuming rule-making efforts to assess potential impacts and obtain and incorporate public comment on any proposed regulations.

In June 2004, we recommended, and DHS generally agreed, that TSA better justify future decisions on how best to proceed with security evaluations and implement additional measures to reduce the potential security risks posed by airport workers. In July 2004, in response to our recommendations, TSA made several improvements in these areas, through the issuance of a series of security directives, including requiring enhanced background checks and improved access controls for airport employees who work in restricted airport areas.³⁵

Concluding Observations

Since its inception, TSA has achieved significant progress in deploying its federal aviation security workforce to meet congressional mandates related to establishing passenger and checked baggage screening operations. With the initial congressional mandates now largely met, TSA has turned its attention to more systematically deploying its TSO workforce and assessing and enhancing its effectiveness in screening passengers and checked baggage. TSA has developed a staffing model intended to identify the necessary levels of TSOs to support airport screening operations. However, given the challenges TSA faces in determining appropriate staffing levels at airports, it is critical that TSA carefully consider how it strategically hires, deploys and manages its TSO workforce to help strengthen its passenger and checked baggage screening programs. In addition, as threats and technology evolve, it is vital that TSA continue to enhance training for the TSO workforce. Over the past several years, TSA has strengthened its TSO training program in an effort to ensure that TSOs have the knowledge and skills needed to successfully perform their screening functions. However, without addressing the challenges to delivering ongoing training, including installing high-speed connectivity at airport training facilities, TSA may have difficulty maintaining a screening workforce that possesses the critical skills needed to perform at a desired level.

³⁴See 49 U.S.C. § 44903(b)(4)(d).

³⁵TSA has taken other actions that are considered sensitive security information.

The importance of the nation's air cargo security system and the limited resources available to protect it underscore the need for a risk management approach to prioritize security efforts so that a proper balance between costs and security can be achieved. TSA has taken important steps in establishing such a risk management approach, but more work remains to be done to fully address the risks posed to air cargo security, including assessments of systemwide vulnerabilities and critical assets. Without such assessments, TSA is limited in its ability to focus its resources on those air cargo vulnerabilities that represent the most critical security needs. In addition, without performance measures to gauge air carrier and indirect air carrier compliance with air cargo security requirements and analyzing the results of its compliance inspections, TSA cannot effectively focus its inspection resources on those entities posing the greatest risk. In addition, TSA's goal of developing a system to target elevated risk cargo for inspection without impeding the flow of air commerce will be difficult to achieve without ensuring that the information used to target such cargo is complete, accurate, and current. By addressing these areas, TSA would build a better basis for strengthening air cargo security as it moves forward in implementing risk-based security initiatives.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions that you or other members of the Committee may have at this time.

Contact Information

For further information on this testimony, please contact at Cathleen A. Berrick, (202) 512-3404 or berrickc@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement.

In addition to the contact named above, Kristy Brown, Phil Caramia, Kevin Copping, Glen Davis, Christine Fossett, Thomas Lombardi, Liana Poon, and Maria Strudwick made key contributions to this testimony.

Appendix I: Related GAO Products

Aviation Security: Significant Management Challenges May Adversely Affect Implementation of the Transportation Security Administration's Secure Flight Program. GAO-06-374T. Washington, D.C.: February 9, 2006.

Aviation Security: Federal Air Marshal Service Could Benefit from Improved Planning and Controls. GAO-06-203. Washington, D.C.: November 28, 2005.

Aviation Security: Federal Action Needed to Strengthen Domestic Air Cargo Security. GAO-06-76. Washington, D.C.: October 17, 2005.

Transportation Security Administration: More Clarity on the Authority of Federal Security Directors Is Needed. GAO-05-935. Washington, D.C.: September 23, 2005.

Aviation Security: Flight and Cabin Crew Member Security Training Strengthened, but Better Planning and Internal Controls Needed. GAO-05-781. Washington, D.C.: September 6, 2005.

Aviation Security: Transportation Security Administration Did Not Fully Disclose Uses of Personal Information During Secure Flight Program Testing in Initial Privacy Notes, but Has Recently Taken Steps to More Fully Inform the Public. GAO-05-864R. Washington, D.C.: July 22, 2005.

International Air Passengers: Staffing Model for Airport Inspections Personnel Can Be Improved. GAO-05-663. Washington, D.C.: July 15, 2005.

Aviation Security: Better Planning Needed to Optimize Deployment of Checked Baggage Screening Systems. GAO-05-896T. Washington, D.C.: July 13, 2005.

Aviation Security: Screener Training and Performance Measurement Strengthened, but More Work Remains. GAO-05-457. Washington, D.C.: May 2, 2005.

Aviation Security: Secure Flight Development and Testing Under Way, but Risks Should Be Managed as System Is Further Developed. GAO-05-356. Washington, D.C.: March 28, 2005.

Aviation Security: Systematic Planning Needed to Optimize the Deployment of Checked Baggage Screening Systems. GAO-05-365. Washington, D.C.: March 15, 2005.

Aviation Security: Measures for Testing the Effect of Using Commercial Data for the Secure Flight Program. GAO-05-324. Washington, D.C.: February 23, 2005.

Transportation Security: Systematic Planning Needed to Optimize Resources. GAO-05-357T. Washington, D.C.: February 15, 2005.

Aviation Security: Preliminary Observations on TSA's Progress to Allow Airports to Use Private Passenger and Baggage Screening Services. GAO-05-126. Washington, D.C.: November 19, 2004.

General Aviation Security: Increased Federal Oversight Is Needed, but Continued Partnership with the Private Sector Is Critical to Long-Term Success. GAO-05-144. Washington, D.C.: November 10, 2004.

Aviation Security: Further Steps Needed to Strengthen the Security of Commercial Airport Perimeters and Access Controls. GAO-04-728. Washington, D.C.: June 4, 2004.

Transportation Security Administration: High-Level Attention Needed to Strengthen Acquisition Function. GAO-04-544. Washington, D.C.: May 28, 2004.

Aviation Security: Challenges in Using Biometric Technologies. GAO-04-785T. Washington, D.C.: May 19, 2004.

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Aviation Security: Private Screening Contractors Have Little Flexibility to Implement Innovative Approaches. GAO-04-505T. Washington, D.C.: April 22, 2004.

Aviation Security: Improvement Still Needed in Federal Aviation Security Efforts. GAO-04-592T. Washington, D.C.: March 30, 2004.

Aviation Security: Challenges Delay Implementation of Computer-Assisted Passenger Prescreening System. GAO-04-504T. Washington, D.C.: March 17, 2004.

Aviation Security: Factors Could Limit the Effectiveness of the Transportation Security Administration's Efforts to Secure Aerial Advertising Operations. GAO-04-499R. Washington, D.C.: March 5, 2004.

Aviation Security: Computer-Assisted Passenger Prescreening System Faces Significant Implementation Challenges. GAO-04-385. Washington, D.C.: February 13, 2004.

Aviation Security: Challenges Exist in Stabilizing and Enhancing Passenger and Baggage Screening Operations. GAO-04-440T. Washington, D.C.: February 12, 2004.

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Aviation Security: Efforts to Measure Effectiveness and Address Challenges. GAO-04-232T. Washington, D.C.: November 5, 2003.

Airport Passenger Screening: Preliminary Observations on Progress Made and Challenges Remaining. GAO-03-1173. Washington, D.C.: September 24, 2003.

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Transportation Security: Federal Action Needed to Enhance Security Efforts. GAO-03-1154T. Washington, D.C.: September 9, 2003.

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Transportation Security: Post-September 11th Initiatives and Long-Term Challenges. GAO-03-616T. Washington, D.C.: April 1, 2003.

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Aviation Security: Transportation Security Administration Faces Immediate and Long-Term Challenges. GAO-02-971T. Washington, D.C.: July 25, 2002.

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Homeland Security: A Framework for Addressing the Nation's Efforts. GAO-01-1158T. Washington, D.C.: September 21, 2001.

Aviation Security: Terrorist Acts Demonstrate Urgent Need to Improve Security at the Nation's Airports. GAO-01-1162T. Washington, D.C.: September 20, 2001.

Aviation Security: Terrorist Acts Illustrate Severe Weaknesses in Aviation Security. GAO-01-1166T. Washington, D.C.: September 20, 2001.

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Mr. PORTER. Thank you very much.

Next we have Mr. Robert Jamison, the Deputy Secretary of Security Operations, Transportation Security Administration. Before you begin, I would like to comment from a Las Vegas perspective that although we still have our challenges, TSA has worked very closely with McCarran International in being a destination airport, unlike the Atlantas of the world, or my colleague from Chicago, O'Hare, with folks that are passing through. But work very closely, especially in the early days we had some challenges, right, Jim? We had a few challenges because of our visitor volume, and with the times or whatever, the electronic convention, or what type of show was in town, we learned together. And I would like to compliment TSA again. I have my areas where I can be critical, and will at some point, but I think there has been a lot of cooperation, and appreciate what you have done.

STATEMENT OF ROBERT JAMISON

Mr. JAMISON. Thank you, Mr. Chairman. I know Jim thanks you, as well as Jose in Las Vegas.

Good afternoon, Chairman Porter, Ranking Member Davis and members of the subcommittee. Thank you for this opportunity to discuss TSA's role in enhancing aviation security. I will focus my remarks today on TSA's role in vetting workers at our Nation's airports and controlling access to secured areas of the airport.

As you know, there are numerous independent layers of security aimed at protecting America's transportation systems, and in particular our aviation system. These include intelligence gathering and analysis, checking passenger manifests against watch lists, physical screening of passenger and carry-on bags and checked baggage, the presence of Federal air marshals, TSA-authorized Federal flight deck officers, reinforced cockpit doors, and systems for vetting TSA employees, airline employees, and airport workers who have access to the secure areas of our airports.

All TSA Transportation Security Officers undergo a comprehensive two-part background investigation process. The first is the pre-employment background investigation that is conducted by OPM, and includes a fingerprint-based criminal history records check processed through the FBI, as well as a name-based check by TSA against approximately 10 different terrorism wants and warrants and immigration data bases. If pre-employment screening is favorable, further background checks are conducted through OPM's Access National Agency Check with Inquiries. The TSO is permitted to begin employment while the second interview is under way. This vetting of TSOs is the equivalent of the secret level clearance check.

Non-Federal employees and contractors who seek employment at our Nation's airports are also subject to vetting. They too are the subject of an FBI fingerprint-based criminal history records check prior to employment. Simultaneous with the FBI's check, TSA conducts the first of what will be a perpetual name-based security threat assessment of the name against its terrorist and other data bases. Any name that is a possible match to a data base is referred to appropriate law enforcement or intelligence agencies to determine whether the individual's identity can be verified and whether

the individual poses a threat to aviation. TSA informs airlines or airports if an individual's access to secure areas must be denied or rescinded.

Generally, in order to access sterile secured areas, anyone who has not been issued a SIDA badge for a particular airport, including airport and airline personnel, vendors and contractors, and even other TSA employees, must pass through a TSA security screening checkpoint and submit to the same physical screening process that passengers must pass through before boarding an aircraft.

Airport operators are responsible for developing and implementing TSA-approved airport security programs and procedures and processes to control the sterile, secure and SIDA access areas. These programs include badging, a challenge program, and a compliance regimen. All entrances must be secured, which is generally accomplished by guards by electronically controlled locks. Nearly 1,000 TSA aviation security inspectors ensure that airports and air carriers comply with the regulatory requirements.

Mr. Chairman, each of the many aviation security layers we have in place is by itself capable of stopping a terrorist attack. We recognize that despite our efforts to make each one as strong as we can, it is still possible to devise ways to beat any one of the individual layers. But there is a tremendous power in layers. Truly, the whole is greater than the sum of the parts, and together they are formidable.

Today we are in a transition point at TSA. We are moving from a startup mode. Large-scale acquisitions and centralized hiring and rigid standardized operating procedures were required to quickly stand up the agency to becoming a more dynamic, flexible agency that can respond to changing conditions and threats. By building unpredictability into our screening and oversight operations, deploying new technology as it becomes available, and utilizing all of our resources more flexibly, we can continue to improve the formidable system of layered security that now exists.

Thank you again for the opportunity to testify, and I would be happy to respond to your questions.

[The prepared statement of Mr. Jamison follows:]

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION**

**STATEMENT OF ROBERT JAMISON
DEPUTY ADMINISTRATOR**

Before the

**U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON FEDERAL WORKFORCE AND AGENCY
ORGANIZATION**

April 4, 2006

Good afternoon, Chairman Porter, Ranking Member Davis, and Members of the Subcommittee. Thank you for this opportunity to discuss the Transportation Security Administration's (TSA) role in enhancing aviation security and how we work with Federal, State, and local partners in the management and operation of our Nation's airports. It is a pleasure to appear before the Subcommittee with the distinguished representative of the Office of Personnel Management -- an agency with whom we coordinate in carrying out our aviation security mission.

The Role of the Transportation Security Administration

Created in the aftermath of the 9/11 terrorist attacks with the Aviation and Transportation Security Act (ATSA), P.L. 107-71, as its statutory foundation, TSA has worked with the airlines, airports, the shipping industry, flight crews, law enforcement, and passengers to take aviation security orders of magnitude beyond where it stood on 9/11. Today we have numerous independent layers of security that, together, create a formidable security network. These layers include checking passenger manifests against terrorist watch lists; physical screening of passengers; physical screening of carry-on bags and checked baggage; airport security regulations and inspections; and the presence of Federal Air Marshals and TSA-authorized armed Federal Flight Deck Officers on flights. These measures also include systems for vetting and physically screening TSA employees, airline employees, and airport workers who have access to secure areas of our airports. Based on the particular interests of the Committee, my testimony today will focus on the vetting and screening systems for TSA employees and others who have access to secure airport areas.

Vetting Federal Employees, Contractors, Airline and Airport Personnel

All TSA, airline, airport, and airport vendor employees or contractors who have access to secure areas in regulated airports have undergone extensive background checks.

TSA Transportation Security Officers, who conduct passenger, baggage, and cargo screening at airports, undergo a two-part background investigation process. TSO applicants are first subject to a pre-employment background investigation. This investigation features the Office of Personnel Management (OPM) Special Agreement Check which is a fingerprint based criminal history check that is processed through the FBI. If the pre-employment investigation is favorable and the applicant accepts a position with TSA, the individual then is subject to further background checks through OPM's Access National Agency Check with Inquiries (ANACI). The TSO is permitted to begin employment while the ANACI is underway. If derogatory information is developed, the individual is afforded an opportunity to address the information obtained during the investigation. If the information is not favorably resolved, the individual is removed from Federal service.

Other TSA employees undergo a similar investigation process. A pre-employment check is conducted to determine suitability, followed by a second, more in-depth investigation. The particulars of the second investigation are determined by the level of access required for the position (e.g., Secret or Top Secret) after the employee begins employment. According to OPM's quarterly report for the first quarter of fiscal year 2006 (October 1, 2005 to December 31, 2005) a Minimum Background Investigation for TSA employees who require access to Secret information takes approximately 27 days when priority service is required, and 106 days when standard service is needed.

All airline and airport employees and contractors who require unescorted access to secure areas of the airport are subject to both fingerprint-based criminal history record checks and name-based background checks. Prior to employment, airlines and airports send fingerprints and other biographical information to the American Association of Airport Executives (AAAE) Transportation Security Clearinghouse, which conducts quality control on the information, accepts paper and electronic fingerprint submissions, converts the paper fingerprint submissions into an electronic format, and formats all data received into a single format for TSA. TSA then transmits to the FBI the necessary biographical information and fingerprint data to conduct a criminal history records check. The FBI returns the results of its criminal history records check to TSA's secure Fingerprint Results Distribution website, where airline and airport employer security representatives can access the information and adjudicate the results based on 28 disqualifying criminal offenses, which include forgery, unlawful possession of a weapon or explosive material, interfering with a flight crew or flight attendants, certain violent crimes causing bodily injury or death, treason, extortion, arson, and conspiracy. The disqualifying offenses are identified in section 44936(b) of Title 49 United States Code and implemented by 49 CFR 1542.209(d).

Simultaneous with the FBI's criminal history records check, TSA conducts a name-based security threat assessment against approximately ten databases that include information related to suspected or actual terrorist activity, suspicious immigration and identify theft activity, and criminal wants and warrants. Beginning in September 2005, TSA began using a system of "perpetual" name-based vetting of all TSA, airline, airport,

and airport vendor employees and contractors. Under this system, each time a name is added to any one of the databases, all individuals who currently have unescorted access to secure areas are immediately checked against the new information.

Any applicant that meets the minimum criteria established by TSA as a possible match with information contained in these databases (during the course of the initial check or as part of the perpetual vetting process) undergoes further analysis. If, after that additional review, an individual is determined to pose or is suspected of posing a security threat, information about that individual is sent to appropriate law enforcement or intelligence agencies for further analysis. The law enforcement or intelligence agencies determine whether the individual's identity can be verified and whether he or she continues to pose a threat or is suspected of posing a threat, and notifies TSA. TSA informs airlines or airports when an individual's access to secure areas must be denied or rescinded. Individuals are given an opportunity to correct any incorrect underlying identification or court records. Based on the information provided through this process, law enforcement or intelligence agencies may take further action with respect to an individual for whom derogatory information is found.

Approximately 1,100 applicants are vetted each week. As of January 31, 2006, there were 695,564 active Security Identification Display Area (SIDA) badges and 85,013 active sterile area badges nationwide. Sterile areas are those areas beyond the passenger screening checkpoint, but inside the terminal area. SIDA badges are required to access areas beyond alarmed doors that are used for airport operations, where individuals can access the flight line, ramp, or aircraft.

Access Control to Sterile and Security Identification Display Areas

Generally, in order to access sterile areas of the airport, individuals who do not possess SIDA badges, including airport and airline personnel, vendors and contractors, and even TSA employees, must pass through the TSA security screening checkpoint. At these checkpoints, highly trained and motivated TSA Transportation Security Officers (TSOs) use complex specialized equipment, hand searches of carry-on bags, and pat-downs of individuals to identify and find weapons and explosive devices. This is the same physical screening process that passengers must pass through before boarding an aircraft. TSOs who work at security screening checkpoints receive extensive training, including an initial 49.5 hours of classroom training and 65 hours of on-the-job training, and approximately 3 hours of refresher training on a weekly basis. Additional classroom and on-the-job training is required to conduct baggage screening.

Access to SIDA areas must be controlled and limited to authorized personnel, such as flight crews, cleaning crews, construction crews, and ramp crews. Control systems may include alarmed doors or gates, which are locked or guarded. When in a SIDA, an approved individual must display at all times a SIDA identification badge on their person above the waist and visible on their outermost garment. If individuals who are not cleared for unescorted access to the SIDA area require access to that area, they must be

accompanied or monitored by someone who has unescorted access and escort authority for that area. In addition, each airport operator must also establish and carry out a challenge program that requires every individual with unescorted access authorization to secured areas, including SIDA areas, to ascertain or challenge the authority of an individual who is not displaying proper badge identification while present in the area, and to take action in accordance with the airport security program.

Accountability

Airport operators are responsible for developing and implementing TSA-approved airport security programs which set forth procedures and processes to secure sterile areas and SIDA, as well as other important security procedures. TSA works closely with airport managers in developing and approving these programs, recognizing that the unique features of each airport may require special provisions.

Among other responsibilities, airport operators are required to:

- Create and issue identification badges that --
 - convey a full face image with full name, employer, and identification number,
 - clearly indicate the scope of an individual's access privileges,
 - clearly indicate an expiration date, and
 - are of sufficient size and appearance to be readily observable;
- Retrieve expired identification badges of individuals who no longer have unescorted access authority;
- Promptly report lost or stolen identification badges;
- Secure unissued identification badges and supplies;
- Audit the system as necessary, but at least once a year;
- Revalidate the identification system if a minimum threshold of unaccounted badges is reached;
- Reissue identification badges if badges are lost, stolen, or otherwise unaccounted for; and
- Ensure that only one identification badge is issued per individual at a time, unless because of his or her work, the individual is required to have more than one identification badge.

Compliance with the airport security program and Federal security regulations is verified by almost 1,000 TSA Aviation Security Inspectors (ASIs) including approximately 300 air cargo security inspectors. They conduct regular and unpredictable inspections,

identify security vulnerabilities and make recommendations to overcome those vulnerabilities, and investigate alleged violations of security regulations.

Closing

Mr. Chairman, TSA's mission is to protect the Nation's transportation systems while facilitating the movement of people and commerce. As part of our risk-based strategic approach to aviation security, we work closely with our government and industry partners to ensure that workers with access to the most secure areas of our Nation's airports have been thoroughly vetted and that access to those areas is limited to authorized individuals.

Thank you again for the opportunity to testify today. I would be happy to respond to questions.

Mr. PORTER. Thank you very much. I would like to also recognize that the Customs and Border Protection were not able to be with us today, but they are submitting information and a statement for the record.

I would next like to introduce Kathy Dillaman, Deputy Associate Director, Center for Federal Investigative Services, Office of Personnel Management. Welcome, Kathy.

STATEMENT OF KATHY DILLAMAN

Mr. DILLAMAN. Mr. Chairman, Congressman Davis, thank you for the opportunity to testify before you today on the process used by the Office of Personnel Management to conduct background investigations for personnel at the Transportation Security Administration. OPM's mission is to ensure the Federal Government has an effective civilian work force. Having an effective work force means having a work force made up of people with varying degrees of responsibility, therefore requiring varying degrees of background investigations to ensure they meet the Government's suitability requirements.

At OPM we are responsible for investigating every type of position in the Government, from low-risk public trust positions like mail clerks and customer service reps, to high-risk public trust or national security positions like auditors, nuclear material handlers, and baggage screeners.

At OPM, the division responsible for handling these cases is our Federal Investigative Services Division, headquartered in Boyers, PA. This division supports hundred of Federal agency security offices worldwide. Its automated processing systems and vast network of field investigators handle a high-volume of investigations. In fact, we processed 1.4 million investigations last year.

In the last few years, as investigations have become an even more significant aspect of our mission, the number of OPM employees and contractors working on them has risen dramatically. In 2005, the Department of Defense transferred responsibility for its personnel security investigations program, including 1,800 investigative staff, from DOD to OPM. This move consolidated the vast majority of background investigations for the Federal Government with OPM. OPM conducts investigations for TSA on Federal and contract airport screeners. In conducting background investigations on these positions, we work closely with TSA personnel.

On the other hand, TSA conducts background checks for specific categories of workers, including those needing unescorted access to what is referred to as the Security Identification Display Area of an airport. Currently, TSA submits fingerprints to OPM for airport screener applicants, as an initial screening tool prior to the initiation of the full background investigation. TSA then request that OPM conduct the Access National Agency Check and Inquiries investigation on the airport screeners. This type of investigation includes a search of national record repositories, such as the FBI fingerprint and investigative records, and DOD's investigative index, a credit check, a search of military records, birth verification, and a check of Immigration and Naturalization records when appropriate.

Additionally, OPM sends letters of inquiries to employers, local police departments, schools and personal references to confirm the subject's background claims, and to obtain information about their basic suitability for employment. Field investigators are sent to conduct local criminal history inspections of the subject if no response is received to the written inquiries from police departments where the subject lived, worked or went to school.

Between 2003 and 2006, OPM scheduled over 76,000 ANACI investigations on airport screeners, of which over 1,700 were closed with major issues, and were referred to TSA for adjudication.

As part of the Government's effort to secure our Nation, the Office of Personnel Management's role is critical. We take this responsibility seriously, and are committed to ensuring the Federal Government has an effective work force.

Mr. Chairman, this concludes my remarks. I am happy to answer any questions you or other members of the committee may have.

[The prepared statement of Ms. Dillaman follows:]

Statement of

Ms. Kathy L. Dillaman
Associate Director
Federal Investigative Services Division
U.S. Office of Personnel Management

before the

Subcommittee on Federal Workforce and Agency Organization
United States House of Representatives

on

Travel vs. Terrorism: Federal Workforce Issues in Managing Airport Security

April 4, 2006

Background

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to testify before you today on the process used by Office of Personnel Management (OPM) to conduct background investigations for personnel at the Transportation Security Administration (TSA).

The Office of Personnel Management's mission is to ensure the Federal Government has an effective civilian workforce. Having an effective workforce means having a workforce made up of people with varying degrees of responsibility; therefore, requiring varying degrees of background investigations to ensure they meet the Government's suitability requirements. At OPM, we are responsible for investigating every type of position in Government -- everything from low risk/low Public Trust positions like mail clerks and customer service representatives to high risk/high Public Trust positions like auditors and nuclear materials handlers.

At OPM, the division responsible for handling these cases is our Federal Investigative Services Division (FISD), headquartered in Boyers, Pennsylvania. This division supports hundreds of Federal agency security offices worldwide. Its automated processing systems and vast network of field investigators handle a high volume of cases. In fact, we processed over 1.4 million investigations last year.

In the last few years, as investigations have become an even more significant aspect of our mission, the number of OPM employees and contractors working on them has risen dramatically. In February 2005, the Department of Defense (DoD) transferred responsibility for its personnel security investigations program, including 1,800 investigative staff, from DoD to OPM. The move consolidated the vast majority of background investigations for the Federal Government with OPM.

Processing Background Checks for Airport Personnel

OPM conducts investigations for TSA on Federal and contract airport screeners. When conducting background investigations on these positions, we work closely with Transportation Security Agency (TSA) personnel. On the other hand, TSA conducts background checks for specific categories of workers-- including those needing unescorted access to what is referred to as Security Identification Display Areas (SIDA) of an airport.

Currently, TSA submits fingerprints to OPM for airport screener applicants as a selection tool prior to initiating a full background investigation. TSA also has OPM conduct the Access National Agency Check and Inquiries (ANACI) investigation on airport screeners. This type of investigation includes a search of national record repositories, such as the FBI fingerprint and investigative records and Department of Defense's investigative index, a credit check, search of

military records, birth verification, and a check of immigration and naturalization records. Additionally, OPM sends letters of inquiry to employers, local police departments, schools, and personal references to confirm the subjects' background claims and to obtain information about their basic suitability for employment. Field investigators are sent to conduct local criminal history inspections of a subject if no response is received from police departments where the subject lived, worked, or attended school. Between 2003 and 2006, OPM scheduled over 76,000 ANACI investigations on airport screeners of which 1,700 closed with major issues that were referred to TSA for adjudication.

Conclusion

As part of the Government's effort to secure our Nation the Office of Personnel Management's role is critical. We take this responsibility seriously and are committed to ensuring the Federal Government has an effective workforce.

Mr. Chairman this concludes my remarks. I am happy to answer any questions you or members of the Subcommittee may have.

Mr. PORTER. Thank you very much.

Next, I would like to introduce Dawn Lucini, who is from McCarran International, actually from southern Maryland originally, now with McCarran International in Las Vegas. Again, Dawn, I appreciate you being here, and to Jose and the staff of McCarran. We appreciate what you are doing, so welcome.

STATEMENT OF DAWN E. LUCINI

Ms. LUCINI. Thank you, Mr. Chairman, and thank you for the opportunity to share with the subcommittee the views of the Clark County Department of Aviation, owner and operator of the Las Vegas McCarran International Airport, on how we are managing security while ensuring travel and tourism. Today, I will focus on procedures in place for employee background checks, including TSA requirements and how the Department interacts with Federal agencies charged with airport security oversight.

Please accept our appreciation to you, Chairman Porter, and to the subcommittee for the continued attention Congress is devoting to aviation security.

The role of the airport operator is critical to ensuring the safety and security of the national civil aviation system, while also ensuring that tourism and commerce is not impeded. In 2005, as the chairman mentioned, McCarran International Airport was the gateway to Las Vegas for over 44 million passengers, and we are on track to exceed that number in 2006. Currently, we are the fifth busiest U.S. airport by passenger volume. Las Vegas processes more passengers through security checkpoints than any other airport in the Nation except for Los Angeles.

As the Airport Security Administrator, I am responsible for ensuring the security and safety of the passengers, employees and the physical structure which is McCarran. As such, the Department must conduct criminal history records checks for all individuals prior to their commencing work at McCarran. As of today, we have over 18,000 individuals who have successfully passed these background checks. The individuals are employees of the Department of Aviation, airlines, ground handlers, concessionaires, food purveyors and many Federal agencies, including the TSA, U.S. Customs and Border Protection, the Federal Aviation Administration, the FBI, the U.S. Secret Service and the U.S. Postal Service.

The TSA is responsible for ensuring that all U.S. commercial airports are in compliance with security regulations. These regulations clearly outline airport and airport user requirements for conducting criminal history record checks for all individuals seeking unescorted access within Security Identification Display Areas, commonly referred to as the SIDA at all airports. All individuals must undergo fingerprint base checks to identify whether or not they have committed one or more of the 37 disqualifying crimes listed within the regulation. Airport employees collect the fingerprints while the FBI compares the prints to its extensive data base, and OPM then transmits the results back to the airport.

If an individual is found to have been convicted of a disqualifying crime, the individual must provide the airport with proof of adjudication. If the individual cannot comply, she will not be granted unescorted access authority. In addition, airport employees, like

passengers, are regularly vetted against the TSA watch list. If an employee name is matched, the Department of Aviation works in coordination with Las Vegas Metropolitan Police Department, METRO, the TSA and the FBI to remove the individual from the facility and allow the Federal agencies to take appropriate actions.

The subcommittee should appreciate that the procedures outlined above are the minimum TSA requirements. Beyond the Federal regulation, airports may have additional local and State regulations to which they must adhere, or may voluntarily establish additional employee vetting processes. The Department of Aviation first requires individuals to submit to a local traffic wants and warrants check and a check for the National NCIC data base. As employee badges expire and must be renewed, we again require individuals to submit to these checks. These processes promote the Department's philosophy, which is a layered approach to ensuring the integrity of our security program. Further, even if an individual is not seeking employment within McCarran's SIDA or sterile areas, rather only public areas, the Department still requires them to undergo the same fingerprint based criminal history records check.

At McCarran, we understand that we are an entry point into the national civil aviation system, while also a first line of defense. Accordingly, TSA readily approves our security policies and procedures, as they are developed in concert with our acting TSA Federal Security Director, Mr. Jose Ralls, and his staff.

The Department of Aviation does not act alone in promoting aviation security at McCarran. We do so in the spirit of communication, coordination and cooperation with the TSA and METRO. The key is, when it comes to security, none of the local parties acts alone. All decisions are made collectively and no protocols are implemented prior to all parties being consulted, thereby leading to consensus.

While the Department knows what options and plans are most effective for McCarran's users and facilities, enough attention cannot be paid to how critical the local security and law enforcement relationship is between the parties.

Mr. Chairman, in the almost 5 years after September 11, 2001, we have seen significant improvements to aviation security. We should not forget that aviation security is a matter of national security, and that individuals, businesses, local and State governments, and the Federal Government, must all continue to work in partnership to protect our citizens and visitors from acts of terrorism.

Again, we appreciate the leadership of this subcommittee and the opportunity to testify today. Thank you.

[The prepared statement of Ms. Lucini follows:]

**Statement of Dawn E. Lucini
On Behalf Of
The Clark County Department of Aviation
Owner and Operator Of
McCarran International Airport
Before the House Government Reform Committee Subcommittee on
Federal Workforce and Agency Organization
“Travel vs. Terrorism: Federal Workforce Issues in Managing Airport Security”
April 4, 2006**

Thank you for the opportunity to share with the subcommittee, the views of the Clark County Department of Aviation, owner and operator of Las Vegas McCarran International Airport, on how we are managing security while ensuring travel and tourism. Today, I will focus on procedures in place for employee background checks, including Transportation Security Administration (TSA) regulatory requirements and how the Department interacts with federal agencies charged with airport security oversight.

Please accept our appreciation to you, Chairman Porter, and to the subcommittee for the continued attention Congress is devoting to aviation security. It is now approaching five years since the tragic events of September 11, 2001 and we must all do our part to ensure that history does not repeat itself.

The role of the airport operator is critical in ensuring the safety and security of the national civil aviation system while also ensuring that tourism and commerce is not impeded. In 2005, McCarran International Airport was the gateway to Las Vegas for over 44 million passengers and we are on track to exceed that number in 2006. Currently, we are the second busiest U.S. origination and destination airport and the fifth busiest U.S. airport by passenger volume. Las Vegas processes more passengers through security checkpoints than any other airport in the nation except Los Angeles.

As the Airport Security Administrator, I am responsible for ensuring the security and safety of the passengers, employees and the physical structure which is McCarran International Airport. As such, and per TSA regulation, the Department must conduct criminal history records checks for all individuals prior to their commencing work at McCarran. As of today, we have over 18,000 individuals who have successfully passed these background checks. The individuals are employees of the Department of Aviation, airlines, ground handlers, concessionaires, food purveyors and many federal agencies to include the TSA, US Customs and Border Protection, the Federal Aviation Administration, the Federal Bureau of Investigation (FBI), the US Secret Service and the US Postal Service.

The TSA is responsible for ensuring that all U.S. commercial airport operators are in compliance with U.S. Code 49 Part 1542, which governs airport security. How McCarran implements and maintains this regulation is sensitive security information, as

outlined in our TSA approved airport security program. What I can provide is that Part 1542, readily available on the TSA public website and the Federal Register, clearly outlines airport and airport user requirements for conducting criminal history record checks for all individuals seeking unescorted access within security identification display areas (SIDA) at U.S. commercial airports. All individuals must undergo fingerprint based checks to identify whether or not individuals have committed one or more of the thirty seven disqualifying crimes listed within the regulation. Airport employees collect the fingerprints, while the FBI compares the prints to its extensive database and the Office of Personnel Management then transmits the results back to the airport operator. If an individual is found to have been convicted of a disqualifying crime, the individual must provide the airport operator with proof of adjudication or resolution. If the individual cannot comply, she will not be granted unescorted access authority. In addition, airport employees, like passengers, are regularly vetted against the TSA watch lists. If an employee name is matched, the Department of Aviation works in coordination with the Las Vegas Metropolitan Police Department (METRO), the TSA and the FBI to remove the individual from the facility and allow the federal agencies to take additional and appropriate actions.

The subcommittee should appreciate that the procedures outlined above are the minimum TSA regulatory requirements. Beyond the federal regulation, airport operators may have additional local and state regulations of which to adhere or may voluntarily establish additional employing vetting processes. The Clark County Department of Aviation first requires individuals to submit to a local traffic wants and warrants check and a check through the national NCIC database. As employee badges expire, and must be renewed, we again require individuals to submit to these checks. These processes promote the Department's philosophy which is a layered approach to ensuring the integrity of our airport security program. Further, even if an individual is not seeking employment within McCarran's SIDA or sterile areas, rather only public areas, the Department still requires them to undergo the same fingerprint based criminal history records check.

At McCarran, we understand that we are an entry point into the national civil aviation system while also a first line of defense. Accordingly, TSA readily approves our security policies and procedures, as they are developed in concert with our acting TSA Federal Security Director, Jose Ralls, and his staff. And there is the answer for how the Federal Government ensures that individuals tasked with conducting background checks are following protocol and in compliance; a positive and proactive partnership between the airport operator and the local TSA staff.

The Clark County Department of Aviation does not act alone in promoting aviation security at McCarran; we do so in the spirit of communication, coordination and cooperation with the TSA and the Metropolitan Police Department or METRO. While METRO acts on our behalf in providing law enforcement support of our security program, TSA is the regulator charged with ensuring that we are in compliance with Part 1542. The key is, when it comes to security, none of the local parties acts alone; all decisions are made collectively and no protocols are implemented prior to all parties being consulted, thereby leading to consensus. While the Department knows what

options and plans are most effective for McCarran's users and facilities, enough attention cannot be paid to how critical the local security and law enforcement relationship is between the parties. At a minimum, it ensures regulatory compliance but more still we are confident that every entity is doing all that it can to protect and serve employees and passengers.

Mr. Chairman, in the almost five years after September 11, 2001, we have seen significant improvements to aviation security. We should not forget that aviation security is a matter of national security and that individuals, businesses, local and state governments, and the federal government must all continue to work in partnership to protect our citizens and visitors from acts of terrorism.

Again, we appreciate the leadership of this subcommittee and the opportunity to testify today.

Mr. PORTER. Thank you, Dawn, but you forgot something. What happens in Vegas stays in Vegas. [Laughter.]

You just shared a lot of successes that we weren't supposed to tell anybody about, right?

Ms. LUCINI. We like to brag about those types of things, sir.

Mr. PORTER. As you should. Thank you very much.

Ms. LUCINI. Thank you.

Mr. PORTER. I would like to spend a little bit of time, Cathleen, with you for a moment. First, in reading the report, page 28, referring to background checks, I thought I heard most everyone say this afternoon that we are checking everyone. But according to your report, we are really not. Can you talk about that a little bit?

Ms. BERRICK. Right. The Aviation and Transportation Security Act requires all airport workers to undergo a background investigation. When we did our work—and it was done at the end of 2004—we found that workers that had escorted access into the restricted or the SIDA airport areas, the secure airport areas, were not undergoing a background investigation. Now, mind you, they were being escorted by persons that had those badges and had the background investigations conducted, but that was a requirement of the Aviation and Transportation Security Act that wasn't being implemented. I am not certain whether or not that is still the case today. Maybe we could get an update, but that is what we identified in our work.

Mr. PORTER. So the individuals that have access without a background check are having someone with them. Can you give me an example of what that would be?

Ms. BERRICK. Right. It would be, for example, a construction worker that's doing some construction in the secure airport areas that would have an airport employee that had undergone the background investigation, would escort them back to that area, and would be with them while they performed their construction work, would be an example.

Mr. PORTER. You also mentioned some perimeter problems. Can you talk about that a little bit more specifically?

Ms. BERRICK. When we had done the work, and still today, TSA had paid a lot of attention to passenger and checked baggage screening, and to a lesser degree they were focused on airport perimeter security and access controls. And since then they have taken a lot of action. They had done some vulnerability assessments of airport perimeters and access controls. They hadn't completed all of them when we had done our work. They also had started doing inspections of airport security programs to make sure airports were complying with security requirements since TSA oversees that process.

We also found that TSA was doing covert testing of airport perimeter security in restricted areas. For example, they would go through a door into a secure airport area and see if they were challenged if they didn't have a badge.

So essentially, our message was that they were starting to take actions in all these areas, but had previously been focused on passenger and baggage screening due to many congressional mandates related to hiring a Federal work force and deploying explosive de-

tection equipment, but they had taken action, and since then have taken more action to secure those areas.

Mr. PORTER. You had also pointed out some areas with inspecting cargo.

Ms. BERRICK. Right. We had issued a report in October 2005 on TSA's role in overseeing our cargo security, and again, the air carriers and the freight forwarders, the organizations that transport cargo to the airport to load onto the aircraft have direct operational responsibility for securing cargo. TSA oversees that process.

Essentially what we found was that TSA was doing inspections of these air carriers and freight forwarders, but they weren't really using the results of those inspections to identify where the weaknesses were in order to target future inspections. They had difficulty identifying to us all the different air carriers and freight forwarders that they had inspected, and mind you, there's thousands of freight forwarders.

We also found that TSA had established exemptions. First of all, they established a random inspection program for air cargo because they have the position that it is not feasible to inspect 100 percent of air cargo because it would impede the flow of commerce, and also the technology wasn't where it needs to be. So they established a random inspection program. They did identify some exemptions of cargo that could go uninspected. The problem that we identified with that was that a lot of shippers knew what those exemptions were, so they would package their cargo in a manner that would bypass inspection.

So one of the related recommendations we made in the report were that TSA reevaluate these exemptions that they created to see to what extent they created security weaknesses, and TSA agreed with that recommendation.

We had also recommended, related to TSA's inspection program, that they use the results of their inspections to target areas that should require greater scrutiny, and TSA also agreed with that.

Mr. PORTER. And back again to screening of employees. I think you noted in the report that some vendors are not being checked. TSA has not addressed the provision that calls for the agency to require the airport vendors with direct access to the airfield—so a vendor, to me, would be a McDonald's or some business or other folks other than just construction workers. So what the report is saying is not just construction workers, there are vendors that are not being checked that are there on a daily basis?

Ms. BERRICK. Right. There's really two restricted areas of the airports that we're talking about. One is the sterile area which is behind the checkpoint inside the airport, and the other is the secure area which is out by the aircraft. There are about 900,000 workers that have access to the secure area, and about 100,000 that have access to the sterile area within the airport.

TSA physically screens those vendors and other employees that are going into the sterile area of the airport. They would go through the checkpoint just as passengers would do. They are not physically screening those workers that go into the secure airport area, those 900,000 workers. TSA's rationale is that they are conducting background investigations on these employees that have unescorted access. If someone is going back there that has escorted

access, they're being escorted by someone who has undergone a background check.

An impediment that TSA has identified related to physically screening all those workers is the time and resources that would be required to do that. And then also some of these workers are carrying tools and instruments that would set off an alarm and make it difficult to physically screen them. So those people aren't physically screened, but again, they're getting background investigations—

Mr. PORTER. Excuse me a second. So if you work at a food vendor through the security gate, is there a background check done on a food vendor or a bookstore employee?

Ms. BERRICK. Yes, they do.

Mr. PORTER. And if they are outside of that area?

Ms. BERRICK. The employees and the vendors that work in the sterile airport area, which is inside the airport past the checkpoint, undergo a background investigation. They are also physically screened through the checkpoint.

Mr. PORTER. So it is two fold. Every day they are screened, but also the background check is done.

Ms. BERRICK. That's correct.

Mr. PORTER. I have some more questions.

Mr. Davis.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

Ms. Berrick, does TSA have sufficient resources to staff all of the checkpoints in our airports?

Ms. BERRICK. As you know, there's a congressionally mandated cap of 45,000 screeners, and I believe TSA has about 42,000 right now. TSA has had some challenges with hiring and retaining screeners, and especially a part-time screener or Transportation Security Officer work force. Their attrition rate right now overall is about 23 percent for Transportation Security Officers. It's about 50 percent for part-time Transportation Security Officers, so it's been difficult. Part of that has to do with circumstance. It's difficult to attract a part-time work force because of the pay and the benefits and the hours.

TSA is doing things to improve that. For example, when TSA first hired over 50,000 Transportation Security Officers, they had a very centralized hiring process that wasn't real responsive, to bring people on quickly when they were needed, and that was done because they had to hire a lot of workers in a short amount of time.

Since that time, TSA has given a lot of more flexibility to the airports related to hiring. They've created regional hiring centers, so in the past where Federal Security Directors have complained a lot about not being able to bring people on quickly, TSA is making some changes to address those issues, but TSA is still having the challenge of retaining people.

I'll also say that TSA recently—well, about a year ago, developed a model to try to determine the appropriate allocations among the airports, to make sure that they're staffing appropriately. We have an ongoing review right now that's looking at the assumptions that are used in that model.

Mr. DAVIS OF ILLINOIS. Do you think that training is associated with some of the attrition problems that TSA is experiencing?

Ms. BERRICK. TSA has significantly increased the amount of training that it gives screeners. The problem that we have identified—and it is almost a cause from some of the attrition problems, is with screeners. Federal security directors are identifying that screeners or transportation security officers don't have the time available to take the screening that is required, because they are busy manning the checkpoints. We surveyed about 263 airports, and about half of the Federal Security Directors at those airports were saying basically that their Transportation Security Officers didn't have enough time within a regular work day to take training. So it's really another cause when you don't have adequate numbers, potentially don't have adequate numbers at the checkpoints, training could suffer as a result of that.

Mr. DAVIS OF ILLINOIS. So the training is being improved. Would you say that they are being trained and certified in the latest technologies?

Ms. BERRICK. I think—and I'm sure TSA can speak to this as well. I think their training program is very robust. They just completed a really intensive explosive training where they went out and trained over 20,000 Transportation Security Officers on different components of explosives to learn to detect those. And I do think it is robust to have a basic screener training program of 40 hours classroom, 60 hours on-the-job training. They have a recurrent training requirement of 3 hours a week averaged over a quarter. They also have a remedial training program. If a screener fails a covert test, they are required to go through remedial training, and they have so many attempts to pass that. So I would say the training is pretty rigorous.

TSA also has an online learning center where they offer online courses for Transportation Security Officers to take. There is a problem with that in that not all airports have high-speed Internet connectivity, but that is a resource that TSA provides the work force.

Mr. DAVIS OF ILLINOIS. How do the performance of Federal screeners compare with those of private screeners?

Ms. BERRICK. We did an analysis of TSA's covert testing data. TSA has an office that does inspections of checkpoints to see to what extent they can get prohibited items through. And we looked at the period from June 2002 to June 2004, and what I can say in a public forum is that they identified witnesses at airports of all sizes and all locations and airports with Federal and private sector screeners.

I will say that we found a slight difference. Airports that had private sector screeners performed slightly better on these covert testing results, but I would caution that is really just an indicator of performance, and it really can't be used to draw overall conclusions about which work force is performing better, but the test results were slightly better.

Mr. DAVIS OF ILLINOIS. Were the sizes of the airports compared essentially the same?

Ms. BERRICK. There are five airports that have private sector screeners, and they're at the different category level, so it's a much smaller universe that have private sector screeners and that's one of the weakness of the comparison. But there is, for example, San

Francisco is a Category X large airport that has private sector screeners, so there's one large Category X airport that's included there.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

Mr. PORTER. I would like to talk about the foreign management, whether by private companies or by government owned companies. Mr. Jamison, do you know how many of our airports are managed either by private investment or a foreign government?

Mr. JAMISON. It's well less than 1 percent. We have seven airports that have some form of foreign ownership overseeing some of the operations, but there's only one large airport, one Cat 1 airport that has that, the overall operations managed by a foreign entity.

Mr. PORTER. I know the Clark County aviation system, and it is operated by the county and a board of directors. These other airports, the seven or more that you are talking about, are their contracts then with local government or with the Federal Government? Who do they contract with?

Mr. JAMISON. They are contracted with the airport owner.

Mr. PORTER. The airport owner.

Mr. JAMISON. The airport owner in most cases, or they subcontract to another company that's managing the airport.

Mr. PORTER. What about the background checks of these individuals that are foreign owned; how are they handled?

Mr. JAMISON. They're actually regulated and treated the same way as all other airport operators, so all of their employees that have access to the secured area or have any control in issuing that access have to go through the same vetting process from a background check standpoint as well as a criminal history records check and being bounced up against terrorist data base.

Mr. PORTER. If they are an employee, then they follow the same steps is what you are saying.

Mr. JAMISON. Exactly.

Mr. PORTER. So of the seven, are any owned by the governments themselves or are they all private?

Mr. JAMISON. I believe they're all private. I believe they're all large European companies for the most part.

Mr. PORTER. When it comes to airports—I know there are thousands of them around the country and many are not under the control of TSA or the Federal Government—is it based upon receiving Federal funds whether there is TSA or DHS oversight, or how does that work?

Mr. JAMISON. Actually, it's not based off the TSA fund. We have the ability to so-called Federalize an airport and determine whether or not there will be Federal screening regulations put in place, and whether or not it will have a Federal screening work force or under TSA purview. And that's largely decided based off risk and the size of the airport. So some smaller airports that have very, very few flights may not have Federal screeners or be under TSA controls.

Mr. PORTER. So if you had an airport in the middle of Iowa or middle of Nevada that may not have been inventoried by the Federal Government and may be operating without any type of controls, correct?

Mr. JAMISON. Well, they have the controls of the general aviation controls and the recommendations of the guidelines and the rules that are in place for general aviation, but we constantly do a risk assessment, evaluate which airport that we bring into that process, and before they can enter into the other aviation system, they have to undergo certain requirements. So if they're flying to another airport that enters into the Federal system, they would have to go through screening and have all the passengers rescreened prior to entering that airport instead of making their connection to another flight.

Mr. PORTER. I guess this is more a question for Dawn. Again, McCarran is an airport that I know well. I spend every weekend at McCarran, and I think that as a rule that it basically knows its customer base very well, and that's, I think, been part of the success for McCarran working with TSA. We know when people are going to arrive, and we know who they are, because we do a lot of those market surveys. But also having traveled, again, through airports every weekend, every airport does things a little bit differently. Is there some advice that you would give these other airports to help streamline their process?

Ms. LUCINI. I would, again, advocate what I provided in my testimony earlier. It's really about local cooperation. The success we've enjoyed has been done with the TSA and the METRO. Again, we are completely dependent on the tourism industry in Las Vegas, so we have made every effort to assist the TSA in the security process. We are one of nine letter-of-intent airports in the country to provide our airport with an in-line EDS screening solution, which will create greater efficiencies for the TSA in baggage screening. In addition, at the screening checkpoint we have hired contractors—they're called divestors—that help the passengers at the front of the checkpoint prior to going through the screening process, to speed up, expedite that process and keep the queues moving through when we have those large shows that you mentioned earlier.

It's really local partnership. Every airport is unique, and you probably heard that many times. It's incumbent upon the local entities to work together to decide what will work best for that airport.

Mr. PORTER. You know, there are those that say the economy is not thriving, but airports would be an example that the economy is coming back stronger than ever. Every airport that I have been through is at capacity. What is it that Las Vegas—you mentioned the partnership—what are some of the specific things that they have done in guiding the movement of tourists through the airport?

Ms. LUCINI. Well, again, we have put together a pre-screening series we call TIPS, which are video montages, if you will, that help passengers get ready for the screening process prior to entering the checkpoint. The foundation of that was laid before I arrived. I believe Mr. Blair, who's with us today, was key to that as well, in partnership with our director and deputy director of the airport, and we worked with the local convention authority to produce those videos to help passengers prepare.

Mr. PORTER. If I may interrupt, for the audience, share what some of those are.

Ms. LUCINI. Well, for example, we'll have Carrot Top, the comedian, go through with the oversize bag through the magnetometer, and he falls backward, too heavy of a bag and it's oversize, can't get through. We have a lot of travelers that don't fly but once a year, and that's to Las Vegas and out of Las Vegas, and they like to go shopping. So that's one example, and we also have some other local celebrities that give key travel tips, you know, don't wrap your gifts at the holiday season and bring them through the checkpoints, just to make it a smoother process for everybody.

Another thing that also helps is, as you know, today before our system goes in-line for our EDS baggage screening system, the EDS machines are currently in front of the ticketing counters. Something that we've worked to expand in recent years are the use of self-serve kiosks. It's a common use platform so you can go to one of these kiosks, and all of our airlines are currently on that kiosk, and if you're not checking baggage you can use that kiosk. And it's not in the ticketing counter, it's up at the checkpoint level throughout the facility, so it reduces those queues so we don't have long lines out to the departures curb, the arrivals curb, and we really help with crowd control and keep the flow through the airport so we protect everybody, because there are security concerns in front of the checkpoint as well as beyond.

Mr. PORTER. What would the average wait time be at McCarran to get through security?

Ms. LUCINI. The average wait time, well, we can go from, you know, 5 minutes depending if you're at one checkpoint, and we like to at our busiest times to say you're going to get through in around 15 minutes. We always hope for 10 minutes, but we work very well with the TSA—we know that there's a long line at ticketing, and we call the TSA and they make best efforts to open additional lanes to get through. So we know when those big shows and conventions are coming, and the Department of Aviation actually brings on staff to help with crowd control and line monitoring, plus our divestors, and the TSA will reallocate their shifts and the staffing per shift to accommodate those crowds when we know they're coming.

And we provide monthly the list of conventions and shows coming so we're all planned and staffed accordingly in advance.

Mr. PORTER. I recall one time that McCarran was considering designing your own baskets for travelers to put items in a basket. Are you still working on that?

Ms. LUCINI. That may have been the case, sir, that was before I came to McCarran, which was in June of last year. I think right now we are pleased overall with the current system, but we refine it as necessary and from time to time.

Mr. PORTER. Thank you for letting me put you on the spot.

Ms. LUCINI. That's OK.

Mr. PORTER. Congresswoman, comments?

Ms. SCHMIDT. I have first a question regarding going through security. In the case of women sometimes, we are wearing apparel that doesn't allow us to take off our jackets, and yet sometimes they are very insistent that we do take off our jackets, and put us into a holding place for a more intensive search. What is the importance of having to take—I mean, for instance, I could not take off

this jacket to go through a metal detector. What is the importance of that? Shouldn't the metal detector pick up anything that would be suspicious on us?

Ms. LUCINI. I've enjoyed that same experience myself, and I'll ask Mr. Jamison to answer that question.

Mr. JAMISON. Sure, I'll be happy to reply. It is an SOP put in place strictly for detection of explosives, so it's another layer of security to make sure you're not concealing something on your body that is not detectable through the metal detector that might be an explosive.

Ms. SCHMIDT. May I have a followup? The problem is that I could have something under my blouse as well. I think that—I am not talking a coat. I am talking the outfit that I am wearing now, and if I were to have flown in today I would not have worn this outfit because I couldn't have taken the jacket off. All I am saying is I think you need to look at your guidelines a little bit more as to appropriate apparel and the robing and disrobing for individuals.

Mr. JAMISON. I absolutely agree with you, and, actually, we are undergoing currently an SOP review, that whereas we can give better direction to our TSOs to—given a situation just as you described, where it's not one-size-fits-all that you have to take off every outer garment, and that really, the intent is to try to get the detection of explosives. In those cases where you don't need to remove the garment to do that, we may be able to implement different standard operating practices. So we're looking at that very carefully, and hope to roll something out very quickly.

Ms. SCHMIDT. Thank you.

Mr. PORTER. Mr. Davis.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

Mr. Jamison, once a screener has been hired, how long does the training process take?

Mr. JAMISON. Depending on where they're going to work, it varies in length of time. They have about 50 hours of training, general training. Then they get specific training in either the checkpoint or the baggage area or both, and the training varies depending on where you're at between, I think, a total of 120 hours to 200 hours.

Mr. DAVIS OF ILLINOIS. The cost for the training would be about what?

Mr. JAMISON. I don't have that figure. I'd be happy to get it back to you per employee for the record. I don't have the exact figure for that.

Mr. DAVIS OF ILLINOIS. There has been concerns over the sufficiency of our airport security systems, and some people think that they would lead to the Federalization of airport screeners. What assurances do we have that a return to private screeners will provide any increase safety or better security?

Mr. JAMISON. I agree with Ms. Berrick's testimony earlier about it's sort of hard to draw conclusions between those two. However, I think it's very important from us as the TSA management standpoint to look at both the privatized screening work force, as well as the Federalized screening work force and look at best practices to pull out to improve the overall level of screening. The mission is the same whether or not it's public or private, is to provide world class security to the aviation system, and that's what we're about.

Mr. DAVIS OF ILLINOIS. Ms. Dillaman, when we do background checks, what are we looking for?

Ms. DILLAMAN. You're looking for record information about the individual's conduct or other elements that might make the individual susceptible to blackmail, coercion.

Mr. DAVIS OF ILLINOIS. Of course, criminal background would be a part of that. What other kinds of things besides—

Ms. DILLAMAN. Criminal background? Violent disruptive behavior, issues of extended debt that might make the individual susceptible to coercion, fraud in the qualifications process.

Mr. DAVIS OF ILLINOIS. Do we have information or data relative to what percentage of the people who apply get screened out or who don't pass the background check?

Ms. DILLAMAN. OPM has information in terms of how many of the investigations develop issue information for consideration. But the actual screening out of the applicant is done by TSA, and so they would be in a better position to report on how many individuals fail because of the background check. But I can tell you that, for example, approximately 11 percent of those we screened have criminal history records at the FBI.

Mr. DAVIS OF ILLINOIS. Mr. Jamison, do you have any further—

Mr. JAMISON. No, that's why I want to put the focus on what we've done to improve that, that process. So over the last year, in addition to the process that we go through for FBI checks and the OPM checks for employment, we have put in place the ability to perpetuate that data base against terrorist watch lists and other types of data bases, so we are getting a consistent perpetual vetting process of all our employees plus employees that have access to the SIDA.

We also put in place improved processes where we're periodically going back and doing a fingerprint-based criminal history records check on our TSO employees.

Mr. DAVIS OF ILLINOIS. Ms. Lucini, would you say that the best practices that you all have been able to develop could just about fit any normalized airport?

Ms. LUCINI. I hate to say the cliche, sir, that every airport is unique, but as a baseline the partnership and that relationship you develop will allow improvements in your procedures and processes at the airport. So there's a lot of best practices we've established that we gladly share with our fellow airports across the country. And some of them have adopted it with great success, others have tweaked it a bit and it's worked better for them that way.

Mr. DAVIS OF ILLINOIS. Thank you very much.

Thank you, Mr. Chairman.

Mr. PORTER. I have a question about the high speed Internet connectivity at some airports. What is the problem? That seems like something we could resolve fairly easily. Is it a cost factor, or what is the problem?

Mr. JAMISON. There's been numerous problems. I think budget is just one of them, the capability of the contractors and others. But I agree with you, it's been a long time coming, but I can tell you we're on course to have every airport with Hi-SOC capability and high-speed Internet capability by the end of the year.

We're also making sure that we strive to give the capability for extending the online training center opportunities. It's web-based and you can get to that online training center. It's very important for us to get the Hi-SOC to all of the airports, because it not only gives us capability for training, but also gives us ability to pull information back into our national data bases.

Mr. PORTER. I would just think that airports would have some of the latest technology available if they are of the size that you are referring to that would need TSA. I am amazed that it is not available. It sounds to me like it hasn't been a priority but it needs to be. So you think by the end of the year?

Mr. JAMISON. By the end of the year—

Mr. PORTER. Of this year?

Mr. JAMISON. By the end of this year, quite hopefully by the end of this fiscal year, we're going to have—I know we're going to have the majority of airports, if not all of them, done. It is a priority. There's a lot of issues of making sure that system is secure and they have enough protocols that you need to put it in place, were some of the challenges, but we're addressing those, and I agree with you it's a top priority.

Mr. PORTER. Because I understand that even checking passports and visa can be a problem because of the lack of technology and transmitting information back and forth, so I will look forward to that being corrected.

With workers compensation, and I don't remember the numbers, but we were having a number of employees that were turning in workers compensation claims. What's happening there and what is the status?

Mr. JAMISON. We still have a very high claims rate. It has come down. We have put a lot of focus on this, establishing a war room effort in national headquarters to really address the injury issue. I feel like it's a combination of a lot of issues. It's a combination of work setup in some airports, it's a combination of training and accountability, but we've got focused programs everywhere from nurse care management to address people that are on workers compensation to get them back to work, to analyzing the worker setup, to looking at the training that we're doing and really trying to track the data and try to get that issue under control.

It's a big issue for us, as Ms. Berrick pointed out, work force management, hiring, retention, huge issue. We know we got to get our work force stable. Injuries are a huge piece of that, and we've got a lot of focus on it.

Mr. PORTER. What percentage of your work force is out at one time on their workers compensation claim?

Mr. JAMISON. The number is highly variable depending on airport, and it's something that allows us to focus on that. I don't have the exact number. We would be happy to get it back for you for the record.

Mr. PORTER. Thank you. And then regarding the explosive detection systems and the explosive trace detection, baggage screening systems, which of course, improve safety, but also achieve some cost savings, and there are a lot of large airports that don't have plans. Is it because of the lack of space, lack of facilities? Why isn't it that a lot of airports are moving forward with that?

Mr. JAMISON. It's a combination of several things actually, and as my boss testified earlier today, it's like a complicated math problem, depending on the funding issues, but also the layout of the airports, whether or not they've got the space, the throughput of the machines that are available and the requirements. So there's a lot of things that go into that equation.

We're scheduled this year in 2006 to deploy 116 EDSs, and we're scheduled to do 90 for 2007.

Mr. PORTER. OK, thank you.

Mr. Van Hollen, do you have any questions or comments today?

Mr. VAN HOLLEN. Just a few questions, if I could, Mr. Chairman. And we have two hearings going on at the same time, so I apologize for being late.

But I did have a question regarding the watch list process, and what mechanism someone can go through if their name is inadvertently put on the watch list. We heard a number of stories sometime ago about various individuals, and Senator Kennedy, I think, was detained, as was Congressman John Lewis. There have been a number of others, and the two I mentioned are people in positions of influence, and even they seemed to have some difficulty just going through the process of getting this name off this list for a period of time.

We get people, who obviously, are not in that kind of position, and you can imagine what they feel they have to go through if they are wrongfully put on a list. What do you do if you are put on the list and there has been a mistake? What process do you go through? And has it been effective because my impression is, anyway, that we are still not at a place where there is a very clear mechanism for removing someone's name.

Mr. JAMISON. We do have a formal redress process, and you can access our redress office by an 800 number and/or the Web site, TSA Web site. The data will show you that we have made a lot of progress. While the size of the terrorist watch list is ramped up, the issues and redress issues are starting to come down, but it's a big focus of ours to make sure we clean up the list, and that we actively manage the list.

TSA is in charge of managing the list. We're not really in charge of nominating the people that are on the list. It's a big focus for us, and secure flight implementation of automating that at a Federal level which we're moving forward rapidly with, will help alleviate a lot of the administration problems with it.

Mr. VAN HOLLEN. You, as you said, you sort of are responsible for keeping the list, but you don't put the people on the watch list, is that right?

Mr. JAMISON. That's correct.

Mr. VAN HOLLEN. So to get somebody off the watch list if they have been wrongfully put there, do you have to go back to the agency that put them on, is that right?

Mr. JAMISON. We request that the Terrorist Screening Center or the nominating agency that has put that on the list. And when we have issues or incidents where we think that there may be a problem with that, we frequently ask them whether or not the derogatory information that goes into that process is still valid and whether or not they should remain on the list.

Mr. VAN HOLLEN. Have the agencies been cooperating with you in that process?

Mr. JAMISON. They have, absolutely, absolutely, and the process gets better every day.

Mr. VAN HOLLEN. Thank you, Mr. Chairman.

Mr. PORTER. Congresswoman, additional questions?

Ms. SCHMIDT. I believe this is to Mr. Jamison, and I apologize if I missed anything, but I had another meeting. In 2004 TSA began to work on the Transportation Worker Identification Credential [TWIC], an identification card embedded with fingerprints or other biometric information to prevent unauthorized access to secured airport areas. The idea is that workers in airports, seaports, and other transportation sectors could use a single identification card to access secure areas. TWIC was originally conceived as a TSA-run program. However, reports I have received indicate that the TWIC program has encountered delays, and contract cost increases.

My question is this: what are the next steps for the program? And I understand that TWIC is an entirely fee-funded enterprise this year and next. If this is correct, will this funding approach delay implementation? And finally, how soon can we expect it to be implemented? So a three-part question.

Mr. JAMISON. First of all, I agree TWIC has been too long in coming. We've got a committed focused effort for accelerating deployment of the Transportation Worker ID Card. We're currently approaching an accelerated parallel rulemaking program, a rulemaking with the Coast Guard and with TSA, which a primary component of it addresses your question and gives us the ability the charge fees in order to fund the program. We reached a milestone last week that shows you the commitment to accelerating this program. We put out a request for qualifications for contractors to help us deploy the long-term implementation for TWIC, and we anticipate there will be a lot more announcements, but we're committed to accelerating the deployment and getting out there as quickly as possible.

Ms. SCHMIDT. Thank you.

Mr. DAVIS OF ILLINOIS. Just one additional question, Mr. Chairman.

Mr. Jamison, does TSA have any notion or idea or feel for how many airports might want to go private with screeners?

Mr. JAMISON. To answer your question, no, I don't have a formal survey, and I don't have an indication of that. There have been a few rumblings from the field that there's an interest in more airports moving to that model, but we have nothing formal in place, and that's really all we have.

Mr. BERRICK. If I could add, Mr. Davis, GAO has done work looking at a TSA screening partnership program where you have private sector screeners at airports. And we surveyed about 25 airports and generally the interest doesn't seem to be out there at this point in time, based on the airports we spoke with, and they cited a couple of issues.

One was they wanted to wait and see how this worked out for the airports that were using private screeners, kind of a wait and

see attitude. Also, some of them identify concerns with liability, if there was a terrorist incident, how would that affect them.

Now, the Department of Homeland Security is granting Safety Act coverage to immune contractors from liability and the appropriations law last year protects airports from liability, so I think airports are hoping that problem has been solved, but based on what we've heard it's basically they want to wait and see how it works out for the next year.

Mr. DAVIS OF ILLINOIS. Thank you very much.

Thank you, Mr. Chairman.

Mr. PORTER. Mr. Van Hollen, any additional questions?

Mr. VAN HOLLEN. I didn't know if anyone else had a comment on the watch list issue. I don't know if the GAO—I know it is not part of the scope of this report, but I know you have looked into it in the past.

Mr. BERRICK. Right. We have. We actually have an ongoing review looking at the quality—actually, a process for names getting on and off the watch list. As you know, the Department of Justice Inspector General had done a pretty comprehensive review of the Terrorist Screening Center and their watch list. We're going to be focusing more on the process for getting on and off. Also the redress process you were talking about, that work is going to be completed in August of this year. So we would be happy to brief you on that when that's completed.

Mr. VAN HOLLEN. Good, thank you.

Mr. PORTER. I am actually going to conclude with a couple of questions but first I have a little levity. When my colleague, Mr. Davis, mentioned going private, I have never seen so many heads turn and look at each partner sitting next to each other at one time. [Laughter.]

It was kind of interesting. If you could see it from this angle, it was one of those moments that I talked about earlier, where there is a picture in time. Well, everyone kind of went—[laughter]—you certainly asked a very good question and I appreciate you asking it.

One of two final questions. Are you all satisfied with the inspection of our foreign partners that are managing our airports? Is there something else we should be doing? Do you feel confident that we are checking as much as we should in light of the current situation in the world? Is there something else we should be doing?

Mr. BERRICK. In terms of GAO, we haven't specifically looked at that issue, so I don't have anything to add to that.

Mr. JAMISON. I think from TSA's perspective, it's like all of the other issues that we need to constantly look at, we need to constantly evaluate the risk, and it's more of evaluating the risk across the different levels of security in the aviation system or at an airport, so evaluating SIDA access, evaluating perimeter security, continuing to look at the risk, continuing to provide unpredictability, and looking at the ownership and the operation and compliance of that is just one element of that we need to continue to look at.

Mr. PORTER. Is there anything else that we can do to empower you to do additional background if necessary; anything we can do to help you?

Mr. JAMISON. I think we have the authority that we need.

Mr. PORTER. OK. What do you think from McCarran's perspective?

Ms. LUCINI. Well, I had a list here of—I do have a list of entities on airport that are U.S. corporations, majority foreign owned, which I believe you have been provided with a copy of that list prior, Mr. Chairman.

But they are, again, subject to the same employee background checks that I mentioned in my testimony, and again, there's been some references to perimeter security at McCarran. We are working locally with the TSA on regular assessments of our perimeter and our security program there. Locally we have decided the Department of Aviation specifically has decided to make some further enhancements to our infrastructure on our perimeter. So taking additional steps in advance of any mandates or requirements.

And our current access control system, which is, you know, the badges are issued to the people that have successfully passed these background checks. We are going to be introducing biometrics into our access control system. It's probably going to be about 3 to 5 years from now, but the tentative foundation is now being laid for us to go forward with that program.

Mr. PORTER. Thank you. I firmly believe that we are safer today than we were yesterday, and that we are going to be safer tomorrow than we are today. I think we still have a long ways to go.

But I would like to give you one last opportunity, I guess, as a subcommittee. Normally we ask you a lot of questions, but I would like to know if there are any other things that we should be doing as a Congress to help make our travelers safer. This is an opportunity if you have any thoughts for us, we will pass onto our colleagues. Anything you think in your investigation, Cathleen?

Mr. BERRICK. I think based on the work that GAO has done, I would just stress the importance of using risk-based decision-making, knowing that it's impossible to secure everything in commercial aviation, really stressing that TSA needs to consider threat vulnerability and consequence in making decisions, not just within aviation but across all modes of transportation for which they're responsible, and we've reported that TSA has done this to a great extent. We think there is room for further improvement in that area.

Mr. PORTER. Thank you.

Ms. Dillaman.

Ms. DILLAMAN. No, sir. I think OPM and TSA have an excellent relationship, and we've worked hard to develop a system that cross-checks and makes sure that people don't fall through the cracks.

Mr. PORTER. Mr. Jamison.

Mr. JAMISON. Actually, again, I would concur with Ms. Berrick, that I believe that—the focus on being risk-based. It's something that we're really trying to do, make all of our decisions based off of risk, and our prohibited items decisions have been driven by that.

So continued recognition of that and focus on that is a huge issue for us at TSA, so we appreciate the committee's interest in that and cooperation.

Mr. PORTER. Anything else?

Ms. LUCINI. I echo Ms. Berrick's comments and add that TSA, from the headquarters level, I would promote that they continue even more local autonomy be given to the Federal Security Directors to work with the airport operator and other agencies locally to develop the best solution for that airport.

Mr. PORTER. Based upon the current structure of management, let's just say there was a crisis today at one of our airports or somewhere in the country. Is there a clear, defined management role of different agencies, who is in charge of what? We are comfortable with that?

Ms. LUCINI. Yes, sir. We have an airport security program, which is a requirement as we operate under a TSA regulation that clearly identifies procedures we take for our security program, as well as an airport emergency program, which is in compliance with the Federal Aviation Administration regulation, which also outlines a chain of command, if you will, incident command, and the other agencies we work with in the event of an emergency of security event.

Mr. PORTER. Mr. Jamison, you feel the same, that there is a clear and defined role for all of these agencies?

Mr. JAMISON. Well, I mean, there is, and I think that Federal Security Directors play a key role in the monitoring of compliance with that airport security plan, as you pointed out, and also plays a key role as a principal Federal official for transportation security at the local level, so coordination and making sure that everybody's involved and knows their roles and response is a key role that we probably take on.

Mr. PORTER. Ms. Dillaman.

Ms. DILLAMAN. I believe our roles and responsibilities are clear. At the same time, I think we're flexible enough that should a new need arise, we can respond to it.

Mr. PORTER. Thank you. Ms. Berrick.

Mr. BERRICK. GAO actually did a study of this as well, Federal Security Directors' roles and authorities at airports. And we found that the partnerships were generally working very well despite some additional difficulties, and FSDs were doing a very good job establishing partnerships with key airport stakeholders including local law enforcement and the airport authority.

We did identify one area for improvement, that TSA could help the process by clarifying the FSD's authority related to other stakeholders. We did hear from some airports that in the event of a security incident, sometimes there was confusion regarding the FSD's authority, and TSA agree with that recommendation and was making some changes to try to communicate that to stakeholders. But overall it was very positive in terms of the Federal Security Director's relationship with other airport stakeholders.

Mr. PORTER. Thank you.

Any additional questions from the panel?

[No response.]

Mr. PORTER. Appreciate you all being here today, and know that Members have additional questions possibly. They will submit them and will be entered for the record. I just want to make sure that when we wake up tomorrow that there is not a crisis someplace and it is something we have missed. So keep that in mind,

and I know you do. But also I have learned that many of the best ideas come outside of the box, so don't hesitate to give us some ideas.

Thank you all for being here, and we will adjourn the meeting.
[Whereupon, at 3:20 p.m., the subcommittee was adjourned.]
[Additional information submitted for the hearing record follows:]

National Treasury Employees Union



TESTIMONY OF
NATIONAL TREASURY EMPLOYEES UNION
NATIONAL PRESIDENT COLLEEN M. KELLEY

ON

THE ROLE OF FEDERAL EMPLOYEES IN MAINTAINING
AIRPORT SECURITY

TO THE

HOUSE GOVERNMENT REFORM SUBCOMMITTEE ON THE
FEDERAL WORKFORCE AND AGENCY ORGANIZATION

TUESDAY, APRIL 4, 2006
WASHINGTON, D.C.

Chairman Porter, Ranking Member Davis, distinguished members of the Subcommittee, I would like to thank the Subcommittee for the opportunity to comment on personnel issues at Customs and Border Protection affecting airport security.

As President of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 150,000 federal employees, including over 12,000 Customs employees, who work at seaports, land crossings and airports. The creation of the Department of Homeland Security (DHS) has moved the issue of the role of federal employees in airport security and their need for adequate pay and staffing levels to the forefront of the national agenda. I commend you, Mr. Chairman, for holding this important hearing.

As members of this committee are aware, on March 1, 2003, the Bureau of Customs and Border Protection (CBP) became an official agency of the DHS. The CBP combines over 42,000 federal employees from the Customs Service, the Immigration and Naturalization Service (INS), Border Patrol and Agriculture Department. The focus of this front-line law enforcement bureau is the movement of goods and people across our borders and to prevent illegal entry into the U.S. of people or goods at or between ports-of-entry while facilitating the movement of legitimate trade and international travel. I wish to address three aspects of Customs and Border Protection employees at airports.

CBP Understaffing at Airports

First let me comment on the severe security risks our nation takes by understaffing. Customs and Border Protection has two overarching and sometimes conflicting goals: increasing

security while facilitating trade and travel. NTEU has noted the diminution of secondary inspection in favor of passenger facilitation at primary inspection since the creation of the Department of Homeland Security. Why has there been this decrease in secondary inspections? NTEU believes that it is because of a decrease in CBP staffing levels. According to **GAO-05-663: International Air Passengers Staffing Model for Airport Inspections Personnel Can Be Improved**, July 2005, there is much evidence that airports are experiencing staffing shortages. This report was prepared at the request of the Subcommittee on Immigration, Border Security and Claims, Committee on Judiciary.

There has been expressed to NTEU and Congress considerable concern about clearing international passengers within 45 minutes which is being done at the expense of specialized secondary inspection. Prior to 9/11 there was a law on the books requiring INS to process incoming international passengers within 45 minutes. The Enhanced Border Security and Visa Protection Act of 2002 repealed the 45 minute standard, however "it added a provision specifying that staffing levels estimated by CBP in workforce models be based upon the goal of providing immigration services within 45 minutes (page 12-13)."

On pages 16-19, GAO states "The number of CBP staff available to perform primary inspections is also a primary factor that affects wait times at airports...(Note: the number of CBP officers at individual airports is considered security sensitive information)....For example, CBP and airline officials in Houston stated that the increase in the number of inspection stations at George Bush Intercontinental Airport, in combination with the addition of new CBP officers has

reduced passenger wait times... However, the benefit of adding inspection stations has been limited because, as of June 2003, CBP has not increased staffing levels.”

Regarding the building of new inspection station, GAO states, “Airport and airline officials said that these projects were planned, funded, and completed with the expectation that CBP would increase staff for the new facilities as passenger volume increased. However, CBP officials stated that the agency is not legally or contractually required to allocate new staff when inspection facilities are constructed or expanded and the agency is to make no commitment implicitly or explicitly regarding the future staffing levels in approving new inspection facility design proposals. (page 21)

The report states that “CBP does not systematically assess the number of staff required to accomplish its mission at ports or airports nationwide or assure that officers are allocated to airports with the greatest need... CPB is developing a staffing model... however the new model... will not be used to assess optimal level of staff to ensure security while facilitating travel at individual port and port facilities, including airports. CBP officials told us that because... it is unlikely that additional inspection personnel will be forthcoming in the current budget climate... CBP’s planned model is to determine which ports have positions that can be relocated to other ports through attrition; efforts to assess optimal staff levels would not be useful in the current budget environment.” (pages 25-29)

GAO observes that by “not identifying optimal staffing levels prevent CBP from performing workforce gap analyses, which could be used to justify budget and staffing

requests.” This is information Congress needs in order to perform its oversight and appropriations function. CBP states that “absent additional resources, the only way to address these gaps would be to relocate officers...this is not a viable solution because of the costs associated with relocating CBP officers.” (page 29)

So, instead of seeking additional resources from Congress to perform their priority mission, “CBP officials stated that they have not assessed overall staffing needs across ports or airports and do not plan to do so with the proposed model because they do not expect to receive any additional resources given the current budget climate.” (page 28)

Finally, CBP has not met the original deadline of April 2005 for completing the proposed staffing model. It may be worthwhile for Congress to intervene at this point and seek CBP to include overall staffing needs in this model or some oversight in reviewing how CBP is conducting staff allocations.

LAW ENFORCEMENT STATUS

Second, let me address the issue of law enforcement officer status for CBP officers. Within the CBP there are two classes of federal employees, those with law enforcement officer status and its benefits and those without. Unfortunately, Customs Inspectors, Canine Enforcement Officers and INS Officers fall into the latter class and are therefore being denied the benefits given to other federal employees in the CBP who they work with at 307 ports-of-entry across the country including every international airport.

A remedy to this situation exists in an important piece of legislation involving the definition of law enforcement officer introduced in this Congress -- HR 1002-The Law Enforcement Officers Equity Act of 2005. NTEU strongly supports this bipartisan legislation introduced by Representatives Bob Filner (CA) and John McHugh (NY). This legislation would include CBP Officers along with those with a limited number of others with similar duties in other federal agencies as law enforcement officers for the purpose of 20-year retirement. As I will describe in greater detail in the remaining portions of my testimony, the record will clearly support the inclusion of all these employees under the early retirement provisions for federal law enforcement officers.

HISTORY OF FEDERAL LAW ENFORCEMENT OFFICER STATUS

To better understand why it is so important to include CBP Officers as law enforcement officers you need to look at the history of providing special retirement provisions for federal law enforcement officers which dates back to 1947, when such benefits were given to agents at the Federal Bureau of Investigation. These retirement provisions were expanded in 1948 to cover any officer or employee whose duties are primarily the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States. Title 5 U.S.C. section 8336 (c)(1) allows law enforcement officers who fall under this definition to retire from the federal government at age 50 after 20 years of service. The law was amended in 1972 to include firefighters. Congress has found that the work of federal law enforcement officers and firefighters is extremely physically demanding -- far more taxing and dangerous than most jobs in the federal government. Further, Congress believed that the public interest is

served when these jobs are held by younger men and women capable of meeting the intense physical demands of such difficult work.

NTEU believes that CBP Officers should receive the same twenty-year retirement option as other law enforcement officers. Every day, the men and women who hold these jobs face enormous physical challenges and constant stress. Their job duties regularly expose them to the threat of injury or even death. This is dangerous work with real and unrelenting hazards. For the safety of these officers and for the sake of the public they serve, NTEU believes that a twenty-year retirement option as included in HR 1002 is wise public policy.

MISSIONS OF CBP

CBP Officers remain a front line law enforcement agency, with the primary missions of stopping terrorism and the flow of illegal drugs into the United States. They enforce federal criminal laws and seize fugitives who are subject to state and federal warrants and are responsible for stopping sophisticated and dangerous -- narcotics smugglers, international money-launderers, arms smugglers, terrorists, and fugitives from justice who pose serious threats to the United States. Customs inspectors use a variety of investigative tools to perform their duties, including aircraft and personal searches and direct interrogation. They search aircraft, travelers and baggage for violations of civil and criminal laws at every international airport. The inspectional ranks of Customs continue to seize more illegal narcotics than all other federal agencies combined year after year.

LAW ENFORCEMENT DUTIES OF CBP EMPLOYEES

The work of Customs Inspectors and CEO's involves substantial physical risks and personal danger. According to the FBI's 2001 Uniform Crime Report, 52 Customs officers were assaulted in 2001, 18 of which were assaulted with weapons such as vehicles, firearms, blunt objects or personal weapons. Customs officers also accounted for 52 out of 84 Treasury Department officers injured in the line of duty in 2001, nearly 62 percent. In recognition of the kind of work they were asked to perform, both the Department of Treasury and the Customs Service included Customs Inspectors and Canine Enforcement Officers as law enforcement officers when these statistics were compiled for the 2001 FBI Uniform Crime Report.

Inspectors and CEOs are currently required to undergo nine weeks of basic training at the Federal Law Enforcement Training Center in Glynco, Georgia. In the near future, basic training for DHS inspectional personnel is anticipated to increase to 15-20 weeks when all DHS inspectional training is integrated into one border inspector curriculum. The current training includes criminal law, arrest authority and arrest procedures, search and seizure authority and techniques, self-defense tactics, frisk and pat-down procedures, handcuffing and take-down techniques, anti-terrorism, and firearms use. In addition, all Customs Inspectors and CEOs are issued firearms to protect themselves, their fellow Inspectors, and the public. The decision to require firearms was the agency's necessary response to the constant threat of violence faced by Inspectors in the performance of their duties at all ports. Currently, all Customs Inspectors and CEOs are required to qualify on a firing range at least three times a year.

Training is a matter of life or death for Customs officers, all of whom must be ready to confront armed and hostile travelers and desperate felons and fugitives. Twenty-four Customs

Inspectors have been killed in the line of duty. According to the agency, Inspectors and CEOs have been shot, stabbed, assaulted with blunt objects and threatened. Terrorists, drug smugglers and fugitives do not hesitate to use violence to avoid being caught and arrested.

Customs Inspectors are also responsible for working with the Treasury Enforcement Communications System (TECS), which is connected to the National Crime Index Center computer. TECS lists warrants for people who are wanted by federal, state and local law enforcement agencies as well all terrorist watch lists. Inspectors are required to seize these fugitives, who are wanted for such crimes as murder, robbery or rape, in addition to drug smuggling. Inspectors must detain these fugitives until they are transported to jail.

Not many people recognize the sacrifices that Inspectors and Canine Enforcement Officers make for the CBP. Their lives are controlled by their jobs. They rarely work regular 9-5 schedules and they have little control over the schedules they do work in any given two-week period. Staffing levels are not adequate to meet the needs of most ports, so Inspectors are frequently asked to work on their days off or to work beyond their regular shifts. The constant strain of performing dangerous, life-threatening work on an irregular and unpredictable schedule has a profound impact on the health and personal lives of many Inspectors and CEOs. They must maintain control and authority, sometimes for 16 hours a day, knowing that a dangerous situation could arise at any moment.

Finally, and most importantly, Customs Inspectors and Canine Enforcement Officers are also the first line of defense against terrorism. Many airports have elaborate anti-terrorist plans

in place, and Inspectors work side-by-side with Customs Agents, FBI Agents and other police to carry out contingency plans. Inspectors take the lead in boarding suspicious flights, searching the plane, and looking for stowaways. In these tense situations, fraught with danger, Customs Inspectors are the only enforcement personnel who are not covered by the twenty-year retirement provisions of section 8336(c)(1) of Title 5.

COST ANALYSIS

One of the arguments that has been used in the past to deny granting early retirement to these officers is the cost. There is no doubt that extending law enforcement officer status to additional federal employees will involve substantial costs. NTEU strongly believes that the costs are easily outweighed by the benefits to the officers, their families, and the American public. No one could reasonably dispute the importance of the work done by these law officers.

Given the significance of these jobs, it is vitally important for Customs to be competitive with other state and local law enforcement agencies in the recruitment and retention of first-rate personnel. Yet we know that the combination of low starting salaries and second-rate retirement benefits does not always attract the best candidates for these difficult, dangerous and essential jobs. Recruitment and retention of capable personnel was a preeminent consideration behind Congress' establishment of the twenty-year retirement option for other law enforcement officers and firefighters. NTEU believes the same compelling reason exists here.

Newer hires to CBP are highly susceptible to the pull of twenty-year retirement benefits and higher salaries offered by state and local law enforcement agencies. They have received

costly training and on-the-job experience within CBP, but they know they deserve to be rewarded for the dangers and risks they are exposed to every day. All too often, talented young officers treat Customs as a stepping-stone to other law enforcement agencies with more generous retirement benefits. One only has to look at the number of Customs personnel lost to the Air Marshal program during the last few years because of the benefit of twenty-year retirement. When this occurs, both CBP and the wars on terrorism and drugs suffer as a result.

While NTEU believes that the benefits of a twenty-year retirement clearly outweigh the costs, there are certainly ways to ease the financial burden to these agencies and the taxpayers. These options include a phase-in period for the retirement eligibility, or the mandatory retirement age. The Subcommittees could devise a twenty-year retirement package for CBP much like that received by Members of Congress and air traffic controllers, who also benefit from a twenty-year retirement.

ONE FACE AT THE BORDER

In 2003, the Department of Homeland Security (DHS) announced the creation of a new Customs and Border Protection Officer (CBPO) position and the “One Face at the Border” initiative. Under this plan, a new position, the CBPO, would combine the duties of legacy inspectors from Customs, the Immigration and Nationalization Service (INS) and the Animal and Plant Health Inspection Service (APHIS) into a single front-line border security position. This is being put into effect at all international airports.

Essentially, the “One Face at the Border” initiative was aimed at unifying the inspection process that travelers entering the United States have to go through. Instead of making three stops – an Immigration Inspector, a Customs Inspector and an Agriculture Inspector -- travelers would meet with a single primary inspections officer who was specially trained to do the job of all three.

Unfortunately, this has not been the case. Combining the border protection responsibilities that were held by three highly-skilled specialists into a “super inspector” has severely undermined effectiveness at CBP.

Until 2003, each of the job responsibilities that were held by three legacy inspection agencies was highly specialized and distinct. DHS created the CBPO position with the assumption that the basic skill sets for legacy Customs and INS inspectors are similar. They are not.

Prior to the creation of the CPBO position, legacy Customs inspectors received 9 to 12 weeks of intensive basic training on Customs Service rules and regulations alone. Now, new CBPOs receive only 14 weeks of training for all Customs, INS and APHIS rules and regulations. Transitioning CBPOs receive no new intensive cross-training, but instead are given a CD-ROM and on-the-job training. This may work as far as primary inspections are concerned. However, it is in secondary inspections where expertise is needed. When faced with a complicated VISA entry or customs situation at an airport or land border primary inspection station, there is now a lack of expertise and training to perform an intensive secondary inspection where experienced

legacy INS and Customs inspectors could in the past make a determination as to the validity of a particular document or cargo manifest.

Consolidating these three organizations has caused logistical and institutional chaos and has taken attention away from critical homeland security priorities. It is true that all three of these organizations deal with front line border and port security, but they do so in very different capacities.

NTEU members, working on the frontline of border security, know that, as currently implemented, the “One Face at the Border” initiative is not achieving the national security mission envisioned by its authors. At a minimum, a detailed, independent review of the “One face at the Border” initiative must be done. I would recommend legislation requiring such a review.

CONCLUSION

NTEU is convinced that CBP Officers should receive the same early retirement benefits as those enjoyed by other federal law enforcement personnel. When law enforcement officers from different agencies join forces on a drug raid or to search a plane for criminals, Customs officers are often the only law officers on the scene who are not eligible for early retirement. They all face the same dangers and the risk of death or injury, but they don't all have the same rights and benefits. We also believe that adequate staffing is essential if we are to have the

security at our airports we all expect and that the "One Face at the Border" initiative is deeply flawed.

CBP officers put their lives on the line every day to serve the American people. The work they do is as dangerous as it is important. In the course of fighting the wars on terrorism and drugs, these men and women have been beaten, kicked, stabbed, and dragged; some have been killed. They are part of the family of law enforcement officers across this nation who put themselves in harms way to uphold the laws passed by this Congress. They are subject to the same dangers, meet the same rigorous job standards, and rely on the same investigative skills and techniques as other law enforcement officers who enjoy the benefits of twenty-year retirement. Common sense demands an end to this inequity.

Thank you for the opportunity to be here today on behalf of NTEU and its 155,000 members to discuss these extremely important federal employee issues.

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Washington, DC 20229U.S. Customs and
Border Protection

APR 4 2006

The Honorable Jon Christopher Porter
Chairman
Subcommittee on Federal Workforce and Agency Organization
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your interest in U.S. Customs and Border Protection (CBP) and our efforts to appropriately staff our nation's borders and ports of entry. In response to your request, I am pleased to provide information on our current staffing levels, as well as our hiring process. Our staffing levels and rigorous hiring process ensure that CBP completes our primary mission of securing the American public against terrorists and the instruments of terror.

As America's frontline, CBP serves as the guardians of our border. Nationwide, more than 18,000 CBP Officers process incoming people and cargo at more than 300 ports of entry. On the average day, these men and women process 1.1 million passengers, half of which are typically aliens, and deny admission to 868 non-citizens. The cargo numbers are also staggering, with an average of approximately 70,000 truck, rail, and sea containers screened daily. Each day, CBP collects just over \$81 million in fees, duties, and tariffs, and seizes roughly 5,500 pounds of narcotics.

The unification of the inspection functions from three legacy agencies in three different Cabinet Departments into a single CBP Officer position has significantly increased our efficiency at airports and other ports of entry. Nonetheless, CBP has maintained the specialized skills of the three legacy areas. For example, CBP has created the new position of Agriculture Specialist to aid our CBP Officers in protecting American agriculture interests from introduced threats such as harmful pests and diseases.

Between our established ports of entry, more than 11,000 Border Patrol Agents apprehend an average of 3,000 people each day trying to enter our country illegally. In addition to patrolling 6,900 miles of land border, the Border Patrol operates 33 interior checkpoints, providing a layered defense against illegal entry.

To accomplish these results, CBP has an extraordinary workforce. A quality recruiting process is used to ensure that a large pool of candidates can be reduced to a group of outstanding, qualified candidates. After rigorous testing and interviewing, tentatively selected candidates undergo an intensive background investigation. Integrity assurance is a requirement for all CBP employees. After the extensive initial investigation, all CBP employees are subject to periodic reviews and investigations of any complaints filed against them. Working with U.S. Immigration and Customs Enforcement, the CBP Office of Management Inspections and Integrity Assurance ensures that all CBP employees are held to the highest standards. These standards allow us to serve the American public with vigilance, integrity, and professionalism.

Training is also a critical factor in insuring the quality of CBP's workforce. Border Patrol Agents attend 20 weeks of training at the Border Patrol Academy in Artesia, New Mexico, while CBP Officers attend 16 weeks of training at the Federal Law Enforcement Training Center in Glynco, GA. Both CBP Officers and Border Patrol Agents continue with on-the-job training and advanced training at regional and headquarters locations. All training programs are coordinated and continually reevaluated by CBP's Office of Training and Development.

CBP continuously monitors staffing levels. Everyday, more than 230,000 passengers are processed by CBP Officers at our Nation's international airports. Our current staffing levels enable us to maintain an average wait time of 32 minutes for primary inspection. CBP continually looks for ways to expedite the processing of law-abiding travelers, while targeting potential smugglers, terrorists, and illegal immigrants.

To this end, we are developing two model airports at George Bush Intercontinental Airport in Houston, TX, and Dulles International Airport, in Dulles, VA. These model airports will enable CBP to continue refining the mix of human and technological resources; thereby maximizing our effectiveness. In a similar exercise on our borders, the Secure Border Initiative is pursuing the appropriate mix of personnel, technology, infrastructure, as well as manned and unmanned air support to best gain operational control of our land borders.

Across our operations, CBP recognizes that the flow of legitimate visitors and goods to the United States is vital to our economy. We steadfastly enforce the laws of the United States, while fostering economic security through lawful international trade and travel. Our men and women are among the most highly trained and respected in law enforcement, and are the most important tool we have to pursue our critical mission.

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CBP is grateful for the support provided by the Congress for recent budget requests, and we look forward to working with Congress in the future to secure the American homeland at and beyond our borders.

If we may offer further assistance, please contact me at (202) 344-1760.

Sincerely,



for Thaddeus M. Bingel
Assistant Commissioner
Office of Congressional Affairs.