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AVIATION SECURITY: AN UPDATE

(110–156)

HEARING

BEFORE THE

SUBCOMMITTEE ON AVIATION

OF THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

JULY 24, 2008

Printed for the use of the
Committee on Transportation and Infrastructure

U.S. GOVERNMENT PRINTING OFFICE

43–755 PDF WASHINGTON : 2008

For sale by the Superintendent of Documents, U.S. Government Printing Office
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July 23, 2008

SUMMARY OF SUBJECT MATTER

TO: Members of the Subcommittee on Aviation

FROM: Subcommittee on Aviation Staff

SUBJECT: Hearing on "Aviation Security: An Update"

PURPOSE OF HEARING

The Subcommittee will meet on Thursday, July 24, 2008, at 10:00 a.m. in room 2167 Rayburn House Office Building to receive testimony regarding Aviation Security: An Update.

BACKGROUND

Before the terrorist attacks of September 11, 2001, aviation security in the United States was shaped largely as a result of past events such as the proliferation of domestic hijackings between 1961 and 1972 and the 1988 bombing of Pan Am flight 103[1]. In response to these incidents, metal detectors and X-rays were installed to find guns and other weapons, and investments in research and development were made to find new technology and equipment to indentify additional items that posed an aviation security threat. Following the attacks of September 11, 2001, the *Aviation and Transportation Security Act* (*ATSA*, P.L. 107-71) made significant changes to aviation security policy and strategy, including federalizing the screener workforce and requiring 100 percent screening of carry-on and checked baggage. The 9/11 Commission Report issued on July 22, 2004, stated that the Transportation Security Administration (TSA) had not yet created a comprehensive plan for aviation.[2] In response, Congress passed the *Intelligence Reform and Terrorism Prevention Act of 2004* (*IRTPA* P.L. 108-458) to require the Secretary of Homeland Security and the Secretary of Transportation to work jointly on such a strategy. The Department of Homeland Security (DHS)

[1] Pan Am flight 103 crashed into the city of Lockerbie, Scotland after a bomb in the luggage compartment exploded, the crash killed all 259 passengers and 11 people on the ground.
[2] Final Report of the National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, 390-391, (W.W. Norton & Company, July 22, 2004).

was directed by the Bush Administration to create a national strategy and comprehensive plan for aviation security in June of 2006. The strategy became National Security Presidential Directive 47/Homeland Security Presidential Directive 16 (NSPD-47/HSPD-16).[3] On March 26, 2007, the National Strategy for Aviation Security was released, the strategy aligns Federal government aviation security programs and initiatives into a comprehensive and cohesive national effort involving appropriate federal, state, local, and tribal governments and the private sector to provide active layered aviation security for the United States.[4]

I. Screening Procedures and Technologies

A. Passenger and Carry-on Baggage Screening

Current checkpoint passenger screening consists of going through a metal detector, which are used to identify metals on passengers. If metal is found, a secondary screening is performed by wanding the passenger and a physical pat-down is performed. This is fundamentally pre-9/11 technology. By the end of 2008, TSA states that over half of the travelers will be screened by advanced technology X-ray, the majority will be observed by behavior detection officers, and 100 percent will be checked by document checkers.

To strengthen checkpoint passenger screening, two new technologies are currently being piloted in the screening process, including X-ray backscatter and Millimeter Wave Imaging Systems. X-ray backscatter technology measures the scatter or reflections of the X-ray beam differentiating the organic materials (different chemical elements in these materials scatter the X-ray in different patterns). Millimeter wave screening technology refers to a wide array of screening devices capable of creating highly detailed images by measuring the reflections of ultra high frequency (i.e., in the 30-300 giga-Hertz frequency range) waves emitted by the system that are capable of passing through barriers that normally preclude visual inspection.

At the security checkpoint, passengers' carry-on property is also screened. Passengers remove shoes, coats, and other items, which are sent through an X-ray machine along with bags, purses, computers and other carry-on items.

On April 28, 2008, TSA introduced the Checkpoint Evolution prototype at the Baltimore-Washington International Thurgood Marshall Airport (BWI), with the goal of introducing new technologies such as the Millimeter Wave, multi-view X-ray, and liquid bottle scanners at one checkpoint. BWI managers completed a 16-hour training program to incorporate the latest intelligence analysis, explosive detection, and also received interpersonal communication training to create a calm checkpoint environment to better identify unusually nervous or incongruous behavior.

According to TSA, it will continue to test emerging technologies -- such as whole body imagers, explosives trace portals, cast and prosthesis scanners, next generation explosives trace detection equipment, automated carry-on baggage explosives detection systems, advanced technology X-ray systems, and bottle liquid scanners. According to TSA, it has not yet identified the technology solutions it believes would be appropriate for wide scale purchase and deployment.

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[3] President George W. Bush, *National Security Presidential Directive/NSPD-47, Homeland Security Presidential Directive/HSPD-16, Subject: Aviation Security Policy*, Washington, DC: The White House, June 20, 2006.

[4] U.S. Department of Homeland Security, *The National Strategy for Aviation Security*, March 26, 2007, at 1.

B. Checked Baggage Screening

The *ATSA* required screening of all checked baggage by Explosive Detection Systems (EDS). EDS systems use X-ray computed tomography to scan objects, and computational algorithms that assess the probability of threat object detection based on object density characteristics. Certified EDS systems must meet acceptable detection and false alarm rates for bulk explosive detection. While most specific performance criteria of certified EDS systems are classified, EDS systems used for checked baggage must meet or exceed a throughput rate of 450 bags per hour.

In the last few years, there have been numerous findings from the 9/11 Commission, the Government Accountability Office (GAO), and TSA that document the benefits of moving EDS machines from airport lobbies and placing them in-line with baggage conveyor systems and behind ticket counters. These benefits include:

- ***Increased Baggage Throughput***: Baggage throughput would be increased from 150 bags per hour with current lobby installations to 450-600 bags per hour with high speed in-line systems.

- ***Reduced TSA Operating Costs***: GAO reports that TSA has estimated that in-line baggage screening systems at the 9 airports that received federal funding through letter of intent (LOI) agreements could save the Federal Government approximately $1.3 billion over the next 7 years.

- ***Increased Security***: Moving explosives units into a secured area will promote greater security because: 1) screening machines will not be exposed to the public; 2) screeners will be able to focus on screening bags rather than moving them; and 3) fewer people will be congregated around machines in the public area.

Between fiscal year (FY) 2002 and FY 2006, Congress appropriated a total of $2.078 billion for EDS-related terminal modifications, although more than $500 million of those funds (mostly in FY 2002) were dedicated to moving the machines into airports to meet statutory deadlines for electronically screening checked baggage.

TSA and airport operators rely on LOI agreements as the principal method of federal funding for the modification of airport facilities to incorporate in-line baggage screening systems. As of January 2003, TSA issued 8 letters of intent to cover the costs of installing systems at 9 airports for a total cost to the Federal Government of $957.1 million over 4 years. No new LOIs have been issued since.

At the end of FY 2006, 36 airports had operational in-line systems – 18 airports with full systems and 18 airports with partial systems (terminal solutions). Over the next year, TSA expects full and partial in-line systems to become operational at 25 additional airports.

In February 2006, TSA completed its *Strategic Planning Framework for the Electronic Baggage Screening Program*, which provides a deployment strategy for in-line EDS. The plan provides optimal screening solutions – e.g. high speed in-line, micro in-line (i.e., behind the ticket counter), stand

alone EDS -- for 250 airports. Additionally, the plan provides a list of the top 25 priority airports. TSA officials estimate that it will cost approximately $4 to $6 billion (purchase, installation and associated infrastructure upgrades) to achieve its optimal solution by 2019.

C. Employee Screening Pilot Program

According to TSA, it currently deploys a layered approach to employee security that includes random and roving screening, checkpoint screening for certain populations, and "surge" inspections.[5] TSA requires employees at an airport with a badge to clear a security threat assessment before a badge can be issued. Audits are underway at airport badge offices across the country to verify adherence to this measure.

The FY 2008 *Consolidated Appropriations Act* (P.L. 110-161) required TSA to create a pilot program to evaluate 100 percent employee screening at three airports and alternative employee screening at four other airports for 90 days, and submit a report to Congress with cost and effectiveness results by September 1, 2008. In May of 2008, 100 percent employee screening began at Boston's Logan International (BOS), Jacksonville (Florida) International, and Craven Regional (New Bern, North Carolina). At the same time, a variation of random screening, behavior detection programs, employee security awareness training, deployment of portable screening equipment, and or the use of biometric access control began at Denver International (DEN), Kansas City (Missouri) International, Eugene (Oregon), and Southwest Oregon Regional (North Bend, Oregon).

D. Transportation Security Officers (TSOs) Staffing

There are over 43,000 TSOs nationwide at approximately 400 airports. TSOs are trained on the latest checkpoint technology, behavioral recognition, and screening techniques. Each TSO must pass a recertification each year. Since 2004, TSA has used a Staffing Allocation Model (SAM) to determine appropriate staffing levels at airports. Although there have been many concerns about staffing levels at particular airports, the GAO found in 2006 that TSA's SAM model was more accurate at predicting staffing needs than previous models. There continue to be some concerns, however, related to the assumed number of part-time TSOs, the timing of the annual allocation, and the process for making staffing adjustments.

E. Crew Personnel Advanced Security System (CrewPASS)

The *9/11 Commission Recommendation Act of 2007 (9/11 Commission Act,* P.L. 110-53*)*, mandates that TSA report to Congress on its "efforts to institute a sterile area access system or method that will enhance security by properly identifying authorized airline flight deck and cabin crew members at screening checkpoints and granting them expedited access through screening checkpoints." Using the existing Cockpit Access Security System (CASS) data and technology, the Air Line Pilots Association collaborated with TSA to create a pilot program to expedite pilots at airport screening checkpoints. On July 17, 2008, CrewPASS was implemented at three locations: BWI, Pittsburgh International Airport, and Columbia (South Carolina) Metropolitan Airport. Eligible flight crew members must present two forms of identification (airline-issued ID and driver's license or passport) to TSOs at the exit lane of the security checkpoint. TSOs check these credentials via a

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[5] Press Release, TSA, *TSA to Pilot Airport Employee Screening at Seven Airports*, (Feb. 11, 2008), http://www.tsa.gov/press/releases/2008/0211.shtm.

secure, real-time flight deck crew member database that includes a picture and other information to verify the individual's identity and employment status. Pilots who utilize the program are still subject to random screening, observation by behavior detection officers and other layers of security.

F. Registered Traveler (RT) program

The TSA and private industry developed the RT[6] program to provide an accelerated security screening for passengers who agree to undergo a TSA-conducted security threat assessment (STA) to confirm that they do not pose, nor are suspected of posing, a threat to transportation or national security. TSA is responsible for setting program standards of this market driven private-sector run program, conducting the STA, physical screening at TSA checkpoints, and certain forms of oversight. The private sector is responsible for enrollment, verification, and related services.

Applicants provide RT participating airports/air carriers and service providers (TSA-approved vendors) with biographic and biometric data needed for TSA to conduct the STA and determine eligibility. The STA includes inspection of each applicant's identity against terrorist-related, law enforcement, and immigration databases that TSA maintains or uses.

Once an applicant qualifies for RT, the traveler is able to take advantage of the benefits of the RT program, such as modified airport configuration to minimize RT passenger wait times, including dedicated or integrated lines and lanes. Other potential benefits incorporate enhanced customer service for RT participants, such as additional assistance, concierge service for luggage, parking privileges, and discounts for service or concessions. Additional benefits will depend on the ability of the private sector to identify and invest in innovations that TSA would approve.

The current phase of the RT program, known as the Registered Traveler Interoperability Pilot (RTIP), introduces interoperability among participating airports/air carriers. The RTIP is expected to include roughly 10-20 sponsoring entities. Several sponsoring entities are already operating the RT program at their respective locations. On July 23, 2008, TSA announce that it is ending the pilot and clearing the way for expansion of the RT program while limiting its involvement in the program.

G. Biometrics

Biometrics requirements for use in airport access control and credentialing was included in both *ATSA* and *IRTPA*. *IRTPA* required TSA to provide for the use of biometrics for both airport access control and law enforcement officer travel. While TSA has issued biometric standards, it had not issued performance standards to allow airports to make decisions about which biometric systems best meet its needs.

Law enforcement officers from as many as 18,000 separate state and local law enforcement agencies are estimated to fly armed. State and local law enforcement officers need only to present their agency's credential and a letter on the agency's letterhead stating that they have a work-related reason to fly armed. It has also been estimated that federal law enforcement officers from as many as 130 different agencies may fly armed even if they are not on official business. The number of different types of law enforcement credentials is a security problem for officials that must

[6] TSA, Registered Traveler: Our Approach, http://www.tsa.gov/approach/rt/index.shtm.

authenticate them, not to mention the proliferation of fake law enforcement credentials that are available on the Internet.

Along with biometrics usage for airport access control, the *IRTPA* required TSA to begin issuing a uniform biometric law enforcement credential within 120 days of enactment. Federal, state and local government law enforcement officers that want to fly armed present a TSA-issued credential that can biometrically authenticate their identity.

During a May 2004 Aviation Subcommittee hearing on the *Use of Biometrics in Aviation Security*, several witnesses and Subcommittee members urged the TSA to promulgate guidelines and standards for biometrics. The GAO also recommended that the TSA assess current access control technologies, including biometrics, and issue guidance regarding what technologies airports should use. Because the TSA had not issued any guidance, airports held off on equipping with biometrics systems. Airports do not want to purchase a system and then have the TSA require something else.

The *IRTPA* also mandated that the TSA issue guidance and operational requirements for biometrics systems by May 31, 2005. Though biometric technology is being tested at several airports (BOS, DEN, and San Francisco International Airport) across the country, TSA has yet to issue a uniform biometric law enforcement credential or guidance and operational requirements for biometrics.

II. Domestic Passenger Air Cargo[7]

The screening of passenger air cargo has long been an issue. Potential threats include: illegal shipments of hazardous materials; plots to place explosives aboard aircraft; criminal activities such as smuggling and theft; and potential hijackings and sabotage by persons with access to aircraft. Several procedural and technology-based initiatives to enhance air security and deter terrorist and criminal threats have been put in place or are under consideration. *ATSA* contains general provisions for cargo screening, inspection, and security measures. Under *ATSA*, cargo carried in passenger airplanes must be screened or its security otherwise ensured. In practice, TSA has relied heavily on "known shipper protocols"[8] to prevent shipments of cargo from unknown sources on passenger aircraft.[9]

The *IRTPA* included provisions establishing a pilot program for evaluating the deployment of blast-resistant cargo containers; promoting the research, development, and deployment of enhanced air security technology; evaluating international air threats; and finalizing operational regulations of air security. Those regulations require the use of an industry-wide known shipper database, background checks of workers, and enhanced security measures. In addition to these measures, Congress has provided appropriations to hire more canine teams and inspectors.

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[7] In 2006, TSA finalized new rules for all-cargo flights that require the use of an industry-wide known shipper database, background checks of air cargo workers, and enhanced security measures at air cargo operations areas.
[8] Known shipper protocols include procedures for differentiating trusted shippers, known to a freight forwarder from unknown shippers, which then require additional screening and inspection.
[9] Bart Elias, *Aviation Security: Background and Policy Options for Screening and Securing Air Cargo*, Congressional Research Service (February 25, 2008) at 13.

The *9/11 Commission Act*, requires TSA to screen 50 percent of all cargo shipped on board passenger aircraft by February 2009, and 100 percent screening by August 2010. TSA Assistant Administrator John Sammon recently stated that through a combination of focusing on high-volume cargo airports and high-volume passenger flights, TSA expects to meet the 50 percent requirement in the Act.[10] The *9/11 Commission Act* also directs the TSA to implement a program for deploying blast-resistant cargo containers for use by air carriers on a risk-managed basis.

III. Secure Flight -- U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT)

TSA created the Secure Flight program in response to the *IRTPA* and the *9/11 Commission Act*, which mandates that TSA assume the passenger pre-screening function from the airlines. Currently, airlines are responsible for matching passengers to the Terrorist Screening Center (TSC) watch list. According to TSA, Secure Flight[11] will increase the security of the TSC watch-list, improve screening consistency and efficiency.

On August 23, 2007, TSA published a notice of proposed rulemaking (NPRM) for implementing Secure Flight. Along with the Secure Flight NPRM, on August 23, 2007, TSA published a related but separate final rule regarding the Advance Passenger Information System (APIS) administered by U.S. Customs and Border Protection (CBP) for screening passengers of international flights departing from or arriving to the United States.[12] TSA states:

> We propose that, when the Secure Flight rule becomes final, aircraft operators would submit passenger information to DHS through a single DHS portal for both the Secure Flight and APIS programs. This would allow DHS to integrate the watch list matching component of APIS into Secure Flight, resulting in one DHS system responsible for watch-list matching for all aviation passengers.[13]

According to the August 23, 2007, Secure Flight NPRM, in accordance with the *IRTPA*, "TSA would receive passenger and certain non-traveler information, conduct watch-list matching against the No Fly and Selectee portions of the Federal Government's consolidated terrorist watch-list, and transmit boarding pass printing instructions back to aircraft operators."[14] TSA expects to assume watch-list matching for domestic flights beginning in January 2009 and to assume the function from the CBP for flights to and from the United States by FY 2010.

The DHS established the US-VISIT program to collect, maintain, and share data on selected foreign nationals entering and exiting the United States at air, sea and land ports of entry. This data includes biometric digital fingerprints to be used to screen persons against watch-lists, verify visitors' identities, and record arrival and departure. CBP officers use an inkless, digital finger scanner to capture finger scans of each person entering the United States.

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[10] John Doyle, *TSA Claims Ability to Screen 50% of Cargo on Airlines by Feb. 2009*, Aviation Daily, July 16, 2008, at 2.
[11] TSA will not use Secure Flight to check for outstanding warrants, which was originally included in the program.
[12] Advance Electronic Transmission of Passenger and Crew Member Manifests for Commercial Aircraft and Vessels; 72 Fed. Reg. 48320, (August 23, 2007).
[13] Secure Flight Program; 72 Fed. Reg. 48356, (August 23, 2007).
[14] Ibid.

In May of 2007, DHS completed its biometric exit pilot program, which consisted of kiosks that collect inkless digital fingerprints. DHS found that the program technology worked, but that the program had low traveler compliance. The DHS determined that US-VISIT air exit procedures should be incorporated into the existing international visitor departure process to ensure seamless biometric collection regardless of the visitor's departure point. On April 24, 2008, DHS issued a NPRM[15] requiring commercial air carriers and vessel owners and operators to collect and transmit biometric exit information to DHS, in conjunction with passenger manifest information already being collected and submitted by the carriers. Air carriers are opposed to the rule because they consider the collection of biometric exit information to be inherently governmental. The proposed rule would not apply to small carriers and vessel owners and operators, or to general aviation.

IV. Foreign Repair Stations

The Federal Aviation Administration oversees the safety of repair stations but not the security of the facilities. To address the security oversight of facilities, Congress passed *Vision 100* (P.L. 108-176) in December 2003 and the *9/11 Commission Act*, both of which mandate that the TSA issue regulations to ensure the security of foreign and domestic repair stations certified by FAA, complete a security review, and audit of foreign repair stations certified by the FAA. Under the *9/11 Commission Act*, if the TSA does not issue a final rule by August 3, 2008, the FAA will be prohibited from issuing new certificates to foreign repair stations; there is an exception for certificate renewals and applications in process.

[15] Collection of Alien Biometric Data upon Exit from the United States at Air and Sea Ports of Departure; United States Visitor and Immigrant Status Indicator Technology Program; 73 Fed. Reg. 22065, (April 24, 2008).

WITNESSES

PANEL I

The Honorable Kip Hawley
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Director
Homeland Security and Justice Issues
U.S. Government Accountability Office

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Mr. John M. Meenan
Executive Vice President and Chief Operating Officer
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Mr. Ajay Mehra
President
Rapiscan Systems, Inc.

Mr. Steven Brill
Chairman and Chief Executive Officer
Clear | Verified Identity Pass, Inc.

Captain John Prater
President
Airline Pilots Association, International

AVIATION SECURITY: AN UPDATE

Thursday, July 24, 2008

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
SUBCOMMITTEE ON AVIATION,
Washington, DC.

The Subcommittee met, pursuant to call, at 10:02 a.m., in Room 2167, Rayburn House Office Building, Hon. Jerry F. Costello [Chairman of the Subcommittee] presiding.

Mr. COSTELLO. The Subcommittee will come to order.

The Chair will ask all Members, staff, everyone here in the room to turn their electronic devices off or on vibrate.

The Subcommittee is meeting today to hear testimony on aviation security, an update on aviation security. I will give a brief opening statement and then call on the distinguished Ranking Member of the Subcommittee to give brief remarks or an opening statement. And then we will go to our first panel.

I want to welcome everyone to this Subcommittee hearing on ″Aviation Security: An Update.″ I am pleased to welcome the Administrator of the Transportation Security Administration and the Assistant Secretary of Homeland Security, Kip Hawley, to the Subcommittee hearing today. We met in the last few weeks in a closed-door session to be briefed on a number of security issues, and we always appreciate the briefings that he and his staff provide to the Subcommittee.

September the 11th, 2001, demonstrated weaknesses in the Federal aviation security system that were due in part to a lack of national standards. When Congress passed the Aviation and Transportation Security Act, the goal was to ensure that each airport would be following the same protocol, including the same hiring, training and testing standards. Subsequent legislation further sharpened that goal by requiring a comprehensive plan for aviation.

I believe that we have taken positive steps to ensure aviation security through technology upgrades and improvements, a federalized screener workforce, and a continued focus on a comprehensive approach to airline and airport security. Make no mistake: The traveling public is safer today than they were before September the 11th, 2001.

For many traveling this summer, airport security can be a frustrating experience. However, the TSA has been working with airports to introduce the Checkpoint Evolution, also being referred to as the ″checkpoint of the future,″ which is being demonstrated at BWI Airport, which I flew out of and experienced last week. The

program will introduce new technologies and create a better checkpoint experience for the passengers and travelers. And I am interested in hearing more about that initiative from Mr. Hawley today.

Further, I have been a proponent of in-line Explosive Detection Systems and have introduced legislation in the past to help generate additional revenues so that more airports can be equipped with EDS. In-line baggage screening systems have a much higher throughput than stand-alone systems. If we install in-line systems, more bags will be screened by Explosive Detection Systems instead of less reliable methods.

Of the largest 29 airports in the country, six have full in-line EDS systems, while 14 have partial EDS systems. 52 airports in total have either full or partial systems, and 407 of the federalized airports in the United States do not have in-line EDS systems.

The TSA and airport operators rely on letters of intent as their principal method for funding the modification of airport facilities to incorporate in-line baggage screening systems. The TSA has issued 8 LOIs to cover the cost of installing systems at nine airports, for a total cost to the Federal Government of $957.1 million over 4 years.

In the past, the General Accountability Office reports that TSA has estimated that in-line baggage screening systems at the nine airports that received LOI funding could save the Federal Government $1.3 billion over 7 years. The TSA further estimated that it could recover its initial investment in the in-line systems at these airports in a little over 1 year.

I am interested in hearing more from TSA and the GAO on what progress is being made on the in-line EDS, and when we can and where we can expect to see more installations of these systems to optimize our security system at our airports.

I am also interested in an update on domestic air cargo screening, given that 100 percent of passenger air cargo must be screened by 2010. Further, I have concerns with the pace at which TSA is moving to issue and implement security regulations for foreign repair stations. Under current law, the FAA will be prohibited from issuing new certificates to foreign repair stations if TSA does not issue a final rule by August 3rd, 2008. I want to know from TSA if they plan to make this deadline and, if not, what is the realistic timeline that Congress can expect the rule to be issued.

Finally, I believe that the Registered Travelers program and initiatives like CrewPASS are important programs to expedite frequent travelers and crew members through security checkpoints, allowing screeners to spend more time on others. I would like to hear what progress is being made on the RT program and also the CrewPASS program.

With that, I again welcome our witnesses here today and look forward to hearing their testimony.

Before I recognize Mr. Petri for his opening statement, I would ask unanimous consent to allow 2 weeks for all Members to receive and extend their remarks and to permit the submission of additional statements and materials by Members and witnesses.

Without objection, so ordered.

At this time, the Ranking Member, Mr. Petri, is recognized for his comments or opening statement.

Mr. PETRI. Chairman Costello, thank you for holding this hearing on aviation safety.

Each year, our Government spends billions of dollars to protect airline passengers, and, as frequent flyers ourselves, we experience the impact of these efforts on a weekly basis. This Subcommittee remains diligent in our general oversight responsibilities over the Transportation Security Administration and how new security policies affect the traveling public and the airline industry.

There is such a fine line between security and safety that we would be remiss if we did not track and seek updates on TSA's activities in the aviation area. As such, I am interested in learning what the Transportation Security Administration is doing to strike the right balance between addressing security needs and avoiding excessive hassle to the airline passenger.

I am interested in learning how technology solutions might increase the level of security provided, while expediting what is currently a burdensome and arduous process for passengers, airports and airlines alike.

Finally, I would like to hear how security efforts are coordinated around the world. Aviation is a global industry, and our security procedures should reflect that.

Given the scarce resources available for transportation security, we must not ignore other transportation modes. It would seem to me that by ensuring that the most efficient technologies are used in aviation security, we can free up security resources for other transportation modes.

To be sure, aviation remains the target of choice of our enemies, so we must not take the eye off the ball, but we must be sure not to ignore security vulnerabilities in other transportation modes as well.

With that, I thank the Chairman, and I look forward to hearing from the witnesses, and yield back the balance of my time.

Mr. COSTELLO. I thank the Ranking Member, and now recognize the gentlelady from the District of Columbia, Ms. Norton.

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

And I particularly thank you for today's hearing. I know you intended to have this hearing on security in any case, but I also requested this hearing because there are a number of very important issues that overlap with the Homeland Security Committee, on which I also serve. And this Subcommittee is, I think, very important to move those issues forward in concert with the Homeland Security Committee.

I was concerned when I asked for this hearing that my own jurisdiction was the last and the latest in getting the Registered Traveler program, among other things, Mr. Chairman. But, as you know, my concern is far more comprehensive, largely because I represent the Nation's capital, which is, of course, why I am a Member of the Homeland Security Committee.

I am interested in many of the security issues that will be before us, particularly domestic cargo, employee screening, a number of issues you named and I join with you in believing are important to air.

Mr. Chairman, the airline business was in deep trouble long before 9/11. With gas prices, one wonders how we still have an airline

industry. We can't do anything about a sector that operates in the marketplace, but we have in our hands, it seems to me, one way to help the airlines, which now experience—have the kind of experience that I associate with my college days, riding the buses. The fact is that the airline travel, for some reasons not in their control, indeed often for reasons not in their control—crowding in the air, like, particularly weather—but the inconveniences on the ground are often, Mr. Chairman, in our hands.

When after 9/11 we responded appropriately by making sure that the screeners were in fact federalized, I am sure that security is better now than it was then. Nevertheless, I think if you go to an airport, as my colleagues are condemned to do and I am not, I think you will wonder whether or not things have gotten worse for passengers, for people who have to use the airlines, and what can be done about that.

There is where I think the Congress has a very important role, because so much of it has to do with security, and that is in our hands. We are having a boom in mass transit. We responded recently with the appropriate bill. We are not having a boom in air travel.

Federalizing the screeners was the right thing to do. But, Mr. Chairman, I am convinced that technology is the answer to most of the inconvenience, including more accurate screening of cargo, of luggage, of people. This is not the country we were in innovation, where if there was an emergency you simply moved to it because the Government got out of the way or did a lot of R&D and helped people to do it quickly. This is a country that keeps people doing by hand things that, seems to me, the technology sector already are able to do. And one of the things I want to find out is why most of what we do, albeit with human beings doing the screening, is not now moving more fastly toward a technology-oriented approach to security in airports.

Thank you very much, Mr. Chairman.

Mr. COSTELLO. I couldn't agree with the gentlelady more. And technology is the answer. And that is one of the reasons why we want to hear a progress report on EDS and some other systems, as well.

The Chair now recognizes the gentleman from North Carolina, Mr. Hayes, for brief comments.

Mr. HAYES. Thank you, Mr. Chairman. I appreciate what you are doing. The TSA folks are doing great work. And we looking forward to getting biometrics and some other things to get things moving. Thanks for doing this today.

Appreciate the witnesses being here.

Mr. COSTELLO. The Chair would like to now move to the witnesses. Any other opening statements?

If not, before I recognize our witnesses, let me mention that the Homeland Security Committee, the Subcommittee on Transportation Security and Infrastructure, the Chairperson of that Committee is Sheila Jackson Lee. And she has contacted me. We have been working together, and we are going to continue to work very closely together on these issues with TSA. We had conversations over the last week and as late as last night.

So, with that, let me recognize and introduce our witnesses on the first panel: The Honorable Kip Hawley, Assistant Secretary, U.S. Department of Homeland Security, Transportation Security Administration; Cathleen Berrick, who is the director of Homeland Security and Justice Issues with the U.S. Government Accountability Office.

With that, Mr. Hawley, you are recognized under the 5-minute rule.

And as all of the witnesses today should know, their full statement will appear in the record.

Mr. Hawley, you are recognized.

TESTIMONY OF HON. KIP HAWLEY, ASSISTANT SECRETARY, TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY; CATHLEEN A. BERRICK, DIRECTOR, HOMELAND SECURITY AND JUSTICE ISSUES, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Mr. HAWLEY. Thank you very much, Mr. Chairman, Ranking Member Petri, and Members of the Committee.

I would like to start off with a recognition that this public hearing is the first for me in front of this Subcommittee. However, I have appeared approximately six times in closed, classified sessions with this Subcommittee. And I want to express my appreciation to the Chairman and Ranking Member and all the Members and staff for the amount of work and preparation that they have put into these important issues. And I look forward to a very good dialogue here today.

I would also like to recognize the Deputy Administrator of TSA, Gale Rossides, who is behind me, who will be Acting Administrator when there is a change of administration. We are working very hard, under the leadership of Deputy Secretary of Homeland Security Paul Schneider, to assure that the transition is smooth and that we have a totally seamless operational transfer. And that will occur.

I would like to just recap where we are.

On the threat picture, we have recently had the Director of National Intelligence, the Director of the CIA, the Director of the FBI, and the Secretary of Homeland Security be very clear that there is an active al Qaeda threat. Aviation remains at or near the center of their target list. That is important for all of us to keep in mind.

TSA's mission is to stop attacks that might be in progress and help others disrupt those that may be in planning. How do we do that? We have, as several of the Members mentioned here this morning, a very important opportunity to use American technology to help the counterterrorism mission. This year alone, we are putting in more than $250 million into the checkpoint, which will be a significant upgrade of carry-on baggage with Advanced Technology (AT) X-Ray. We have just announced a purchase of about 120 of the scanning machines that will handle what is carried on the body.

Perhaps more importantly, we are retraining the entire workforce at TSA, from my position to the Federal Security Directors to the front-line officers at TSA. That is being directed to take advantage of all the intelligence that we now have, all the technical data

that we have on IED recognition and improvised chemical devices, and also to take advantage of the significant experience that our officers have in screening more than 3.5 billion people. That is more than the population of the Earth. That is a very significant set of learning that we have within our officers that we need to make sure is switched on and applied to security screening every day.

Lastly, the most important overall point is that we have a partnership with airlines, with airports, with the public, and with other countries, and that this shared responsibility is what brings us a stronger and stronger level of security going forward.

It is my hope that we will have a stronger relationship with the flying public, who will be more of a participant in the process. A lot of our work, in terms of training and process, is designed to make it easier to go through the passenger screening process. We hope that over time that that will make it a hassle-free kind of environment.

I look forward to discussing the rest of the issues with the Committee. Thank you very much.

Mr. COSTELLO. We thank you.

And the Chair now recognizes Ms. Berrick.

Ms. BERRICK. Thank you, Mr. Chairman, Ranking Member Petri and Members of the Subcommittee, for inviting me here to discuss TSA's progress in securing commercial aviation, a needed focus moving forward.

As you are aware, since its creation, TSA has taken many initiatives to strengthen aviation security and should be commended for these efforts. With respect to progress, we find that TSA has had the most significant achievements in the following four key areas: hiring, deploying, training, and measuring the performance ofits aviation security workforce; expanding workforce security initiatives, including the behavior detection officer and travel document checker programs; developing, implementing and testing risk-based procedures for screening passengers and their baggage; and deploying systems to screen checked baggage for explosives and developing a strategy to achieve optimal screening solutions.

For example, we reported that TSA developed a number of robust training programs for transportation security officers, or TSOs. TSA also established a sound approach for determining TSO allocations at airports, and effectively balanced security with throughput needs, and making modifications to checkpoint screening procedures.

However, we found that other key areas need continued attention, both in the short and long term.

First, TSA has made progress on a number of fronts in securing air cargo and is pursuing a plan to meet the congressional mandate to screen 100 percent of cargo on passenger aircraft. However, TSA has put less focus on the security of cargo transported into the United States from foreign locations, has made limited progress in piloting and deploying technologies to screen cargo, and will likely face resource challenges in ensuring that air cargo entities are compliant with 100 percent screening requirements.

Second, it is important that TSA finalize initiatives to secure airport perimeters and access to restricted airport areas. Although

TSA has completed technology pilots and issued guidelines for biometric identification systems, it has not yet determined how or when it will require the implementation of these systems nationwide.

In addition, TSA has implemented a program to randomly screen airport workers and is making progress in determining how to mitigate the risk posed by these working through an ongoing pilot. However, the agency has not yet made final decisions regarding how it will address this key area of security.

Third, with regard to checkpoint screening technologies, DHS and TSA have researched, developed and procured various technologies to detect explosives, and is in the process of deploying some new enhanced technology this year. However, to date, the agency has made limited progress in fielding emerging technologies due to performance, maintenance and planning issues, as well as coordination challenges with DHS's Science and Technology Directorate.

Finally, although TSA has made significant progress in strengthening the development of Secure Flight, which is a Government-run program to match passenger information against a terrorist watch list, some challenges remain. These include the need for more sound program cost and schedule estimates, better management of program risks, and test plans that reflect complete systems testing.

Finally, in conducting our work, we found that a variety of cross-cutting issues have hindered TSA's progress. These include developing results-oriented goals and measures to assess their performance, integrating fully a risk-based approach to guide investments, and establishing an effective framework for coordination with stakeholders.

As Mr. Hawley mentioned, TSA has placed attention on and continues to make progress in all of these areas. We are currently reviewing TSA's progress in these and other areas, and will continue to report to the Congress and the public on the results of our work.

This concludes my opening statement. I look forward to your questions.

Mr. COSTELLO. We thank you for your testimony.

Mr. Hawley, I mentioned in my opening remarks there are a few areas that we would like a progress report on.

One, does TSA intend to issue a final rule by August the 3rd concerning security regulations for foreign repair stations? Will you meet that deadline?

Mr. HAWLEY. Our major effort now is to get out the notice of proposed rulemaking for public comment. It is an impossibility, physically, to get out a final rule by August 3rd. So our efforts are, because of the way the process works and the notice and comment requirements, to let everybody comment on it.

It is very important to note that the security measures do not necessarily await the rule. We have been working over the last year with the foreign repair stations to, first of all, hire our inspectors. We have now begun a process under which we have assembled the best practices from around the world and are urging that those be adopted by the individual repair stations.

So the security level at the foreign repair stations is something that we are on top of. The rule needs to go through the process of public comment.

I think, really, the best downpayment or the best evidence of action on TSA's part is getting the notice of proposed rulemaking out, because that will say, here is what the program is, or is proposed to be, and then the public can comment on it. It is now undergoing administration clearance, and our hope is to get it out as fast as physically possible.

Mr. COSTELLO. As it runs through the process, when would you expect the rule to be out and the process completed?

Mr. HAWLEY. It is unknowable when the final clearance would come out of administration review because a lot of different parties have opinions on it, and these need to be resolved. It is complete in terms of the proposal; we are just working through, with the other agencies, their various comments.

The result will be a well-balanced proposal. It is a slow process. One of the major issues overall in aviation security, is relying on rulemaking, which takes anywhere from a year and a half to 2 years, which is simply too long for security measures. That is why so much of our focus is on the partnership work to roll out the actual measures and then have the rule catch up.

Mr. COSTELLO. So on the security measures, you are moving forward. And, you know, there are people wondering, they don't understand the process, how long it takes, the input from various agencies along the way. You are moving forward with security measures. But in order to issue the rule, it could be, you are saying, a year to 2 years?

Mr. HAWLEY. Well, no, fortunately we have been working on it considerably, but I am hoping that the proposed rule will be out this summer. That will set the timetable for issuance of the final rule, which is usually a matter of maybe 6 months from notice until the final rule.

Mr. COSTELLO. I figured if I said it would take a year to 2 years, we would narrow you down to a specific time frame.

Let me also ask, as you know, there have been several bills that passed the Congress post-9/11 that require the TSA to come up with a strategic plan for checkpoint technologies. According to what we have heard from the GAO, the agency has not submitted a plan.

Number one, why has the agency not been able to deliver a strategic plan for checkpoint technologies? And two, when would you expect to develop such a plan?

Mr. HAWLEY. Sir, it has, in fact, been transmitted to the Hill. It is something that has been long-awaited. I don't know the exact date, but I know it has been transmitted to the Hill.

[Information follows:]

Insert page 20, line 455 to correct the record:

In August 2007, TSA delivered a status report on the "Development of a Passenger Checkpoint Strategic Plan" for aviation security to House of Representatives and Senate appropriations committees. TSA has prepared a final Passenger Checkpoint Strategic Plan. It is in administration review and will be transmitted to House of Representatives and Senate authorizing committees as soon as the review is complete.

Mr. COSTELLO. Would you like to comment on that, Ms. Berrick?

Ms. BERRICK. We have reported on TSA's security efforts related to checkpoint technologies. I wasn't aware that the strategic plan was submitted. I know that, in the past, they had submitted a plan that Congress returned and wanted additional details.

But a couple of other points we made related to checkpoint technologies. One was coordination challenges that TSA and S&T have had since the R&D function was transferred to the Department of Homeland Security. They are working through some of those issues, but can further move forward in that area.

And then secondly was some difficulties they have had with procuring and deploying some initial technologies that we felt were due to some planning issues, not fully completing some testing up front.

But, like I mentioned in my opening statement, they are making a lot more progress this year, and there is going to be some new, emerging, better technologies coming out in 2008.

Mr. COSTELLO. I have other questions, but we have a number of Members who want to ask questions, so let me now recognize the Ranking Member, Mr. Petri.

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

And thank you for your testimony, Mr. Hawley.

I guess I have kind of a general question. We love technology, and there are a lot of technical changes that are being made. But at the end of the day, it has to be a combination—it is a tool, and the morale and the alertness and the information that the personnel on the firing line get are probably most important.

And it is my impression, as a frequent traveler, that the effectiveness and sensitivity of your inspectors at airports has gradually actually been improving, although it is not perfect and it probably never will be.

And I wonder if you could discuss what you are doing to try to maintain the morale and alertness and quality and sensitivity of the inspectors to the whole variety of the traveling public.

And secondly, discuss some of the new technologies that you are working with, what you hope to achieve with them, particularly in the somewhat sensitive area of the body scan technology and what procedures you are doing to make sure it is as accommodating to sensitivity as possible and also why it could be helpful.

Mr. HAWLEY. I think you have made a very important point, which is that the human brain is the most sophisticated technology that we know of. We have already paid for it, in the sense of having the officers already out there. So the most important technology upgrade is to make sure we are taking full advantage of the officers and their intelligence and their ability to apply it to the security effort.

That is why, in addition to all of our normal training, we are taking every officer out of the system for 2 days—2 full days—of training, to exactly get at the point of: Here is the latest intelligence; here is the latest technology that terrorists use; here is our latest technology; here are the ways to avoid the social engineering and the so-called head-fakes of people who might be trying to get past us; how to make sure that we are focused on the job, and how to keep the checkpoint environment calm and help passengers who

just want to get through calmly. That is a very important security technology that requires very little cost to improve.

On the other side, the electronic/mechanical technology for a personal search, we have what is called the whole-body imager. We have a technology called Millimeter Wave that is essentially radio waves that bounce off the body and give us a reflection of anything that could be stored on it. Given the privacy concerns of so many people, we have separated the person who looks at the image, so they will never see the actual individual. The face is blurred and the image is not retained. So there is a wall between the individual and the image of the individual.

That is a very effective technique. It is also far better—90 percent of people prefer to have the quick image, 4 seconds, versus the physical patdown where the officer has to touch the individual. Our officers don't enjoy it any more than the passengers. That is a very sensitive process. It is faster and better with these whole-body imagers.

So we are rolling out, as I mentioned, 120 of them over the next 2 years. So, by the end of 2009, we will have 120 out.

The other important point, if I have another couple seconds, is that with the AT X-ray, it is a choice between do you get latest and the greatest emerging technology that tends to be most expensive and less reliable? Ms. Berrick was pointing to that earlier; I think it is a very valid point, that you have to balance getting the best, the fastest you can use, with getting something out there that is going to be effective and reliable. We have gone to a platform approach of buying technology that you can upgrade as the years go by without having to replace the entire box or, worse, add another machine at the end of it.

Mr. PETRI. Thank you.

One really quick thing. Are the improvements that you are making in doing this more quickly increasing the possibility that we could do similar things—or are they being done—for train and cruise passengers and other situations where there are similar security concerns?

Mr. HAWLEY. Yes, sir. Our officers, particularly the behavior detection officers, can go into any environment that is transportation-related. In fact, for the first time this year, we have been invited by other countries to participate with them to protect U.S. carriers in other countries. So it is a very, very flexible resource.

Mr. COSTELLO. The Chair thanks the Ranking Member, and would advise Members that if they would adhere to the 5-minute rule, so that we can get to as many questions as we possibly can before our witnesses have to leave.

The Chair now recognizes the gentlelady from the District of Columbia, Ms. Norton.

Ms. NORTON. Thank you very much, Mr. Chairman.

Mr. Hawley, a helipad near Nationals Stadium continued after 9/11 for years. The helicopters were piloted by retired military officers. They carried people from various destinations, including diplomats. It was approved by the Secret Service. Then abruptly they were required to shut down.

You know, in a market economy, if you ask somebody to shut down a business in effect, you ought to have a darn good reason.

Were you involved in that decision, and what do you know about it?

Mr. HAWLEY. No, and nothing more than what you described, except that I know we have an interagency process that involves the Secret Service and all agencies, really, to ensure the safety of the national capital region. There are circumstances under which helicopters are allowed. I would be happy to go back and figure out what the problem was.

Ms. NORTON. I would very much appreciate it, Mr. Hawley, because if there are circumstances under which they are allowed—they certainly are allowed everywhere else but the District of Columbia. And I am the first one to understand the importance of extra security here. But for that to remain unexplained in the Nation's capital and for you to know nothing about it is very troubling. Therefore, I ask you if you would, within 30 days, indicate to the Chairman what, in fact, happened. Perhaps, and I certainly hope, Homeland Security in some way was involved. If the Secret Service gave permission and all of a sudden, you know, the thing gets shut down, you wonder who is in charge of security.

General aviation opened at National Airport only when the Chair of this Committee, the former Chair of this Committee, threatened contempt after 4 years. Now we ought to go back, I think, to that procedure. Because it opened, all right, but you can only take a plane into National Airport, a private plane, general aviation, if you go to a location outside, you before coming engage in mountains of paperwork, you have on the private plane an armed air marshal. It looks like they opened general aviation and then tried do everything they could to deter it and kill it. And they have just about done it, because they used to get 200 a month and now they get 200 a year.

There is no other capital in the world which couldn't figure out how to get private planes and helicopters in. And of course New York, where 9/11 occurred, never shut down. Could you explain that to me, sir?

Mr. HAWLEY. Sure. National Airport is less than 10 seconds away from this building. And——

Ms. NORTON. Secret Service knew that when it allowed the helicopter to continue to operate years after 9/11. What changed?

Mr. HAWLEY. Exactly. Because there are security measures in place. That is all we are saying, is that we have a very open process for general aviation to get in and out of National Airport. They just have to take security precautions that are prudent because of the physical geography.

Ms. NORTON. The helicopter can no longer fly.

Mr. HAWLEY. Well, I don't know about——

Ms. NORTON. There is general aviation, which is a disgrace, and then there is the helicopter, which was open and running with the permission of the Secret Service and can no longer fly into the Nation's capital, sir.

Do you know anything about it? Were you involved in it in any way?

Mr. HAWLEY. I think we have covered that. But the National capital region is subject to prudent security measures, given the number of important landmarks.

Ms. NORTON. Mr. Hawley, were you involved in the decision to cease—let me be more direct—to cease service by helicopter approved by the Secret Service? Were you involved in that decision to shut it down?

Mr. HAWLEY. I am not aware of that decision. I should say we have a lot of helicopters, a lot of aircraft. We have general aviation aircraft flying all over the place.

Mr. NORTON. Well, you know what? I don't need a filibuster. Would you look into that matter——

Mr. HAWLEY. Certainly.

Mr. NORTON. —as well?

I mean, Mr. Chairman, for Homeland Security to know nothing about this is very troubling to me.

One more question, because it would be for you, Mr. Hawley and Ms. Berrick. You said, sir, that there had been upgrade in baggage, in carry-on baggage. I am very pleased to hear that. I would like to know how it would change, how the upgrades specifically would change what a passenger experiences.

For example, you indicate that you made progress on Registered Traveler. And I commend you for the way you have gone. You are ending the pilots; you are allowing that to spread. However, they have a thumbprint, and then they have to also show an ID.

So my questions are, how will the average passenger know about the technology upgrade? Will it be in the speed that she gets through? What will happen? Where is the shoe scanner? And if there is a thumbprint, why do you need an ID, too? Since that is about the only technology I have seen come out of the administration which bespeaks the 21st century.

Mr. HAWLEY. Very quickly on the Registered Traveler, we have worked with the industry, and they have stepped up and are making changes to the ID so they will be acceptable as Federal IDs. So that is taken care of.

Mr. NORTON. Will the thumbprint do it, or do you need an ID and a thumbprint?

Mr. HAWLEY. Is it the same ID. And they agreed to put a photograph on the card. That issue I think has been successfully resolved.

On what the passenger sees that is different, the AT X-ray that we have deployed at National Airport, for instance, allows the officers a better look at the images. Therefore, they can clear bags faster and not call as many bag checks. So it is better security, and it speeds up the process.

Mr. NORTON. And the shoe scanner?

Mr. HAWLEY. The shoe scanner is going back and forth in the lab. We are deploying for data collection two shoe scanners of a different type than we have previously discussed for data collection near National Laboratories so that we can get another technology out there as well.

Mr. NORTON. Thank you.

Mr. Chairman, this technology is proceeding, and it is proceeding, as you can see, with the shoe scanner, which has gone back and forth and back and forth far too slowly. But I am very pleased that we are about to make prescreening of passengers more readily available.

Mr. COSTELLO. The Chair would ask you, Mr. Hawley, to get a response to Ms. Norton's question to us as soon as possible.

Mr. HAWLEY. Yes, sir.

Mr. COSTELLO. The Chair now recognizes the distinguished Ranking Member of the Full Committee, Mr. Mica.

Mr. MICA. Thank you, Mr. Costello.

And I am pleased to see Mr. Hawley back. I think the staff said it has been 2 years. Long overdue, but good to get an update. Let me run through a couple of things.

First, you said, and I think you have also told us individually, that we still face having aviation as probably the highest terrorist threat. I think that is correct. Let me just do a quick checklist of where we are on some of these things.

Last time we left you, most of the equipment that we have at the checkpoint is geared to a traditional threat, either taking a weapon through or a nitrate-based explosive. And the new threat, as I believe it is—well, our job is to keep the bastards from hitting us again and staying one step ahead of them.

I have a couple of concerns. Well, I think one thing you have done and you could give us an update on is the document checkers. That was something we were transitioning out of. I remember inspecting the tests. How far complete is that transition to train the behavior specialists?

Mr. HAWLEY. By the end of the year, all TSA checkpoints will have specially trained officers doing the identity check. And we have right now about 2,000 of the behavior detection officers, and we will continue to increase that until it gets about 2,400.

Mr. MICA. Checked baggage—I am told 29 airports handle 75 percent of the passengers, but we only have seven with full in-line EDS. That is automated baggage detection equipment. Is that the case?

Mr. HAWLEY. I believe it is.

Mr. MICA. I guess it is just a lack of money?

Mr. HAWLEY. Yes, sir.

Mr. MICA. On the schedule we are on now, how long would it be before we get the 29 done? Guesstimate?

Mr. HAWLEY. It will extend probably 10 years, would be my guess.

Mr. MICA. The failure rate of the hand checking of the checked bags, is it still as high as it was? It was absolutely horrible the last time I was briefed.

Mr. HAWLEY. We are making changes to the hand search to increase the effectiveness.

Mr. MICA. Maybe you could provide the Committee——

Mr. HAWLEY. Sure.

Mr. MICA. —members, it doesn't have to be public, as to how bad that situation is.

Technology, Ms. Norton talked a little bit about it. We had a little bit more control when we had authority over R&D. And I am looking at the figures now, which have dropped fairly dramatically. They also have been transferred to DHS Science and Technology Directorate.

I am concerned that, again, staying one step ahead of the bastards, as I phrased it, that we may be losing some ground there.

I don't know if you are going to tell us this publicly. But how much money is TSA getting out of the $77 million for technology R&D that has gone into DHS?

Mr. HAWLEY. I think DHS has almost $800 million that they are applying to IED detection that helps the Secret Service, that helps Customs——

Mr. MICA. How much?

Mr. HAWLEY. $799 million, I believe, for fiscal 2008.

Mr. MICA. The money I have for R&D, maybe this is wrong, the total money appropriated under DHS for checkpoint technology is $77 million.

Mr. HAWLEY. I am describing IED technology.

Mr. MICA. Right.

Mr. HAWLEY. Right. So it is broader, it is a broader category that we can use in the checked baggage environment.

And I would like to just hit on one thing you said at the beginning that I think is very significant. You said we have got the old x-ray at the checkpoint; what are you doing to stay ahead of the threat with novel explosives?

Mr. MICA. Right.

Mr. HAWLEY. That is where the AT X-ray comes in, because it is specifically upgradable to different chemicals, to nontraditional-type explosives. And that is why——

Mr. MICA. Is that the Millimeter Wave you are talking about?

Mr. HAWLEY. No, sir. That is the multi-view X-ray, where it has multiple power sources and then advanced algorithms.

Mr. MICA. How widely dispersed is that?

Mr. HAWLEY. Well, we have 300 out now, and we will have 600 out by the end of the year. And our plans are to keep deploying that until all lanes are covered.

Mr. MICA. Well, you know, I think I dragged TSA kicking and screaming to the Millimeter Wave. We put in the first bill R&D money, and some of that money got diverted. I am now concerned, and I don't know, you are under DHS now, but I am very concerned that some of that money is not going for things that will make a difference in staying ahead of the game. So we can get back on that. I just point that out.

I do want to thank them, Mr. Chairman, too. I guess it was the end of last September, Mr. Petri and I and maybe you learned, and the Congress, country learned, about the treatment of our returning military personnel. And I guess they ended up in Oakland, which Oakland has sort of a unique reputation toward certain slants. I won't get into that.

But we asked for an Inspector General review. That came back, and it appeared that Oakland was acting within the parameters of what was allowed. However, from that review, we did find out that there was no procedure or protocol, either with TSA, DOD, the charter carriers or others, for the treatment of our personnel. Our troops were left on the tarmac.

I do want to thank TSA for working with DOD. Last week you signed a memorandum of understanding, so we now have a protocol that our men and women returning will be treated equally on those flights. That is the compliment.

But we still do not have a resolution of our returning personnel. As you recall, I told you I was in Baltimore when some got off a plane, were forced to be rescreened, with all their gear and everything.

We need to get an MOU on taking care of the returning military personnel through commercial airports individually or through those charters. That remains undone. I hope you will reach an understanding and some better accommodation of our troops.

Mr. HAWLEY. It is my understanding the charter flights were covered by the agreement. And I would like to point out that almost a quarter of our officers are, in fact, veterans or serving currently.

Mr. MICA. You are correct, charters were, but commercial travel was not. And we are looking forward to some resolution.

Don't have time to get into biometric, but a nice biometric card for hundreds of thousands of people who are in law enforcement, who serve, who are cleared.

I just went through Amsterdam again. On domestic flights, they have a thumb, you go through a turnstile, and you put your eye in, and people proceed to their domestic flight. I guess that wouldn't be possible in the United States.

Mr. COSTELLO. The Chair thanks the Ranking Member, and now recognizes the gentlelady from California, Ms. Richardson.

Ms. RICHARDSON. Yes, thank you, Mr. Chairman.

My questions are primarily for Ms. Berrick.

How many staff members do you have with TSA supporting our airports currently?

Ms. BERRICK. How many staff members are within GAO that are looking at TSA operations, or within TSA?

Ms. RICHARDSON. Within TSA.

Ms. BERRICK. I believe there is about 43,000 TSOs.

Ms. RICHARDSON. Okay. Are there enough?

Ms. BERRICK. We actually looked at TSA's process for determining the number of TSOs at airports and found that it was very sound.

There were some assumptions in their model that we thought that could be improved. For example, it wasn't taking into account all of the training TSOs had to take. It wasn't taking into account the fact that TSOs are used for other duties.

However, during the course of that review, TSA made changes and corrected those problems and are continually reviewing the assumptions that go into it. So we thought the process was sound.

Ms. RICHARDSON. So you are saying you believe there are a sufficient number.

Ms. BERRICK. We, based on——

Ms. RICHARDSON. I am not talking about the process, I am talking about the people. Do you feel that there is a sufficient amount of people who are working?

Ms. BERRICK. We have no evidence that there isn't. So, yes.

Ms. RICHARDSON. Okay. Thank you.

Can you give us an update on the Registered Traveler interoperability pilot? I have seen several newspaper articles about it. But can you give us an update on when you can anticipate more of a launching through other airports?

Mr. HAWLEY. Yes, ma'am. We announced, or we are about to announce today, a new step for Registered Traveler, which is to recognize the security benefits that it has in the ID area—and we just had a little discussion about that—that we are accepting it as a private-sector equivalent of a real ID once the photograph is put on it. That, I think, is a very, very valuable piece of security.

We are also removing the cap that had existed on the number of airports allowed to be in RT. We are eliminating that cap so that it can go to as many airports as desire it.

And we are also eliminating the fee. We have previously been charging $28 for the card. Given that we already do the watch list check for passengers every time they fly, we thought, in view of the way that check is done, that it was not worth adding a $28 fee on top for Registered Traveler.

So those should be positive aspects that should allow Registered Traveler to go where the market takes it.

Ms. RICHARDSON. So when do you expect to have an updated list of which airports will utilize this program?

Mr. HAWLEY. Well, it is a private-sector program. There are 19 today. As soon as they go through the process, then they come onboard.

Ms. RICHARDSON. Can you supply the Committee with that?

Mr. HAWLEY. Certainly.

Ms. RICHARDSON. Okay.

Two other questions. The 9/11 Commission Act required TSA to screen 50 percent of all cargo. And it is referenced, Ms. Berrick, in your testimony. You reference several problems with potentially being able to achieve it.

Is there a certain amount of money needed or—you state in here, "With respect to air cargo, we reported that TSA may face resource and other challenges in developing a system to screen 100 percent of the cargo transported."

So, resources and other challenges, does that equate to money? Or what is the problem?

Ms. BERRICK. The resources is equating to inspectors so that TSA can oversee whether or not these cargo consolidators and manufacturers are adhering to security requirements.

And the other issue that we have identified is related to technology. There is a number of pilots under way looking at different technologies to screen cargo. One big pilot just completed, but a lot of them haven't yet been completed.

We also found that the overall concept made sense on pushing the cargo screening further down the supply chain. Some other countries are doing that. It is just these particular issues can cause challenges for TSA as they implement the program.

Ms. RICHARDSON. How many additional screeners would you need?

Ms. BERRICK. We talked about that TSA has not identified what their needs were. But officials at TSA have told us they think they are not going to have enough. They will probably have to request additional inspectors to oversee these thousands of shippers that are going to be shipping cargo.

Ms. RICHARDSON. Okay. Could you advise this Committee of that number?

Ms. BERRICK. We don't have the correct number.

Ms. RICHARDSON. When you do get the number? And I don't mean to be brief, but I only have 38 seconds, and our Chairman asked us to stay within 5 minutes.

Ms. BERRICK. Our recommendation would be that TSA assess their needs and come up with an estimate on what they need.

Ms. RICHARDSON. Could you advise them that we have requested that, to know what that number is?

Ms. BERRICK. Okay. Yes.

Ms. RICHARDSON. Thank you.

Last question. Sorry, I have 24 seconds. It is my understanding that the 9/11 Commission recommended the need for a hardening container to be on the aircraft. In my particular district, they happen to have produced that particular device.

What is the projection, in terms of utilizing the hardened unit load device that it is my understanding TSA has tested and approved?

Mr. HAWLEY. I believe that those units are currently still in testing. I will be happy to get back to you with more detail on that.

Ms. RICHARDSON. Okay. Thank you.

Mr. COSTELLO. The Chair thanks the gentlelady, and now recognizes the gentleman from North Carolina, Mr. Hayes.

Mr. HAYES. Thank you, Mr. Chairman.

Again, thank you, Mr. Hawley and Ms. Berrick, for being here today, and particularly convey our thanks to the hardworking folks, whether they be air marshals or screeners, for the work they are doing. I know they are working really hard.

I want to talk to you specifically about biometrics. There was a request by GAO and others a couple years ago for TSA to thoroughly look at biometrics and the potential for both security and efficiency there.

Give us an update, if you will, on where TSA is.

And then we will talk specifically about Southwest Airlines and the proposal that they have for a pilot project at BWI using biometrics for pilots.

Mr. HAWLEY. Yes, sir. We are, as you know, with the so-called TWIC program, Transportation Worker's Identification Credential, currently working in the port environment. TWIC is the lead and largest of the biometric programs.

An interesting aspect of this, and one we have to keep an eye on, is that, once a biometric is taken and applied, we are freezing an identity in time. If we don't ensure that we do the work up front to make sure that the person whose fingerprints we are taking is, in fact, who we think it is—that is a key part.

So, for us, the priority, particularly in the aviation environment, is make sure that the badging offices or the employers are getting it right, that in fact the person whose name is on the card is indeed the person. Once you lock that in with the biometric, if you have missed up front, you have somebody who could be in the system for good with a biometric.

So the first priority is to lock down who the person is that is getting the biometric. Second is to get an interoperable standard that can be used across the system.

Mr. HAYES. Well, certainly the biometric is more reliable than the person that you see every day. I am thinking of Jay Leno's picture in the paper the other day; how would he do at the airport screening?

But what you would think—and, Ms. Berrick, I would love to have your comments in a minute—but specifically Southwest and, I am sure, other airlines and the Airlines Pilots Association I am assuming are in agreement with coming up with some type of pilot program to test how well this works. It does seem to have tremendous potential.

Mr. HAWLEY. It does, indeed. We support it, and we are working closely with the airline pilots and Southwest and other airlines.

I would also like to point out that in law enforcement, there is an additional opportunity, and also with the Registered Traveler program. All of those are in different populations but take advantage of the possibilities of biometrics.

Mr. HAYES. When are you going to launch that project at BWI or somewhere else?

Mr. HAWLEY. I believe it has launched for the pilots.

Mr. HAYES. Is it in effect now?

Mr. HAWLEY. I believe it is, but I will check with my experts.

Mr. HAYES. Okay.

Ms. Berrick, do you have any comments on the potential here?

Ms. BERRICK. We haven't looked specifically at biometrics, other than to say it hasn't been implemented nationwide at the airports. TSA is working with private-sector partners to refine, and they have refined, standards for biometrics. But in terms of nationwide implementation, it hasn't yet happened, as you are aware.

Mr. HAYES. From your perspective, what type of testing, pilot project or whatever, would give you the information and comfort level that you need to look at a more broad application for it?

Ms. BERRICK. Well, we would look at it from the standpoint of, what is TSA's strategy for moving forward with this? And part of that is testing.

And where they are right now is still defining the standards. They are doing some piloting, looking at some different options.

But I think the first step is developing a strategy on the different efforts they are going to pursue. And then we would monitor that. So that would be the first step.

Mr. HAYES. Now, am I correct in thinking that law enforcement in various areas is successfully using this day to day and have been doing it for some time?

Ms. BERRICK. I am not aware of that.

Mr. HAYES. Well, that is my understanding, to make sure that we are not—favorite term—stovepiping and missing an opportunity here; again, relieve some pressure on the system and increase the level of security as well.

Mr. Chairman, thank you. A very important part of our future in the era of terrorism, and I hope we will aggressively and properly pursue that. And thank you.

Mr. COSTELLO. The Chair thanks you, and recognizes the gentleman from New York, Mr. Hall.

Mr. HALL. Thank you, Mr. Chairman.

And thank you, Secretary Hawley and Director Berrick, for being here.

I would start off by saying that, accepting the premise that aviation is still at the top of the list of targets of terrorists who would like to attack us, I would request another one of those classified hearings that Secretary Hawley mentioned, because most of the questions I have, actually, I think should be asked in private. And I think we need to be careful about what measures we talk about that we are taking. So that pares my question list down a little bit.

Secretary Hawley, is the TSA on track to meet the requirement to screen 50 percent of air cargo by February 2009?

Mr. HAWLEY. Yes.

Mr. HALL. What progress has TSA made in coordinating with Customs and Border Protection to enhance the security of air cargo transported into the United States?

Mr. HAWLEY. Our efforts are primarily with our foreign partners and other airlines so that the requirements that they have on carriers as they load in foreign countries coming to the U.S. are equivalent to ours.

So, in fact, that is the primary venue for getting the problem solved, and that is progressing well. In fact, I am leaving this weekend for a meeting with my counterparts around the world on exactly that topic.

Mr. HALL. And what extent will canines play in TSA's ability to meet the requirement to screen 100 percent of air cargo? And how do canines compare with other technology, such as swabbing for explosive residue?

Mr. HAWLEY. We have an additional 170 canine teams coming into cargo in addition to the 100 already dedicated to cargo. It is 400 canine teams at 25 percent, so a quarter of their time is air cargo. And it is the equivalent of 100 canine teams, plus the 170 that we are adding. So it is a significant resource, given that two-thirds of air cargo is at 18 airports.

How effective they are is excellent. They are not only effective, but obviously they are mobile. We find that the canine explosive detection capability is really one of the best measures we have because of its flexibility and the ability to train them on different explosives as need be.

Mr. HALL. Ms. Berrick, based on your testimony, what is TSA doing to secure the transport of cargo transported into the United States from foreign countries?

Ms. BERRICK. They are taking some positive steps. We think more can be done.

On the positive side, TSA is working, as Mr. Hawley mentioned, very closely with foreign partners and have made changes to accept foreign security practices for securing cargo, which we think is a positive step. TSA has also increased screening requirements and plans to increase further screening requirements for cargo coming into the U.S.

However, less is being done for inbound cargo than what is being done for cargo domestically. For example, there are exemptions in place for certain cargos that doesn't have to be screened. Vulnerability assessments, the state of security for this cargo hasn't yet been conducted.

So we think more can be done, but there are positive steps to strengthen security in that area.

Mr. HALL. And as TSA collaborates with other countries and with the air cargo carriers, to what extent are you concerned or are you taking measures to require background checks to make sure that the people we are dealing with on the other end of the shipment are reliable?

That is for both of you, please.

Mr. HAWLEY. For the foreign countries and the background checks they do on their individuals, they do have requirements. There are difficulties in the system because of individuals moving around from different country to different country, and accessing village records from another country is difficult. So they have that one aspect, but they have a lot of other layers in addition to go after the insider threat. But I think the issue that you raise is one that we focus on as well.

Ms. BERRICK. That is my understanding as well.

And one other point. TSA does do inspections of foreign carriers in airports with service in the United States. And they look at some of those requirements, including background checks as part of those.

Mr. HALL. Thank you very much.

I yield back, Mr. Chairman.

Mr. COSTELLO. The Chair thanks the gentleman.

And Mr. Hall made the point about questions that he has to be asked in a closed, classified session. And, as I think many people may or may not know, we meet on a quarterly basis. We met in April, June; we will be meeting again in the fall to get updates. But there are a number of questions that I think Mr. Hall has and other people have that will have to be asked in closed session.

The Chair now recognizes the gentlewoman from Oklahoma, Ms. Fallin.

Ms. FALLIN. Thank you, Mr. Chairman.

Good to see you again, and thank you for both of you coming today.

I have been concerned about our Federal Government agencies and the price of fuel costs. And I am sure, just like many of our other agencies, that you have had to make adjustments in your budgets because of buying fuel. Can you address that for us?

Mr. HAWLEY. The principal area it affects us is in employee costs, because a lot of our employees commute significant distances.

Obviously, the state of the airline industry is of great concern to us, in terms of how it affects the number of passengers flying and all aspects of aviation security.

So our principal effort is to try to run our operation as efficiently as possible, reducing costs not only for ourselves but for partners in the airlines and the airports.

But I think this is a very significant issue we will face in the coming months.

Ms. FALLIN. Have you seen some changes or have you made adjustments in your staffing levels because of the airlines having decreases and having to make adjustments in their flights and their passenger loads?

Mr. HAWLEY. Yes, we have. There are a number of small airports where service is discontinued, which eliminates the need for TSA folks there. So we either redistribute those folks or make arrangements for them to move on.

Ms. FALLIN. We have been very fortunate since 9/11 not to have an incident like we had back years ago. And thank goodness we have agencies in place like yours to protect our airlines and our travelers.

But I worry at times that our traveling public may become comfortable with the current situation because we have done such a good job of making sure that we are inspecting cargo or checking passengers or installing new equipment and new detection methods.

And I know you can't divulge classified information, but how secure should our public feel? And is there anything that you could say to the public that might tell them that we shouldn't be letting up our guard yet?

Mr. HAWLEY. Yes. I would say, we should not be letting up our guard yet. I would also say that we don't mind the fact that it is not top of mind for the traveling passenger. That is our job. We do it full-time, around the world, 24 by 7, and with a great deal of intensity.

What we ask of the passenger is to participate with us; to be alert and help as required.

We don't want it to be something that dominates thinking, but the entire Intelligence Community, the entire Department of Defense, the FBI, everybody in the Government is working very, very hard around the world to protect Americans. So it is something that we do top of mind, and we hope passengers can enjoy their travel, but participate with us in an active way.

Ms. FALLIN. So would it be fair to say that there are still ongoing threats out there that we are not able to divulge to the public, but that we still need to keep our guard up?

Mr. HAWLEY. Yes, ma'am.

Ms. FALLIN. Thank you.

Mr. COSTELLO. The Chair thanks the gentlewoman, and now recognizes the gentleman from Wisconsin, Mr. Kagen.

Mr. KAGEN. Thank you, Mr. Chairman.

And thank you for being here, Ms. Berrick and Mr. Hawley.

If I read your reports correctly, the TSA funding for aviation security has totaled about $26 billion since 2004; is that correct?

Mr. HAWLEY. It may actually be higher than that. But it depends exactly what you count, but ballpark, yes.

Mr. KAGEN. Ms. Berrick, is that about right?

Ms. BERRICK. Yes, since 2004. I think TSA's estimates were going back to 2001. But, yes, right in that ballpark.

Mr. KAGEN. So at least $26 billion has been spent. And I also understand from the reports that the TSA believes it will take to August 2010 before 100 percent of the cargo that will be traveling on planes carrying passengers will be inspected; is that correct?

Mr. HAWLEY. Yes, sir, as required by the 9/11 Act.

Mr. KAGEN. And is that a date that is going to be moved up at all?

Mr. HAWLEY. We are focusing on the February 2009 deadline to get 50 percent of air freight. I think it is important to know that, by weight, maybe you get 50 percent, but we are talking about covering over 80 percent of the flights. We are very focused on all vulnerabilities, including air cargo. So we will meet the deadline in February and then progress toward the one in August 2010. But it is a very significant level of security that is already there.

Mr. KAGEN. Ms. Berrick, in a few moments, could you comment as to what they could be doing differently to speed this process along, if anything?

Ms. BERRICK. Well, first of all, it is a huge effort and undertaking and will require a lot of effort, which TSA is well aware of and are moving forward with that. And, again, the concept has worked in other countries, in terms of having shippers do the screening.

Two points I would make; one is related to the number of inspectors that TSA needs to oversee this massive operation. There are questions about whether or not they are going to have enough. And the second area is related to technology. There has been some technology pilots going on for years. Some of them have been completed, but most of them have not. So I think it is important to complete those pilots and identify the technologies that will be able to be used during this screening process.

Mr. KAGEN. Okay.

And, Mr. Hawley, I am going to give you an opportunity to comment about a portion of the report from Ms. Berrick, which reads, in part: ″The TSA did not have a strategic plan to guide its efforts to acquire and deploy screening technologies and that a lack of a strategic plan or approach could limit TSA's ability to deploy emerging technologies at those airport locations deemed at highest risk.″

What have you done since reading her report, and what has been going for the past 12 months, given the fact that you do have over $24 billion, $26 billion at your disposal?

Mr. HAWLEY. Right. So the plan is done. Very simply, it is the layers of the training that I talked about for our officers; the AT X-ray with liquid bottle scanners for checking bags; Millimeter Wave with potentially backscatter technology, as well, for the body; and a lot of communications capability to connect the behavior detection with identity verification, and with the physical screening.

So that is it in a nutshell. But, as we were discussing earlier, it involves the human factor of behavior detection, plus identity verification, plus physical screening.

Mr. KAGEN. I thank you very much. And I will have additional questions in secure session.

I yield back my time. Thank you.

Mr. COSTELLO. The Chair thanks the gentleman, and now recognizes the gentleman from Texas, Mr. Poe.

Mr. POE. Thank you, Mr. Chairman.

I am certainly glad to be here, and I notice that the aviation safety upgrade bill passed while seven of us were in an emergency situation, and it did pass unanimously while we were gone. So maybe that was a motivation for it. But I do want to thank you for this hearing.

Thank you for being here.

Mr. Hawley, I have several questions for you, and I would like just brief answers without explanations, if possible.

How many Federal air marshals were hired with pre-existing misdemeanor criminal convictions on their records?

Mr. HAWLEY. I would have to check it, but I believe it could be zero.

Mr. POE. All right. Well, I want you to check it, if you would.

Mr. HAWLEY. Yes.

Mr. POE. And I would like all of these, if you don't have the answers, correct answers——

Mr. HAWLEY. You know, I think they were at least identified, and there may have been ones that they were, after investigation, reviewed and waived. So I think that is probably the answer. I don't know the number, but I will find it out.

Mr. POE. I would like know how many were convicted with knowledge, not how many that were convicted and you all waived the conviction and hired them anyway. That number, you said, was zero. So how many were convicted and you went ahead and hired them? That is the really the question. Misdemeanor convictions, criminal records.

And how many Federal air marshals have been found guilty of misdemeanor crimes after they were hired and were allowed to stay employed with the Air Marshal Service?

Mr. HAWLEY. Every one of those was reviewed, and——

Mr. POE. How many was the question.

Mr. HAWLEY. Well, I would have to get you the exact numbers. But when it does happen, it is disclosed, reviewed, and discipline is taken commensurate with what happened. If it happens and is not disclosed, they are removed.

Mr. POE. But you don't have a number of how many?

Mr. HAWLEY. Not off the top of my head.

Mr. POE. Okay. On all of these questions, I would like an answer in writing within a week to me and to the Chairman of the Committee. With all of your electronic equipment, you are bound to come up with these answers in a very short period of time.

How many instances has the TSA allowed Federal air marshals to receive full pay while they were on some criminal court probation?

Mr. HAWLEY. What happens is, if somebody is subject to that process, they have the same rights as any other citizen——

Mr. POE. Excuse me, sir. I know what their rights are. I used to be a judge forever. But I just want to know how many people we are talking about; that is the question.

Mr. HAWLEY. I would have to get the number. I know there are a few in the Houston office.

Mr. POE. About five or six, would you say?

Mr. HAWLEY. I was under the impression it was three, but I will further confirm.

Mr. POE. You can confirm, and we will find out in a week.

The Federal Air Marshal Service, if I understand, distributes cash awards every year to air marshals. How is it decided who receives that money?

Mr. HAWLEY. It is performance-based, I believe by the field office involved.

Mr. POE. So, like, the field office in Houston would make that decision?

Mr. HAWLEY. For the individual Federal air marshals, I believe so. Then it is reviewed as it goes up the chain.

Mr. POE. How much money are we talking about? I mean, are we talking about a coupon to go to Wendy's for a hamburger? Or how much are we talking about here?

Mr. HAWLEY. I would have to get back to you on that. One of the issues we have is the pay-for-performance system for Federal air marshals. That is something I hear about all the time when I see Federal air marshals. It is clearly something we want to build into the system. That is one of Bob Bray's primary initiatives. He is the new Federal air marshal director.

Mr. POE. I would like that in writing as well.

Two more questions. If cash awards are allowed for good service, in your opinion, is it acceptable to give a cash award to an air marshal who is on probation for DWI, driving while intoxicated?

Mr. HAWLEY. My first reaction would be a head scratch, but I would have to get back to you. That would raise eyebrows at least.

Mr. POE. Because you know that did happen in the Houston area. I am giving you the information about that. So would that be a little bit inconsistent, would you think?

Mr. HAWLEY. I will take a look. Without knowing the facts, it is certainly worth a look.

Mr. POE. Just your opinion, do you think the Federal Air Marshal Service has a problem with the issue of air marshals drinking and driving? I am not talking about drinking and flying; I am talking about drinking and driving.

Mr. HAWLEY. No, I do not. We have put out counseling across the entire system on that subject to retrain. They are, I find, to be excellent across the board. You had a FAM team on the flight that was diverted.

Mr. POE. Two on there.

Mr. HAWLEY. Absolutely. Yes, sir.

Mr. POE. They do a good job.

Mr. HAWLEY. They do.

Mr. POE. The Air Marshal Service, as far as I am concerned, do an excellent job. But there is a concern I have, obviously, about when they drink and drive and they are convicted and they are put on probation and they still work for the Air Marshal Service and they keep coming back, why does that occur.

We had an individual—Dino Stamos was hired with the Air Marshal Service in 1998 with a DWI offense on his record. In 2008, he pleaded guilty to a second DWI offense, received 15 months probation. I would like to know what his status is with the Air Marshal Service. Can you give me that information? Eventually? Like, 1 week from today, in writing to me and the Chairman, I would appreciate it.

And, like I said, generally speaking, I think the air marshals do an excellent job on those airplanes. But there are some concerns about criminal violations while they are in air service and then

what happens to them when they are on light duty, still receiving full pay. I am somewhat concerned about all of that.

My time has expired. I want to thank the Chairman for his indulgence.

Mr. COSTELLO. I thank the gentleman, and would ask Mr. Hawley to respond to the questions that Mr. Poe has posed in writing to the Chair. And the Chair will get it to Mr. Poe.

Mr. HAWLEY. Yes, sir.

Mr. COSTELLO. The Chair now recognizes the distinguished Chairman of the Full Committee. And before I do, let me congratulate him on passing another two very important bills this week—actually, one out of the House on Tuesday, the aviation safety bill, which is an extremely important bill, not only to this Committee, but to the industry and to the traveling public; and also the bill that he brought to the floor last night, I don't know the exact title, but the national bridge safety bill, which will standardize inspections and provides a billion dollars to States to address some of the pressing needs with bridges in this country.

I mentioned to Chairman Oberstar, I was over on the other side of the Capitol this morning with my senior Senator, Senator Durbin. He does a weekly town meeting with people who are in town from Illinois. And I talked about aviation safety and a number of other things.

And when I told him some of the bills that we were passing and told the people in attendance, he turned to me and he said, ″I think your Committee is passing more legislation than any Committee in the House.″ And I said, ″We are.″ And one of the reasons we are is because of the leadership of Chairman Oberstar.

So I recognize you for as much time as you may consume.

Mr. OBERSTAR. I thank the Chairman for those good remarks, but that success story is because we have great Subcommittee Chair leaders and we have great Members on both sides of the aisle and we have good, outstanding bipartisan cooperation and participation and inclusiveness, that we have achieved that extraordinary record.

And I appreciate the questions offered by the gentleman from Texas, Mr. Poe. The Committee did arrange a briefing on the issue of the DWI incident in Texas for the gentleman and for his staff. And thank TSA for sending their principal personnel in for that meeting.

But the ironic history of the Air Marshal Service is that, after incidents in the late 1960s, 1968, 1969, the Federal Aviation Administration determined that it was necessary to have non-uniformed personnel onboard aircraft, armed, as a Federal Air Marshals Service, and established that service by Executive order, which was signed into law by President Nixon on September 11, 1970. What an ironic date.

I want to compliment you, Mr. Secretary. Under your management and leadership, TSA has made a quantum leap forward in quality and effectiveness of security at the Nation's airports. You have taken a very complex law with very rigorous directives and deadlines, and then-Under Secretary Michael Jackson and Secretary Mineta met those deadlines in the time frame that the Con-

gress set against all odds, all the ″oh, my goodness,″ all the wringing of hands.

Hardly was the ink dry on the President's signature on the law that the airlines were lobbying Congress to ease off the restrictions. It is clear those things that I tried to do, to incorporate into law in the aftermath of Pan Am 103—I served on that commission, as you well know, along with our good friend and former colleague, John Paul Hammerschmidt, a Member of this Committee, the Ranking Member.

It took a tragedy, a second tragedy of much greater complexity to jolt the Congress, the Nation into accepting a much broader, more inclusive, more intensive security program. And you have continued to move it forward.

I think you have made progress, first and foremost, in personnel. Compared to pre-September 11 security system, with the airplanes hiring the personnel on lowest-bid contract, with below minimum-wage or barely at minimum-wage payment, and 400 to 600 percent turnover at airports throughout country, you have achieved great stability in the TSA personnel. They are proud of their work. They have a sense of accomplishment, take their work seriously. And I use every opportunity at every airport I travel to—and it is a lot of them, a lot of different airports—to compliment them on the service they are providing to the traveling public.

With this bit of time, 7 years that have passed, it is hard to think back and remember a time when passengers would not have gotten on airplanes if we had not made the commitment to a much more rigorous aviation security system.

You made progress in technology. I look over the list of equipment that is in place and the equipment that is undergoing testing in the marketplace, if you will, at the airport check points: the portable screening equipment; more use of biometric access technology; the trace detection technology.

I think back, in 1985 and 1986, when the then-FAA was testing a thermal neutron analysis machine. It was the million pounds of weight because of the lead and the steel to protect employees from the nuclear radiation. Unfortunately, as sophisticated it was, it couldn't distinguish between laundry detergent, wool, and plastique, one of the most sophisticated types of explosives. They all had nitrogen. You have moved way beyond that era by aggressively moving out.

I think TSA deserves credit, deserves recognition for the accomplishments, rather than dwelling on problems here and problems there. They have to be addressed; all of these issues have to be. The ones that Mr. Poe raised are serious, and you will provide the answers, I know, in the time frame that he requested.

But such things as bottle liquid scanner technology—at a closed hearing I conducted in 1986, I think it was, 1987, we heard testimony from a aviation security person at FAA that, in cleaning an aircraft between flights, airline personnel found in the overhead luggage compartment a bottle that looked like gin, partly used. They took it out and submitted it to aviation security, and they found it was a bottle of nitroglycerin. There was no way to test it, no way to check it out. Nobody knew what it was. They couldn't

even the find the person who—was it someone in that seat or another seat or what happened? There was no way to check it.

And now you are moving on—I mention this because these are very complex issues to deal with. Very hard to detect certain kinds of explosive materials. And the technology such as trace detection technology or the whole-body imaging, whose genesis goes back to 1987, 1988, 1989—I saw demonstrations then of this technology, where you stepped into a device, looked like a mummy case, and it sucked the air through the—well, now that is being tested out here at National and other airports, but it has come a long way. And it seems that the terrorists are—they used to be a step ahead of us, or two or three steps ahead of us. And I think we are now at the same pace they are, maybe a step or two ahead of the terrorists.

It is your challenge to stay—but I do have a question from my organization, the ″league of metal implant air travelers.″ I have recyclable materials in my neck and in my hip. And I set that alarm off. And I know that there are lots of others. In fact, not too long ago, the fellow just behind me, as I said to the agent, ″My hip will alarm,″ and he looked at me and he said, ″I have two of them.″ ″You too?″ ″Yes.″ So we both went through the scan.

And there was a very thoughtful meeting with your staff. I think Ms. Berrick was there. And then there was to be issued a new practice at the end of June—but it didn't happen—to accelerate, to have an abbreviated screen of implant travelers. And I arrived at National Airport and said, ″Oh, today is the day when you are going to launch the new″—this was the day after—2 days after June 30th, yeah, because I was just going home for the 4th of July—and they said, ″What new system?″ And I described it, showed them my BlackBerry, and, ″Oh, no, we haven't heard anything about this. We know nothing about this.″ And it wasn't in Minneapolis, it wasn't in Duluth, and it wasn't anywhere I traveled. What happened?

And, secondly, can you develop a biometric for the about a million or so air travelers who have metal body parts that set off the alarm and cause an additional 5 to 10 minutes of time? Especially the wait time when the ″male″ alert goes out and you are waiting for someone who is free to come and do the body screen.

Tell me what happened.

Mr. HAWLEY. On the change in the Standard Operating Procedure, that is now in effect everywhere. It will expedite the members of the ″league of metal implants.″ What they will do is, rather than do the entire process, they will do the area that alarmed, unless there is a random element. So what perhaps should have been in place on July 2nd is in place today and will be going forward. I think it preserves our security and will make it a lot easier on the increasing number of passengers with metal implants.

On the biometric, we still would have a need to resolve if there were something else in the area. I think biometrics generally as an identity verification is an excellent security measure, but we have to still resolve whether there is anything else there.

And these portals that you mentioned, the whole body imagers, are very effective and very fast method with no touch. That, as you know, is something that we are rolling out significantly. By next

year, we will have 120 of them out. We are already going to get 30 out this year.

Mr. OBERSTAR. I wasn't aware that you were getting that many. That is good.

I am not asking for an exemption of any kind for metal implant travelers. As I have talked with the knee folk and the hip folk and the neck folk and the rest us that have—the Mayo Clinic has done 110,000 body implants, so I know that there are a lot of them just from that facility. And they all say, ″We just want to be treated like everybody else. Just because of our hip alarms or our knee alarms, we shouldn't have to go through this whole process.″ And sometimes they are late and they are going to have a close call with their flight.

And that comes to the second point. A few years ago, the Appropriations Committee, I think 4 years ago, the Appropriations Committee put an arbitrary cap on TSA personnel, 45,000—and somehow, in their wisdom, they thought this was the right number—and then funded it only to 42,000.

What are your real needs in personnel? And I ask the question based on random comments I get from TSA personnel saying, ″We don't have enough time for training and retraining. We don't have enough time away, because there aren't enough backup personnel, time away from duty where we can do other things or training or just get a respite.″

So what do you think are the real staffing level needs of TSA?

Mr. HAWLEY. I think we are about right where we are. The cap no longer exists, so when we do our budgetary presentations and discussions, we are not constrained. Secretary Chertoff does not constrain us on our budget process. He asks the question, what do you need to do the job security-wise? When we determined that we needed to close the vulnerability on the ID, we said we needed some more officers to be able to do that, and that was adopted in the budget.

However, the interesting thing is that our officers—by reducing unexcused absences, by reducing injuries, through better scheduling, through a number of things that our officers have been able to do—have created an efficiency that has funded about 6,000 slots. So our officers, through just their own focus, have increased our ability to do other security measures within existing resources.

So I think right about now we are good for 2008 and, I believe, 2009. Then 2010 obviously will be the purview of the next administration.

Mr. OBERSTAR. What are you going to do with the Registered Traveler Program? I signed up for that just as an experiment about 3-plus years ago at Minneapolis-Saint Paul Airport. And it was in operation for a while, and then it disappeared. And we heard, the Committee heard from business travelers there was no advantage for them in signing up for and going through background screening, because all they did was go to the head of the line and go through the screening process. And I stopped doing it because at Minneapolis-Saint Paul Airport they would say, after I did the retina scan, they would tell the other folks, ″Would you step aside and let the gentleman through here?″ And they would say, ″Oh, Con-

gressman Oberstar gets through, eh?″ Not a very good image for the rest of the place.

Mr. HAWLEY. We have been doing a pilot that was capped previously at 20 airports and we are now at 19. Today we are announcing that we are removing that cap, because of exactly the point you raise, about what we call the security threat assessment. Because of clean-skin terrorists or terrorists who do not have criminal records or are not watch-listed, we can't give a free pass for that.

Given the checks that we do on every passenger, we also are removing the $28 fee. So the effect of what we are doing is eliminating the cap on airports and cutting the price by 28 dollars. That will allow the market to determine how many airports wish to have it, and it will take it wherever it takes it.

Mr. OBERSTAR. Is this going to be a public-private partnership?

Mr. HAWLEY. Yes. In fact, it is principally now a private-sector program, and the security value is in the ID, the biometric ID. We view that as significant. In fact, we are looking at it, when the photo is on the card, as being a private-sector equivalent of a real ID.

Mr. OBERSTAR. But those personnel who carry that ID will not be exempted from the screening. They will go through the metal detector, their luggage will go through the screener, and if alarmed, they will be further screened?

Mr. HAWLEY. Yes, sir.

Mr. OBERSTAR. Okay. Thank you.

Mr. Chairman, I will not prolong any further. I appreciate the testimony.

Mr. COSTELLO. Thank the Chairman of the Full Committee.

And now the gentleman from North Carolina, Mr. Coble, is recognized.

Mr. COBLE. Thank you, Mr. Chairman. I had two other hearings that conflicted, so I was late arriving, Mr. Chairman, and these questions may have been addressed.

But, Mr. Hawley, let me ask you this. Will the procurement of Millimeter Wave technology meets the agency's stated need for primary screening technologies?

Mr. HAWLEY. I believe it can. We are currently using it in what we call ″random continuous,″ which is not to have every passenger go through it. But we are finding that, with more experience, our officers are able to get a clear picture and make a decision within times that might make it possible to do for all passengers.

But your point about primary screening, I think, is very significant. And we are using it in that way.

Mr. COBLE. Good. Glad to hear that.

Ms. Berrick, in your testimony you stated that some assumptions in the TSA staffing allocation model did not accurately reflect airport operating conditions. Elaborate as to what those assumptions are.

Ms. BERRICK. Sure. They were related to three assumptions. One was that airports would be able to hire a certain level of part-time TSOs. The second one was that screeners would be devoting 100 percent of their time to screening duties, when, in fact, they were pulled to do some additional efforts. And then the third area re-

lated to training, was it accounting for the training that screeners had to take.

However, TSA made changes in all three of those areas to factor that into the model, which we think was very positive. In addition to doing that, TSA now regularly goes back and assess the assumptions that they used to determine staffing allocations and makes adjustments based on that review.

Mr. COBLE. So that has been resolved to your satisfaction?

Ms. BERRICK. Yes.

Mr. COBLE. Mr. Hawley, let me come back to you again. What processes are in place to ensure that coordination and collaboration is effective and efficient between TSA and DHS and the technology vendors and airport operators?

Mr. HAWLEY. We have a division of labor in what the Department invests in research and development, and we usually call that 3 to 5 years out. So technology will be applied to us 3 to 5 years hence. And then we work on integrating advanced technology as it is ready to get to the checkpoint. So that is the separation of work, and I believe that works well.

I think the larger issue is why does it take so long to go from lab to checkpoint generally and are we getting all the technology that we should be. I think that is something that needs to be improved. It is principally driven by our acquisition process that is very rigid and essentially limits the choice that we can make to what is available to buy in the current year. That is a larger-scale problem.

In terms of working with DHS and the community, I think that system is working well.

Mr. COBLE. Thank you.

Thank you both for being here.

I yield back, Mr. Chairman.

Mr. COSTELLO. I thank the gentleman.

And the Chair now recognizes the gentleman from Kansas, Mr. Moran.

Mr. MORAN. Mr. Chairman, thank you very much.

Mr. Secretary, Madam Director, thank you for joining us.

One of the unfortunate consequences of higher fuel prices is fewer flights. I am not exactly certain how this has affected the general aviation industry, but know from headlines and my own traveling experience it has affected the commercial airlines in a significant way.

What are the consequences at TSA for plans in the future in regard to this development? What does that mean for TSA?

And, in particular, when it comes to small airports, it is my understanding that you are reducing your workforce. Is there an assurance that, should the circumstance improve and that flights return, that TSA is prepared to restaff those smaller airports?

Mr. HAWLEY. The short answer is yes. The little bit longer answer would be that there are business decisions that have to be made so common sense is arrived at. But we have the obligation to screen the passengers. And, in some cases, it makes sense to do it further on down the line. But it is something that we work on very closely with the airports, the airlines, and the communities.

We are feeling the effects of reduced service, which means we have to reallocate our resources or, in fact, move our officers from airports. But we are very much aware that, as service expands, we will work with the community to make sure that the passengers are screened and, where possible, screened at the originating airport.

Mr. MORAN. Well, the airlines are laying off employees. Is there a general change in the levels of employment at TSA as a result? Are there fewer passengers to screen? Is there less baggage and cargo to screen?

Mr. HAWLEY. Right now we have not seen a dramatic drop-off. We hear the major effect is coming in the fall, and we are keeping a very close eye on that. We are able, when we have to pull back out of an airport, to make reductions through attrition. Or if we do have to actually make cuts, we work with the employees to have a proper separation, with proper communication. There is a lot of process involved in that. But it is something we are very upfront about with in the workforce.

Given the current projection of where we are now, we are comfortable that any reductions we have to make will be made through attrition rather than losing our experienced officers who we have trained and spent a lot of money on and invested in. They are gold to us, and we need to keep that expertise in house to the extent we can.

Mr. MORAN. Is TSA adequately staffed now to meet the requirements, the needs, such that you would expect a smaller workforce if these changes occur? Or do these changes, this less travel, less flights, does that just allow TSA to better do the job that it is responsible for?

Mr. HAWLEY. We are not immune to economic circumstances. We will react as we have to to be efficient in use of the Government's taxpayer money. But we are using opportunities in slower times to do retraining.

As I mentioned earlier, we are retraining every officer at TSA—2 full days' worth of training—to get better experience.

We have found that, because of a large workforce, that attrition generally is enough. If we do need to scale back, we would get a glide path that arrives at the right place economically.

Mr. MORAN. Any developments in regard to security, as it relates to the general aviation industry? Anything, as I say, developing or on the horizon that would affect the industry?

Mr. HAWLEY. Yes, sir. We talked earlier about foreign repair stations and rulemaking. It is the same issue in general aviation. We have a rule that is going to come out as soon as it advances through the consultation process, but we don't wait until the rule comes out to get security in place. We have a very strong general aviation community in the United States that is, in fact, very security conscious. The Pilots Association and other general aviation groups are very cognizant of their security responsibility and are very forward-leaning in that regard.

So I think we start from a strong base. And the rule, when it comes out, will memorialize what is basically in place as we speak.

Mr. MORAN. Let me join Mr. Costello in his questions, perhaps commentary, in regard to the foreign repair stations and the lack

of rule. That has significant consequences to many companies at home and to the aviation and traveling public. And I very much am chagrinned that we are not there yet, and encourage you to do everything possible to speed the process up.

Thank you, Mr. Chairman.

Mr. COSTELLO. The Chair thanks the gentleman, and now recognizes the gentleman from Pennsylvania, Mr. Dent.

Mr. DENT. Thank you, Mr. Chairman.

Good to see you, Secretary Hawley.

There have been news reports recently that the terrorist watch list now includes 1 million people on it, even though it is my understanding that the number is actually closer to 400,000 people, and that about 5 percent of those people are Americans. Is that correct?

Mr. HAWLEY. There are less than 50,000 people on the TSA-related No-Fly and selectee lists.

Mr. DENT. Less than 50,000? Have you seen those same reports about a million or 400,000?

Mr. HAWLEY. Yes, sir. Nor do we have CNN reporters on the watch list or Members of Congress on the watch list. That is not the case.

Mr. DENT. Of that 50,000, then, how many are Americans, do you know?

Mr. HAWLEY. A very small percentage, and I am not sure that I am at liberty to say exactly.

Mr. DENT. At some point, maybe in a classified setting, we could get that number. Because there is a lot being said out there, apparently, in the media that is not accurate, and it wouldn't the first time.

I know that DHS and TSA have made improvements to the travel redress process under DHS TRIP for those people inconvenienced when flying by having similar names to those on the terror watch list or no-fly list. As I understand it, the process is improving, but there are still a number of glitches in that system.

Can you tell us how Secure Flight will remedy the problem for people with similar or the same names as those on the watch list?

Mr. HAWLEY. Yes, sir. Secure Flight will have advanced algorithms that will be able to sort the normal traveler, be it a Member of Congress or a CNN reporter, who is traveling in the normal course of business and not on any watch list. The sophisticated algorithm will take care of that problem, and that complaint should go away.

The problem is that today some airlines are declining to invest in their systems, knowing that Secure Flight is coming. As a result, some airlines have elected not to do what we would like to see them do, which is take care of the innocent passengers and not inconvenience them.

But what we will not tolerate is anyone saying to a member of the public that, ″You are on a watch list.″ That undercuts the credibility of the system. They are not on watch lists. They are being swept up in an airline filtering system that certainly catches the people we need to catch but is also pulling in a lot of people who should not be pulled in.

We understand that is a business decision that they have made, but we are not going to tolerate it when somebody says, ″Oh, you

have to come up here because TSA has you on a watch list.″ That is something that we think undercuts credibility and are not going to stand for.

Mr. DENT. Thank you.

Could you also tell us when we can expect implementation of the Secure Flight program?

Mr. HAWLEY. Yes, sir. The technology portion of it is moving along on schedule and should be ready in January of 2009, as we have suggested. The rule, which is the authority to implement, has still not been released in final form. As soon as that is released, which we hope will be this summer, that will say when we can compel airlines to provide us the information we need.

Mr. DENT. And as I understand it, there are a few airports and airlines that use their own funding to construct in-line EDS systems for screening checked baggage. Back several years ago when, I guess, the ATS mandated 100 percent screening of checked baggage, these airports and airlines claimed they were give assurance by TSA that they would be reimbursed in part for those costs. To my knowledge, they have not been reimbursed for these costs.

Section 1604 of the 9/11 Act, which Congress passed last year, requires that TSA establish a prioritization schedule for airport security and improvement projects. And section 1604, as I understand it, also requires that the prioritization list include airports that have already incurred eligible costs related to the development of partial or completed in-line baggage systems.

So has TSA completed its prioritization list?

Mr. HAWLEY. Yes, it has. And the problem is that airports without in-line systems have a priority over those who already have them who wish to be reimbursed. That is the problem.

The bigger problem is that about a billion dollars' worth of reimbursements would need to be made, which, from a risk perspective, we believe is better served for the purpose of increasing security rather than repaying for the systems that are already in operation.

Mr. DENT. And under the prioritization list, will any airport receive funding for costs already incurred for in-line EDS systems? Or does the prioritization list include funding for future construction projects only?

Mr. HAWLEY. It will not, in the near future, extend to the point of reimbursing unless there is a significant additional amount of money in the process. It will go to the newer systems that are put in place.

We are putting out about a billion dollars this year. It is a significant advancement in overall security, but it is regretfully not yet to the point of reimbursing those who previously spent funds.

Mr. DENT. Thank you, Secretary. I appreciate your service.

Mr. Chairman, I yield back.

Mr. COSTELLO. The Chair thanks the gentleman.

And let me thank you, Secretary Hawley and Ms. Berrick, for your testimony here. And if you would, Mr. Secretary, if you will get us answers to the questions of both Ms. Norton, Mr. Poe, and I think others.

And the Chair recognizes the Ranking Member.

Mr. PETRI. I just wanted to submit an additional question or two for the record.

Mr. COSTELLO. We will have additional questions in writing that we will get to you and ask you to respond to, as well.

Again, we thank you for your testimony here today. And the first panel is dismissed. Thank you.

The Chair will introduce the second panel as they are being seated.

The second panel will consist of Timothy Campbell, executive director of Maryland Aviation Administration, Baltimore/Washington International Thurgood Marshall Airport; Mr. Charles Barclay, who is the president of the American Association of Airport Executives; Mr. John Meenan, who is the executive vice president and chief operating officer of the Air Transport Association; Ajay Mehra, who is president of Rapiscan Systems, Incorporated; Mr. Steven Brill, chairman and chief executive officer of Clear Verified Identity Pass, Incorporated; and Captain John Pater, who is the president of the Airline Pilots Association, International.

Please, if you would find your seats.

The Chair would announce that we expect votes to occur somewhere between 12:15 and 12:30, so we are going to try to get to your testimony and as many questions as we can before we are called to the floor for votes.

Mr. Campbell, since you are seated and hopefully you are prepared to proceed, the Chair, under the 5-minute rule, would ask you to summarize your testimony in 5 minutes.

All of the witnesses should know that your full statements will be entered into the record.

And the Chair now recognizes Mr. Campbell.

TESTIMONY OF TIM CAMPBELL, AAE, EXECUTIVE DIRECTOR, MARYLAND AVIATION ADMINISTRATION, BALTIMORE/WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT; CHARLES BARCLAY, AAE, PRESIDENT, AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES; JOHN M. MEENAN, EXECUTIVE VICE PRESIDENT AND CHIEF OPERATING OFFICER, AIR TRANSPORT ASSOCIATION; AJAY MEHRA, PRESIDENT, RAPISCAN SYSTEMS, INC.; STEVEN BRILL, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, CLEAR VERIFIED IDENTITY PASS, INC.; JOHN PRATER, PRESIDENT, AIRLINE PILOTS ASSOCIATION, INTERNATIONAL

Mr. CAMPBELL. Thank you very much, Mr. Chairman and Ranking Member Petri and Members of the Subcommittee. It is my pleasure to be here today to represent BWI Thurgood Marshall Airport before the Committee.

BWI Marshall Airport is a large hub airport serving the Metropolitan Washington area, of course. And thank you, Mr. Chairman, for your patronage and, of course, your passenger facility charge. We have worked with the TSA over the years on numerous security programs and implementation of new processes. And it has been a very good partnership going forward.

You might ask, why BWI? We have had a number of programs implemented at our airport. We are obviously close to Washington, D.C., close to headquarters, close to a lot of the staff and the consultants and other technical folks that are involved in these systems. We have a combination of older facilities and newer facilities.

We have three checkpoints that are serving older portions of our terminal building. And, of course, we have our new Southwest terminal building, which has two very nice, wide, spacious checkpoints. So we have a good mix there. And thirdly and most importantly, the staff at BWI recognizes the importance of developing new security technology and processes. We value it, and recognize that the continuous improvement in these areas is very important.

Just a brief note on some of the new initiatives we have seen at the airport, and some of these have been mentioned already by the preceding panel.

With respect to security screening for crew members, we have implemented a new crew pass process at the airport. Last week, it was rolled out. We are working with Southwest Airlines, TSA, ALPA and others on an additional screening process that would be used for crew members at one of our other checkpoints. So we are working on that particular area.

And with respect to the new Checkpoint Evolution or the ″checkpoint of the future,″ TSA implemented that at the airport a number of months ago, and it has really been a pretty successful operation, from the airport's perspective. It does require a larger footprint, more space than the traditional checkpoint. We are fortunate that in the new Southwest terminal we were able to accommodate that. We are not so sure that it would work in all airports in the current configuration. But that is one aspect of the new program.

Mr. Hawley mentioned some of the new processes that are integrated into this checkpoint. And those, from our perspective, from the airport's perspective, seem to be working pretty well and are pretty well-received by the public.

We do have the whole-body imaging devices at that checkpoint and at other checkpoints at the airport as well. Those have received a lot of media attention, but we have not received any customer comments or complaints about the use of those devices at our airport.

We also have the new Advanced Technology X-Ray systems at this checkpoint and throughout the airport. And overall, the public has been very favorable to some of the new technology and processes in place.

One of the areas that TSA is continuing to work on is that throughput through the checkpoint has not been what they expected and hoped for. They are making changes, and have actually made changes in that regard to get that throughput back up. And we think that what they are doing will work. Many of the elements of this checkpoint are being integrated into our other checkpoints as they go along.

I will conclude my remarks and thank the Committee, and I would be happy to answer any questions.

Mr. COSTELLO. The Chair thanks the gentleman for your testimony, Mr. Campbell, and now recognizes Mr. Barclay.

Mr. BARCLAY. Thank you, Mr. Chairman, Members. It is always a privilege to be before the Aviation Subcommittee.

I want to begin by also complimenting Kip Hawley on his leadership at TSA. He has been somebody who does believe what he says about partnerships. That is exceptionally important to airports,

where this Committee knows it well, but a lot of the public, when they hear airport they don't necessarily think local law enforcement working with Federal law enforcement. But that is what we have at airports. It makes a lot more sense to have both those groups pointed outward looking for bad guys than watching each other as a regulator and a regulated entity. We certainly don't do that with FBI and local law enforcement. We shouldn't be doing it with TSA and local airport enforcement. That notion of partnership is the right way to secure the system.

One of our greatest frustrations since 9/11 is precisely what the Chairman mentioned in his opening remarks, to which we say amen on in-line baggage screening. This is one of those instances where common sense is being attacked by our Federal budget process. It doesn't have capital budgeting in it. So even though we could save much more money in operating expenses over the long haul than the initial investment cost, we are not able to take advantage of that, largely because of the way the budget rules are structured. That is a lesson for purchasing technology throughout the security area, and it is something we would offer the Committee to look at as an area that is ripe for reform and finding ways to spend our money in smart ways and get new technology in faster into the system as a result.

My testimony mentions programs that are of great interest to our members on the checkpoint of the future, perimeter security, vetting of employees, adding biometrics to access control, control of access control at airports, employee screening, the RT program. These are all programs that are important to us, and I am happy to answer questions on them.

Security issues since 9/11 have just consumed our members like Mr. Campbell. In fact, it is only recently, with the extraordinary rise in jet fuel prices, that I have had members tell me that their top three priorities are not security, security, and security. There is now one other issue on the table for them as well. But that very strong and consuming topic has really grabbed the attention of our members, and continues to do so.

Finally, I just want to take a moment to shine a light on something that is not a problem, but I think it is important for the Committee to recognize, and that is a program that our association runs. The Transportation Security Clearinghouse is a program that is involved in the day to day vetting of airport and airline employees. The history of that program is that before 2002 and the existence of a clearinghouse, about 10 percent of the employees went through the OPM process for criminal history record checks. That process took 52 days, almost 2 months, cost $31. Today it takes 40 minutes through the clearinghouse and costs $27. We have vetted over 3.2 million biometric records from employees in the aviation industry. It dwarfs the volume in HAZMAT and port industries. They in fact pay double what transportation—it is more than double the $27 if you match up what is going on in terms of the actual activities concerned. But more important than the price, frankly, is that savings in time. If we were taking still several months to get people vetted to get out on the jobs, the airline industry in 24-7 just couldn't be working. The reason this is working is we have the incentives right. The members, our members like Tim, are both the

owners and customers of the clearinghouse. That is why it is working. And we think we should build on that going forward.

It also has a role in Registered Traveler. And we are strong supporters of that program, and think Mr. Brill and VIP and the other service providers have done good work there.

So thank you, Mr. Chairman. I would be happy to answer questions.

Mr. COSTELLO. The Chair thanks you and now recognizes Mr. Meenan.

Mr. MEENAN. Mr. Chair, thank you very much. Mr. Petri.

I join Chip and echo Chip in complimenting Kip's service to the country, his leadership at TSA. We greatly appreciate it and will miss him when he goes.

It is no secret that the country and the airline industry was dramatically changed by 9/11. In our case, we can actually in some way measure part of that change because we have seen a very curious phenomenon that has occurred since then. Prior to 9/11, for almost 20 years, spending on passenger air transportation in the United States ranged between about .9 and 1 percent of Gross Domestic Product. After 9/11, that dropped to .7 percent. That is about a $26 billion piece of revenue that simply disappeared and hasn't come back. On top of that, we have got about a 4 or $5 billion a year expense to the industry in new security requirements. And between those two things, obviously the industry has dramatically changed, and in a way that has made it more difficult for all of us.

In approaching that, obviously we want to think about ways to spend as smartly as possible, and we firmly believe that one of the tools that this Committee and Congress and the administration should consider is a much more rigorous risk analysis, risk management approach to decision-making, where you look at the data, look at the cost of programs, and determine where you are going to get the biggest return for the expenditures we are going to make. We have used that kind of tool on the safety side of the industry for more than a decade, and it has proven to be very effective. It isn't an easy transfer to the security equation, but we think it can be done. We think it would have some real merit.

Now, under such an approach every expenditure would be looked at in relationship to all of the risks we are dealing with and with all of the other expenditures we are making, and I think in the end you end up with a smarter decision-making process as a result of that.

Now, another key element to improving the design and efficiency of security programs requires improved focus, from our perspective, on data collection, data management, and data sharing. Expanding passenger information requirements creates substantial new demands on government agencies, airlines, and travelers. The problem is that the government's passenger information requirements have remained pretty much stove-piped and poorly coordinated. This problem arises in the DHS agencies, but it also arises with CDC, and increasingly we are seeing it from other governments around the world. And we are urging very strongly that the U.S. Government step up to this issue, get its own programs in order, set up a single sort of template that will be used for collecting in-

formation, and work with other governments so that we are not duplicating these things with variations all over the world in a way that is very inefficient and very costly.

In addition to that, another element of improving security in our view is to advance the principle of do no harm, and that is to stop misguided security efforts. Right now we think that the Department of Homeland Security's efforts to require airlines to collect biometric, 10-fingerprint prints from departing international passengers, which clearly was a responsibility assigned to the Department, is an example of the kinds of things that shouldn't be advanced. We also think that the Registered Traveler program, frankly, is a program in search of a utility that doesn't exist at this point. We see very little value in that program other than an ID card to get you to the front of the line. As Mr. Hawley observed just a few moments ago, the handling of those passengers is exactly the same as everyone else once they get into the TSA process.

We also think that we need to be smarter in the way we implement the air cargo security programs. I know it was mentioned earlier that TSA was assuming that responsibility. In fact, that is not the way the program is going to work. It is the carriers who are responsible for screening that cargo. And those burdens are going to be imposed on the airlines, and hopefully move back up the supply chain. But it isn't TSA that is planning to perform those screening functions.

And finally, I would be remiss without bringing to the Subcommittee's attention the devastated economic condition that the airline industry finds itself in. As a direct result of the price situation, we have already seen 100 communities be told they are going to lose service. We have laid off or are laying off 32,000 people. We have grounded 700 airplanes. Things are likely going to get worse. And obviously, we are looking to Congress to work with us. And one of the things we are asking is your consideration and your support for moving legislation dealing with excessive speculation in the price of oil, while we also move forward to increase supply through additional drilling, through alternative energy sources, through use of nuclear power, and so forth.

Thank you, and I would be happy to answer questions.

Mr. COSTELLO. The Chair thanks you and now recognizes Mr. Mehra.

Mr. MEHRA. Good afternoon. Thank you, Chairman Costello, Congressman Petri, and Members of the Subcommittee. I am honored to testify before this Committee on the critical issue of improving aviation security.

My name is Ajay Mehra, and I am President of Rapiscan Systems. Rapiscan Systems is a global company headquartered in California which offers the world's widest array of nonintrusive inspection systems for airports, seaports, and land borders. Rapiscan Systems has installed more than 70,000 systems in 150 countries. We therefore understand better than anyone the strengths and limitations of these systems, and can help security officials employ the best technology for any detection and operational requirement.

Today, nearly 7 years after the 9/11 attacks, I can say that aviation security is clearly stronger. That is in large part due to the

TSA. But as with everything, there is always room for improvement.

While my focus today will be on technological advances in detection, we must pay equal attention to how technology affects airport operations and the traveling public that you have heard from others as well.

As you know, TSA is diligently working to enhance inspection capability of passenger carry-on items. Currently, TSA is implementing the Advance Technology Checkpoint program, also known as AT for short. TSA intends to replace current checkpoint X-ray systems with the new AT systems. These systems are aimed at improving the detection of explosives and other aviation threats, while speeding up the process of passengers and their belongings. These systems provide multiple views of each bag, and can be screened at a number of advance functions to achieve these goals. Rapiscan considers the AT program as a model for procurement policy of TSA.

As part of a competitive solicitation, TSA evaluated multiple technologies and selected three vendors to move to the operation pilot phase of this program. Ultimately, two vendors passed the operational testing and were chosen to move forward with deployment contracts. To date, Rapiscan Systems and one other company have been awarded contracts for the systems, and TSA recently announced that they would be purchasing additional systems.

As part of the next phase of AT deployment, TSA recently released a request for proposal for scanning technologies to add to the QPL list for their program. This next phase doubled the number of performance requirements for the ATA systems.

Rapiscan is ready to meet these new challenges. A key point here is that developments to meet the now procurement requirements are designed to be easily upgradable in the future, which will allow TSA to technology refresh these systems rather than actually replacing them, thus reducing training time, saving money, and ensuring enhanced security.

I want to move on to a separate technology to be deployed at checkpoints known as whole body imaging that you have heard about during these hearings. Currently, U.S. airports employ a complex system of enhanced metal detection systems, trace detection machine, and physical patdowns to inspect passengers for weapons, explosives, and other materials. TSA's WBI program is designed to deploy technologies able to inspect people for multiple threats more quickly and effectively. Although we believe that the WBI technologies do meet these requirements, deployment has been slowed due to policy provisions associated with privacy concerns and testing changes to move the systems into a primary screening mode from a secondary screening mode. These delays have primarily affected the backscatter technology systems, which I believe have proven to offer the best detection capabilities.

One of the selected WBI systems is a Rapiscan Secure 1000, which utilizes backscatter technology. The Secure 1000 is currently deployed at various nonaviation locations all over the world. Unfortunately, and unlike the AT program that I previously talked about, TSA has chosen to move forward with a single technology known as millimeter wave without successfully completing all

phases of testing. We believe that this insufficient data did not quantify the detection capability, passenger throughput, and reliability of the millimeter wave technology. Thus, procurement of these machines at the numbers at which TSA has chosen is premature. We would suggest that TSA successfully complete the entire original pilot program as it was defined and quantify their test data before moving forward with procurement of any additional machines.

The delays in the initial WBI program are now being followed by a new qualified product list procurement for WBI. This new process requires a substantial investment by WBI companies to submit for another round of testing. Given TSA's ongoing testing of additional programs and the decision to purchase only millimeter wave before finalizing testing, Rapiscan does not understand the value of the government or industry investing in another round of procurement.

While I was asked by the Committee to focus on checkpoint today, I heard people talking about other areas as well. We are currently developing technology that can be used for next generation EDS for checked baggage, and have readily available technologies that can be used for air cargo.

I want to thank you all again. Rapiscan Systems is proud to be part of the U.S. homeland security effort, and the only company to be part of both AT and WBI programs at the checkpoint. I will be happy to answer any questions.

Mr. COSTELLO. The Chair thanks you, and now recognizes Mr. Brill.

Mr. BRILL. Mr. Chairman, Mr. Ranking Member, Members of the Committee, thank you for inviting me here today to talk about the Registered Traveler program, a partnership, and now a really good partnership between the Transportation Security Administration and private sector companies like Clear, which operates Registered Traveler programs in 16 of the 18 Registered Traveler airports.

In the last year, RT has gathered critical mass across the country. Indeed, as of this weekend more than 200,000 people will have enrolled. And we are now enrolling a thousand people per day. Put simply, the program is delivering on the promise of public-private partnerships to protect our homeland and make travel more convenient, which is what impelled those of us at Clear to start this enterprise in the first place. And in fact, as you heard Mr. Hawley say, the program has now worked so well that it is being rolled out all across the country. And we are delighted by that announcement. Indeed, TSA's cooperation has been effective and increasing, and the American Association of Airport Executives' Transportation Security Clearinghouse has also done a really good job.

The typical Clear member is a road warrior, a sales person or contractor who is stuck flying three to six round trips each month. They love the program for its speed and its predictability, which allows them to spend an extra hour at home in the morning or an extra hour in the afternoon doing their work. In just the last year, nine new airports, including Reagan and Dulles, have joined the program, and the busiest airport in the United States, Atlanta, is opening within a few weeks. The TSA turnaround time for approving these programs has been improving, and is now exactly what we would hoped it would be.

Airlines too are becoming sponsors of Registered Traveler, airlines including many members, I should add, of the ATA, with Delta having signed a milestone partnership with us just last month that will add numerous Clear lanes to key Delta terminals. Indeed, now that RT's premise has been proven and its momentum is snowballing, the number of members as well as participating airports and airlines is poised to multiply next year and beyond.

Now here is what all this means for aviation security. Quite simply, Registered Traveler helps TSA manage risk. After all, TSA knows that these frequent travelers are the only travelers whose identities have been assured because they go through biometric verification every time they go through an airport. And members will soon be carrying Registered Traveler cards that not only require biometric verification, but also feature additional state of the art security features that, as Mr. Hawley said this morning, really comply, are the first cards to comply with REAL ID, all done on a voluntary basis at no cost to the taxpayer, and with none of the issues that are raised by forcing people to have these cards.

Our members are also the only travelers who have been the subject of a security threat assessment, a process that will now be transitioning from TSA doing it to the AAAE clearinghouse doing it. It is our estimate that because RT members travel so frequently, and therefore make up such a disproportionate share of the flying public, once the program is rolled out, 30 to 50 percent of those moving through a big airport on a weekday morning will be prescreened, biometrically verified, Registered Traveler members.

Now, that takes a lot of the hay out of TSA's proverbial haystack, again at zero cost to the taxpayers. And while this is going on, the program actually makes the checkpoints more efficient for everyone because our concierges at our lanes are able to speed the process. Our members move through on a much faster basis, typically in less than 4 minutes, and the other lanes actually move faster because our lanes work so much more efficiently.

Now that we have achieved this kind of critical mass in customer and airport satisfaction, we are ready to move to the next step of cooperation with the Department, including being able to use the biometric platform we have to solve the US-VISIT Exit problem, to take one example, and to coordinate this program with programs such as Global Travel.

I am eager to answer any of your questions.

Mr. COSTELLO. The Chair thanks you, Mr. Brill, and now recognizes Captain Prater.

Mr. PRATER. Good afternoon, Chairman Costello, Ranking Member Petri, Chairman Oberstar, and Members of the Subcommittee. On behalf of the 55,000 ALPA pilots who fly for 40 airlines in the U.S. and Canada, thank you for this opportunity. I have four areas to quickly cover: Crew member screening, FFDOs, secondary barriers to protect the cockpits, and cargo security.

In a real sense, pilots are security in the air. And if all the technology and all the human assets fail, they will be the last defense to protect the cockpit. That is why our union has pushed so hard, and continues to advocate for better procedures, training, and technology that let us stay one step ahead of those who would do us harm.

Since 9/11, working in tandem with government officials and industry stakeholders, ALPA has helped implement several initiatives that have become part of the layered security protections that we depend upon. The most exampled success is CrewPASS, which was launched just 1 week at three airports, Baltimore being one of them.

CrewPASS is an ALPA-conceived program. It is used by TSA officers to verify a pilot's identity and employment status in real time. This reduces congestion and passenger wait times at screening checkpoints, enabling our transportation screening officers and the behavioral detection officers to better protect the traveling public by focusing on those who would possess harmful intent instead of diverting valuable security resources on known, vetted and trusted pilots.

ALPA has provided the computer equipment to the TSA employees to administer this program, briefed our members, and has made this information available to other U.S. airline pilots. Just 1 week into the test, ALPA has tallied over 3,000 pilots who have used this enhanced security system. ALPA's security team has received positive reports on CrewPASS from our pilots and from the TSA, and we fully expect TSA to continue to expand the program after the 60-day test period. We urge you to fund the appropriate technology and resources needed to move this program nationwide.

Another security success story is the Federal Flight Deck Officer program. TSA has proclaimed the FFDO program as one of its top 20 successful initiatives in the area of security. However, after 5 years it needs some review and improvement. For example, an appropriately sized and organized management structure is sorely needed to supervise the thousands of FFDOs. Effective oversight of the entire program rests with the Federal Air Marshal Service, with just 20 people. ALPA also believes the government should reimburse these volunteer FFDOs for their out-of-pocket costs associated with their training in the all-volunteer security force. Some airlines even refuse to accommodate requests by pilots to attend the initial and recurrent FFDO training program, forcing pilots to use vacation time to become the armed officers who defend our airliners. We believe these volunteers deserve the same leave rights from their airline employers to complete their FFDO training as those citizens performing Reserve or National Guard military duty.

Protecting the flight deck doesn't end with the FFDO program. ALPA believes strongly that the installation, the mandatory installation of secondary flight deck barriers would supplement the protection offered by the reinforced cockpit door. These barriers can provide a tremendous increase in security against another hostile takeover of a flight deck for a very few dollars. The secondary barriers will create the precious seconds for pilots and flight attendants to react if a flight deck is attacked when the cockpit door is opened in flight. In fact, two U.S. major passenger airlines are installing these, and others are awaiting for the FAA to approve the development and standards for the installation of secondary barriers. We would ask the Subcommittee to consider funding an initiative to develop the design standards, test existing prototypes, and create the standardized procedures for flight crew members.

These secondary barriers are especially needed on cargo aircraft, which almost unbelievably do not even have cockpit doors to protect their pilots. Unfortunately, this is just one item on ALPA's long list of security concerns for air cargo operations. Cargo airlines continue to fly under the regulatory radar, dodging implementation items and the final rule on air cargo security requirements. The fact is that far too many cargo operations continue to fall short of the one level of safety and security.

I will summarize by saying for the 55,000 pilots I represent 9/11 doesn't seem like 7 years ago. It seems like yesterday. With the image of four lost airliners, their passengers and the 33 crew members as our backdrop, we work every day to make our industry more secure. And because of the additional layers of security that you have already mandated, you have added to the probability of stopping the next threat.

Thank you for all that you have done when all of us agreed together that we would never forget. Thank you.

Mr. COSTELLO. Thank you, Captain Prater. The Chair would announce to everyone and to Members that we have four votes going on on the floor right now. I would guesstimate that it would be about 50 minutes to take those votes. We have 6 minutes to proceed, to get over to the floor.

At this time the Chair would recognize the Ranking Member for any comments or questions.

Mr. PETRI. Thank you very much, Mr. Chairman. I thank the witnesses. In the interests of time and votes on the floor, I will submit my questions for the record.

Mr. COSTELLO. Very good. The Chair now would recognize the gentlelady from the District of Columbia, Ms. Norton.

Ms. NORTON. Well, I will yield to the Chairman if he has any questions, since this is the only Member who doesn't get to vote on these matters. I will leave it at that.

Mr. OBERSTAR. I was not going to consume time, but Captain Prater raised a question. Have there been any attempts on the flight deck door?

Mr. PRATER. Mr. Chairman, yes, there have been. They have certainly been unsuccessful, but as recently—and some of them are misunderstandings. Some of them are obviously inebriated passengers. But the fact is there have been approaches to the cockpit door when it is open. Some mistakenly, most recently by a Missouri doctor who was actually convicted of being out of his seat when the cockpit door was open and not responding quickly enough to be seated.

So there have been attempts. There have been foreign takeovers. The threat against the takeover of an airliner is real, as we heard this morning. We are asking for those secondary barriers to be mandated.

Mr. OBERSTAR. Thank you.

Mr. COSTELLO. The Chair thanks the Chairman of the Full Committee, and would advise our witnesses, as I said, we have about 50 minutes or more that we will be on the floor. There is another hearing that will take place in this Committee room. So as Mr. Petri had indicated as the Ranking Member, he will be submitting questions in writing to you, I will as well. I think a number of

questions that all of us had were both answered not only by the first panel, by Secretary Hawley, but in follow-up testimony from in particular Mr. Brill and Mr. Mehra. But we appreciate your testimony here today, and we will be submitting questions for you in writing.

So we thank you for being here and offering your testimony, and that concludes the Subcommittee hearing. The Subcommittee stands adjourned.

I would ask our witnesses before they leave if you would have just a few minutes to please sit down again, if you would. The gentlelady from the District of Columbia, Ms. Norton, will not be going over to the floor as we have to, to vote, but she has questions that she would have that she would like to ask you at this time.

Ms. NORTON. Well, I thank the Chairman, and of course the hearing will be adjourned afterwards. And I say only to the panel you would have gotten off scot-free if the District of Columbia had what it has deserved for 2 centuries now. The Chairman said he voted for it and the bill is out of the House, and soon to be out of the Senate. I am privileged to not only vote in Committees, and especially this Committee, but to Chair one of this Committee's Subcommittees. And even to vote on the floor on some matters, though not on this matter. So I will proceed in person. I do have just a few questions, one for Captain Prater.

Sir, we are all in your hands. And every time we get on a plane we are very grateful to know who is in charge, because we know the kind of rigorous—not screening, rigorous training you have gone through, and that you make all the decisions essentially on a plane. I want you to know that I strongly endorse your testimony calling for reinforced flight deck doors. And that is a post-9/11 improvement that has been much hailed as an important one. It was common sense, and everyone believes that in one fashion or another it has had a deterrent effect.

I want to ask you about another matter that I believe was authorized certainly by this House and the Senate, and that has to do with revolvers. Was that bill also passed by the Senate? Revolvers for pilots during air flight?

Mr. PRATER. Yes, ma'am. The Federal Flight Deck Officer program is an approved and operating program.

Ms. NORTON. [Presiding.] Who runs that program?

Mr. PRATER. The TSA. And the specific division is the Federal Air Marshal Service runs that program, runs the training and the supervision of those airline pilots who have completed that training.

Ms. NORTON. Now, would you describe that training for me? How long does it—what is its time frame? How does it proceed? Who does the training?

Mr. PRATER. I would not be an expert on that, but obviously we do have many experts on the subject. The training is for the Federal Flight Deck Officers, airline pilots who have passed the screening and have volunteered, been background checked by the FBI and the TSA, undergo a full 7 days of training on how to defend the cockpit with a sidearm.

Ms. NORTON. How many deck officers have chosen to partake of this training and are now carrying revolvers on airplanes, please?

Mr. PRATER. That is actually a classified number that——

Ms. NORTON. I am not asking you on which planes. And perhaps I have to ask the TSA. I am only asking how many.

Mr. PRATER. And that number is actually considered by them. I do not have that number. We know who is and who isn't, but TSA controls that.

Ms. NORTON. Who supplies the revolvers?

Mr. PRATER. The U.S. Government.

Ms. NORTON. I would like you, Captain, to the best that you can, to consider the various improvements in security that have been made since 9/11 and rank them, let's say, from the most important down.

Mr. PRATER. I would say that we certainly believe the FFDO program is one of those. But if I had to rank them——

Ms. NORTON. What? I am sorry.

Mr. PRATER. If I had to rank them——

Ms. NORTON. You used some initials there.

Mr. PRATER. I am sorry, the Federal Flight Deck Officer program, which we of course call the last line of defense.

Ms. NORTON. Okay.

Mr. PRATER. I believe that the federalization of the TSA itself, and having a much higher standard for our screeners has been very important. It has been slow to get there. I believe the number one protection of the cockpit from being taken over would be the secondary barriers, the mandate that those be installed. The two airlines that have begun to do that I believe have provided a safer and more secure airliner. So we will continue to hit on that. I believe that the screening of passenger baggage would rank up there.

Ms. NORTON. We were doing that before 9/11, weren't we?

Mr. PRATER. Not to the extent that we are today, not with the mandates from Congress. And I think the continued application of technology, the training of people and the awareness of the security issues have all gone into making the system more secure, and therefore more safe.

Ms. NORTON. So I take it you don't put the flight deck officer program quite in that—in the same category as some of the other things you named.

Mr. PRATER. Actually, I put it as it is the absolute last line of defense. I think we all have to remember that 9/11 happened, in the last analysis, that four airline cockpits were taken over——

Ms. NORTON. Which had, of course, no safeguards whatsoever for getting into the cockpit.

Mr. PRATER. Actually, the Federal Flight Deck Officer program, I guarantee you that those pilots fought as hard as they could from being taken over. If one of them had been armed, had been a Federal——

Ms. NORTON. Of course if there had been doors to keep——

Mr. PRATER. There were doors, but they——

Ms. NORTON. Not to mention, not to mention reinforced or secondary doors. That also might have been meant another outcome.

Mr. PRATER. I agree.

Ms. NORTON. Obviously, some of us are very concerned. The industry strongly opposed revolvers. We know that the captains did not. And I am simply trying to discern how helpful they have been

or not. And I don't have an automatic opposition, but when industry opposes something that universally you want to follow up to see what has happened. I have to assume that—I don't recall any example of when the revolver has been used. If it were, I am sure it would have been reported publicly. Do you know of any such circumstance?

Mr. PRATER. I do not know of any circumstances where the revolver has been used to defend the cockpit from a hostile takeover.

Ms. NORTON. I am not suggesting, Captain Prater, that it would have to be used in order for it to be useful. I just want to know what has happened. And the reason I am not suggesting that is, of course, the importance of whatever we do in public safety on the ground or in the air is really the deterrent effect. I recognize that. I am just trying to find out whether this has been of any use—the kind of use that one could document, since you can never document deterrent effect. In fact we are not sure why we haven't been attacked, but we are sure it has something to do with the overall security.

I must say, Mr. Meenan, I take your point about how you wonder about all this prescreening of passengers at the front end and leaving the back end somewhere in the 20th century, I suppose, and not moving as rapidly there. Of course from the point of view of the general public, and you have heard the testimony of witnesses at the table with you, any part of this process that is speeded up will have at least a comfort effect on passengers, and perhaps will have an effect on not turning people away from airline travel at a time when there is every incentive to do so that of course airlines can't do anything about, such as gas prices. But I certainly take your point. Of course what Congress would have to do to begin to match the prescreening, which I don't regard as rocket science, is enormous. It would involve us getting big time into the act; whereas, the prescreening has been developed entirely by the marketplace.

Indeed, for Mr. Mehra and Mr. Brill I would have a question, because the first question I would have is how long would it take us, in your view, to get to universal prescreening? And you know the word is tempered by what universal would mean in terms of who would in fact get through prescreening. But that is really what I am talking about here.

Mr. MEENAN. I think what we heard from Mr. Hawley is with the rollout of Secure Flight and with the full deployment of TSA document checkers who are matching tickets with identification documents, you have a very effective system at that point. And that is why we see the Registered Traveler program as really a needless redundancy that is a distraction.

Ms. NORTON. Sorry, it is a redundancy because of what?

Mr. MEENAN. It doesn't provide a meaningful benefit to anyone that we can see. It is a marketing program. It is something that, you know, maybe people want to have that is—but we don't see why the government is involved.

Ms. NORTON. It does not provide any benefit because——

Mr. MEENAN. Because the document that Mr. Hawley describes is a biometrically encoded card with a picture on it. And it is exactly the same as a driver's license in effect, as far as TSA is concerned, because what they do is they look at it, they make sure you

are the person whose picture appears there, but then they treat you exactly the same way when you go through security. So there is no benefit.

Ms. NORTON. I took that point, that you can get in—once you get into the government run part of security you are hung up the way you were before. Where I differed with you was on the benefit to the passenger of not being hung up the whole way.

Mr. MEENAN. As I say, it is a card that buys you a place at the front of the line. We don't think that is a particularly useful program for the government to be involved in.

Ms. NORTON. Well, Mr. Brill seems to——

Mr. BRILL. I am not quite sure I know where to start.

Ms. NORTON. He seems anxious to respond.

Mr. BRILL. There actually isn't any single aspect of what Mr. Meenan has said that is accurate, starting with the use of his pronoun ″we.″ Many of his members of the ATA have now partnered with us and are endorsing our program, most recently I think his largest member, Delta Airlines. Moving on from ″we,″ our process at the lane is different. Mr. Hawley has acknowledged this. Because we pay for concierges to be in front of the metal detector and behind. We speed throughput. Our lanes move people through 30 percent faster. It may not be the implementation yet of the technology that would speed the throughput, but by investing in those people that we pay for, because our members pay us, the lane—it is not just a front of the line program, the lane moves faster.

Last, the card that people use is different because it is biometrically secure, and it not only——

Ms. NORTON. It is not a driver's license.

Mr. BRILL. It not only substitutes as a driver's license, but it does more, and in the future will do still more. TSA has kept the invitation open to us to continue to improve both the background check and the enhanced security equipment so that not only will our throughput be faster as it is today because of our use of people, but because of our use of technology.

And the last thing I will say is that the difference between what we do and what TSA has attempted to do with Secure Flight is A, what we do is voluntary. B, what we do doesn't cost the hundreds of millions of dollars that Secure Flight has cost. And C, what we do is actually working already in the airports.

Now, TSA has a much rougher job trying to make this universal and trying to navigate all the legal and privacy issues, but we think we have shown the way with a public-private partnership that is voluntary, that has world class privacy protection policies, and that has attracted people who are not the rich people who are getting on the ATA's first class lines, but who are the road warriors, the $65,000 a year person, that is our typical person, who are stuck in airports at 5:30 in the morning. It means something to them. It increasingly means something to the airlines that are his own membership, which is why they are joining us.

Ms. NORTON. Mr. Mehra, do you have any response to the notion of rapidly getting to more universal, and whether or not where we are now is particularly useful?

Mr. MEHRA. Well, you know, we are not the experts on prescreening. I think the real issue is when the passenger gets to

the actual checkpoint what do we do? And from that standpoint, we look at every single passenger equally and we go through the screening process. I think the key thing over here is how quickly can we get technologies in place to improve that screening process so the whole public is able to go through these checkpoints faster?

So if you look at some of the new technologies that are coming in, I talked a little bit about the AT technology, the whole concept over here is to improve the image quality of the machines, what the operator is actually looking at. It is very important for the operator, whatever the operator sees, he is going to be able to detect any kind of threats a lot easier than with the current machines. We have two views of those machines so they can look at different angles, the whole concept being that if they can look at certain things right up front, secondary screening, opening your bags is not necessary. And that benefits the entire public. And I think that is really the process that we should be looking at. Any technology that we are bringing in should be benefiting the entire public so we can make the checkpoints smoother and have the public go through a lot faster.

Ms. NORTON. I am going to let Mr. Meenan respond if you would like to. Mr. Mehra, you are talking about a process that would involve government resources, are you not?

Mr. MEHRA. Well, you know, I think, you know, you have got to look at government resources, you know, from two different angles. Yes, we are looking at the next generation machines with the AT machines. It is easier for the operators to operate them and it is easier for—as far as looking at threats, it is easier for us. Having said that, you look at the number of operators that is required at a checkpoint. So if right up front you can improve the detection capabilities you may be able to reduce the number of operators because the secondary checks become less. So from government resources, the total government resource, the total cost to government goes down, total flow of passengers goes through, the airports are more efficient, the airlines are more efficient and the government is more efficient. You can't just look at the cost of the equipment, which is a very small portion of this whole thing.

Ms. NORTON. Mr. Mehra, one of my greatest frustrations in being in Congress is the analysis you have just done is never done here. We invest short term that costs us up the line enormously. And that may have to do with the way a democracy operates, you know, that is response to short-term needs of its constituents. But the notion of front-end investment because you are paying that much more down in is the virtual modus operandi of the House and the Senate, I have to tell you, since creation. We can't even get a 2-year appropriations process. We don't have a capital budget. So, you know, people like me who are interested in problem solving are forced, therefore, to look at parts of any process. And the more you come in with large amounts to spend without dicing it up, I know for real that it is not going to happen. We have now a deficit built from tax cuts that went primarily to well off people and from a war without end, and another war that demands our priority. Then we also have what the House is trying to do, which we call PAYGO. And that means that if you want an increase you have to indicate how you will pay for it. It is very, very troubling. That we have to

do because of what the deficit means to our economy. But what it forces people like me to do is to say, look, since I can't change this short-term thinking, by the way, that is endemic in the way the stock market operates, you know, they look quarterly. That deters many shareholders from investing long term, just as the government doesn't.

So I say that only to say I am trying to find ways piece by piece, knowing that really is all at my disposal to move a process along which I believe is further destroying the airline industry in our country.

Mr. Meenan, I have to ask you why all these airlines—I think Mr. Brill made a point—how come they hopped on so quickly, Delta and the rest, or—yeah, you know, if this was of no value, the notion of dealing with the front end of the line this way?

Mr. MEENAN. It has been primarily a marketing department decision at some of these airlines to experiment with this.

Ms. NORTON. You can't market things that don't sell. They have got gazillions of people just waiting in line to be one of these——

Mr. BRILL. But the fact is——

Ms. NORTON. —one of these passengers who has been screened.

Mr. MEENAN. Mr. Hawley has been on record for a considerable period of time saying that RT contributes nothing to TSA at the checkpoint. We initially thought that RT was a good idea. We were very firm advocates back around 9/11. But as the security system has developed, it is clear to us that this does not contribute to an improved security process. It gets you up to the front of the line, as Mr. Hawley said——

Ms. NORTON. So you see no improvements until—fill in those blanks, please. This is of so little value that the private sector shouldn't even have undertaken it, sir?

Mr. MEENAN. We are saying that this is a needless distraction for TSA.

Ms. NORTON. Who is being distracted?

Mr. MEENAN. The TSA has put considerable time and work into——

Ms. NORTON. That has taken them from putting time where?

Mr. MEENAN. Into other programs that they could better put those resources in.

Ms. NORTON. Such as?

Mr. MEENAN. Any one of them. The reason we are suggesting the TSA and this Committee and the Congress and everyone else adopt a much more analytical approach, to your point about spending more wisely, as my testimony points out, you can develop sophisticated models to look at what are the risks we are dealing with, what are the solutions to those risks, what are the costs of those risks? We have done that very effectively on the safety side of the airline industry. And it is one of the reasons our safety performance is as exceptionally good as it is. We think that that same kind of modeling technique could be used——

Ms. NORTON. By whom?

Mr. MEENAN. By the government writ large. By Congress, by the administration, by TSA, by DHS to determine before you decide to spend on this program or that program or to take——

Ms. NORTON. We are not spending on this program, Mr. Meenan. We are home free on this one. You heard me describe the budget situation in the Congress. I am just surprised that anybody connected with the industry would trash improvements made by the private sector which we don't have to put a dime in. Because you know exactly what I just reiterated about the budget situation. To the extent that people come to the Congress and say all you have to do is put some money in and everything will be all right, you are wailing to the wind. That is why we weren't prepared for 9/11, in my view. Nothing had happened so serious so as to get the kinds of things we are willing to do after there was an accident. It is very frustrating to me. And I share your frustration. I am a Member of the Homeland Security Committee. I can't see them paying any more attention to this than they are paying to anything else.

And to tell you the honest to goodness truth, they haven't been paying enough attention to prescreening, which is why they have taken a terrible grilling. Mr. Hawley knew that he was coming before this Committee, if he hadn't moved he would get another grilling. They have been beat about the head and shoulders by of all people the Homeland Security Committee precisely because of the pressure on Members of Congress to do something about what has become a bus station atmosphere in airports. And it seems to me for the good of the industry even if you can't do it all at one big time and even if we are not going to come up with the resources that are deserved and needed, somebody has got to move some of this process along, if for no other reason than to keep people wanting to fly.

The whole notion of doing something for one part of the process and not the other part of the process yields reactions like mine, who I have never gone first class. You know, I have never personally gone first class unless somebody else was paying for it. If you are a Member of Congress nobody else can pay for it. Guess what, those folks don't get there any sooner than I do. Those folks are not any safer than I am. But a lot of them are willing to pay to sit in some seats that are a little bigger and get a little better food.

That is America for you. If the private sector does it, it gets done. The private sector is who enables the airlines to pay for the first class accommodations. It is the private sector that has done this.

Indeed, I am going to turn to the private sector, I am going to turn to Mr. Mehra and Mr. Brill for my last question, which is related, very much related to Mr. Meenan's testimony about the need for resources to get this whole system going with one part of it kind of stuck, although we did have testimony this morning about upgrades in passenger screening that we were pleased to see. But you know, he is right, you have got one part of it in what I call the 21st century and the other part in there somewhere back in the 20th century. And I just indicated that you cannot look to the government if you expect Mr. Meenan's, it seems to me appropriate, vision to come through any longer.

Now, I simply would like to ask both of you, who have seen the progress made with private sector funding, to take a look at things like the screening footprint. Mr. Barclay offers testimony that one would have to pay attention to. He says at page 5 of his testimony that there was concern about prescreening coming. And what he is

talking about are terminal modifications that would need to be made. Well, we provide some money. I don't believe that he can expect any greater deployment of funds than I indicated we are able to do generally. But he talks about the requirement for airport modifications. Or let me just read, Mr. Barclay, that sentence. As TSA develops its deployment plan, the agency must be prepared to either factor in those space constraints to its modeling or be prepared to step up to the plate with any resources that may be required for airport terminal modifications. As past experiences prove, the agency has a healthy appetite for space in airports, et cetera. So I think they are right certainly in a number of airports. Certainly not in all, but in a number of airports.

Do you think the private sector would do what it did for prescreening and fund or offer some funding if modifications were necessary in order to install their equipment? Or if not, how do you think that is going to be—what is your answer to these space issues?

Mr. MEHRA. Congresswoman——

Ms. NORTON. Both of you. Yes, Mr. Mehra.

Mr. MEHRA. I think you make a very good point. And this is something that within the private sector, within the industry we grapple with all the time. If you look at the checkpoint, the Advanced Technology Checkpoint that we are putting in, one of the key things from our standpoint was that we wanted to make sure the weight of the machine, the size of the machine could fit into the configurations that were at the current checkpoints to minimize any kind of other costs that are required from the government. I think that is very important. So you look at what we put in there, we obviously took that into account.

The other thing that is very important where I think the government in this case, as well as the private sector——

Ms. NORTON. But at least there was space in the airport for what you put in there?

Mr. MEHRA. Well, there was space in the airport, but we used the space that was already there. So we were not——

Mr. NORTON. Exactly. Now, Mr. Barclay's testimony says there is not space already there. And my question goes specifically to his testimony.

Mr. MEHRA. I think, you know, if you look at some of the systems that are getting put in; for example, the EDS systems, everybody wants them out of the lobby area into the airports for in-line systems. Now, the key thing over here is most in-line systems, if you like at internationally at airports such as Heathrow or large airports, they have in-line systems which are placed into the conveyor systems that work at about 1,500 bags an hour. The current technology, EDS technology, that exists is nowhere near that speed. So one of the things that I just mentioned briefly was we are working on a system that is capable of doing 1,500 bags an hour, getting in-line, so you don't have to try and place three or four machines, you just place one machine.

Ms. NORTON. All right, that is that system. How about the shoe machine?

Mr. MEHRA. The what?

Ms. NORTON. The shoe machine.

Mr. BRILL. Can I take a crack at that?

Ms. NORTON. Yes, Mr. Brill.

Mr. BRILL. First, I want to be mindful what you said about thinking long term. And therefore, I am going to stop my criticism of Mr. Meenan and the ATA, since I will bet you a nickel that if I sit here a year from now a majority of his members will have partnered up with us and be supporting the Registered Traveler program. So I am looking forward there.

First of all, whenever we do any construction, add any equipment at any airport, we pay for it. And the airport, as you know, gets a revenue share from our revenues. It is true that airports are very concerned about space, and that sometimes means that before they learn about a Registered Traveler program one of the first things they will say to us is we don't have room for one of your lanes. And my answer is that they didn't have to widen the Golden Gate Bridge, or I guess I should say to you the Triborough Bridge, to put in E-ZPass.

You just reallocate the people in the same number of lanes, which is what we have done at every airport where we have been.

The last point is we want to be investors in technology. We want to buy equipment like Mr. Mehra's. And we have talked to TSA about this. This is where the shoe scanner comes in. This is the same context, where we would buy equipment that promises some kind of speed-up of the process because it is better technology, as with the shoe scanner, which, as you know, is still being tested, we would buy that equipment on our nickel, put it in our lanes with TSA's approval. The point being, what better place to test equipment that offers a security benefit than in a lane where people have been biometrically verified and prescreened?

That was the idea behind Registered Traveler. Contrary to what I have heard before, it is still very much TSA's idea and our idea and certainly this Committee and Congress's idea behind Registered Traveler. That, in addition to everything else, it serves as the logical first place where we can buy equipment. Mr. Mehra doesn't have to hire a lobbyist to go around Capitol Hill to get us to buy his stuff. It just has to work, and we will buy it. And TSA just has to let us use it.

So that is the model that is still the model. We are thrilled that that now becomes, as of today, a national model, not a model limited to 18 or 20 airports.

Ms. NORTON. Mr. Barclay, are you satisfied with the notion that the private sector recognizes its benefit and recognizes that it would have to pay for it, whatever "it" turned out to be?

When Mr. Brill talks about the lanes, he is obviously talking about—there are airports where—perhaps it could already—a shoe scanner could already fit. But in a country which has moved forward chiefly because of the marketplace, do you see any problem with it, as long as they pay for it?

Mr. BARCLAY. No, we don't, Congresswoman. What I was getting at in my testimony on the "checkpoint of the future" that airports have to balance every day is you can come up with a lot of great ideas to enhance speed and convenience of passengers. And we are in the business of speed. I mean, that is what we sell in air transportation.

Ms. NORTON. Except on the ground.

Mr. BARCLAY. So making people stand in lines and wait around is not healthy for our industry overall.

But you come up with these balances. Private industry does pay for this space at airports, either through—we put in the rate base of Mr. Meenan's members when we build something, or it goes into the money that we take from passengers through their parking rates and other things. So you have to figure out a way—airports are nonprofit, public agencies, and they have to figure out a way to provide these new facilities, even when they are really good ideas. And our members want to increase the passenger convenience, certainly, whenever they can.

Mr. Campbell is your expert here. He is modeling the ″checkpoint of the future″ for the TSA. So he can give you a specific instance. But the biggest problem systemwide is that airports aren't McDonald's. If they were all the same and they all had the same layout and had the same architect, this would be a much easier problem to solve for our industry.

Ms. NORTON. [Presiding.] Well, Mr. Campbell, we are all envious of what you have done at BWI. You can keep getting chosen for all the experimentation, so it says a lot about what you have done at Thurgood Marshall BWI.

Gentlemen, I appreciate your testimony. As you see, I am pressed to think about this. I can't believe this is our country that is moving so slowly.

But I say to you all that you have heard the testimony of Mr. Brill. At least for this element of a process, that America has grown to hate going to an airport. You have to face it. At least as to this process, what you have heard is that the cost is only to the private sector. The cost is not only to them, but there is benefit to airports, because they are not getting anything free from airports. And the risk is to the private sector.

So the only thing I have to say, as we close this hearing, is I have no vision of improvement in what has become an obstacle course in airports without making a partnership with the private sector, like passenger prescreening, that says to them, ″If you can do it at no or little cost to the Government, if you take the risk, we will do it.″ Otherwise, I have an announcement to make: We are stuck on stupid for a very long time.

I thank you very much. I thank everybody very much.

And the hearing is truly adjourned this time.

[Whereupon, at 1:07 p.m., the Subcommittee was adjourned.]

OPENING STATEMENT OF
THE HONORABLE RUSS CARNAHAN (MO-3)
HOUSE TRANSPORTATION AND INFRASTRCUTURE COMMITTEE
AVIATION SUBCOMMITTEE

Hearing on
Aviation Security: An Update

Thursday, July 24, 2008
2167 Rayburn House Office Building

Chairman Costello and Ranking Member Petri, thank you for holding this hearing on the current status of aviation security.

Until recently, our security procedures were shaped by tragic events of the past. We waited for enemies to exploit our weaknesses before attempting to fix them. Today, we are in a great position to take proactive measures by utilizing new advances in technology and in the process, potentially eliminate threats before they become catastrophes. Because of this, I am particularly interested in hearing about the effectiveness of the Checkpoint Evolution prototype that has been used at BWI Airport. It seems to be a quick yet more effective way of screening. I am also interested in the progress of using biometric documentation.

In response to the ever-growing security measures, there is a continuous concern among the American people regarding the intrusiveness and lengthiness of security procedures. Streamlining the boarding process by offering expedited Explosive Detection Systems and the increased speed that comes with participating in the Registered Traveler program, could potentially ease some worries. We must keep in mind that while the procedures can be a severe inconvenience to the American people, we must continue our security measures to keep another September 11th from happening.

I am looking forward to hearing more about the steps taken by the Transportation Security Administration to implement the Aviation and Transportation Security Act, the Intelligence Reform and Terrorism Prevention Act, and the 9/11 Commission. I expect the new security measures mentioned today to be a resounding success.

I would like to thank the witnesses for joining us today, and I look forward to your testimony.

STATEMENT OF
THE HONORABLE JERRY F. COSTELLO
AVIATION SECURITY: AN UPDATE
JULY 24, 2008

- I welcome everyone to this Subcommittee hearing on Aviation Security: An Update.

- I am pleased to welcome the Administrator of the Transportation Security Administration (TSA) and Assistant Secretary of Homeland Security, Kip Hawley, to this Subcommittee hearing.

- September 11th, 2001, demonstrated weaknesses in the federal aviation security system that were due, in part, to a lack of national standards. When Congress passed the Aviation and Transportation Security Act (ATSA) the goal was to ensure that each airport would be following the same protocol including the same hiring, training, and testing standards.

Subsequent legislation further sharpened that goal by requiring a comprehensive plan for aviation.

- I believe we have taken positive steps to improve aviation security through technology upgrades and improvements; a federalized screener workforce; and a continued focus on a comprehensive approach to airline and airport security. Make no mistake – the traveling public is more secure today than before September 11, 2001.

- For many traveling this summer, airport security can be a frustrating and anxiety ridden experience. However, TSA has been working with airports to introduce the Checkpoint Evolution also being referenced as "the checkpoint of the future," which is being demonstrated at the BWI Airport. The program is supposed to introduce new technologies and

create a calming checkpoint experience and I am interested in hearing more about this initiative.

- Further, I have long been a proponent of in-line explosive detection systems (EDS) and have introduced legislation in the past to help generate additional revenue so that more airports can become equipped. In-line baggage screening systems have a much higher throughput than stand-alone systems. If we install in-line systems, more bags will be screened by explosive detection systems instead of less reliable, alternative methods.

- Of the largest 29 airports in the country, 6 have full in-line EDS systems while 14 have partial EDS systems. Fifty-two airports in total have either full or partial systems and 407 of

the federalized airports in the United States do not have in-line EDS system.

- The TSA and airport operators rely on commitments in letters of intent (LOIs) as their principal method for funding the modification of airport facilities to incorporate in-line baggage screening systems. The TSA has issued eight LOIs to cover the costs of installing systems at nine airports for a total cost to the federal government of $957.1 million over four years.

- In the past, the Government Accountability Office reports that TSA has estimated that in-line baggage screening systems at the nine airports that received LOI funding could save the federal government $1.3 billion over seven years. TSA

further estimated that it could recover its initial investment in the in-line systems at these airports in a little over one year.

- I am interested in hearing from TSA and GAO on what progress is being made on in-line EDS and where we can expect to see more installations of these systems to optimize our security at airports.

- I am also interested in an update on domestic air cargo screening given that 100 percent of passenger air cargo must be screened by 2010.

- Further, I have concerns with the pace at which TSA is moving to issue and implement security regulations for foreign repair stations. Under current law, the FAA will be prohibited from issuing new certificates to foreign repair

stations, if TSA does **not** issue a final rule by August 3, 2008. I am interested to know if TSA plans to make this deadline and if not, what is a realistic timeline Congress can expect a rule.

- Finally, I believe the Registered Travelers program and initiatives like CrewPASS are important programs to expedite frequent travelers and crew members through security checkpoints, allowing screeners to spend more time on others. Hearing how each of these programs are developing and expanding would be beneficial.

- With that, I want to again welcome the witnesses today and I look forward to the testimony.

➢ Before I recognize Mr. Petri for his opening statement, I ask unanimous consent to allow 2 weeks for all Members to revise and extend their remarks and to permit the submission of additional statements and materials by Members and witnesses. Without objection, so ordered.

The Honorable Sam Graves
Republican Member
Subcommittee on Aviation

Hearing on "Aviation Security: An Update"

July 24, 2008
[WHEN RECOGNIZED]

THANK YOU, CHAIRMAN COSTELLO AND RANKING MEMBER PETRI, FOR HOLDING THIS IMPORTANT HEARING TO DISCUSS AVIATION SECURITY. I WOULD ALSO LIKE TO THANK OUR WITNESSES FOR THEIR TESTIMONY BEFORE THIS COMMITTEE TODAY.

AS THE UNITED STATES, AND THE WORLD, WITNESSED THE TRAGIC ATTACKS OF SEPTEMBER 11, 2001, IT BECAME PAINFULLY APPARENT AVIATION SECURITY WAS

INADEQUATE. THE TECHNOLOGY THAT WAS EMPLOYED TO PROTECT US GAVE THE AMERICAN PUBLIC A FALSE SENSE OF SECURITY.

PRIOR TO 9/11, AVIATION SECURITY SCREENING CONSISTED OF METAL DETECTORS, SECONDARY HANDHELD METAL DETECTORS, AND PAT-DOWNS, WHEN NEEDED. THESE MEASURES IN PLACE WERE LONG OUT-OF-DATE AND DID NOT REFLECT THE SECURITY REQUIREMENTS NEEDED TO PROTECT THE TRAVELING AMERICAN PUBLIC.

SINCE THEN, CONGRESS, THE DEPARTMENT OF HOMELAND SECURITY (DHS), FEDERAL AVIATION ADMINISTRATION (FAA), TRANSPORTATION

SECURITY ADMINISTRATION (TSA), THE PRESIDENT, AND VARIOUS OTHER ENTITIES, UNDERTOOK A DAUNTING TASK TO IMPROVE AND REDESIGN AIRPORT SECURITY SCREENING MEASURES.

AS A RESULT, WE HAVE SEEN GREAT IMPROVEMENTS IN SCREENING TECHNOLOGIES THAT HAVE BEEN DEPLOYED ACROSS THE NATION AT VARIOUS AIRPORTS. THESE TECHNOLOGIES ARE CAPABLE OF DETECTING CHEMICALS THAT WOULD HAVE GONE UNNOTICED THROUGH STANDARD METAL DETECTORS. ADDITIONALLY, THE TSA STAFF HAS BEEN TRAINED TO VISUALLY DETECT AND

ANALYZE SUSPICIOUS BEHAVIOR AND IN-LINE BAGGAGE SCREENING SYSTEMS ARE BEING INSTALLED AT OUR NATIONS BUSIEST AIRPORTS.

AT KANSAS CITY INTERNATIONAL AIRPORT (KCI), IN MY HOME DISTRICT, I HAVE PERSONALLY WITNESSED THE SUCCESS OF A TSA SECURITY INITIATIVE. KCI WAS CHOSEN TO PARTICIPATE IN A TSA PILOT PROGRAM, THE SCREENING PARTNERSHIP PROGRAM. THE RESULTS YIELDED FROM THIS SECURITY INITIATIVE HAVE BEEN TREMENDOUS. RARELY DO YOU HAVE TO WAIT IN A SECURITY CHECKPOINT LINE FOR MORE THAN A FEW MINUTES, AND THERE IS NO SACRIFICE IN THE HIGH LEVEL OF SECURITY PROVIDED.

HOWEVER, MY REAL INTEREST IN THIS HEARING IS TO LISTEN TO OUR EXPERT PANELISTS AND HEAR FROM THEM THE PROGRESS, OR LACK THEREOF, THAT HAS BEEN MADE. SAFETY IS OF PARAMOUNT CONCERN TO EVERYONE IN THIS ROOM AND THIS IS ONE OF THE MOST IMPORTANT NATIONAL SECURITY ISSUES THAT MUST BE DEALT WITH. THE AMERICAN PEOPLE DESERVE OUR FULL ATTENTION TO THIS MATTER.

AGAIN, I WANT TO THANK CHAIRMAN COSTELLO AND RANKING MEMBER PETRI FOR HOLDING THIS HEARING AND LOOK FORWARD TO THE TESTIMONY OF OUR WITNESSES.

THANK YOU.

Statement of Rep. Harry Mitchell
House Transportation and Infrastructure Committee
Subcommittee on Aviation
7/24/08

--Thank you Mr. Chairman.

--As you know, we have made some important improvements in airport security, but there is still much more to be done.

--The Implementing Recommendations of the 9/11 Commissions Act requires 100 percent screening of cargo shipped on board passenger aircraft, however, according to the Government Accountability Office, the Transportation Security Administration (TSA) is facing resource and other challenges in developing a system to make this happen.

--Last year, Phoenix Sky Harbor began testing new, backscatter x-ray technology, however, the TSA has yet to identify the type of technology solutions it believes should be developed wide scale.

--I look forward to hearing from today's witnesses about how we can ensure the flying public's security.

-- I yield back.

OPENING STATEMENT
THE HONORABLE JAMES L. OBERSTAR
SUBCOMMITTEE ON AVIATION
AVIATION SECURITY: AN UPDATE
JULY 24, 2008

I want to thank Chairman Costello and Ranking Member Petri for holding this hearing on aviation security.

In the 1970s, aviation security focused on how to stop the proliferation of domestic hijackings. In 1972, in response to the rise in the number of hijackings, FAA ordered metal detector searches of passengers and X-rays of carry on bags. In 1974, the Congress imposed these requirements legislatively with the passage of the Anti-Hijacking Act of 1974.

As the United States government installed metal detectors to find guns and other weapons, the aviation security threat changed when a terrorist bomb tore apart Pan American World Airways flight 103, killing all 259 passengers and crew, and 11 residents of the small town of Lockerbie, Scotland. This terrorist act propelled the families of those victims on a mission to prevent future tragedies, culminating in the creation of the President's Commission on Aviation Security and Terrorism, in which I served as a Commissioner.

In the Commission's 1990 Report, we found the nation's civilian aviation security system to be seriously flawed, and made 64 recommendations to correct those flaws, which culminated in the passage of the Aviation Security Improvement Act of 1990. In addition, spurred by initial concerns that a terrorist act was responsible for the TWA 800 explosion, President Clinton organized another commission, the 1996 White House Commission on Aviation Safety and Security, which made 31 recommendations for enhancing aviation security. Again, Congress acted swiftly and, in the 1996 FAA Reauthorization Act, included measures to heighten security.

Following the events of September 11, 2001, in which 4 aircraft were hijacked and then simultaneously used as weapons of destruction against the United States, the entire state of security for domestic and international commercial air service changed forever.

The universe to be protected is enormous and growing – in the United States alone, 769 million passenger enplanements annually, expected to grow to over 1 billion by 2016, with several hundred million bags to screen. Likewise, the magnitude of the threat is growing and changing.

The *Aviation and Transportation Security Act* made significant changes to aviation security policy, federalizing the screening workforce and requiring 100 percent screening of carry-on and checked baggage. The *Intelligence Reform and Terrorism Prevention Act of 2004* required the newly created Secretary of Homeland Security and the Secretary of Transportation to work jointly on a comprehensive strategy on aviation security.

We have made great strides in aviation security. However, I have long expressed my concern about reports that although the TSA is deploying technology there is still no complete long-term strategy for integrating that equipment into a seamless security system. I look forward to hearing from the Government Accountability Office on TSA's progress in developing and deploying checkpoint technologies, screening 100 percent of cargo on passenger aircraft, incorporating key stakeholders into coordinating activities and the implementation of Secure Flight. I commend the TSA for launching the new Checkpoint Evolution and appreciate the holistic approach to the checkpoint area this program represents. The TSA must take a comprehensive approach towards all of its security responsibilities to ensure that all areas of vulnerability are addressed.

With the appropriate counter-intelligence efforts and security implemented to the fullest extent, our citizens will forever enjoy the freedom of travel that only this

great nation can provide. I look forward to hearing the testimony of the witnesses today.

Congresswoman Laura Richardson
Statement at Subcommittee on Aviation
Hearing on
"Aviation Security: An Update"
Thursday, July 24, 2008
2167 Rayburn House Office Building 10am

Mr. Chairman, I want to thank you and Ranking Member Petri for holding this important hearing today for a discussion on the vital status of Aviation Security. I represent California's 37th Congressional District, which encompasses both Long Beach International and Compton/Woodley airport and neighbors Los Angeles International Airport.

I am pleased to know that since 9/11, Congress and the TSA have implemented safety plans that provide a sense of security with the millions of travelers in

this country who fly domestically and internationally. And while many steps in Aviation security have been taken since 9/11, advanced approaches need to be continually created and implemented to ensure people and businesses that U.S. commercial aviation is reliable to the individuals that fly and the cargo that is being delivered.

In particular, I look forward to hearing testimony today that provides updates on:

- The registered traveler interoperability pilot;
- The 9/11 commission act that requires TSA to screen 50% of all cargo shipped on board passenger aircraft by February 2009 and 100% by August 2010; and

- Status of impending "Hardened Unit Load Devices."

I look forward to hearing today's testimonies.

Thank you Mr. Chairman

Opening Statement
Congressman John T. Salazar
T&I Aviation Subcommittee Hearing
Update on Aviation Security
July 24, 2008

Thank you, Mr. Chairman, for calling this hearing.

After many struggles in the past, I hope we're on track now with aviation security.

We've all stood in security lines at airports.

While not always a pleasant experience, we all realize security measures are necessary.

But they can also be efficient, respectful and courteous.

I look forward to hearing about the progress that has been made.

I also would like to thank Mr. Hawley for working with Denver airport on the screening problems they faced last year.

Mr. Hawley, as you'll recall, I sent a letter last year requesting your assistance at DIA.

At that time, the airport was experiencing the worst peak period wait times in the country.

Passengers were waiting between 35-55 minutes in line.

The airport was struggling to find solutions, but felt TSA was dragging its feet.

I'm happy to report that since sending that letter, Denver's security line wait times are down and the number of screeners is up.

They also have received better equipment—all 28 of their security lanes now have state-of-the-art scanners.

And I believe Denver was the first large airport in the country to be 100% ATiX operational. (note: ATiX means Advanced Threat Identification X-ray)

I also know that DIA is one of seven airports to participate in TSA's employee screening pilot.

And I've been told by airport officials that the pilot has been successful.

With that, I thank the Chairman, and I yield back.

Statement of Charles Barclay, A.A.E.
President, American Association of Airport Executives

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Statement of Charles Barclay, A.A.E.
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House Aviation Subcommittee
"Aviation Security: An Update"
July 24, 2008

On behalf of the men and women who manage the nation's primary, commercial service, reliever, and general aviation airports, I want to thank you for the opportunity to update the subcommittee on the ongoing work of the airport community to enhance aviation security. While challenges clearly remain, airports and the federal government have made great strides since the tragic events of 9/11 to enhance the effectiveness of the nation's aviation security apparatus. We are grateful for the role this subcommittee has long played in calling attention to critical aviation security issues and in pursuing creative approaches to security challenges. Your leadership and continued interest is important and appreciated.

I also want to take a moment at the onset to complement Assistant Secretary Kip Hawley and his team at the Transportation Security Administration for their work over the past several years in making the agency more effective, efficient and responsive. I have the utmost respect for Assistant Secretary Hawley and believe that his vision, commitment, and leadership have been invaluable to the agency and the country. The airport community couldn't ask for a better partner than Kip Hawley.

Airports Play A Key Role Partnering with TSA and Performing Inherently Local Security Duties
As you know, airport executives play a unique role in aviation security, serving as a critical partner to TSA in helping the agency meet its core mission of passenger and baggage screening. The significant changes that have taken place in airport security over the past six-plus years with the creation of the TSA, and its assumption of all screening duties, have been aided dramatically by the work of the airport community, and we will continue to serve as a cooperative local partner to the agency as it seeks to enhance aviation security.

In addition to partnering with TSA to meet its core mission, airports as public entities have important public safety responsibilities and perform a number of inherently local security-related functions at their facilities, including incident response and management; perimeter security; employee credentialing; access control; infrastructure and operations planning; and a myriad of local law enforcement and public safety functions. These critical public safety duties have long been local responsibilities that have been performed by local authorities in accordance with federal standards under federal oversight.

Airport operators meet their security-related obligations not with an eye on profit or loss but with a sharp focus on the need to secure public safety, which remains one of their fundamental missions. The public safety professionals that perform these duties at airports are highly trained and have the first responder duties that I know each and every member of this subcommittee, the Congress, and the country value immensely. From a security and resource perspective, it is critical that these inherently local public safety functions remain local with federal oversight and backed by federal resources when appropriate.

TSA Must Improve Efficiency and Effectiveness of Passenger and Baggage Screening
Over the past six years, airport executives have placed a great emphasis on TSA efficiency to improve the experience of passengers at airports. In our view, improving the efficiency of the screening process goes hand-in-hand with the goal of enhancing the security and safety of airport facilities and the aviation system. Long lines and poor customer service do not equate to better aviation security. To the contrary,

long lines in airport terminals and at security screening checkpoints are targets for terrorists as past experiences prove.

The problems of today's labor intensive passenger and baggage screening system are evident to anyone who has been to an airport lately. Even with traffic levels down slightly as a result of rising fuel costs, the heavy volume of travelers has placed great strains on TSA's passenger and baggage screening capabilities as is evidenced by increasing wait times at passenger screening checkpoints and growing problems with checked baggage screening. Without changes to the aviation security model in use today, the system will not be able to cope with future passenger levels.

While additional screening resources may ease the situation at some airports in the short-term, we all understand that the realities of the federal budget situation and the myriad of competing homeland security priorities make it highly unlikely that significant new funds will appear to deploy additional screeners. And, while a number of airports have a genuine need for more screeners, it is clear that applying band-aid solutions on the existing, personnel-dependent screening system will not work in the long-term. The deployment of better technology holds great promise in allowing TSA to meet the long-term challenges on the horizon

Expediting Deployment of In-Line Baggage Screening Systems Will Enhance Security, Lower Costs
The in-line installation of explosive detection systems (EDS) for baggage screening is one area in particular that offers enormous advantages in terms of enhanced security, increased efficiency, and dramatically reduced TSA personnel requirements.

The case for expediting the deployment of in-line EDS systems was perhaps best expressed by 9/11 Commission Chairman Thomas Kean during a congressional hearing on the Commission's report:

> "The Commission supports an effort to move explosives units out of airport lobbies and into a secured area where they can be integrated into the process of moving the bags from the check-in counter to the loading area in a seamless in-line process. This will promote greater security because: screening machines will not be exposed to the public; screeners will be able to focus on screening bags rather than moving them; and fewer people will be congregating around machines in the public area. Moreover, processing bags from checking to loading through an in-line system is functionally more efficient making travel more convenient as well as more secure."

The House Appropriations Committee also made a strong case for in-line systems last year, noting (H.Rept.110-060) that:

> "Both TSA and the Government Accountability Office have reported that in-line baggage screening: (1) reduces security risks at airports nationwide, (2) is more efficient because the number of checked bags screened could more than double when systems are placed in-line, (3) reduces the number of bags that require labor intensive secondary screening, (4) lowers life-cycle costs, and (5) significantly reduces injuries. The recently released baggage screening investment study noted that 'without expedited capital investments, the life-cycle replacement requirements for initially deployed screening systems will impede investments in new optimal systems, slowing deployment of additional EDS equipment to additional airports and increasing costs'."

As the last sentence in the report points out, the federal government faces the choice of investing in efficient in-line systems now or unnecessarily wasting scarce resources fixing aging systems that were haphazardly put in place immediately after 9/11 to meet the deadline to screen all checked baggage by

electronic means. The fact that the FY 2009 budget requests more than $250 million for EDS maintenance, and the recent growth in that budget item, illustrate the choice we face between maintaining the old inefficient system or investing in modern, efficient in-line systems. From a security, efficiency, accuracy, and convenience standpoint, it is clear that investing in in-line systems makes the most sense.

Despite the good work of this subcommittee and the full committee in recent years to help secure additional funding for in-line systems, we still have a long way to go before all airports have optimal screening systems in place. The baggage screening investment study referenced in the House committee report above estimated last year that there was close to $4 billion in unmet needs at airports across the country for in-line systems. While resources have been appropriated for EDS purchase and installation since the release of that report, it is clear that billions of dollars in needs remain. Rapidly increasing construction costs across the country have exacerbated the problem.

At Washington Dulles International alone, for example, cost estimates for an integrated in-line system run as high as $236 million. Initial cost estimates at the airport were $121 million several years ago. Over time, construction material costs, inflation and other factors have caused costs to rise considerably, which points to the urgent need to move forward with these projects at airports as quickly as possible.

Airport executives are gratified that the President's budget request for fiscal year 2009 seeks to make the expedited deployment of in-line baggage systems at airports a priority by proposing to devote increased resources toward that goal. What is evident with the budget request is that there is general agreement that additional resources must be devoted to bringing in-line systems to airports. Unfortunately, a significant amount of the proposed funding – some $425 million – is contingent upon congressional approval of a $0.50 increase in the $2.50 passenger security fee, which is unlikely given past opposition to proposed fee increases by Congress and air carriers.

In addition to growing the amount of money available for optimal baggage screening systems at airports, airport executives believe strongly that the Administration must follow the mechanisms in place for releasing those funds as dictated as part of the 9/11 Commission recommendations legislation that was signed into law last year.

The 9/11 Act provides that a minimum of $200 million annually be set aside for multi-year "letters of intent" (LOIs) to airports. By signing multi-year agreements with airports, the federal government can spur airport operators to leverage their resources to begin in-line projects with a promise that they will be reimbursed by the federal government over a set period of time into the future. Under this approach, $200 million in annual funding can leverage billions of dollars worth of projects almost immediately. In-line systems in Boston, Denver, Atlanta, Las Vegas, Phoenix, Seattle, Los Angeles, and Dallas were all built under LOIs signed in 2002 and 2003.

At many larger facilities that face costly and complex in-line projects, the LOI approach is one of the few viable options that exists for getting those systems in place. Yearly grants from TSA simply don't offer enough funding or enough certainty to allow larger airports to move forward.

Despite the strong support of this approach from Congress and the very clear direction provided in existing law, the Administration has proposed ignoring current law and has instead asked for authority in its budget request to distribute funding approved by Congress "in any manner deemed necessary to ensure aviation security."

If approved, this language – which seeks to circumvent an important provision that was signed into law less than a year ago with broad bipartisan support – will result in further delays in moving forward with critical in-line systems and miss the opportunity to immediately begin projects at airports across the

country. We urge Congress to reject this request and insist on the issuance of multi-year LOIs to airports for in-line projects as soon as possible. This issue is too important to improving aviation security and efficiency to allow OMB to thwart the will of the Congress.

Improving the Efficiency and Accuracy of Checkpoint Operations
Moving to passenger screening checkpoints, there are two programs aimed at enhancing efficiency and accuracy and that merit the continued support of this subcommittee and the Congress.

The first is the Registered Traveler program, which holds tremendous promise in allowing the TSA to more effectively focus scarce resources on those individuals who pose the greatest threat to the aviation system. We appreciate the fact that TSA has supported the deployment of the program to this point. Nearly 20 airports serving more than 15 percent of all enplaned passengers in the U.S. currently participate in the program.

The growth of the RT program and its popularity with the traveling public make it all the more important that TSA reevaluate its future. It is important to note that the program operates at the highest levels of security, adhering to all applicable federal security standards. Additionally, the Registered Traveler program is the first interoperable, biometric-based network of its kind, and could pave the way for other opportunities, including biometric-based access control systems. AAAE is taking a proactive role – as it did with the establishment of the RT program itself – in working with airports and TSA to make some of those promises a reality for the betterment of airport security across the country.

The second program that merits additional support is the "Checkpoint of the Future" effort that is well underway within TSA to deploy explosives detection equipment at screening checkpoints. As is the case with checked baggage, airport professionals fully support the expedited deployment of new technology at passenger screening checkpoints because of the promise new technology holds in improving security and efficiency and reducing TSA personnel requirements.

We do, however, offer a word of caution on this effort. Airport professionals must be involved in the roll-out of technology at the checkpoints as soon as possible. As the experience with the agency's initial improper deployment of checked baggage screening systems at airports proved, a lack of consultation with airport operators will increase long-term costs to the federal government and potentially hamper the efficient deployment of critical technology.

I would also point out there is a high level of concern airport executives have about the possible expansion of the passenger screening footprint as part of this effort. As you know, many existing checkpoints at airports across the country are incredibly space constrained, meaning that expansion would likely necessitate major and costly terminal modifications. As TSA develops its deployment plan, the agency must be prepared to either factor in those space constraints to its modeling or be prepared to step up to the plate immediately with any resources that may be required for airport terminal modifications. As past experiences prove, the agency has a healthy appetite for space in airports, an appetite that can be kept in check only by requiring TSA to pay for its construction and utilization.

Again, airport professionals have a unique understanding of their facilities and should be counted on as a resource as TSA seeks to deploy technology at checkpoints or other areas of an airport. In addition to our expertise as facility managers, airport professionals share the same public safety mission as the federal government and should be relied on as a full partner in these efforts.

TSA Must Remain Focused on Core Mission of Passenger and Baggage Screening
As is evident by today's hearing, TSA has an enormous mission with passenger and baggage screening and has many future challenges to tackle. Unfortunately, there are many who would like to grow TSA's

already daunting mission into areas of local responsibility that I've mentioned such as perimeter security, access control, and airport employee credentialing. For many reasons, airport executives believe that it would be a grave mistake to continue the push to federalize key local security functions. Chief among those reasons is security.

Given the complexity of its existing security-related tasks, it is difficult to imagine how the federal government could possibly be in a better position than local law enforcement to perform inherently local security duties. Airport personnel are trained professionals with more than three decades of history, operational expertise and local knowledge at their disposal. The best approach moving forward from a security perspective is to maintain local control backed by federal standards, federal oversight, and federal resources.

The existing local/federal model ensures the highest levels of security and efficiency by empowering and providing responsibility to local airport operators, which can make use of their unique local experience and expertise to manage their facilities and the complex operations of their tenants. Who better than the local airport operator to police the nearly 23 miles of fence line that exists as Dallas/Fort Worth International Airport or the nearly 12,000 acres at Washington Dulles International? Who better than the local airport operator to understand the nature of multiple, complex, and ever-changing construction projects at their facilities; to know intimately the population of employees working in sensitive areas at a particular facility; or to respond to an incident at a perimeter gate? Who better than the local airport operator to understand unique local security challenges and develop tailored solutions to solving those issues?

Airport professionals have a duty and responsibility to the communities they serve to constantly enhance public safety and security, and not a day goes by that airport professionals aren't actively working to achieve that goal. In the past year, for example, airport professionals have been at the forefront of efforts to promote the deployment of biometric-based access control systems, to more effectively screen airport workers, and to improve the employee background check and badging process.

Growing the mission of the federal government to areas traditionally performed by local governments also threatens to divert attention from the agency's primary mission and further dilute scarce resources. How can TSA be expected to invest in technology to improve the efficiency and accuracy of its existing passenger and baggage screening responsibilities if its mission is further expanded to include costly and complex tasks such as securing airport perimeters, physically screening all workers and goods at airports prior to their entry into secure areas, or credentialing the million-plus employees who work at the nation's airports?

Airports Have Taken Lead in Effort to Deploy Biometrics for Credentials and Access Control
It is important to recognize the proactive role airports are taking to enhance security in these areas as well. With regard to the deployment of biometric-based access control systems, AAAE and a number of airport executives from key airports across the country are working to create, through a detailed Concept of Operations, a biometric-based solution for the next generation of aviation worker credentialing and access control. The effort – known as the Biometric Airport Security Identification Consortium or BASIC – is aimed at utilizing the experience and expertise of the airport community to ensure that ongoing efforts to deploy biometric-based systems in airports come to fruition as quickly as possible in a manner that does not disrupt airport operations or diminish security.

Along those lines, participating airports have identified several key principles that must be part of future biometric-based credentialing and access control systems, including safeguards on local control and issuance of credentials; leveraging of existing capital investments and resources; open architecture and local determination of qualified vendors; and a phased implementation that migrates over time.

Airports have a robust history of credentialing and access control experience that spans more than two decades. In addition, a significant number of airports have already implemented biometric-based systems at their facilities. The goal of the BASIC working group is to take the pieces of the puzzle that already exist and build on the necessary components for the next generation of credentialing and access control in such a way that make sense for airports.

Airport executives from a number of key airports are involved with the BASIC effort, including Portland, Minneapolis-St. Paul, Denver, San Francisco, the Metropolitan Washington Airports Authority, the Port Authority of New York and New Jersey, Jacksonville, Miami, San Diego, Phoenix, Los Angeles, Dallas/Fort Worth, Orlando, Roanoke, Albany, New Bern Regional, Grand Rapids, Freidman Memorial, Seattle, Pittsburgh, Louisville, Houston, Anchorage, and Charleston.

Airports Have Taken a Proactive Approach to Address Employee Screening
On the employee screening front, AAAE brought together more than a dozen airport directors from across the country along with the leadership of other industry groups and the TSA recently to develop a plan to address airport employee screening. The result of that initial meeting and a number of subsequent meetings was a well thought out and multi-faceted plan that we believe will lead to the implementation of sustainable measures to effectively screen airport workers through behavior recognition programs, security awareness training for employees, targeted physical inspection of airport workers, enhanced access control, increased vetting of employees, and the deployment of additional technology.

The goal of these efforts, which were conducted in close collaboration with TSA, was to develop sustainable approaches to screening workers at airports. In our view, it is simply not realistic nor effective from a security perspective to physically screen all employees at all airports prior to their entry into secure or sterile areas – a requirement that Boeing, through the United States Civil Aviation Partnership, estimates would cost anywhere from $60 billion to $130 billion, not to mention the far-reaching operational implications of such a move.

While the $60 billion to $130 billion figure may sound extreme, we believe it accurately reflects the immense infrastructure changes that would have to be made at U.S. airports in order to meet a 100 percent physical screening mandate. At many airports, a move to require the 100 percent physical screening of all airport workers would require significant investments for additional employee screening checkpoints and other infrastructure. Washington Dulles airport, for example, would likely have to design a separate and costly transportation system exclusively for airport employees who travel to and from the secure areas of the airfield.

Without those types of investments in necessary infrastructure for employee screening, the more than one million workers at airports – many of whom travel from secure to non-secure areas multiple times daily in order to perform their jobs – would be forced to utilize existing passenger screening checkpoints. With checkpoints already struggling to accommodate the two million passengers who utilize the U.S. aviation system in a given day, it is not difficult to image what would happen if TSA's workload were to double or triple as airport employees were added to the mix. Such a move would undoubtedly overwhelm the workload of screening checkpoints system-wide, cripple their operation, and result potentially in a less secure environment.

We believe 100 percent physical screening of airport workers would result in the diversion of scarce resources with little security benefit – a fact long ago recognized by DHS and TSA as they rejected efforts to implement a European-type system of physical screening of airport workers. They did so because of the unique nature of the U.S. aviation system and the astronomical costs associated with doing so. The European model would be difficult to replicate without billions of dollars in investment and thousands of

new TSA employees. I would also hasten to note that the Europeans are very interested now in replicating the work we do in this country to perform vigorous background checks on potential employees at airports.

In our view, the best approach to employee screening as we move forward is one that enhances and builds upon the existing system of background vetting for workers at airports, increases the random physical screening of employees at airports across the country, and encourages the deployment of new technology including the utilization of biometrics for airport access control. We are confident that the pilot program that the TSA has undertaken at seven airports across the country will verify that view, and we look forward to continuing our work with Congress and TSA to implement necessary changes.

AAAE and the Transportation Security Clearinghouse: Partnering with TSA to Improve Security
Before closing, Mr. Chairman, I want to take a moment to bring to the subcommittee's attention a success story that has greatly enhanced the security of the aviation system while saving the industry hundreds of millions of dollars. The Transportation Security Clearinghouse (TSC), which operates as a non-profit arm of AAAE, was established in the wake of 9/11 to quickly facilitate background checks for aviation workers and has since grown to become the largest civilian clearinghouse in the nation, having successfully processed more than 3.2 million biometrically based background checks and more than 1.4 million name-based threat assessment checks.

The TSC operates in partnership with TSA and the federal government, which performs the actual vetting of individuals. Specifically, the TSC provides a number of critical functions, including expedited processing and resolution of fingerprint-based and name-based checks through required federal channels; cutting edge quality assurance processes ensuring efficient, accurate and complete fingerprint and data submissions; centralized billing tied to record submittals; enabling regulated entities to submit fingerprints either electronically or physically on "inked cards"; ensuring the secure handling of investigation results; permitting only air carriers and airports to view investigation results; providing accounting reconciliation services; standardization of airport interface with federal databases; facilitating access to training expertise and assisting the industry in purchasing electronic fingerprinting equipment; and facilitation the resubmission of fingerprints for regulated parties.

Since its inception in 2001, the TSC has:

- Reduced the average response for aviation worker background checks from 52 days to 40 minutes, with many checks occurring even quicker.
- Reduced the fee per record for the aviation community to $27 (of which, $17.25 goes to the FBI). By comparison, HAZMAT truckers utilize a federally contracted system provided by private industry and pay more than $55 of the total program fee to accomplish virtually identical background check services. In the maritime environment, fees run more than $60 for these same vetting services out of the total $130-plus federal charge under the Transportation Worker Identification Credential (TWIC) program.
- Implemented the first high-speed secure network for fingerprint transmissions to the TSA.
- Successfully achieved an industry low error rate for fingerprint transmissions to FBI of 2 percent through value-added processing prior to the submission (the average government error rate is 8 percent).

The reduction in time from months to minutes to process background checks in aviation has produced personnel cost savings of hundreds of millions of dollars for an industry struggling to achieve financial success. The TSC has developed a highly flexible, open platform capable of accepting multiple forms of identity and vetting information via secure network from more than 400 enrollment centers around the nation and abroad.

Additionally, the TSC has proven critical in ongoing efforts to quickly and effectively modify processes and procedures to address emerging security threats. In the wake of the foiled U.K. bombing in August of 2006, for example, TSA issued a number of new requirements for background checks of airport employees that airports working though the TSC quickly implemented. Additionally, utilization of the TSC ensures that the TSA is able to conduct a number of additional, critical security checks such as terrorist watch list checks, immigration status checks, and others in a thorough and efficient manner that is quickly modified and implemented. Other similar federal programs have taken months and in some cases years to accomplish a fraction of the program functions and benefits that the TSC has frequently implemented in a matter of days.

In addition to the aviation worker vetting program, the TSC, in partnership with TSA, also supports background record checks for other key programs including:

- General aviation crews operating aircraft over 12,500 lbs;
- General aviation crews and armed security officers flying into Reagan Washington National Airport;
- Commercial charter pilots;
- Foreign applicants under the Alien Flight School Program;
- Contract screeners at private screener airports; and
- Background checks and application elements for federal Transportation Security Officer screener candidates.

The TSC also operates the world's most advanced interoperable information management system of traveler's biometric data – the Central Information Management System (CIMS). The CIMS is necessary to ensure interoperability, security and efficiency in the Registered Traveler program. The CIMS is responsible for several key functions, such as processing all records, interfacing with TSA for background checks, ensuring a chain of trust from vetted enrollments and issued credentials, and sending alerts to all service providers regarding revoked credentials.

AAAE is very proud of the incredible record of the TSC to this point. We look forward to partnering effectively with TSA in other areas to enhance security in the future, including efforts to utilize biometrics for access control systems at airports.

Thank you for allowing me to testify today. I look forward to your questions.

United States Government Accountability Office

GAO

Testimony before the Subcommittee on Aviation, Committee on Transportation and Infrastructure, House of Representatives

For Release on Delivery
Expected at 10:00 a.m. EDT
Thursday, July 24, 2008

AVIATION SECURITY

Transportation Security Administration Has Strengthened Planning to Guide Investments in Key Aviation Security Programs, but More Work Remains

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

GAO-08-1024T

July 24, 2008

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Highlights

Highlights of GAO-08-1024T, a report to the Subcommittee on Aviation, Committee on Transportation and Infrastructure, House of Representatives

AVIATION SECURITY

Transportation Security Administration Has Strengthened Planning to Guide Investments in Key Aviation Security Programs, but More Work Remains

Why GAO Did This Study

Since its inception in November 2001, the Transportation Security Administration (TSA) has focused much of its efforts on aviation security, and has developed and implemented a variety of programs and procedures to secure the commercial aviation system. TSA funding for aviation security has totaled about $26 billion since fiscal year 2004. This testimony focuses on TSA's efforts to secure the commercial aviation system through passenger screening, strengthening air cargo security, and watch-list matching programs, as well as challenges that remain. It also addresses crosscutting issues that have impeded TSA's efforts in strengthening security. This testimony is based on GAO reports and testimonies issued from February 2004 through July 2008 including selected updates obtained from TSA officials in June and July 2008.

What GAO Recommends

GAO has made recommendations to the Department of Homeland Security (DHS) in prior reports and testimony to strengthen screening operations, air cargo security, and the implementation of the Secure Flight program. DHS generally concurred with our recommendations and has taken action to implement a number of them.

What GAO Found

DHS and TSA have undertaken numerous initiatives to strengthen the security of the nation's commercial aviation system, including actions to address many recommendations made by GAO. TSA has focused its efforts on, among other things, more efficiently allocating, deploying, and managing the Transportation Security Officer (TSO) workforce—formerly known as screeners; strengthening screening procedures; developing and deploying more effective and efficient screening technologies; strengthening domestic air cargo security; and developing a government operated watch-list matching program, known as Secure Flight. For example, in response to GAO's recommendation, TSA developed a plan to periodically review assumptions in its Staffing Allocation Model used to determine TSO staffing levels at airports, and took steps to strengthen its evaluation of proposed procedural changes. TSA also explored new passenger checkpoint screening technologies to better detect explosives and other threats, and has taken steps to strengthen air cargo security, including increasing compliance inspections of air carriers. Finally, TSA has instilled more discipline and rigor into Secure Flight's systems development, including preparing key documentation and strengthening privacy protections.

While these efforts should be commended, GAO has identified several areas that should be addressed to further strengthen security. For example, TSA made limited progress in developing and deploying checkpoint technologies due to planning and management challenges. In addition, TSA faces resource and other challenges in developing a system to screen 100 percent of cargo transported on passenger aircraft in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. GAO further identified that TSA faced program management challenges in the development and implementation of Secure Flight, including developing cost and schedule estimates consistent with best practices; fully implementing the program's risk management plan; developing a comprehensive testing strategy; and ensuring that information security requirements are fully implemented.

A variety of crosscutting issues have affected [illegible] and TSA's efforts in implementing its mission and management functions. For example, TSA can more fully adopt and apply a risk-management approach in implementing its security mission and core management functions, and strengthen coordination activities with key stakeholders. For example, while TSA incorporated risk-based decision making when modifying checkpoint screening procedures, GAO reported that TSA's [illegible] yses that supported screening procedural changes could be further strengthened. DHS and TSA have strengthened their efforts in these areas, but more work remains.

To view the full product, including the scope and methodology, click on GAO-08-1024T. For more information, contact Cathleen Berrick at (202) 512-3404 or berrickc@gao.gov.

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to participate in today's hearing to discuss the security of our nation's commercial aviation system. The Transportation Security Administration (TSA) was established in November 2001 with the mission to protect the transportation network while also ensuring the free movement of people and commerce. Since its inception, TSA has focused much of its efforts on aviation security, and has developed and implemented a variety of programs and procedures to secure commercial aviation. To implement these efforts, TSA funding for aviation security has totaled about $26 billion since fiscal year 2004. In carrying out its broader homeland security responsibilities, the Department of Homeland Security (DHS) faces the daunting challenge of determining how to allocate its finite resources within the transportation system and across all sectors to address threats and strengthen security.

My testimony today focuses on TSA's efforts to ensure the security of the following key areas of commercial aviation, which represent about $4.5 billion of the President's budget request for TSA for fiscal year 2009: 1) screening operations, including transportation security officer (TSO) and private screener allocations, screening procedures, and checkpoint screening technologies; 2) air cargo; and 3) passenger watch-list matching. In particular, I will address the numerous efforts TSA has taken or plans to take to strengthen security in these areas and the challenges that remain, as well as crosscutting issues that have impeded TSA's efforts.

My comments are based on GAO reports and testimonies issued from February 2004 through July 2008 addressing the security of the nation's commercial aviation system. We also obtained selected updates to this work from TSA officials in June and July 2008. We conducted these performance audits in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Summary

DHS and TSA have undertaken numerous initiatives to strengthen the security of the nation's commercial aviation system and more effectively guide program investments, including taking steps to address many of our prior recommendations. Specifically, DHS and TSA have, among other things, developed and implemented a Staffing Allocation Model to determine staffing levels for Transportation Security Officers (TSO),

formerly known as screeners, at airports that reflect current operating conditions, and provided TSOs with additional training intended to enhance the detection of threat objects. TSA also proposed and implemented modifications to passenger checkpoint screening procedures based on risk (threat and vulnerability) information, while considering efficiency and customer service needs. TSA also explored new passenger checkpoint screening technologies to enhance the detection of explosives and other threats, and took steps to strengthen air cargo security, including conducting vulnerability assessments at several domestic airports and inspections of air carriers to ensure that they are complying with existing security requirements. Finally, TSA has instilled more discipline and rigor into Secure Flight's development and implementation, including preparing key systems development documentation and strengthening privacy protections.

While these efforts should be commended, we have reported on several areas in which TSA could do more to strengthen security. For example, we reported that some assumptions used in TSA's Staffing Allocation Model did not accurately reflect airport operating conditions and recommended that TSA establish a plan for reviewing these assumptions on a periodic basis. TSA agreed with this recommendation and subsequently developed a plan that the agency will use to review and validate model assumptions. We also reported that TSA could improve its process for evaluating the effectiveness of proposed changes to passenger screening procedures before implementing them nationwide, and that limited progress has been made in developing and deploying checkpoint technologies due to planning and management challenges. With respect to air cargo, we reported that TSA may face resource and other challenges in developing a system to screen 100 percent of cargo transported on passenger aircraft in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. Moreover, while TSA has made considerable progress in the development and implementation of Secure Flight, it has not fully addressed program management issues related to developing cost and schedule estimates consistent with best practices and developing a comprehensive testing strategy, among other things. We made a number of recommendations to strengthen TSA's efforts in these areas, to which TSA agreed.

A variety of crosscutting issues have affected DHS's and TSA's efforts in implementing its mission and management functions. For example, TSA has not always implemented effective strategic planning efforts, fully developed performance measures, or put into place structures to help ensure that it is managing for results. In addition, TSA can more fully adopt and apply a risk-management approach in implementing its security

mission and core management functions, and more fully coordinate its activities with key stakeholders.[1] For example, while TSA incorporated risk-based decision making when modifying checkpoint screening procedures, we reported that TSA's analyses that supported screening procedural changes could be strengthened. We also reported that opportunities exist for TSA to work with foreign governments and industry to identify best practices for securing air cargo, and recommended that TSA systematically compile and analyze information on practices used abroad to identify those that may strengthen the department's overall security efforts. TSA has strengthened its efforts in these areas, but more work remains.

Background

The Aviation and Transportation Security Act (ATSA), enacted in November 2001, created TSA and gave it responsibility for securing all modes of transportation.[2] As part of this responsibility, TSA oversees security operations at the nation's more than 400 commercial airports, including establishing requirements for passenger and checked baggage screening and ensuring the security of air cargo transported to, from, and within the United States. TSA has operational responsibility for conducting passenger and checked baggage screening at most airports, and has regulatory, or oversight, responsibility, for air carriers who conduct air cargo screening. While TSA took over responsibility for passenger checkpoint and baggage screening, air carriers have continued to conduct passenger watch-list matching in accordance with TSA requirements, which includes the process of matching passenger information against the No Fly List and Selectee lists before flights depart.[3] TSA is currently developing a program, known as Secure Flight, to take over this responsibility from air carriers for passengers on domestic flights, and plans to assume from the U.S. Customs and Border Protection (CBP) this pre-departure name-matching function for passengers on international flights traveling to or from the United States.

[1]A risk management approach entails a continuous process of managing risk through a series of actions, including setting strategic goals and objectives, assessing risk, evaluating alternatives, selecting initiatives to undertake, and implementing and monitoring those initiatives.

[2]See Pub. L. No. 107-71, 115 Stat. 597 (2001).

[3]Passengers identified as being on the No Fly List must be denied boarding passes and must not be permitted to fly unless cleared in accordance with TSA security requirements. Passengers on the Selectee List are to be issued boarding passes, but they and their baggage are to undergo additional security measures.

Prior to ATSA, passenger and checked baggage screening had been performed by private screening companies under contract to airlines. ATSA established TSA and required it to create a federal workforce to assume the job of conducting passenger and checked baggage screening at commercial airports. The federal screener workforce was put into place, as required, by November 2002.[4] Passenger screening systems are composed of three elements: the people (TSOs) responsible for conducting the screening of airline passengers and their carry-on items, the technology used during the screening process, and the procedures TSOs are to follow to conduct screening. Collectively, these elements help to determine the effectiveness and efficiency of passenger screening operations.

TSA's responsibilities for securing air cargo include, among other things, establishing security rules and regulations governing domestic and foreign passenger air carriers that transport cargo, domestic and foreign all-cargo carriers that transport cargo, and domestic freight forwarders.[5] TSA is also responsible for overseeing the implementation of air cargo security requirements by air carriers and freight forwarders through compliance inspections, and, in coordination with DHS's Science and Technology (S&T) Directorate, for conducting research and development of air cargo security technologies. Air carriers (passenger and all-cargo) are responsible for implementing TSA security requirements, predominantly through TSA-approved security programs that describe the security policies, procedures, and systems the air carrier will implement and maintain to comply with TSA security requirements. Air carriers must also abide by security requirements issued by TSA through security directives or emergency amendments to air carrier security programs.

Air carriers use several methods and technologies to screen domestic and inbound air cargo. These include manual physical searches and comparisons between airway bills and cargo contents to ensure that the contents of the cargo shipment matches the cargo identified in documents

[4]In addition to establishing a federal screening workforce and in accordance with ATSA, TSA established a pilot program at five airports where private screening companies under contract to TSA performed screening activities. See 49 U.S.C. § 44919. In 2004, consistent with ATSA, TSA established a program to allow airports to apply to opt-out of federal screening and to use private screeners under contract with TSA. See 49 U.S.C. § 44920. Ten airports and 1 heliport currently have screening operations conducted by private screening contractors under TSA's Screening Partnership Program.

[5]A freight forwarder consolidates cargo from many shippers and takes it to air carriers for transport.

filed by the shipper, as well as using approved technology, such as X-ray systems, explosives trace detection systems, decompression chambers, explosive detection systems, and certified explosive detection canine teams.[6] Under TSA's security requirements for domestic, outbound and inbound air cargo, passenger air carriers are currently required to randomly screen a specific percentage of nonexempt air cargo pieces listed on each airway bill.[7] TSA's air cargo security requirements currently allow passenger air carriers to exempt certain types of cargo from physical screening. For such cargo, TSA has authorized the use of TSA-approved alternative methods for screening, which can consist of verifying shipper information and conducting a visual inspection of the cargo shipment. TSA requires all-cargo carriers to screen 100 percent of air cargo that exceeds a specific weight threshold. As of October 2006, domestic freight forwarders are also required, under certain conditions, to screen a certain percentage of air cargo prior to its consolidation. TSA, however, does not regulate foreign freight forwarders, or individuals or businesses that have their cargo shipped by air to the United States. Under the Implementing Recommendations of the 9/11 Commission Act of 2007, DHS is required to implement a system to screen 50 percent of air cargo transported on passenger aircraft by February 2009, and 100 percent of such cargo by August 2010.[8]

The prescreening of airline passengers who may pose a security risk before they board an aircraft is one of many layers of security intended to strengthen commercial aviation. To further enhance commercial aviation security and in accordance with the Intelligence Reform and Terrorism Prevention Act of 2004, TSA is developing the Secure Flight program to assume from air carriers the function of matching passenger information

[6]Explosives Trace Detection requires human operators to collect samples of items to be screened with swabs, which are chemically analyzed to identify any traces of explosive material. Decompression chambers simulate the pressures acting on an aircraft by simulating flight conditions, which cause explosives that are attached to barometric fuses to detonate. An explosive detection system uses computer-aided tomography X-rays to examine objects inside baggage and identify the characteristic signatures of threat explosives. Certified explosives detection canine teams have been evaluated by TSA and shown to effectively detect explosive devices.

[7]Cargo transported by air within the United States is referred to as domestic air cargo and cargo that is transported into the United States from abroad by either U.S. or foreign-operated air carriers is referred to as inbound air cargo.

[8]See Pub. L. No. 110-53, § 1602(a), 121 Stat. 266, 477-479 (2007) (codified at 49 U.S.C. § 44901(g)).

against government-supplied terrorist watch-lists for domestic flights.[9] TSA expects to assume from air carriers the watch-list matching for domestic flights beginning in January 2009 and to assume this watch-list matching function from CBP for flights departing from and to the United States by fiscal year 2010.

TSA Has Made Significant Enhancements to Its Passenger Screening Operations, but Can Further Strengthen Its Efforts

TSA has taken steps to strengthen the three key elements of the screening system—people (TSOs and private screeners), screening procedures, and technology—but has faced management, planning and funding challenges. For example, TSA has implemented several efforts intended to strengthen the allocation of its TSO workforce. We reported in February 2004 that staffing shortages and TSA's hiring process had hindered the ability of some Federal Security Directors (FSD)—the ranking TSA authorities responsible for leading and coordinating security activities at airports—to provide sufficient resources to staff screening checkpoints and oversee screening operations at their checkpoints without using additional measures such as overtime.[10] Since that time, TSA has developed a Staffing Allocation Model to determine TSO staffing levels at airports. FSDs we interviewed during 2006 as part of our review of TSA's staffing model generally reported that the model is a more accurate predictor of staffing needs than TSA's prior staffing model. However, FSDs expressed concerns about assumptions used in the fiscal year 2006 model related to the use of part-time TSOs, TSO training requirements, and TSOs' operational support duties. To help ensure that TSOs are effectively utilized, we recommended that TSA establish a policy for when TSOs can be used to provide operational support. Consistent with our recommendation, in March 2007, TSA issued a management directive that provides guidance on assigning TSOs, through detail or permanent promotion, to duties of another position for a specified period of time. We also recommended that TSA establish a formal, documented plan for reviewing all of the model assumptions on a periodic basis to ensure that the assumptions result in TSO staffing allocations that accurately reflect operating conditions that may change over time. TSA agreed with our recommendation and, in December 2007, developed a Staffing Allocation Model Rates and Assumptions Validation Plan. The plan identifies the process TSA plans to use to review and validate the model's assumptions on a periodic basis.

[9]See Pub. L. No. 108-458, § 4012(a), 118 Stat. 3638, 3714-18 (2004) (codified at 49 U.S.C. § 44903(j)(2)(C)).

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

Although we did not independently review TSA's staffing allocation for fiscal year 2008, TSA's fiscal year 2009 budget justification identified that the agency has achieved operational and efficiency gains that enabled them to implement or expand several workforce initiatives involving TSOs. For example, TSA implemented the travel document checker program at over 259 of the approximately 450 airports nationwide during fiscal year 2007. This program is intended to ensure that only passengers with authentic travel documents access the sterile areas of airports and board aircraft. TSA also deployed 643 behavior detection officers to 42 airports during fiscal year 2007. These officers screen passengers by observation techniques to identify potentially high-risk passengers based on involuntary physical and physiological reactions.

In addition to TSA's efforts to strengthen the allocation of its TSO workforce, TSA has taken steps to strengthen passenger checkpoint screening procedures to enhance the detection of prohibited items. However, we have identified areas where TSA could improve its evaluation and documentation of proposed procedures. In April 2007, we reported that TSA officials considered modifications to its standard operating procedures (SOP) based on risk information (threat and vulnerability information), daily experiences of staff working at airports, and complaints and concerns raised by the traveling public.[11] We further reported that for more significant SOP modifications, TSA first tested the proposed modifications at selected airports to help determine whether the changes would achieve their intended purpose, as well as to assess its impact on screening operations. However, we reported that TSA's data collection and analyses could be improved to help TSA determine whether proposed procedures that are operationally tested would achieve their intended purpose. We also found that TSA's documentation on proposed modifications to screening procedures was not complete. We recommended that TSA develop sound evaluation methods, when possible, to assess whether proposed screening changes would achieve their intended purpose and generate and maintain documentation on proposed screening changes that are deemed significant. DHS generally agreed with our recommendations and TSA has taken some steps to implement them. For example, for several proposed SOP changes considered during the fall of 2007, TSA provided documentation that identified the sources of the proposed changes and the reasons why the agency decided to accept or reject the proposed changes.

[11]GAO, *Aviation Security: Risk, Experience, and Customer Concerns Drive Changes to Airline Passenger Screening Procedures, but Evaluation and Documentation of Proposed Changes Could Be Improved*, GAO-07-634 (Washington, D.C.: April 16, 2007).

With respect to technologies, we reported in February 2007 that S&T and TSA were exploring new passenger checkpoint screening technologies to enhance the detection of explosives and other threats.[12] Of the various emerging checkpoint screening projects funded by TSA and S&T, the explosive trace portal, the bottled liquids scanning device, and Advanced Technology Systems have been deployed to airport checkpoints. A number of additional projects have initiated procurements or are being researched and developed. For example, TSA has procured 34 scanners for screening passenger casts and prosthetic devices to be deployed in July 2008. In addition, TSA has procured 20 checkpoint explosive detection systems and plans to deploy these in August 2008. Further, TSA plans to finish its testing of whole body imagers during fiscal year 2009 and begin deploying 150 of these units by fiscal year 2010.

Despite TSA's efforts to develop passenger checkpoint screening technologies, we reported that limited progress has been made in fielding explosives detection technology at airport checkpoints in part due to challenges S&T and TSA faced in coordinating research and development efforts. For example, we reported that TSA had anticipated that the explosives trace portals would be in operation throughout the country during fiscal year 2007. However, due to performance and maintenance issues, TSA halted the acquisition and deployment of the portals in June 2006. As a result, TSA has fielded less than 25 percent of the 434 portals it projected it would deploy by fiscal year 2007. In addition to the portals, TSA has fallen behind in its projected acquisition of other emerging screening technologies. For example, we reported that the acquisition of 91 whole body imagers was previously delayed in part because TSA needed to develop a means to protect the privacy of passengers screened by this technology.

While TSA and DHS have taken steps to coordinate the research, development and deployment of checkpoint technologies, we reported in February 2007 that challenges remained. For example, TSA and S&T officials stated that they encountered difficulties in coordinating research and development efforts due to reorganizations within TSA and S&T. Since our February 2007 testimony, according to TSA and S&T, coordination between them has improved. We also reported that TSA did not have a strategic plan to guide its efforts to acquire and deploy screening technologies, and that a lack of a strategic plan or approach could limit TSA's ability to deploy emerging technologies at those airport locations

[12]GAO, *Aviation Security: Progress Made in Systematic Planning to Guide Key Investment Decisions, but More Work Remains,* GAO-07-448T (Washington, D.C.: February 13, 2007).

deemed at highest risk. TSA officials stated that they plan to submit the strategic plan for checkpoint technologies mandated by Division E of the Consolidated Appropriations Act, 2008, during the summer of 2008. We will continue to evaluate S&T's and TSA's efforts to research, develop and deploy checkpoint screening technologies as part of our ongoing review.

TSA Has Taken Action to Strengthen Air Cargo Security, but May Face Challenges in Developing a System to Screen All Cargo Transported on Passenger Aircraft

TSA has taken steps to enhance domestic and inbound air cargo security, but more work remains to strengthen this area of aviation security. For example, TSA has issued an Air Cargo Strategic Plan that focused on securing the domestic air cargo supply chain. However, in April 2007, we reported that this plan did not include goals and objectives for addressing the security of inbound air cargo, or cargo transported into the United States from a foreign location, which presents different security challenges than cargo transported domestically.[13] We also reported that TSA had not conducted vulnerability assessments to identify the range of security weaknesses that could be exploited by terrorists related to air cargo operations. We further reported that TSA had established requirements for air carriers to randomly screen air cargo, but had exempted some domestic and inbound cargo from screening. With respect to inbound air cargo, we reported that TSA lacked an inspection plan with performance goals and measures for its inspection efforts, and recommended that TSA develop such a plan. TSA is also taking steps to compile and analyze information on air cargo security practices used abroad to identify those that may strengthen DHS's overall air cargo security program, as we recommended. According to TSA officials, the agency's proposed Certified Cargo Screening Program (CCSP) is based on their review of foreign countries' models for screening air cargo. TSA officials believe this program will assist the agency in meeting the requirement to screen 100 percent of cargo transported on passenger aircraft by August 2010, as mandated by the Implementing Recommendations of the 9/11 Commission Act of 2007.

Through TSA's proposed CCSP, the agency plans on allowing the screening of air cargo to take place at various points throughout the air cargo supply chain. Under the CCSP, Certified Cargo Screening Facilities (CCSF), such as shippers, manufacturing facilities and freight forwarders that meet security requirements established by TSA, will volunteer to screen cargo prior to its loading onto an aircraft. Due to the voluntary nature of this program, participation of the air cargo industry is critical to the successful implementation of the CCSP. According to TSA officials, air

[13]GAO, *Aviation Security: Federal Efforts to Secure U.S.-Bound Air Cargo Are in the Early Stages and Could Be Strengthened*, GAO-07-660 (Washington, D.C.: April 2007).

carriers will ultimately be responsible for screening 100 percent of cargo transported on passenger aircraft should air cargo industry entities not volunteer to become a CCSF. In July 2008, however, we reported that TSA may face challenges as it proceeds with its plans to implement a system to screen 100 percent of cargo transported on passenger aircraft by August 2010.[14] Specifically, we reported that DHS has not yet completed its assessments of the technologies TSA plans to approve for use as part of the CCSP for screening and securing cargo. We also reported that although TSA has taken steps to eliminate the majority of exempted domestic and outbound cargo that it has not required to be screened, the agency currently plans to continue to exempt some types of domestic and outbound cargo from screening after August 2010.[15] Moreover, we found that TSA has begun analyzing the results of air cargo compliance inspections and has hired additional compliance inspectors dedicated to air cargo. However, according to agency officials, TSA will need additional air cargo inspectors to oversee the efforts of the potentially thousands of entities that may participate in the CCSP once it is fully implemented. Finally, we reported that more work remains for TSA to strengthen the security of inbound cargo. Specifically, the agency has not yet finalized its strategy for securing inbound cargo or determined how, if at all, inbound cargo will be screened as part of its proposed CCSP.

[14]GAO, *Aviation Security: Transportation Security Administration May Face Resource and other Challenges in Developing a System to Screen All Cargo Transported on Passenger Aircraft*, GAO-08-959T (Washington, D.C.: July 2008). The Implementing Recommendations of the 9/11 Commission Act of 2007 defines "screening" for purposes of satisfying the 100 percent screening mandate. See 49 U.S.C. § 44901(g)(5).

[15]Cargo transported by air from the United States to a foreign location is referred to as outbound air cargo.

DHS Has Made Progress in Developing and Implementing the Secure Flight Program, but Challenges Remain That May Hinder the Program Moving Forward

Over the past several years, TSA has faced a number of challenges in developing and implementing an advanced prescreening system, known as Secure Flight, which will allow TSA to assume responsibility from air carriers for comparing domestic passenger information against the No Fly and Selectee lists. We reported in February 2008 that TSA had made substantial progress in instilling more discipline and rigor in developing and implementing Secure Flight, but that challenges remain that may hinder the program's progress moving forward. For example, TSA had taken numerous steps to address previous GAO recommendations related to strengthening Secure Flight's development and implementation, as well as additional steps designed to strengthen the program. Among other things, TSA developed a detailed, conceptual description of how the system is to operate, commonly referred to as a concept of operations; established a cost and schedule baseline; developed security requirements; developed test plans; conducted outreach with key stakeholders; published a notice of proposed rulemaking on how Secure Flight is to operate; worked with CBP to integrate the domestic watch list matching function with the international watch list matching function currently operated by CBP; and issued a guide to key stakeholders (e.g., air carriers and CBP) that defines, among other things, system data requirements. Collectively, these efforts have enabled TSA to more effectively manage the program's development and implementation.

However, challenges remain that may hinder the program's progress moving forward. In February 2008, we reported that TSA had not (1) developed program cost and schedule estimates consistent with best practices; (2) fully implemented its risk management plan; (3) planned for system end-to-end testing in test plans; and (4) ensured that information-security requirements are fully implemented. To address these challenges, we made several recommendations to DHS and TSA to incorporate best practices in Secure Flight's cost and schedule estimates and to fully implement the program's risk-management, testing, and information-security requirements. DHS and TSA officials generally agreed with these recommendations. We will continue to evaluate TSA's efforts to develop and implement Secure Flight as part of our ongoing review.

Crosscutting Issues Have Hindered DHS's and TSA's Efforts in Implementing Its Mission and Management Functions

Our work has identified homeland security challenges that cut across DHS's and TSA's mission and core management functions. These issues have impeded the department's and TSA's progress since its inception and will continue to confront the department as it moves forward. For example, DHS and TSA have not always implemented effective strategic planning efforts and have not yet fully developed performance measures or put into place structures to help ensure that they are managing for results. For example, with regard to TSA's efforts to secure air cargo, we reported in October 2005 and April 2007 that TSA completed an Air Cargo Strategic Plan that outlined a threat-based risk-management approach to securing the nation's domestic air cargo system. However, TSA had not developed a similar strategy for addressing the security of inbound air cargo, including how best to partner with CBP and international air cargo stakeholders. In addition, although DHS and TSA have made risk-based decision making a cornerstone of departmental and agency policy, TSA could strengthen its application of risk management in implementing its mission functions. For example, TSA incorporated risk-based decision making when making modifications to airport checkpoint screening procedures, to include modifying procedures based on intelligence information and vulnerabilities identified through covert testing at airport checkpoints. However, in April 2007, we reported that TSA's analyses that supported screening procedural changes could be strengthened. For example, TSA officials based their decision to revise the prohibited items list to allow passengers to carry small scissors and tools onto aircraft based on their review of threat information—which indicated that these items do not pose a high risk to the aviation system—so that TSOs could concentrate on higher threat items.[16] However, TSA officials did not conduct the analysis necessary to help them determine whether this screening change would affect TSO's ability to focus on higher-risk threats.[17]

We also reported that, although improvements are being made, homeland security roles and responsibilities within and between the levels of government, and with the private sector, are evolving and need to be clarified. For example, we reported that opportunities exist for TSA to work with foreign governments and industry to identify best practices for securing air cargo, and recommended that TSA systematically compile and analyze information on practices used abroad to identify those that may

[16]GAO-07-634.

[17]GAO-07-634.

strengthen the department's overall security efforts.[18] TSA has subsequently reviewed the models used in two foreign countries that rely on government-certified screeners to screen air cargo to facilitate the design of the agency's proposed CCSP. Regarding efforts to respond to in-flight security threats, which, depending on the nature of the threat, could involve more than 15 federal agencies and agency components, in July 2007, we recommended that DHS and other departments document and share their respective coordination and communication strategies and response procedures, to which DHS agreed.[19]

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.

Contacts and Acknowledgements

For further information on this testimony, please contact Cathleen A. Berrick at (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, Chris Currie; Joe Dewechter; Vanessa DeVeau; Thomas Lombardi; Steve Morris, Assistant Director; Meg Ullengren; and Margaret Vo made contributions to this testimony.

[18]See GAO-07-660 .

[19]GAO, *Aviation Security: Federal Coordination for Responding to In-flight Security Threats Has Matured, but Procedures Can Be Strengthened*, GAO-07-891R (Washington, D.C.: July 31, 2007).

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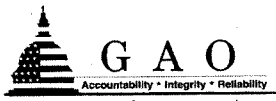

United States Government Accountability Office
Washington, DC 20548

August 15, 2008

The Honorable John L. Mica
Ranking Member
Committee on Transportation and Infrastructure
House of Representatives

Subject: *Transportation Security Administration: Response to Post Hearing Questions Regarding Aviation Security*

Dear Mr. Mica:

This letter responds to your request for additional information related to the Committee's July 24, 2008 hearing on aviation security. Enclosed are our responses to the supplemental questions you submitted for the record. Our responses are based primarily on our past work related to the Transportation Security Administration (TSA) Staffing Allocation Model and ongoing work related to passenger checkpoint screening technologies and the Secure Flight program.

If you have any further questions or would like to discuss any of these areas in more detail, I can be reached at (202) 512-3404 or berrickc@gao.gov .

Sincerely yours,

Cathleen A. Berrick

Director,
Homeland Security and Justice Issues

Enclosure 1

Enclosure—1

Response to Supplemental Questions
for the
Committee on Transportation and Infrastructure
House of Representatives
Hearing on Aviation Security
July 24, 2008

1. **Why does TSA base the Staffing Allocation Model (SAM) off of October and November data to derive staffing requirements for the following year? Why is the process for readjusting the SAM once it's set so difficult?**

   Answer:

   For each individual airport, TSA bases the passenger and baggage screening level in the SAM on the airport's peak month for screening demand. According to TSA, this demand level allows them to meet their 10-minute wait time goal for screening passengers on all but 25 to 30 days during the year, which typically includes the traditionally high travel days before Thanksgiving and Christmas. TSA officials also expect that, by basing airports' staffing allocations on their peak month screening demand, they will ensure that airport screening staff will be able to accomplish necessary tasks outside of screening activities such as training and annual leave during the off-peak periods.

   We have not assessed whether any difficulties exist in adjusting the SAM once its set. Regarding the model's inputs, TSA has various processes in place to monitor their sufficiency and make adjustments when necessary. One process enables TSA Federal Security Directors (FSDs) overseeing screening operations at each airport to request revisions to any model inputs they believe are unrealistic for their airports. As part of this process, FSDs must provide data to TSA headquarters officials supporting their assertions. TSA headquarters officials overseeing the model review this data before making a decision on granting any request for a change. Other review processes include the ongoing monitoring of screening performance data from each airport to identify any anomalies requiring possible adjustment, in addition to annual reviews of model inputs by both headquarters and field personnel to determine whether they are still realistic.

2. **The Transportation Security Administration (TSA) and Department of Homeland Security's (DHS) Science and Technology Directorate (S&T) are responsible for the research, development, test and evaluation, procurement, and deployment of checkpoint screening technologies. To what extent have TSA and S&T effectively coordinated and collaborated with each other?**

   Answer:

   TSA and S&T have taken several steps to coordinate and collaborate on their research and development activities related to checkpoint screening technologies. First, to

coordinate the transition of the Transportation Security Laboratory (TSL) from TSA to S&T, minimize disruption of work, and prevent duplication of effort, TSA and S&T signed a memorandum of understanding in 2006 that defines the roles and responsibilities for research and development of emerging screening technologies, and establishes a framework for how to coordinate their work. Additionally, S&T created the Capstone Integrated Product Team (IPT) for Explosives Prevention, which is co-chaired by the Assistant Secretary for TSA and the Director of the U.S. Secret Service. The Capstone IPT for Explosives Prevention was established to identify and prioritize capabilities needed to detect explosives, review relevant, ongoing S&T programs, and develop capabilities to meet these needs. This IPT was first convened in December 2006 and has met periodically since then, and brings S&T, TSA, and U.S. Secret Service leadership together to identify the priorities for research and development of explosives detection technologies, including checkpoint screening technologies.

Although TSA and S&T have taken steps to coordinate and collaborate with one another, inconsistent communication and coordination regarding the consolidation of research and development into S&T and a lack of an overarching test and evaluation strategy have contributed to the two organizations not always coordinating and collaborating on technologies. For example, communication between TSA and S&T has been lacking at times between S&T's basic and applied research efforts and TSA's efforts to modify commercially available technologies. Officials in both organizations have stated that there has been inconsistent coordination and collaboration between them, such as TSA officials not consistently communicating clear requirements to S&T to test emerging technologies, and S&T officials not consistently communicating to TSA about projects underway at the TSL or the time frames for completing projects. According to TSA and S&T officials, coordination between them has improved since 2007. As part of our ongoing work, we will continue to evaluate TSA's and S&T's efforts to coordinate and collaborate with each other.

3. **What benefits do you believe Secure Flight will provide once operational as compared to the passenger prescreening process that is currently carried out by air carriers?**

Answer:

The prescreening of airline passengers who may pose a security risk before they board an aircraft is one of many layers of security intended to strengthen commercial aviation. To further enhance commercial aviation security and in accordance with the Intelligence Reform and Terrorism Prevention Act of 2004, the TSA is developing the Secure Flight program to assume from air carriers the function of matching passenger information against government-supplied terrorist watch-lists for domestic flights.[1] Through the assumption of watch list matching responsibilities from the airlines, TSA states that it will ensure a higher level of consistency than current air carrier name matching and will help remedy possible misidentifications if a passenger's name is similar to one found on a watch list.

As GAO has reported in past work, misidentifications resulting from terrorist watch list

[1] See Pub. L. No. 108-458, § 4012(a), 118 Stat. 3638, 3714-18 (2004) (codified at 49 U.S.C. § 44903(j)(2)(C)).

screening can affect passengers by delaying their travel, subjecting them to more intensive questioning and searches, and denying them conveniences such as self-serve check-in at airports. In some cases, travelers missed flights.[2] Secure Flight is intended to reduce the inconveniences experienced by air passengers by taking over from air carriers the responsibility for prescreening passengers in order to ensure consistent and effective use of the cleared list, which should impact the effectiveness of the redress process.[3] For example, under Secure Flight, as described by TSA's notice of proposed rulemaking, TSA plans to introduce a unique redress number that would enable Secure Flight to "pre-clear" individuals who have previously been misidentified, have gone through the redress process, and who voluntarily provide additional identifying information when making a reservation. TSA expects this to reduce the likelihood of travel delays at check-in for those passengers.

According to TSA plans, Secure Flight's benefits, once the program becomes operational, will include:

- eliminating inconsistencies in current air carrier watch-list matching procedures,
- reducing the number of individuals who are misidentified as being on the No Fly or Selectee lists,
- reducing the risk of unauthorized disclosure of sensitive watch-list information, and integrating the redress process so that individuals are less likely to be improperly or unfairly delayed or prohibited from boarding an aircraft.

We will continue to monitor these efforts and keep the Congress informed of TSA's progress to implement this program.

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[2] GAO, *Terrorist Watch List Screening: Efforts to Help Reduce Adverse Effects on the Public*, GAO-06-1031 (Washington, D.C.: September 29, 2006).

[3] The cleared list contains the names and other personal identifying information of individuals who have gone through the redress process and have been checked and cleared as being persons not on the No Fly and Selectee lists.

House Committee on Transportation and Infrastructure
Subcommittee on Aviation
Hearing on "Aviation Security: An Update"
July 24, 2008

Testimony of Steven Brill, Chairman and Chief Executive Officer
Clear | Verified Identity Pass, Inc.

Chairman Costello, Ranking Member Petri, and Members of the Committee: Thank you for inviting me here today to talk about the Registered Traveler (RT) program, a partnership between the Transportation Security Administration (TSA) and private sector companies like Clear, which operates the RT program in 16 of 18 RT airports. RT members are pre-screened and provided with a biometric card which allows them to access designated security lanes at RT airports nationwide. In the last year, RT has gathered critical mass across the country.

I believe the program is emblematic of the promise of public-private partnerships to protect our homeland and make travel more convenient – which is what impelled Clear to start this enterprise in the first place.

It's a particular pleasure to be testifying together with Assistant Secretary Kip Hawley. He was present from the beginning of RT, and under his leadership (as well as that of Secretary Chertoff), TSA has now helped ensure that the partnership is a success.

TSA has worked closely with us and our fellow service providers in the last year in efficiently processing all of the applicants who have become Registered Travelers. In just the last year, well over 100,000 **new** fliers have signed up for Clear alone, with as many as 1,000 **additional** new sign-ups now coming every day. The TSA process has been fast and effective, and the cooperation of TSA's RT office has been consistently excellent. The American Association of Airport Executives' Transportation Security Clearinghouse has also done an exemplary job.

RT members have already passed through RT verification lanes more than 1.3 million times, and monthly lane usage has increased nearly 300% in the last six months.

The typical RT member is a road warrior – a sales person or a contractor who flies three to six round trips a month for business. They love RT for the speed and predictability it offers, which allows them to spend an extra hour at home in the morning with their kids or an extra hour during the day at a meeting.

Since we started in Orlando three years ago last week, 90% of our members have renewed their annual subscriptions. And, lately, our renewal rate has actually been increasing above that level. At a time when air travel is an increasing source of frustration for many people, RT is making a real difference, while also adding to security.

TSA has also worked closely with us and our fellow service providers in carefully reviewing and approving applications from the new airports and airlines that have chosen to implement RT. In just the last year, nine new airports (including Reagan National, Dulles, San Francisco, Denver, Salt Lake City, New York/LaGuardia, Oakland, Westchester, and Little Rock) have added RT programs, joining Orlando, Newark, JFK, San Jose, Cincinnati, Indianapolis, Albany, Reno and Jacksonville, and bringing the total number of RT airports to 18, with Atlanta opening shortly. TSA's turnaround time in approving these programs has been impressive. Airlines, too, are now becoming RT sponsors and marketing partners, with Delta having signed a milestone partnership with us just last month (joining British Airways, Virgin Atlantic, Air France, AirTran and Frontier). Under the new Delta partnership, Delta will add numerous RT lanes to its key terminals. (See Appendix A for descriptions of our airline partnerships.)

By the end of this year, we expect the RT program to increase to over 250,000 people. We expect that they will have used their RT cards more than two million times at about two dozen airports Each of those numbers – volunteer members, participating venues, and use of the cards – are poised to multiply in 2009 and beyond, now that RT's premise has been proven and its momentum is snowballing. TSA deserves much credit for that.

Here's what all of this means for the topic of today's hearing – aviation security. Quite simply, **RT helps TSA to manage risk. After all, TSA now knows that the frequent travelers going through RT lanes are the only travelers whose identities are assured through biometric verification every time they go through an RT airport.** And, thanks to TSA's leadership, RT members will soon be carrying RT cards that not only require biometric verification but also feature additional state-of-the-art security features. In short, RT helps fulfill one of the 9/11 Commission's key recommendations. The Commission said: "Secure identification should begin in the United States… At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists." That's what RT is all about.

In addition, the road warriors going through our lanes are the only travelers who have been the subject of security threat assessments. And our estimate is that because RT members travel so frequently and, therefore make up such a disproportionate share of the flying public, once RT is rolled out, 30-50% of those moving through a big airport on a weekday morning will be pre-screened, biometrically verified RT members. That takes a lot of hay out of TSA's proverbial haystack – at zero cost to the taxpayer.

RT also makes the checkpoints more efficient for all travelers. Thus, on a busy weekday morning in Orlando we will often process up to 15 percent of the passengers using just 10 percent of the TSA lanes. We can do that because our concierges, both before and after the magnetometer, have been shown to speed throughput by as much as 30 percent at our lanes. So Clear not only gives its members a predictably fast – one to four minutes – experience; we also make the lines shorter for everyone else. This faster throughput, I should add, is what makes RT much more than a

so-called "front of the line" program. It's a common sense way to achieve both security and efficiency at no cost to the taxpayer. It's a good bargain all around – which is why it has enjoyed such bi-partisan support on this Committee and across Capitol Hill.

Now that we have achieved critical mass, customer and airport satisfaction, and an effective collaboration with TSA, we are ready to move RT to a new level by working with TSA and the Department, for example, on the development of an enhanced voluntary background check for RT members and the continuing development of new, enhanced screening technologies at RT lanes, all at no cost to the taxpayer. The goal is additional enhanced throughput benefits at our lanes – beyond what our concierges already provide. This has long been part of Assistant Secretary Hawley's risk management vision for RT. We share his vision and appreciate his invitation to work with him on realizing it.

We are also eager to work with the Department on leveraging the power of RT's biometric platform. We will work with DHS to harmonize trusted traveler programs across the Department. Moreover, RT's networked, DHS-approved, biometric capture capacity already in place at the security checkpoint of many of the nation's largest international gateway airports, could be a powerful, cost-effective option for US-VISIT Exit implementation at airports.

I'll close with this note on the relevance of RT to a topic – resilience – that is being much discussed these days, with good reason. Ensuring that our Nation's critical infrastructure systems can resume their normal functions — or "bounce back" — in the face of a disruption, or an attack, is vital. RT is just the sort of public/private partnership that can promote such increased resilience. Imagine the benefits of an installed base of hundreds of thousands, if not millions, of people who have volunteered to be prescreened and have their identities verified and have the biometric credentials in their wallets to prove it. In the case of a future disruption or attack, for example, RT could rapidly be deployed for use in other venues where increased security and identity verification became essential.

Members of the Committee, thank you for your interest in Registered Traveler. We ask for your continued support and engagement as we pursue the promising initiatives that I've described in order to make RT one of the most valuable security and facilitation programs developed to respond to the challenge of 9/11.

Appendix A

Press Release

Clear Lanes Launch in Delta's Terminal at LaGuardia and JFK Airports

First Lane Openings as Part of National Partnership Between Clear and Delta

(NEW YORK) – July 15, 2008 – In time for the busy summer travel season, Clear®, the fast pass for airport security, today opened its signature fast pass lanes in Delta's Terminal D at LaGuardia (LGA) and Terminal Two at JFK International Airport. They are the first in a series to be opened by Clear as part of a broad national partnership with Delta Air Lines that includes the operation of fast pass lanes in Delta terminals.

Additionally, Clear enrollment centers are open in select Delta Crown Room Clubs nationwide to provide a convenient way for customers to join Clear's Fast Pass program.

"Delta offers customers more flights to more destinations from LaGuardia and Kennedy combined than any other airline, and we're pleased to offer our customers another convenient service to make the travel experience simple and hassle-free," said Lee Macenczak, Delta's executive vice president of Sales and Marketing.

Clear members are pre-screened by the Transportation Security Administration and after application approval, which involves providing iris and fingerprint images, receive a card that allows access to Clear's security lanes nationwide. Clear lanes, which feature concierges whose assistance speeds throughput while making passage through security more hassle-free, are already operating in airports in Cincinnati, Denver, Indianapolis, Orlando, San Francisco, and Washington DC's Reagan National and Dulles airports, among others. The annual fee is $100 plus a $28 TSA fee.

"Clear's expansion of its lanes into the Delta Terminals at LaGuardia and JFK is a welcome addition for our more than 190,000 members who travel through these airports daily," Steven Brill, CEO of Clear, said. "Partnering with Delta is a testament to its commitment not only to providing a predictable and hassle-free airport experience to its customers, but to embracing an innovative approach to a more efficient security process. We are thrilled to work with such a respected airline that shares our belief that air travel, whether for business or pleasure, can be convenient and pleasant. With this partnership, Delta is sending another clear message that it intends to maintain its position as a leader in customer service."

Clear customers experience a level of predictability, convenience, and efficiency in air travel. For example, the concierges in Clear's security lanes ready x-ray bins for each passenger and then help them retrieve their personal items at the other side of the magnetometer. "The concierge service alone has made Clear lanes 30 percent faster than regular security lanes," Brill explained. "And we plan to improve that even more with the investments we are making in enhanced technology which, once approved by TSA, could allow our members not to have to remove shoes, outer garments or laptops."

Clear was recently chosen by Atlanta's Hartsfield-Jackson International Airport to operate a program there. Clear's fast lanes are expected to open in the next few weeks.

Applicants start the membership enrollment process at www.flyclear.com/delta and complete it in person at a Clear enrollment center, where they have their fingerprints and iris images captured. Clear enrollment centers are located in airports with Clear programs and also at convenient city locations, including New York's Grand Central Terminal. To locate a Clear enrollment station nationwide, customers can visit flyclear.com.

Delta Air Lines operates service to more worldwide destinations than any airline with Delta and Delta Connection flights to 327 destinations in 62 countries. Delta has added more international capacity than any major U.S. airline during the last two years and is the leader across the Atlantic with flights to 44 trans-Atlantic markets. To Latin America and the Caribbean, Delta offers 609 weekly flights to 62 destinations. Delta's marketing alliances also allow customers to earn and redeem SkyMiles on more than 16,000 flights offered by SkyTeam and other partners. Delta is a founding member of SkyTeam, a global airline alliance that provides customers with extensive worldwide destinations, flights and services. Including its SkyTeam and worldwide codeshare partners, Delta offers flights to 499 worldwide destinations in 105 countries. Customers can check in for flights, print boarding passes and check flight status at delta.com.

Clear, operated by Verified Identity Pass, Inc., has signed up more than 190,000 travelers nationwide. Clear cards are accepted at 18 U.S. airports: Albany, Cincinnati, Denver, Indianapolis, Jacksonville, LaGuardia (Central Terminal B Checkpoint), Little Rock, New York JFK (Terminals 1, 4 and 7), Newark (Terminal B2), Oakland, Orlando, Reno, Salt Lake City, San Francisco, San José, Washington, DC's Reagan and Dulles, and Westchester. Clear members are pre-screened and provided with a high-tech card which allows them to access designated security lanes nationwide. Clear members pass through the security checkpoint faster, with more predictability and less hassle. The annual fee of $100 (plus a $28 TSA vetting fee) is charged once applicants are approved by the government. Applicants start their enrollment at flyclear.com and complete the process at an enrollment location where their fingerprints and iris images are captured and their identification is validated. Clear's registered traveler program has been operational since July 19, 2005. For more information, please visit: http://www.flyclear.com.

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Press Release

Mayor Hickenlooper Launches Clear® at Denver International Airport; Clear Announces Robust Marketing Partnership with Frontier Airlines

Mayor is First to Use Clear Card to Pass through Airport Security Fast Lanes

DENVER, JANUARY 30– Clear®, the fast pass for airport security, announced today along with Mayor John Hickenlooper, Aviation Manager Turner West, and representatives from Frontier Airlines the opening of the fast pass lanes at Denver International Airport (DIA). The Mayor demonstrated the service at the Jeppesen Terminal's south side by using his Clear card to pass through airport security in about two minutes. The express security lanes are also open on the A Bridge. The Clear lanes on the north side of the Jeppesen Terminal will open in March. All departing passengers at all airlines will be served by the Clear lanes at DIA.

"Clear's airport security fast-pass service is a great example of how we can use innovative technology to further enhance customer service at Denver International Airport," said Mayor John Hickenlooper. "Participating travelers can now speed through security checkpoints as safely and securely as ever."

"This has been a much-requested service, and we are pleased that it's now available to our passengers," said DIA's Aviation Manager, Turner West.

The opening comes as Clear announces a multi-year marketing partnership with Denver-based Frontier Airlines to offer Clear to Frontier's EarlyReturns loyalty program members. Frontier has purchased memberships to provide Summit Tier members a complimentary year of Clear beginning this February. All other EarlyReturns members receive an extra month of Clear when they enroll at flyclear.com/frontier. Frontier and Clear begin marketing the partnership today.

"We're delighted to be the first airline to target travelers flying in and out of Denver International Airport," said Frontier Airlines CEO Sean Menke. "We're dedicated to providing industry-leading customer service to our passengers and Clear is a great way to add value for our fliers in Denver."

Clear's hotel partner, Hyatt Hotels & Resorts, has actively promoted Clear to members of its Hyatt Gold Passport loyalty program since it formed a partnership with Clear over two years ago. Hyatt purchased memberships so that its Diamond and Platinum Gold

Passport members receive a complimentary year of Clear. To redeem that promotion, Hyatt Gold Passport members can go to flyclear.com/hyatt to start enrollment.

"Hyatt has been at the forefront of providing Clear to our most loyal guests and we're proud to be the first hotel chain to do so," said Tom O'Toole, Hyatt's Chief Marketing Officer. "Not only is this a great program for travelers, but it provides us with the opportunity to create a quality travel experience overall. We're delighted that Hyatt properties in Denver have become such a convenient place for travelers to enroll in Clear and to see the amenities of our properties."

Clear has opened enrollment stations around the city for the convenience of travelers and the business community. The enrollment station at Denver International is located at Jeppesen Terminal on the airport's south side (pre-security) and is open from 6:30AM to 3:30PM daily. The hours of operation at the Clear enrollment station at the Grand Hyatt Denver are from 7:00AM to 4:00PM weekdays and the hours at the Hyatt Regency Tech Center are 7:00AM to 4:00PM weekdays.

"I'm delighted that the Mayor enrolled in Clear and was able to use his card to help us open our lanes today at Denver International," said Steven Brill, founder and CEO of Clear. "Mayor Hickenlooper and the city of Denver have been pushing for this service for its frequent fliers and know that it will serve the city through the many jobs created and with the best service available for its travelers. Denver is a world class airport and an important addition to the Clear network."

Clear is operating at the Denver International Airport under a program called Total Queue Management (TQM), managed by HSS, which will monitor wait times, help passengers divest, and divert travelers to the proper queues.

About Clear – Clear, operated by Verified Identity Pass, Inc., has signed up over 95,000 travelers nationwide. Clear cards are accepted at 14 U.S. airports – Albany, Cincinnati, Denver, Indianapolis, Jacksonville, LaGuardia, Little Rock, New York JFK, Newark, Orlando, Reno, San Francisco, San José, and Westchester. Clear lanes will open in March at Oakland International Airport and Reagan National and Dulles in the Washington, DC area. Hartsfield-Jackson Atlanta International Airport has announced plans to launch a fast pass program soon, and Clear has submitted a proposal to them. Clear has announced that it will award $500,000 to the first team to get approval from the Transportation Security Administration (TSA) for a technological innovation that will speed throughput at its lanes. Clear members are pre-screened and provided with a high-tech card which allows them to access designated security lanes nationwide. Clear members pass through the security checkpoint faster, with more predictability and less hassle. The annual fee of $100 (plus a $28 TSA vetting fee) is charged once applicants are approved by the government. Applicants start their enrollment at flyclear.com and complete the process at an enrollment location where their fingerprints and iris images are captured and their identification is validated. Clear has been operational since July 19, 2005. For more information, please visit: flyclear.com.

About Denver International Airport – Denver International Airport was the fifth-busiest airport in the United States in 2006 with 47.3 million passengers, a new record. When final traffic numbers for 2007 are available, it is expected that DIA will have handled nearly 50 million travelers. DIA, widely recognized as one of the most efficient airports in the nation, is served by 22 airlines that offer 1,670 daily nonstop flights to nearly 150 domestic and international destinations. For more information, please visit: www.flydenver.com.

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Press Release

AIRTRAN AIRWAYS SPONSORS CLEAR TO OPERATE AT LAGUARDIA AIRPORT.

AirTran Airways Becomes First Domestic Carrier to Sponsor Registered Traveler Program. AirTran Airways and Clear To Co-Market Nationwide.

NEW YORK JULY 19, 2007- Clear,® the leading service provider of registered traveler (RT) lanes at U.S. airports, and AirTran Airways today announced a partnership that includes the operation of fast lanes at LaGuardia's Central Terminal and nationwide co-marketing efforts. With the addition of LaGuardia, travelers at all three New York-area airports will be able to access Clear's fast pass lanes. The Clear-AirTran Airways co-marketing partnership includes large-scale e-mail efforts, advertising campaigns, and on-board promotions to be rolled out nationwide.

"We are pleased to be a sponsor of the Clear Registered Traveler program at New York's LaGuardia International Airport," says Bob Fornaro, AirTran Airways' president and chief operating officer. "Our frequent travelers value every minute of their time and this program will help them flow through the airport with ease and cut down on the time they spend waiting in line without compromising the multiple layers of safety and security that are built into commercial air travel today."

Applicants can begin enrollment at flyclear.com and complete their enrollment in midtown Manhattan at the Grand Hyatt, or the in-airport enrollment locations at JFK or Newark. The in-airport enrollment center at LGA, where biometrics (fingerprints and iris images) are captured, will open in August, and the program will be fully operational in September. Location details and hours of operation are available at flyclear.com /airports.

Clear's growing national network of fast lanes is now in place at Orlando, JFK, San José, Cincinnati and Indianapolis Airports, and, as of today, at Newark Liberty International Airport's Terminal B. Clear also opened an enrollment center today at Albany International Airport, which will launch a Clear lane in early August.

Additionally, Little Rock National and Westchester (NY) County Airports will open Clear lanes in August. And, Clear has just been selected by the San Francisco Airport Commission after a public competitive bid. Subject to final Board of Supervisors approval of its contract, Clear hopes to launch at SFO in September.

Other airports expected to launch RT programs this fall include Washington, DC (Reagan and Dulles), Denver, and Atlanta, all of whom have issued or in the case of Atlanta are about to issue Requests for Proposals. Because of the Transportation Security Administration's requirement that all RT cards be interoperable, Clear cards will be recognized at all of these airports no matter which service provider wins these bids. Thus, Clear is already marketing and, in some cases, setting up enrollment centers in each of these cities, and using national marketing partnerships with major travel companies such as Hyatt Hotels – and now AirTran – Airways to supplement these efforts.

"AirTran Airways is providing a proven, avidly-appreciated customer service by bringing Clear to LaGuardia," said Clear founder and CEO Steven Brill. "And, we are delighted to partner with AirTran Airways to roll-out Clear across its network to the millions of fliers that enjoy its service each year." Brill added, "our first domestic airline partner, AirTran Airways, marks a true turning point for Registered Traveler. It is no longer a matter of 'if' or even 'when,' as much as it is a matter of 'how fast.' AirTran Airways is an entrepreneurial airline that places significant emphasis on customer service. For that reason, it is an ideal partner for Clear."

Clear, with over 52,000 members nationwide and nearly 500,000 verifications at its lanes, celebrated its two year anniversary this morning in Orlando, the site of its first lane launch, with an announcement of a broad nationwide print, radio, online and outdoor advertising campaign, which showcases what is now a national network of eleven Clear locations that is likely to reach more than half of the nation's most significant airports by the end of this year.

The ad campaign, headlined "Fly Through Airport Security," features endorsements of the Clear experience from actual named customers. "Clear has been a life-saver on Monday mornings," says Kathy Blackburn. "This service has been a real stress reliever."

"Thank you for a great business travel tool, a service-oriented staff, and a value-delivered experience," says Bart Alderman. "It has allowed me to catch at least two flights I would have missed if I were not using the Clear lane," says Jack Vonich. (Additional quotes are listed below. These quotes and others will rotate on the homepage of flyclear.com for the duration of the ad campaign.)

Clear's new verification kiosk, with state-of-the-art shoe scanner technology, has been installed at all Clear lanes. The TSA-approved kiosk is in use today in Orlando - where members can, in most instances, leave their shoes on as they pass through the security checkpoint. The shoe scanning technology will become operational at all other locations as soon as TSA-approved protocols are in place. Another technology is expected to exempt Clear members from removing their suit coats and other outer garments in the coming months. The next technology in development is a scanner that will allow a laptop to stay in its case.

Applicants start the membership enrollment process at flyclear.com and complete it in person at a Clear enrollment center, where they have their biometrics (fingerprints and iris images) captured. Clear enrollment centers are located in airports with Clear programs and also at convenient city locations, such as the San Francisco Hyatt (Embarcadero), New York's Grand Central Hyatt, and the San José Marriott.

Clear member quotes from its national marketing campaign:
Clear has removed 75% of the hassle from the airport experience. – John Giattino

You have found a way to make the airport screening process "seamless" and without unnecessary intrusion. – John Byrnes

I support the ease of the program and look forward to when I can zip through a Clear line at any airport! – Marlie Miller

Clear has given me back some control over a piece of the travel experience that can be very time consuming. My family thanks you! – Michael English

Having the Clear Card has made it so easy to calculate the exact time it will take me from parking lot to gate. – Martin von Paleske

I am thoroughly satisfied with the level of attention I receive. In fact, it is almost embarrassing! – Thomas J. Borek

You guys rock!! Classy, well-run company. I tell everyone about you and have had several colleagues join. – Paul Rosenfeld

One word- Awesome. – Carl Schmoyer

Amazing- it makes the entire flying experience pleasurable again. – Joel Armstrong

Verified Identity Pass's Clear Registered Traveler is the largest registered traveler program operating at U.S. airports. Clear has been operational since July 19, 2005, at Orlando International Airport and has over 55,000 members. Earlier this year, Clear launched lanes at JFK, San José, Indianapolis and Cincinnati International Airports, and most recently at Newark's Terminal B. Today it launched a Clear enrollment center at Albany International and announced plans to open a program at LaGuardia with AirTran Airways. In addition, Clear has been selected by San Francisco International, Little Rock National and Westchester (NY) County Airports for programs there, and the company also has an agreement with Toronto Pearson International Airport to operate a Canadian program, working with Canadian authorities. Clear's verification kiosk with shoe scanning technology, co-developed with Verified Identity Pass's partner GE, will allow members, in most instances, to keep their shoes on as they pass through the Clear lanes at the security checkpoint. For more information, please visit: www.flyclear.com.

AirTran Airways, a Fortune 1000 company, offers passengers more than 700 affordable, daily flights to 56 destinations throughout the United States. The airline is the second-largest carrier at its hub, Hartsfield-Jackson Atlanta International Airport, and one of America's largest low-fare airlines. With more than 8,800 friendly Crew Members and free online booking on airtran.com, AirTran Airways makes travel both pleasant and convenient. The airline flies America's youngest all-Boeing fleet, composed of the fuel-efficient Boeing 737-700 and 717-200 aircraft. AirTran Airways was also the first to install XM Satellite Radio on a commercial aircraft and the only airline with Business Class seating on every flight. For more information, visit airtran.com.

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Press Release

Clear® and Air France Open Registered Traveler Lanes at JFK Terminal 1.

NEW YORK – June 6, 2007 – Clear® Registered Traveler and Air France announced today the opening of the Clear lanes at JFK International Airport Terminal 1, continuing the rollout of the US registered traveler program which began earlier this year. In addition to Air France passengers, Clear will also serve more than a dozen airlines operating out of Terminal 1.

"We are pleased to sponsor this expedited lane that not only benefits Air France passengers, but also the passengers of our Terminal 1 partners. This lane is just another way to show Air France's continued commitment to improving the products and services we offer our clients," said General Manager and Vice-President Air France U.S.A. Marie-Joseph Malé.

"Air France is providing a time efficient service to its customers – many of whom are fliers from the large corporate travel base in the US," said Clear founder and CEO Steven Brill. "Clear lanes will allow these customers and all travelers departing from Terminal 1 a more predictable, hassle-free experience at airport security."

Clear is now operational at two other JFK Terminals (4 and 7), Orlando, San Jose, Cincinnati and Indianapolis International Airports. And, later this month, Clear will open lanes at Newark's Terminal B. Clear has also been chosen by the Little Rock and Albany airports, where programs are scheduled to launch soon. Recently, three other US airports have issued announcements to launch programs – San Francisco, Washington, DC (Reagan and Dulles) and Denver — all anticipated to launch this fall.

Clear, now with over 48,000 members, began the first privately-run registered traveler pilot program at Orlando International Airport in July 2005. The program is fully interoperable with all other airports with TSA-certified registered traveler programs. Clear provides members with a biometric identity card that allows them expedited access through airport security checkpoints for an annual fee of $99.95, once they are pre-screened and approved by TSA.

Clear's new verification kiosk, with state-of-the-art shoe scanner technology, has been installed at the Clear lanes at JFK and all other Clear locations. The TSA-approved kiosk is in use today at the Clear lane in Orlando - where members can, in most instances, leave their shoes on as they pass through the security checkpoint. The shoe scanning

technology will rollout at all other terminals as soon as TSA-approved protocols are in place there. Another technology is expected to exempt Clear members from removing their suit coats and other outer garments in the coming months. The next technology in development is a scanner that will allow a laptop to stay in its case.

About Clear® Registered Traveler
Verified Identity Pass's Clear Registered Traveler is the only registered traveler program operating at U.S. airports. Clear has been operational since July 19, 2005, at Orlando International Airport and has over 48,000 members. Clear has launched additional lanes at JFK's British Airways Terminal 4 and 7 and San José, Indianapolis and Cincinnati International Airports, and wiill begin operating a program at Newark's Terminal B soon. In addition, Clear has been selected by Albany International Airport and Little Rock National Airport for programs at those airports, and the company also has an agreement with Toronto Pearson International Airport to operate a Canadian program, working with Canadian authorities. Clear's verification kiosk with shoe scanning technology, co-developed with Verified Identity Pass's partner GE, will allow members, in most instances, to keep their shoes on as they pass through the Clear lanes at the security checkpoint. For information visit: www.flyclear.com.

About Air France
Recipient of Aviation Week & Space Technology's "2006 Commercial Air Transport Laureate," and named "Airline of the Year for 2005" by Air Transport World, the Air France KLM group operates more than 2,470 daily flights out of Paris and Amsterdam to 242 destinations in 105 countries. In the U.S., Air France currently serves 12 gateways and, beginning June 11, 2007, will add Seattle as its newest gateway. It provides service from 125 cities through code-share agreements with SkyTeam partners Delta, Continental and Northwest. For more information, or to purchase tickets, log onto www.airfrance.com/us, contact your travel professional or call Air France Reservations 1-800-237-2747.

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Press Release

Clear® and Virgin Atlantic Airways Open Registered Traveler Lanes at JFK Terminal 4. Program allows nearly 4 million departing JFK fliers to access fast lanes.

NEW YORK – May 10, 2007 – Clear® Registered Traveler and Virgin Atlantic Airways announced today the opening of the Clear lanes at JFK International Airport Terminal 4, continuing the rollout of the US registered traveler program which began earlier this year at five airports – JFK Terminal 7, Orlando, San Jose, Cincinnati and Indianapolis. In addition to Virgin Atlantic passengers, Clear will also serve a combination of over 50 international and domestic airlines operating out of Terminal 4, which has an annual departing passenger volume of almost 4 million. Later this month, Clear and Virgin Atlantic will open Clear lanes at Newark's Terminal B and next month Clear will open lanes at JFK Terminal 1.

Clear has also been chosen by the Little Rock and Albany airports, where programs are scheduled to launch early this summer – giving Clear ten venues at eight airports in advance of further expansion anticipated this fall.

"Launching the Clear Registered Traveler program at JFK is an important way to enhance Virgin Atlantic's new schedule of 6 flights a day from the New York area to London Heathrow," said Chris Rossi, Senior Vice President, North America. "On the ground and in the air, Virgin Atlantic offers a signature combination of service and product. Clear is an innovative step which will enhance the Virgin Atlantic experience at JFK's Terminal 4, reducing stress and saving time for our travelers."

Virgin Atlantic will also market the program nationally, including in its lounges and on its website, in conjunction with Clear.

Clear, now with over 45,000 members, began the first privately-run registered traveler pilot program at Orlando International Airport in July 2005. The program is fully interoperable with all other airports with TSA-certified registered traveler programs. Clear provides members with a biometric identity card that allows them expedited access through airport security checkpoints for an annual fee of $99.95, once they are pre-screened and approved by TSA.

"Terminal 4 is delighted to add Clear to its array of services and amenities available for passengers," said Alain Maca, President of JFK International Air Terminal, LLC (management company of Terminal 4). "Now our travelers will know that with Clear they can save time and have a hassle-free experience at security processing to spend more time shopping and dining at our world class terminal."

"Virgin Atlantic and Terminal 4 are important partners for Clear," said Clear founder and CEO Steven Brill. "Both provide exemplary customer service to millions of frequent business travelers each year, and using Clear lanes will allow these customers to have a more predictable experience at airport security and to spend more of their time at the quality retail shops at the terminal."

Clear's new verification kiosk, with state-of-the-art shoe scanner technology, has been installed at the Clear lanes at JFK and all other Clear locations. The TSA-approved kiosk is in use today at the Clear lane in Orlando - where members can, in most instances, leave their shoes on as they pass through the security checkpoint. The shoe scanning technology will rollout at all other terminals as soon as TSA-approved protocols are in place there. Another technology is expected to exempt Clear members from removing their suit coats and other outer garments in the coming months. The next technology in development is a scanner that will allow a laptop to stay in its case.

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About Virgin Atlantic Airways
In 1984, Virgin Atlantic Airways launched with just one airplane flying between London and New York. Now serving the world's major cities, Virgin Atlantic has effectively changed the industry and is now widely recognized as one of the world's best airlines, much to the dismay of the competition. Offering high-flying service featuring the award-winning Upper Class Suite and the new Premium Economy, Virgin Atlantic flies from 10 US cities to London. With long haul services to twenty-seven destinations worldwide, Virgin Atlantic flies to cities as far apart as Las Vegas, Tokyo, Delhi, and Shanghai, with recent growth to Mumbai, Sydney, Dubai, Chicago and Nairobi. Despite Virgin

Atlantic's growth, the service still remains customer driven with an emphasis on value for money, quality, fun and innovation, ensuring flying Virgin Atlantic is always an event.

About JFK Terminal 4
Terminal 4, the 1.5-million-square-foot facility at John F. Kennedy International Airport, opened in May 2001 and has an annual passenger volume of 7.7 million air travellers. Terminal 4 is home to 50 international and domestic carriers representing 39 countries. JFK IAT is the first private, non-airline consortium selected by the Port Authority of New York & New Jersey to develop and manage an airport terminal. For information visit: www.jfkiat.com.

# # #

Press Release

British Airways and Clear® Launch Registered Traveler Lane at New York's JFK Airport. National Registered Traveler Program Begins Roll Out Today.

NEW YORK – January 16, 2007 – Clear® Registered Traveler and British Airways announced today the opening of the Clear lane at British Airways' Terminal 7 at John F. Kennedy International Airport. The launch at JFK Terminal 7 signifies the beginning of the national rollout of the US registered traveler program.

Clear, now with over 35,000 members, began the first privately-run registered traveler pilot program at Orlando International Airport in July 2005. The JFK program is fully interoperable with the Orlando program and with all other airports in the national program.

British Airways is the first airline to partner with Clear, and Terminal 7 - which serves several other major airlines in addition to British Airways - is the first facility in the New York area to have a registered traveler program. Clear allows business travelers and other frequent fliers to pay a fee ($99.95) to be pre-screened by the Transportation Security Administration (TSA) and receive a biometric identity card that provides them with expedited passage through airport security checkpoints.

Steve Clark, senior vice president Customer Service Americas for British Airways, said, "British Airways is delighted to be offering the Clear Registered Traveler lane at our JFK terminal. The lane will give our customers a quicker and more convenient experience when going through the security process. Our terminal at JFK is already fast to move through and now it has become even faster."

Clear founder and CEO Steven Brill said, "We're thrilled to be launching the national registered traveler program, in partnership with British Airways. Thanks to the leadership of Homeland Security Secretary Chertoff and TSA Administrator Hawley, registered travelers will now enjoy the benefits of this visionary program no matter which airport they use, so long as it has chosen to participate in the program. We're also pleased that the program will make all travelers - not just registered travelers - experience a more convenient, but no less secure, process through airport security."

Brill added, "Agreements with several other airports and airlines are expected to be announced during the first quarter of 2007. Additional agreements and launches will be announced shortly and will accelerate through the year." Clear's new verification kiosk, with state-of-the-art shoe scanner technology, has been installed at the Clear lane at JFK's Terminal 7. The TSA-approved kiosk is in use today at the Clear lane in Orlando - where members can, in most instances, leave their shoes on as they pass through the security checkpoint. The shoe scanning technology will rollout at JFK Terminal 7 as soon as protocols are in place there. The Clear network, which will expand with launches later this week and next week at the Indianapolis, San Jose, and Cincinnati International Airports, is currently in the process of installing the kiosk with shoe scanning technology at those locations. The kiosk, developed with Clear's partner GE Security, detects the presence of explosives and metal in shoes. Those members whose shoes contain no explosives or metal are able to keep shoes on at the checkpoint. Another technology installed in the new kiosk is expected to exempt Clear members from removing their suit coats and other outer garments in the coming months.

About British Airways
British Airways is one of the world's largest international airlines carrying around 36 million passengers a year to some 140 destinations (including 23 in North America) in over 70 countries. Also one of the world's longest established airlines, it has always been regarded as an industry-leader with innovations in the air and on the ground. Renowned for its award-winning products and service initiatives, British Airways was the first airline to introduce flat bed seats. It is the only foreign carrier to solely own and operate its own terminal at JFK where it welcomes four million travelers each year.

About Clear® Registered Traveler and Verified Identity Pass, Inc.
Verified Identity Pass's Clear Registered Traveler, with over 35,000 members, is the only privately-run registered traveler program operating at U.S. airports. Clear has been fully operational since July 19, 2005, at Orlando International Airport. The Clear network will expand this month to include Indianapolis, San José, and Cincinnati International Airports. Clear will also launch at JFK Terminal 1 in March. In addition, Clear has an agreement with Toronto Pearson International Airport to operate a Canadian program, working with Canadian authorities. Clear's verification kiosk with shoe scanning technology, co-developed with Verified Identity Pass's partner GE, could allow members in the Clear lanes to keep their shoes on as they pass through the security checkpoint. For more information: www.flyclear.com.

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VERIFIED IDENTITY PASS, Inc.

Steven Brill, Chairman and Chief Executive Officer
212-332-6301, sb@brillbusiness.com

September 10, 2008

Honorable John L. Mica
Ranking Republican Member
US House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

Dear Ranking Member Mica:

Thank you for your letter of August 25, 2008. It was my pleasure to testify before the Committee on Transportation and Infrastructure on July 24, 2008 about the Registered Traveler program, and I appreciate the opportunity to answer your thoughtful follow-up questions.

1. US-VISIT Air Exit

As you note, we believe that Registered Traveler can substantially assist in addressing the US-VISIT Air Exit conundrum. As a result of the growing Registered Traveler program, biometric capture capacity for departing passengers already exists at the security checkpoints of several of the U.S.'s largest international airports (including JFK, Newark, Denver, Washington Dulles, San Francisco, and – shortly – Atlanta), and this capacity is rapidly being added to many others. This capacity is being added at no cost to the government, airports or airlines. The Registered Traveler infrastructure could quickly be adapted to accommodate US-VISIT Air Exit; Clear would charge a small transit toll per US-VISIT Air Exit biometric capture to reflect incremental US-VISIT costs. Obviously, this is an appealing alternative to spending several years and tens or hundreds of millions of taxpayer dollars to re-create the same infrastructure. Moreover, we already have staff on duty at these airports who are security-screened and trained to conduct biometric matches.

We have presented this idea to the Department of Homeland Security (DHS). On the most formal level, we submitted written comments in response to a U.S. Customs and Border Protection (CBP) Federal Register Notice of Proposed Rulemaking (Docket DHS-2008-0039) concerning the Air Exit program. I have enclosed that submission. We also raised our ideas in a meeting with CBP's Deputy

Commissioner Jayson Ahern in a meeting on February 5, 2008, and in other less formal written submissions and conversations with DHS over the past two years. DHS has acknowledged our ideas, but has not indicated whether it intends to pursue them.

The pending Notice of Proposed Rulemaking (NPRM) would essentially require airlines to capture biometrics but does not specify where or how such collection would occur. We have discussed with carriers the use of RT facilities should a final rule impose this requirement on them; however, the carriers strong opposition to the NPRM has made such discussions premature from their point-of-view. We have also discussed the use of RT infrastructure with other stakeholders, including airports and travel associations. In written comments submitted to CBP, several travel organizations, including the Travel Industry Association and the National Business Travel Association, indicated support for our proposed dual-use concept.

2. Global Entry

We believe that CBP should be using the same public-private partnership model for Global Entry (formerly known as International Registered Traveler) as TSA does for Registered Traveler. In short, CBP should conduct oversight for Global Entry and control all security/vetting aspects of the program, while approving private sector firms to contract directly with participating airports in order to conduct Global Entry enrollment (including scheduling CBP officer interviews), potentially assist with biometric verification at the immigration checkpoint, perform all marketing and customer service, collect membership fees, and reimburse to CBP the costs that CBP incurs to conduct applicant vetting and to provide oversight.

The advantages of using the existing model are clear. Government and the private sector would each do what they do best. CBP would get the benefits of Global Entry, without the day-to-day program burden. CBP would have its costs reimbursed. The substantial existing RT infrastructure would be leveraged. CBP would capitalize on RT expertise and market penetration. And, frequent fliers would be able to apply for RT or Global Entry or both in one unified enrollment process. It should come as no surprise that a number of major international airports and airlines for which Clear currently provides Registered Traveler services have already expressed interest in having Clear provide Global Entry services for them, as well.

The very slow enrollment rate for Global Entry – only approximately 1300 enrollees in the first three months of the program – indicates a need for a different enrollment model. As a comparison, Clear alone enrolls approximately three times that number (or approximately 4000 people) per week. In addition, even in the current scenario where the programs are not yet officially linked, individuals who have passed the stringent background check required for entry into the Global Entry program should be offered the option to enroll with a RT provider at the same time. This offer should also apply to foreign nationals enrolling in Global Entry, once pending agreements for reciprocal enrollment with the United Kingdom, Germany

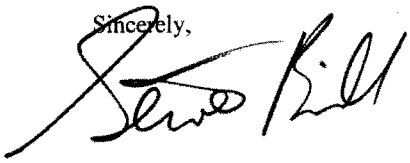
and the Netherlands are completed. For business travelers, the delay in TSA rescreening upon arrival in the U.S. is a major hassle, which a shared approach to Global Entry and RT could help solve.

As of early summer 2008, Clear was aware that CBP and TSA were in discussions about how to integrate Global Entry and Registered Traveler. Clear is ready and eager to launch a pilot of a Global Entry public/private partnership. We have presented our ideas to DHS and CBP in a written submission (enclosed) in response to a CBP Federal Register notice (Docket USCBP-2006-0037), and in many meetings and less formal written documents over the past few years.

* * * *

I would be happy to work together with you on these initiatives. I will ask Charles Simon, our Senior Vice President for Public Policy (csimon@verifiedidpass.com; 212-332-6310), to follow up with your staff. Please let me know if I can be of any further assistance.

Sincerely,



Comments on Collection of Alien Biometric Data Upon Exit From the United States at Air and Sea Ports of Departure; United States Visitor and Immigrant Status Indicator Technology Program ("US-VISIT")

Docket: **DHS-2008-0039**

Submitted by: **Charles Simon**
Senior Vice President, Public Policy
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Date : May 5, 2008

Clear proposes that the existing (and rapidly expanding) Registered Traveler airport-based biometric verification infrastructure be employed to capture the biometrics of aliens as they exit the United States through U.S. airports, as required by US-VISIT.

Implementing the exit portion of US-VISIT at U.S. airports (in addition to sea and land ports) has proven to be a substantial challenge. In fact, since 2003, DHS has allocated about one-quarter of a billion dollars to exit-related efforts, but the exit portion of US-VISIT still doesn't exist. The DHS proposal that is the subject of these comments directs airlines to handle US-VISIT air exit. Unsurprisingly, the airlines strenuously object to this new burden, arguing that DHS should shoulder it, not the airlines.

A solution, however, is at hand. As a result of the growing Registered Traveler program, biometric capture capacity for departing passengers already exists at the security checkpoints of several of the U.S.'s largest international airports (including JFK, Newark, Denver, Washington Dulles and San Francisco), and this capacity is rapidly being added to many others. Registered Traveler service providers have worked – and continue to work – successfully with their host airports and local TSA staff to locate the biometric capture/verification kiosks immediately before the security checkpoints. And, this capacity is being added at no cost to the government, airports or airlines. It is worth noting that Clear's verification kiosks already have the ability to print receipts and or a separate boarding pass that would demonstrate that a person has complied with the requirement to provide biometrics.

Rather than force an unpopular change in the airline check-in process, DHS should work with the airlines and airports to capitalize on the proven Registered Traveler infrastructure and planning process to achieve US-VISIT air exit quickly and efficiently. Clear would charge a small transit toll of perhaps 75 cents per US-VISIT air exit biometric capture to reflect incremental US-VISIT costs. This charge could be paid by

DHS or by airlines which have been appropriately subsidized by DHS. The charge represents a substantial discount on the per capture cost that would be associated with a program that had to be built from scratch. And, of course, this proposed solution could be launched much sooner than a program that had to be built from scratch.

The proposed US-VISIT air exit infrastructure could also be easily expanded, and managed by the private sector, as it grows beyond airports where Registered Traveler is operational. A Registered Traveler lane is not a prerequisite but provides for an efficient, rapid rollout to demonstrate success and ensures expertise in management and service issues.

We note further that there is a unique opportunity to harmonize this proposed solution with Global Entry, Registered Traveler and Secure Flight. If aliens were permitted to enroll in Global Entry and Registered Traveler (having first been vetted by their home country and by CBP/TSA), they would not only have access to automated border control upon arriving in the United States but would be able to use a kiosk upon exiting the United States that would capture their biometrics for US-VISIT air exit purposes and verify their vetted status for Secure Flight purposes as well as for access to the Registered Traveler security checkpoint lane. Similarly, they could take advantage of Registered Traveler lanes as they travel throughout the country.

In short, for US-VISIT air exit, the Registered Traveler infrastructure and model provides a secure system (as TSA has already vetted and approved the technical specifications), a proven system (as Registered Traveler has already conducted more than 1,000,000 biometric verifications at airport security checkpoints), an efficient system (as substantial infrastructure has already been installed at no cost to the government), and significant customer service benefits (as the more than 150,000 current Registered Traveler enrollees will attest to).

Comments on Global Entry / International Registered Traveler Program Pilot Proposal – Customs and Border Protection; Department of Homeland Security

Docket: **USCBP-2006-0037**

Submitted by: **Charles Simon**
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Date : May 5, 2008

Clear applauds Customs and Border Protection (CBP) for launching Global Entry (formerly known as International Registered Traveler), but urges DHS to follow the same model in establishing Global Entry as it did in establishing Registered Traveler (RT). In short, CBP should (1) conduct oversight for Global Entry; (2) control all security aspects of the program; (3) perform applicant vetting (including CBP officer interview, if necessary); (4) approve all technology standards and processes; and (5) approve private sector firms to provide Global Entry services.

Meanwhile, private sector firms should (1) apply to CBP for approval to provide Global Entry services; (2) contract directly with participating airports to provide those service; (3) conduct enrollment (including scheduling CBP officer interviews, if necessary); (4) potentially assist with verification at the immigration checkpoint through biometric kiosks; (5) perform all marketing and customer service; (6) collect membership fees; and (7) reimburse CBP's costs to conduct applicant vetting and to provide oversight.

The advantages of using this existing successful model are clear. Government and the private sector would each do what they do best. CBP would get the benefits of Global Entry, without the day-to-day program burden. CBP would have its costs reimbursed. Existing RT capacity – 17 airports and counting (including JFK, Newark, Dulles, San Francisco, Orlando and Denver, to name a few) – would be leveraged. CBP would capitalize on RT expertise and penetration (more than 150,000 enrolled travelers; in excess of 1,000,000 verifications). And, frequent fliers would be able to apply for RT or Global Entry or both in one unified enrollment process.

Like CBP, Clear places a high priority on a unified enrollment process for RT and Global Entry, which is precisely what the public/private partnership model is uniquely positioned to provide.

The public/private partnership can be launched very quickly, because so much of the infrastructure is already in place. Major international airports and airlines for which Clear currently provides RT services have already expressed interest in having Clear provide Global Entry services for them, as well.

Clear is ready and eager to launch a pilot of a public/private partnership (Partnership Pilot) in each of these locations, so CBP can evaluate the effectiveness of the Partnership Pilot immediately. Clear believes that incorporating these public/private pilots into the early Global Entry pilots is particularly critical, because – notwithstanding best intentions – it's a simple fact of life that if the public/private partnership model isn't piloted now, it's much less likely that it will ever have the opportunity to demonstrate all that it can offer.

1. Who would approve eligible service providers (SP's)?

CBP would establish baseline criteria for SP's – financial viability, clean background checks, etc. – and would determine eligibility of SP's that apply to CBP for approval based on those criteria. The application form would be very easy to create, as TSA has a simple Service Provider Application form that could be modified in minor ways for Global Entry purposes

2. Who would select and contract with the SP?

An airport would request permission from CBP to launch Global Entry with an SP – ie., become the Sponsoring Entity. Upon approval, the airport would follow its procurement procedures in selecting from among SP's on the CBP list and then contract directly with that SP. CBP would regulate the operation, but would avoid the burden of the federal contracting process.

Alternatively, an air carrier that controls a terminal at an airport could be the Sponsoring Entity. (An air carrier's selection of a Service Provider could be a faster process than an airport RFP process.)

3. How would the SP's systems be vetted by/on behalf of CBP?

An airport SP would provide a system security plan and system architecture that had been validated by an independent public accounting firm qualified to provide assurance in the area of privacy and information security. Integration into the CBP network would be tested by CBP before connecting to the production system. If Clear were selected by an airport or airline to provide Global Entry services, this could all take place very quickly, as Clear has already been through the process for RT.

In the alternative, if CBP received Global Entry enrollment information from the Service Provider by way of the TSA, CBP could simply rely on TSA's existing vetting and approval of Clear's systems.

4. How would the SP collect the enrollment data CBP requires?

If Clear or another Registered Traveler Service Provider were selected by an airport as its Global Entry SP, it could use existing RT enrollment infrastructure (on-line and in-person, modified as needed) to gather CBP-mandated enrollment information (biographic information, authenticated passport images, and biometrics) and then securely transmit that information to CBP.

This would substantially streamline the process and enhance enrollments, as follows: An applicant for either program would go on-line to enroll and be given the option of enrolling for RT, for Global Entry, or both. Depending on the answer, the applicant would simply have different fields to complete. At in-person enrollment, the SP would collect whatever information is dictated by the applicant's on-line program selection. The SP would ensure that whatever information is required by CBP gets to CBP.

5. How would information be transmitted to CBP?

Transmission to CBP could be handled via a secure, encrypted message communicated over a virtual private network (VPN) or via secure file transfer protocol.

In the alternative, a Service Provider could transmit enrollment data to CBP by using the existing data transfer infrastructure already in place for RT with a simple intra-DHS data transfer extension from TSA to CBP. In other words, the Service Provider would collect the enrollment data as described in Item 4 above, then would transmit the data to the Transportation Security Clearinghouse's Central Information Management System, which would forward the information to TSA (all of which happens today). *Then*, if the applicant had chosen to enroll either (i) just in Global Entry or (ii) in both Global Entry and RT, the TSA would forward the enrollment information to CBP. CBP would conduct the background check. If the applicant were approved by CBP, TSA would accept this result for RT as well (and not run a redundant security threat assessment). CBP would transmit the approval or denial information back to TSA, which would then once again use the existing infrastructure to alert the SP that the applicant had been approved for the applicable program(s).

6. How would the CBP officer interview work?

Clear would accommodate CBP. Following the NEXUS model, applicants could schedule their officer interview on-line, in an application hosted by Clear, once CBP had completed a preliminary approval of the biographic information submitted as part of the online enrollment – and then the applicant could do the officer interview at the same time that they complete in-person enrollment (biometric capture, etc.) with the SP. Alternatively, the biometric capture process could happen independently to provide the CBP officer and the applicant with more scheduling flexibility. Clear already has a system for setting up in-person appointments while applicants are beginning enrollment

on-line; we would simply adapt that process to whatever interview schedule CBP establishes.

7. How would CBP be paid?

CBP would calculate a per applicant cost associated with the public/private partnership-version of Global Entry. How much lower these CBP costs would be than those associated with the CBP-only version of Global Entry would depend on which of the Global Entry functions the SP conducts (enrollment only? enrollment and verification equipment?). Then, the SP would pay CBP that amount for every applicant the SP processed, having collected the CBP amount as a component of the overall – necessarily competitive – fee that the SP would charge the applicant.

8. What role would the SP have with Global Entry verification?

Clear would accommodate CBP. Clear looks forward to discussing ways in which Clear could add value, if CBP were interested. For example, at the most basic level, Clear would be willing to reimburse its Sponsoring Entities (airports/airlines) for the purchase, installation and maintenance of CBP Global Entry verification kiosks, provided they were priced reasonably, so that CBP would be spared this cost.

9. Would a Clear card need to be issued to each Global Entry applicant? Could a passport be used?

A Clear card could be issued to provide access to the TSA program but would not be required for Global Entry. A passport could be used as the credential and the biometric information could be stored in a separate database. The passport could be validated at verification either through the information in the e-passport data or by using authentication technology to validate existing passports without e-passport data.

10. Who would own the data required by CBP for enrollment in Global Entry?

CBP would own the data. In addition, Clear would propose that the enrolling SP also own a copy of the data provided by the member to the SP during the enrollment process, so that the SP can provide full customer service and membership services to the member, thereby relieving CBP of this burden. Strict security and privacy standards would govern the storage and maintenance of this data by the enrolling SP. This is the model used successfully for RT.

Maryland Aviation Administration

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

John D. Porcari
Secretary

Timothy L. Campbell, A.A.E.
Executive Director

Testimony of Timothy L. Campbell, A.A.E.

Executive Director

Maryland Aviation Administration

Before the

U.S. House of Representatives

Subcommittee on Aviation

July 24, 2008

Chairman Costello, Ranking Member Petri, and members of the Subcommittee, on behalf of the Maryland Aviation Administration (MAA) and Baltimore/Washington International Thurgood Marshall Airport (BWI Marshall), thank you for this opportunity to update the Committee on security efforts at BWI Marshall Airport.

My name is Tim Campbell, and I am the Executive Director of the MAA, an agency of the Maryland Department of Transportation, which is the owner and operator of BWI Marshall. BWI Marshall is Maryland's largest commercial airport and the largest origination and destination (O&D) airport within the Metropolitan Washington region. BWI Marshall's status as an O&D airport is significant because O&D passengers, rather than connecting passengers, are the direct users of airport security programs. In 2007, BWI Marshall welcomed over 21 million passengers, approximately 85 percent of whom were O&D passengers. I am pleased to report that BWI Marshall has not yet experienced a downturn in passenger activity due to the current climate in the aviation industry and other economic pressures. Our passenger activity is up over 4 percent through May of this year. Passengers in the Greater Washington Region are taking advantage of the relative lower fares offered by the airlines serving BWI Marshall and our convenient airport facilities.

BWI Marshall has consistently worked in partnership with the federal government to improve aviation security. You will recall that, in January 2002, BWI Marshall was named the primary airport for the field-testing of new federal security measures. BWI Marshall was the first U.S. airport to serve as a Transportation Security Administration (TSA) site to study airport security operations, to test TSA screening techniques and technologies, and to train senior TSA managers. The first deployment of federal airport security screening personnel in a U.S. airport started at BWI Marshall in April 2002. The successful installation of these first 200 federal screeners marked the beginning of TSA's effort to hire, train, and mobilize thousands of security screening personnel for airports nationwide.

Since that time, BWI Marshall has continued to work with TSA to help test, develop, and implement new security technologies and procedures to enhance passenger safety. BWI Marshall shares the TSA's commitment to consistently improve security. I must acknowledge the professional, dedicated work of our TSA partners, at both the local and national levels.

BWI THURGOOD MARSHALL AIRPORT FACTS AND STATISTICS

BWI Marshall is a single-terminal airport with five concourses, each concourse with its own security checkpoint. There are multiple portals throughout the terminal complex for badged employee access to secure facilities, and there are multiple gates in the security fence for badged employee access to the airfield. For outbound baggage screening, the airlines at BWI Marshall utilize a combination of stand-alone explosive detection systems (EDS), quasi-in-line EDS, and in-line EDS.

In addition to the 21 million passengers that fly through BWI Marshall annually, there are more than 11,000 employees working at the Airport. These workers are employed by a multitude of agencies, companies, and organizations.

BWI Marshall's newest passenger terminal facility, is utilized by Southwest Airlines for over 300 daily flights. The terminal accommodates approximately 52 percent of the Airport's passenger traffic. This facility is equipped with a state-of-the-art, fully-automated, in-line baggage handling system (BHS) that is designed to screen 2,400 bags per hour. BWI Marshall worked closely with Southwest Airlines and the TSA to design, construct, and fund the sophisticated in-line BHS. The in-line system provides a number of important benefits, including lowered personnel costs for TSA and faster baggage screening.

This summer, BWI Marshall started construction on a new in-line baggage screening system that will provide additional screening capacity for the Airport's second-largest airline, AirTran Airways. This two-year, $36 million project will provide efficient, expedited baggage security screening for AirTran, similar to the system created for Southwest. Much of this upgrade will be financed through Passenger Facility Charges (PFCs), although BWI Marshall is seeking federal funds for the TSA-specific screening improvements. The additional funding provided by Congress to the TSA for inline systems will allow us to partially fund this important security improvement.

RECENT SECURITY INITIATIVES

BWI Marshall has been a consistent partner with the TSA in recent years to test new security protocols.

Just last week, the TSA and the Air Line Pilots Association (ALPA) introduced the crewPASS program at BWI Marshall, as well as at two other airports. This initiative allows airline pilots to use a separate checkpoint to enter the sterile concourses and reach their aircraft. The TSA will use a sophisticated database to verify the pilots' identification at the separate checkpoint. The TSA and the ALPA believe that this program will benefit passengers by removing the airline pilots from the checkpoint queue, thereby reducing the number of individuals being screened.

In April, the TSA introduced its Checkpoint Evolution program at BWI Marshall. Our experiences with this pilot program have been, on the whole, positive. The new Southwest terminal facility is a large, modern passenger terminal with plenty of space at the checkpoints to accommodate the Checkpoint Evolution initiative. This "checkpoint of the future" program as currently configured does require a larger footprint than traditional security checkpoints, which could be a problem for many airports across the country. Airport customers seem to welcome the features of the Checkpoint Evolution program, although we have noticed a somewhat slower throughput. We know that TSA is aware of this and they are working to address it. That is the purpose of a pilot program like Checkpoint Evolution. The pilot gives the TSA the opportunity to test the program in a real-world airport environment—to understand what works, and what procedures may need further development.

BWI Marshall has also benefited from TSA's recent deployment of new screening technologies. BWI Marshall was one of the first airports selected as the TSA is expanding its use of Advanced Technology X-Ray (AT) and Whole Body Imaging (WBI) units. These updated technologies are being rolled-out to airports nationwide this summer.

This summer, BWI Marshall has issued a Request for Proposals seeking a private sector Registered Traveler program. The goal is to simplify and enhance the passenger experience, and to expedite passenger security screening. The preliminary schedule calls for the Registered Traveler program to be in place at BWI Marshall in late 2008.

There are a number of other security initiatives ongoing at BWI Marshall. For example, the Airport is currently replacing the perimeter security fence and examining the use of biometric technology at employee portals. BWI Marshall will continue working with TSA and the airlines to help lead the way in making air travel safe and customer friendly.

CONCLUSION

Thank you again for providing me with this opportunity to offer my thoughts on airport security. Aviation security is a collaborative effort. Airports, the federal government, and airlines must all work together to ensure the security and safety of our customers, the traveling public. I look forward to answering any questions that you may have.

Maryland Aviation Administration

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

John D. Porcari
Secretary

Timothy L. Campbell, A.A.E.
Executive Director

September 17, 2008

The Honorable John L. Mica
U.S. House of Representatives
Committee on Transportation and Infrastructure
2163 Rayburn House Office Building
Washington DC 20515

Dear Congressman Mica:

Thank you for your recent letter which presented questions regarding airport security. In July, I was pleased to testify before the House Aviation Subcommittee regarding security efforts at Baltimore/Washington International Thurgood Marshall Airport (BWI Marshall).

Following, please find the questions you posed, along with my answers:

1) What are the goals of the Checkpoint Evolution program underway at your airport? How does it enhance security and the passenger experience?

Checkpoint Evolution is a pilot program put in place at BWI Marshall by the Transportation Security Administration (TSA). The federal Checkpoint Evolution prototype is designed to test new security screening technologies, new screening procedures, and a new checkpoint queue configuration. According to the TSA, the goal of the Checkpoint Evolution program is to improve both security and the passenger experience.

In recent years, BWI Marshall Airport has served as an important site for the field-testing of new federal security technologies and procedures. With the Checkpoint Evolution pilot, BWI Marshall is again helping to lead the way in making air travel safe and customer friendly. This prototype provides the TSA with the opportunity to learn valuable lessons, and to implement those lessons in airports across the country.

The Checkpoint Evolution initiative uses a number of cutting-edge technologies to improve the screening process, including multi-view X-ray, Millimeter Wave, and liquid bottle scanners. TSA has also implemented a number of changes to the checkpoint environment and procedures. These changes are intended to create a calmer checkpoint environment, which should result in better security.

P.O. Box 8766, BWI Airport, Maryland 21240-0766 • 410-859-7100 • TOLL FREE: 1-800-435-9294
TTY/TDD for the hearing impaired: 410-859-7227 • www.bwiairport.com
The Maryland Aviation Administration is an agency of the Maryland Department of Transportation

The Honorable John L. Mica
Page Two

2) As the Congress considers the question of whether or not to mandate 100% employee screening, how might biometric access technologies offer a better, more effective alternative to physical screening?

Congress is interested in addressing potential "insider threats" by employees with permitted access to security sensitive areas of airports. The aviation industry has worked with the TSA to propose a strong, comprehensive, risk-based program that will enhance the security of airports by strengthening employee screening. Several organizations, including Airports Council International-North America (ACI-NA) and the American Association of Airport Executives (AAAE), have proposed a specific set of alternative measures to a mandated system of physical screening.

Biometric access control and other security technologies are an important component of the multi-layered, risk-based options for employee screening that are proposed by the aviation organizations. Biometrics would provide real-time security coverage of employee portals from secured areas of the airport. These technologies would provide a method to accurately identify airport workers and their need to access secure areas. Biometrics would likely be a cost effective way to enhance the security of airports and protect against insider threats.

Thank you again for the opportunity to discuss measures to enhance the security of our nation's aviation system. Airports across the country work every day to help ensure that our facilities are secure for both passengers and employees. Should you have additional questions, please feel free to contact me.

Sincerely,

Timothy L. Campbell, A.A.E.
Executive Director

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION

Statement of

KIP HAWLEY
ASSISTANT SECRETARY

Before the

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON AVIATION

July 24, 2008

Good morning Chairman Costello, Ranking Member Petri, and distinguished members of the Subcommittee. Thank you for the opportunity to appear before you today on behalf of the Transportation Security Administration (TSA) to discuss our continuing efforts to improve our aviation security environment.

First, I would like to recognize the Transportation and Infrastructure Committee's critical role in the passage of the Aviation and Transportation Security Act (ATSA) in November of 2001. This Subcommittee responded swiftly to the events of 9/11 and diligently conducted oversight in the following months on TSA's successful efforts to accomplish each of the landmark mandates of ATSA.

TSA has come far since meeting the ATSA deadlines for deployment of Transportation Security Officers (TSOs) and installation of Explosives Detection Systems at airports from coast to coast. The Subcommittee has maintained a watchful eye on our progress in subsequent years, seeing many of the new strategies we have discussed together—behavior detection techniques, Visible Intermodal Prevention and Response (VIPR) teams, travel document checking—mature from just concepts to important, visible components of our layered security approach. I appreciate the sustained, deep interest of this Subcommittee in aviation security and the amount of personal time and attention that Members and staff have invested in being well informed on all aspects of TSA's aviation work. While we have differences of opinion on occasion, I value the thoughtful, direct communications that have become routine in the Subcommittee's oversight of TSA's aviation security responsibilities.

Reducing risk to our aviation systems is as important now as it has ever been. Since August 10, 2006, the nation's threat level for all commercial aviation operating in or destined for the United States has been "High," or "Orange." The Annual Threat Assessment of the Director of National Intelligence released on February 5, 2008, confirmed that terrorists continue to pose a significant threat to the United States. Terrorists are likely to continue to focus on prominent infrastructure targets with the goal

of producing mass casualties and significant economic aftershocks. Our enemies are adaptive and innovative in overcoming security obstacles. This threat is real and evolving. We know they are working to defeat us, and we must remain vigilant even as the busy summer travel season is in full swing.

For example, we are working closely with our fellow Department of Homeland Security (DHS) component, the Secret Service, to support its critical efforts to protect those attending the political conventions in St. Paul, Minnesota, and Denver, Colorado, later this summer.

At the same time, as summer air travelers face an array of new challenges, TSA remains committed to making the security component of their air travel experience a better one. We are improving the checkpoint environment and using innovation and technology to make things safer and easier for travelers. We are reducing passenger wait times, with 83 percent of passengers waiting 10 minutes or less nationwide so far in fiscal year 2008. The busy Miami, Atlanta, and Denver airports have all been able to reduce peak wait times. Our focus is not on screening more quickly; it is on more effective scheduling of staff and lane openings to meet passenger demand. All the while, we are improving security in the process.

Checkpoint Evolution—People, Process, and Technology

An effective security system must constantly adapt to the ever changing security environment. TSA is in the process of upgrading the security effectiveness at checkpoints, which encompasses people, process, and technology. We call this Checkpoint Evolution. This is the most significant change in passenger screening since 9/11, and even since the checkpoint was first established in the 1970's. TSA has taken a fresh look at our checkpoint operations to see how we can improve security. We took what we know from the intelligence and law enforcement communities, we listened to our employees, we learned from passengers, we evaluated readily deployable technology, and we came up with changes that we are piloting.

A full pilot checkpoint is now being tested, thanks to the tremendous leadership and support from the airport and the airlines involved. It is in place in Terminal B at Baltimore's BWI airport.

Air travelers are noticing a new look at the checkpoint, but the most significant aspect is that the new checkpoint supports a team approach that is calmer and more conducive to smart security. The main point of the Checkpoint Evolution is not to provide the public with the tangible improvements you can see and hear like soothing lights and soft music. Rather, the goal is to improve security by better training, process, and technology. Passengers should notice a calmer checkpoint process. A variety of measures, including self-select lanes that speed the process, wireless communications that facilitate discrete communication between Security Officers, and new passenger engagement training protocols, all contribute to the reduction of some of the noise and commotion thereby enhancing our security measures.

People

Checkpoint Evolution starts with our people—they are TSA's biggest investment.

This year, every TSO working at a checkpoint will undergo an extensive sixteen-hour retraining, bringing together the latest thinking from intelligence, from explosives detection, and in human factors that can affect security. TSOs will be more analytical security professionals and less "checklist-oriented." We have revised our checkpoint Standard Operating Procedures to enable officers to use their judgment in achieving sensible security results. This will give us the approach we need to make security smarter and harder to beat.

As part of TSA's improved security measures, we are deploying our workforce where we can achieve the best security result, most efficiently, and with minimal hassle for travelers. The Travel Document Checker (TDC) program is now at over 340 Federalized airports. The TDC program enhances security by disrupting and detecting individuals who attempt to board an aircraft with fraudulent documents. We allow our officers to interact with passengers in a way that lowers the general stress level and assists our Behavior Detection Officers (BDO). Since July 2007, TDC referrals have resulted in more than 350 arrests for suspect or fraudulent travel documents, outstanding warrants, and illegal alien status.

Starting in May 2008, we provided travelers with greater clarity on the types of identification accepted at checkpoints. Standardizing the list of accepted documents helps travelers understand what types of identification to bring to the airport and better aligns TSA with other DHS efforts.

We have deployed hundreds of BDOs at the 40 busiest airports as part of the Screening Passengers by Observation Technique (SPOT) program. The SPOT program uses non-intrusive behavior observation and analysis techniques to identify potentially high-risk passengers based solely on their exhibited behavior. BDOs are trained to detect individuals exhibiting behaviors that indicate they may be a threat. The program is a derivative of other successful behavioral analysis programs that have been employed by law enforcement and security personnel both in the U.S. and around the world.

An incident this spring in Orlando, Florida, displayed the effectiveness and importance of this program. On April 1, 2008, a Jamaica-bound passenger aroused the suspicion of BDOs, who, working in conjunction with the Orlando Police Department, the Orange County Bomb Squad, and the Federal Bureau of Investigation, uncovered everything needed to make a bomb in the passenger's checked bag. Their swift action demonstrated that BDOs, trained to detect deceptive and suspicious behavior, are contributing to airline security by detecting and discovering dangerous people and dangerous items.

We have launched nationwide deployment of VIPR teams, comprised of TSOs, BDOs, Transportation Security Inspectors (TSI), and Federal Air Marshals (FAMs), in

cooperation with Federal, state and local law enforcement as well as various transportation entities. VIPR teams enhance the security of persons and critical infrastructure and prevent, prepare for, protect against, and respond to acts of terrorism in all modes of transportation at any location. Since the beginning of Fiscal Year 2007, VIPR teams have conducted a total of 494 operations in the aviation mode.

Process

Checkpoint Evolution means innovations in checkpoint process as well. The current checkpoint during a peak travel period can be noisy and congested. This has the potential to conceal the actions of someone with hostile intent. The Checkpoint Evolution pilot gives security officers wireless communication that enables them to perform their duties in a low-key demeanor and communicate more effectively with others on their team. Further, the pilot strives to provide a more convenient layout for passengers with more information explaining the screening process together with a better security environment.

Another simple yet effective program that improves the checkpoint process is the Diamond Self-Select program. Our self-select screening lanes are designated by signage (modeled after the familiar ski icons) that directs passengers to the appropriate lane based on their travel needs and knowledge. Green is the queue for families traveling with children or people who need special assistance. The blue lane is for casual travelers who are somewhat familiar with the security procedures. The black diamond lane is for expert travelers who know the TSA security requirements and arrive at the checkpoint ready to go through efficiently.

These dedicated lanes give passengers some measure of control over their own experience and also provide a better, less stressful environment for us to do our job. The result has been more effective and robust security. In cities with self-select lanes, we are seeing considerably lower alarm rates in the Green Lane because there is more time to prepare and remove prohibited items. To date, 29 airports have moved forward and are seeing benefits in just a few months of operation.

We have also provided airlines with more flexibility to allow passengers to check in remotely on line or at a kiosk who had previously been unable to do so because they have a name similar to someone on a watch list. Airlines are now able to create a system to verify and securely store a passenger's date of birth to clear up watch list misidentifications. By voluntarily providing this limited biographical data to an airline and verifying that information once at the ticket counter, travelers who were previously inconvenienced on every trip now have an opportunity for a more convenient travel experience.

To help streamline the security process and better protect laptops, TSA has encouraged manufacturers to design bags that will produce a clear and unobstructed image of the laptop when undergoing X-Ray screening. Bags of this design would enable TSA to allow laptops to remain in bags for screening. More than 40 manufacturers have

submitted prototypes for testing, and TSA has now opened three airports for manufacturers to perform live testing of their prototypes.

Technology

Checkpoint Evolution also encompasses upgrading the technology at passenger checkpoints.

Last week, we announced expanded deployment of Advanced Technology (AT) X-Ray and Passenger Imaging that will bring the total of major U.S. airports with enhanced technology to 21 in 2008. AT X-Ray and Passenger Imaging technologies greatly enhance our ability to detect small improvised explosives device components made of common items, which remains the greatest threat. TSA also plans to purchase and deploy approximately 300 additional AT X-Rays and 80 Passenger Imagers, bringing the total to 900 AT and 120 Passenger Imaging units nationwide in 2009.

Advantages of AT X-Ray include a greatly enhanced image with the ability to target novel threat items, resulting in fewer bag checks and faster throughput, as well as the ability to upgrade the system with enhanced algorithms.

Passenger Imaging technologies enable TSA to detect prohibited items such as weapons, explosives, and other metallic and non-metallic objects concealed under layers of clothing without physical contact. We are currently testing Passenger Imaging technology at Phoenix (PHX), New York (JFK), Los Angeles (LAX), Baltimore (BWI), Denver (DEN), Washington (DCA), Dallas (DFW), Detroit (DET), Miami (MIA), and Albuquerque (ABQ). Passenger Imaging technology will debut at Tampa (TPA), Las Vegas (LAS), Indianapolis (IND), and Atlanta (ATL) later this summer.

Bottled Liquid Scanners are an integral technology TSA will continue to deploy through 2009. These are used at the security checkpoint and by TSOs to ensure sealed containers do not contain threat liquids. TSA plans to deploy up to 900 bottled liquid scanners to the nation's busiest airports by the end of 2009.

Deploying new technology is important, and certainly a step this Subcommittee has encouraged, but we are also taking critical steps to reassess both the technology and the search methods used by our TSOs. TSA has commissioned three National Laboratories—Lawrence Livermore in California and Sandia and Los Alamos in New Mexico—to work with us to keep these screening technologies advancing ahead of terrorist tradecraft which seeks to exploit ingenious devices and ingredients.

Working with Partners Toward the Future of Aviation Security

Transportation Security Officers and the full community at TSA are focused not only on what we already know, but also on being alert for clues of something new, different, and dangerous. That is our challenge, to execute against known threats but also to have the wisdom and imagination to put measures in place now that will prepare us for the future.

We rely on strong partnerships with the aviation community to achieve these security measures.

TSOs and other Federal employees perform central security functions, but our airport and air carrier partners are closely, actively integrated in our security measures and strategies. We are so well coordinated that when we must adapt or quickly respond to a threat, we can move together.

Airport law enforcement agencies play a critical role in security at airports throughout the country. They are the primary law enforcement authority to respond to incidents at our security checkpoints and anywhere else at or within the perimeter of the airport. This partnership, at many airports, is anchored in the Law Enforcement Officer (LEO) Reimbursement/Cooperative Agreement Program which provides partial reimbursement for increases in post-9/11 law enforcement requirements at our checkpoints.

However, the cooperative spirit goes well beyond activities at the checkpoint. Airport law enforcement agencies are active partners in intelligence-driven operations at our airports such as the VIPR teams. TSA also works closely with groups such as the Airport Law Enforcement Agencies Network (ALEAN) to discuss mutual problems common to the field of airport law enforcement and security to derive best practices to enhance aviation security. We also have a long-standing relationship with our State and local law enforcement partners through the National Explosives Detection Canine Training Program, which started in 1972. Together we have developed and refined explosives detection canine best practices for our airports. Whether it is responding to a security incident, protecting a Foreign Diplomat, arresting a criminal, or responding to an "Amber Alert" for an abducted child, airport law enforcement agencies are cooperative partners in securing our nation's airports.

Working closely with Congress and airport operators, TSA initiated seven pilots at airports of different sizes and configurations this past May 2008 to test a range of methodologies for security screening of employees at airports. At three airports, TSA is conducting screening of all employees using a combination of handheld metal detectors, walk-thru metal detectors, and patdowns. Liquid explosives detectors are being used where available. At two airports, TSA also is evaluating existing biometric identification and access systems. At four airports, TSA is conducting random screening using hand wanding, liquid explosives detectors as conditions permit, application of behavior detection training for law enforcement officers, and security awareness training for employees. The pilots will run through the end of this month and are in operation at Boston Logan International Airport; Denver International Airport; Jacksonville International Airport; Kansas City International Airport; Eugene Airport in Eugene, Oregon; Craven County Regional Airport in New Bern, North Carolina; and Southwest Oregon Regional Airport in North Bend, Oregon. Pilot results will be carefully evaluated for ways to strengthen current employee screening methods, effects on passenger and employee wait times, impact on other screening related duties and airport and airline operations, costs and staffing, and other important factors.

Meeting the requirements of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act) air cargo provisions—requiring the screening of 50 percent of cargo on passenger aircraft by February 2009 and all such cargo by August 2010—presents significant challenges. We are on track to meet the air cargo screening requirement due in February 2009. To meet these challenges, TSA is emphasizing effective security management of the entire air cargo supply chain by building upon our established programs: air cargo security regulations, standard security programs, security directives, information sharing, and increased use of TSA-certified explosives detection canine teams and Transportation Security Inspectors (TSIs) for Cargo. However, key to the success of our screening regime will be collaboration with stakeholders—U.S.-based shippers, freight forwarders, and passenger air carriers—through a program that will allow them to receive TSA certification to screen cargo early in the supply chain and to implement a secure chain of custody up to the point at which cargo is accepted by the aircraft operator. Certified screeners will use TSA-approved screening methods and will implement stringent facility and personnel security standards.

TSA's strategy involves every component of the air cargo shipping system from the entity originating the freight to the freight consolidators/forwarders, airports, air carriers who transport the cargo, and the people involved in the process that have access to cargo at every point in the supply chain. TSA is committed to meeting the 9/11 Act's requirements. Even before we meet the 50-percent goal, the vast majority of flights, carrying more than three-quarters of all passengers, will have their cargo screened at the 100-percent level. Over 90 percent of flights carry approximately 80 percent of passengers but transport less than 30 percent of air cargo. Our emphasis on these flights represents a significant step forward in ensuring the security of air travelers.

In 2001, Congress authorized the creation of trusted traveler programs with a vision of extending security benefits to known individuals, thereby allowing TSA officers to focus on those passengers perceived to be a greater threat to aviation security. Based on lessons gleaned from nearly four years of Registered Traveler (RT) experience and three distinct pilot phases, TSA has concluded the latest of these pilots – the Registered Traveler Interoperability Pilot. We have decided to lift the current cap on the number of airport locations that can sponsor RT operations and eliminate the $28 fee for the Security Threat Assessment (STA) TSA conducts. We believe that this will allow the RT program to respond and adapt more nimbly to market demand, including by allowing more airports to participate in the program. We continue to encourage private-sector investment and innovation to improve the passenger experience without sacrificing security.

International Harmonization of Security Measures

One of TSA's most important responsibilities is connecting with our security partners around the world so we can extend the security buffer. In 2007, TSA created the Office of Global Strategies to help achieve this critical goal. This new office will work to strengthen relationships with international transportation security partners through increased communications, information sharing, and best practices. Examples of

international cooperation that the Office of Global Strategies aims to increase and strengthen include: common strategies on screening liquids, aerosols, and gels; implementing advanced technologies; and intelligence sharing.

We are faced with the challenge of aviation security as a complex and global issue, where each State has its own laws, capabilities, technology, competing interests and threats. The goal of our Global Strategies Office is to develop and harmonize these diverse methods—and at the same time, to help determine global threat and vulnerability.

This summer, flights to the Olympics in Beijing will have significant air marshal coverage due to the extraordinary cooperation between the Chinese air marshals and our own Federal Air Marshal Service.

In June 2008, TSA brought together operators of foreign repair stations in Singapore to discuss the status of security of foreign repair stations and commonly employed security measures. This first effort was so successful that TSA is expanding its efforts to use outreach and partnership to enhance security at foreign repair stations while the regulatory requirements are undergoing legal clearance.

Conclusion

Thank you again for this opportunity to highlight TSA's progress in enhancing the layers of aviation security while improving the experience for air travelers.

I would be pleased to respond to any questions you may have.

Question#:	1
Topic:	RTIP
Hearing:	Aviation Security: An Update
Primary:	The Honorable Jerry F. Costello
Committee:	TRANSPORTATION (HOUSE)

Question: What entities participated in the Registered Traveler Interoperability Pilot (RTIP) and what was the outcome of those programs? Also, do we know the progress of the entities that are currently participating in the Registered Traveler (RT) program?

Response: The table below provides a breakdown of the entities that participated in the Registered Traveler Interoperability Pilot (RTIP) including Sponsoring Entities (participating airports/air carriers) and Service Providers (participating vendors).

Service Provider	Sponsoring Entity
Unisys / FLO	Reno/Tahoe International Airport (RNO)
Vigilant	Gulfport/Biloxi International Airport (GPT)
	Jacksonville International Airport (JAX)
Verified Identity Pass (VIP)	Albany International Airport (ALB)
	Cincinnati / N. Kentucky International Airport (CVP)
	Washington National Airport (DCA)
	Denver International Airport (DEN)
	Newark International Airport (EWR) – Virgin Atlantic
	Westchester County Airport (HPN)
	Washington Dulles International Airport (IAD)
	Indianapolis International Airport (IND)
	Air France at John F. Kennedy International Airport (JFK)
	British Airways at JFK
	Delta Air Lines at JFK
	Virgin Atlantic at JFK
	Air Tran Airways at LaGuardia Airport (LGA)
	Delta Air Lines at LGA
	Little Rock Regional Airport (LIT)
	Orlando International Airport (MCO)
	Oakland International Airport (OAK)
	San Francisco International Airport (SFO)
	San Jose International Airport (SJC)
	Salt Lake City International Airport (SLC)

All of the Service Providers identified in the chart above were approved by the Transportation Security Administration (TSA) to conduct enrollment and verification

Question#:	1
Topic:	RTIP
Hearing:	Aviation Security: An Update
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Committee:	TRANSPORTATION (HOUSE)

operations on behalf of their Sponsoring Entities. Similarly, all of the Sponsoring Entities identified in the chart above met TSA criteria to perform Registered Traveler (RT) operations at their respective locations.

TSA recently announced the conclusion of the RTIP through a July 30, 2008, Notice printed in the *Federal Register*. Furthermore, TSA has lifted the cap on the number of airports which can participate in the RT program, and eliminated the government fee associated with the security threat assessment performed on RT applicants. TSA's evaluation of the outcome of the RTIP resulted in key findings in the following areas:

Interoperability

- Interoperability of RT cards issued by participating Service Providers was demonstrated successfully and considered a benefit by cardholders. TSA and private sector stakeholders came together to develop a standard for capture, storage and use of biometric data to be able to verify identity electronically in a non-proprietary way that fostered a competitive market for Registered Traveler services by private companies. A Service Provider, however, raised concerns about the lack of equitable transfer fees for use of each other's kiosks.

Security

- There is tremendous value in biometrically-based identity verification.
- Limited Security Threat Assessments (STAs) do not justify reduced security screening at the security checkpoint due to new and emerging threats such as operatives with clean backgrounds.
- The STA is largely redundant for passengers because airlines currently perform watch list matching prior to the time of travel.
- Current technology does not support reduced screening (e.g., shoe scanners provided insufficient security benefit to allow RT participants to bypass elements of the screening process).

Operations

- Ability of participating airports/air carriers to operate with larger populations was successfully demonstrated.
- Participating RT Service Providers continue to report increasing enrollments while Sponsoring Entity interest in the RT Program has also increased.

Question#:	1
Topic:	RTIP
Hearing:	Aviation Security: An Update
Primary:	The Honorable Jerry F. Costello
Committee:	TRANSPORTATION (HOUSE)

Question#:	2
Topic:	cargo
Hearing:	Aviation Security: An Update
Primary:	The Honorable Jerry F. Costello
Committee:	TRANSPORTATION (HOUSE)

Question: The 9/11 Commission Act requires TSA to screen 50 percent of all cargo shipped on board passenger aircraft by February 2009 and 100 percent by August 2010. What percentage of cargo is currently being screened?

Response: The answer to this question has been identified as Sensitive Security Information. The Transportation Security Administration is able to provide this information in a closed forum or briefing at the Committee's convenience.

Question#:	3
Topic:	HULD
Hearing:	Aviation Security: An Update
Primary:	The Honorable Jerry F. Costello
Committee:	TRANSPORTATION (HOUSE)

Question: The 9/11 Commission recommended the need for hardened containers to be on an aircraft. Inside these special containers would contain suspect luggage or packages that passed through the screening process but may still be questionable because of their origin or the passenger associated with them. The containers would be used to contain an explosion and allow a plane to land safely. Telair, an aviation security company based in my district has manufactured the only "Hardened Unit Load Device" (HULD) that has passed TSA testing. What is TSA's plan regarding the use of HULDs on commercial airlines, if there is such a plan?

Response: The Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act) (P.L. 110-53) Section 1609 requires that the Transportation Security Administration (TSA) to evaluate the results of the blast-resistant cargo container pilot program initiated by TSA in 2005. Specifically, TSA must, "prepare and distribute through the Aviation Security Advisory Committee to the appropriate Committees of Congress and air carriers a report on that evaluation."

Consistent with the results of this evaluation, this legislation requires that the Administrator, as deemed appropriate, develop and implement a program to acquire, maintain, replace, pay for, and make available – beginning no later than July 1, 2008 – blast-resistant cargo containers to air carriers on a risk-managed basis.

Taken as a whole, TSA's analysis of the pilot project's interim technical results finds Hardened Unit Load Devices (HULDs) to be effective blast containment devices but that there would be challenges relating to actual deployment given the current demands of the aviation security environment and the resources available. TSA intends to include HULD technologies on a Qualified Products List (QPL) that will be made available to airlines to facilitate their own deployment of HULDs as they deem appropriate.

U.S. House of Representatives
Committee on Transportation and Infrastructure

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

Washington, DC 20515

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

August 25, 2008

2008 SEP -3 P 1:53

The Honorable Kip Hawley
Administrator
Transportation Security Administration
701 South 12th Street, West Tower
Arlington, VA 22202

Dear Administrator Hawley:

On July 24, 2008 the Committee on Transportation and Infrastructure held a hearing entitled "Aviation Security: An Update". I would ask the Transportation Security Administration (TSA) respond to the following questions-for-the-record:

- What is the status of liquid explosives scanner technologies and when does TSA expect them to be piloted and eventually deployed?

- The Department of Homeland Security (DHS) has proposed that the carriers establish an exit tracking system for visitors to the United States, named U.S. VISIT. Cost estimates range from $3-6 billion over the next 10 years, most of which, under the proposal, would be the responsibility of U.S. carriers. Is tracking of visitors at the nation's ports of entry not a government function? Why transfer that responsibility and cost to the carriers?

- What processes are in place to ensure that coordination and collaboration is effective and efficient between TSA and DHS and the technology vendors and airport operators?

Thank you for your participation in the Committee's hearing and your attention to this request.

Sincerely,

John L. Mica
Ranking Republican Member

Question#:	1
Topic:	technologies
Hearing:	Aviation Security: An Update
Primary:	The Honorable John L. Mica
Committee:	TRANSPORTATION (HOUSE)

Question: What is the status of liquid explosives scanner technologies and when does TSA expect them to be piloted and eventually deployed?

Response: Since January 31, 2008, the Transportation Security Administration (TSA) has deployed 215 Bottled Liquid Scanner units. A new solicitation has been initiated to develop a Qualified Products List with planned award in the second quarter of fiscal year (FY) 2009. The requirements for this solicitation include enhancements such as wider liquid threat detection capabilities, increased sensitivity for liquid threats, less reliance upon consumables, and decreased susceptibility to environmental factors. Qualification Testing and Evaluation is expected to begin in October 2008 and Operational Test and Evaluation is expected to follow in November 2008. It is our hope that deployments will begin subsequent to contract award in the second quarter of FY 2009.

Question#:	2
Topic:	exit tracking system
Hearing:	Aviation Security: An Update
Primary:	The Honorable John L. Mica
Committee:	TRANSPORTATION (HOUSE)

Question: The Department of Homeland Security (DHS) has proposed that the carriers establish an exit tracking system for visitors to the United States, named U.S. VISIT. Cost estimates range from $3-6 billion over the next 10 years, most of which, under the proposal, would be the responsibility of U.S. carriers.

Is tracking of visitors at the nation's ports of entry not a government function?

Why transfer that responsibility and cost to the carriers?

Response: The Department of Homeland Security (DHS) performed significant planning and testing over the past several years, examining possible solutions for integrating US-VISIT biometric exit requirements into the international air and sea departure process. Between 2004 and 2007, DHS conducted biometric exit pilots at 14 air and sea locations. The pilots demonstrated that the technology to collect and transmit biometrics works. However, they also revealed the need to embed biometric exit procedures into the traveler's existing departure process to address low voluntary compliance by travelers.

For biometric exit, DHS has proposed that air and sea carriers, a broad segment of the travel industry that has the most expertise with the efficient collection of passenger information, collect biometric information. The Notice of Proposed Rulemaking (NPRM) published on April 24, 2008, does not require carriers to process exit data but only to collect and forward that information to DHS. DHS believes this proposal would make the biometric collection process easy for the traveler as the carriers are the primary point of contact for the traveler during departure.

The proposed rule is based on the same statutory authorities under which DHS requires air and sea carriers to provide passenger manifest information under the U.S. Customs and Border Protection (CBP) Advanced Passenger Information System. DHS has the authority to require carriers (vessel or air) to provide information on alien passengers being carried to or from the United States, and the gathering and transmitting of information relating to visitors to the United States has long been a carrier function.

The ultimate shape of the Air/Sea Biometric Exit solution will be the result of an open and thorough vetting through the public rulemaking process. During the comment period that ended on June 23, 2008, DHS received numerous and detailed comments in response to the NPRM, both in written form and during a public hearing on June 13, 2008. DHS is in the process of reviewing these comments and developing a final rule.

Question#:	2
Topic:	exit tracking system
Hearing:	Aviation Security: An Update
Primary:	The Honorable John L. Mica
Committee:	TRANSPORTATION (HOUSE)

Question#:	3
Topic:	coordination
Hearing:	Aviation Security: An Update
Primary:	The Honorable John L. Mica
Committee:	TRANSPORTATION (HOUSE)

Question: What processes are in place to ensure that coordination and collaboration is effective and efficient between TSA and DHS and the technology vendors and airport operators?

Response: The Transportation Security Administration (TSA) works directly with the Department of Homeland Security Science and Technology Directorate (DHS S&T) through the Capstone Integrated Process Team (IPT) process as a major customer of DHS research and development (R&D) efforts. TSA chairs the Transportation Security Capstone IPT, which was created by splitting the Explosives Prevention Capstone IPT (formerly co-chaired by both TSA and the U.S. Secret Service (USSS)) into two more appropriately defined mission spaces; the other residing with the Counter-IED Capstone IPT, which is now co-chaired by the Office of Bombing Prevention and the USSS.

The Transportation IPT mission space includes: Checkpoint Screening (explosives and weapons on people); Detection in Baggage (carried, checked, and in cargo); Homemade or Novel Explosives; and Detection of Explosives with Canine assets. TSA, through the Chief Technology Officer, is engaged with and involved in all R&D efforts that affect TSA technology interests and requirements, from collection and validation of capabilities gaps to prioritization of R&D investments, both within and between the 12 individual Capstone IPTs and their 45 project-level groups, to participation in investment reviews, testing, threat validation, detection standards development, and technology conferences and information sharing.

As a 0-3 year investment cycle, transition-level R&D programs are where TSA is primarily focused. Specifically, the focus is on products that provide or enhance our capability to fulfill our mission. To ensure a record of these efforts exists to tie R&D to acquisition of future technologies, Technology Transfer Agreements are derived from Enabling Homeland Capabilities and are the mutually exclusive project investments designed by DHS S&T in close cooperation with their DHS customers. These are the agreements that justify the R&D investments as a customer needs, and in the case of TSA, a planning tool for future acquisition strategies. Technology Commercialization Agreements are also created, as appropriate, for review and agreement between all DHS customers that may have a need for a particular technological capability. Additionally, TSA is working closely with industry to convey our near and long-term screening needs to influence vendor research and development of roadmaps to better align with TSA's vision going forward. TSA continues its partnership with various associations such as the American Association of Airport Executives, Airports Council International – North

Question#:	3
Topic:	coordination
Hearing:	Aviation Security: An Update
Primary:	The Honorable John L. Mica
Committee:	TRANSPORTATION (HOUSE)

America, among others, to ensure that coordination and collaboration is effective and efficient amongst external and internal security partners, including technology vendors and airport operators.

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Washington, DC 20515

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

August 1, 2008

The Honorable Kip Hawley
Assistant Secretary
U.S. Department of Homeland Security
Transportation Security Administration
601 South 12th Street
Arlington, Virginia 22202-4220

Dear Secretary Hawley:

On July 24, 2008, the Subcommittee on Aviation held a hearing on "Aviation Security: An Update."

Attached are questions to answer for the record submitted by Rep. Laura Richardson. I would appreciate receiving your written response to these questions within 14 days so that it may be made a part of the hearing record.

Sincerely,

Jerry F. Costello
Chairman
Subcommittee on Aviation

JFC:pk
Attachment

JULY 24, 2008
SUBCOMMITTEE ON AVIATION
HEARING ON
"AVIATION SECURITY: AN UPDATE"

QUESTIONS FOR THE RECORD
FROM: REP. LAURA RICHARDSON

TO:

THE HONORABLE KIP HAWLEY
ASSISTANT SECRETARY
U.S. DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION

1) Which entities participated in the Registered Traveler Interoperability Pilot (RTIP) and what was the outcome of those programs? Also, do we know the progress of the entities that are currently participating in the Registered Traveler (RT) program?

2) The 9/11 Commission Act requires TSA to screen 50 percent of all cargo shipped on board passenger aircraft by February 2009 and 100 percent by August 2010. What percentage of cargo is currently being screened?

3) The 9/11 Commission recommended the need for hardened containers to be on an aircraft. Inside these special containers would contain suspect luggage or packages that passed through the screening process but may still be questionable because of their origin or the passenger associated with them. The containers would be used to contain an explosion and allow a plan to land safely. Telair, an aviation security company based in my district has manufactured the only "Hardened Unit Load Device" (HULD) that has passed TSA testing. What is TSA's plan regarding the use of these HULDs on commercial airlines, if there is a plan?

Question#:	1
Topic:	RTIP
Hearing:	Aviation Security: An Update
Primary:	The Honorable Jerry F. Costello
Committee:	TRANSPORTATION (HOUSE)

Question: What entities participated in the Registered Traveler Interoperability Pilot (RTIP) and what was the outcome of those programs? Also, do we know the progress of the entities that are currently participating in the Registered Traveler (RT) program?

Response: The table below provides a breakdown of the entities that participated in the Registered Traveler Interoperability Pilot (RTIP) including Sponsoring Entities (participating airports/air carriers) and Service Providers (participating vendors).

Service Provider	Sponsoring Entity
Unisys / FLO	Reno/Tahoe International Airport (RNO)
Vigilant	Gulfport/Biloxi International Airport (GPT)
	Jacksonville International Airport (JAX)
Verified Identity Pass (VIP)	Albany International Airport (ALB)
	Cincinnati / N. Kentucky International Airport (CVP)
	Washington National Airport (DCA)
	Denver International Airport (DEN)
	Newark International Airport (EWR) – Virgin Atlantic
	Westchester County Airport (HPN)
	Washington Dulles International Airport (IAD)
	Indianapolis International Airport (IND)
	Air France at John F. Kennedy International Airport (JFK)
	British Airways at JFK
	Delta Air Lines at JFK
	Virgin Atlantic at JFK
	Air Tran Airways at LaGuardia Airport (LGA)
	Delta Air Lines at LGA
	Little Rock Regional Airport (LIT)
	Orlando International Airport (MCO)
	Oakland International Airport (OAK)
	San Francisco International Airport (SFO)
	San Jose International Airport (SJC)
	Salt Lake City International Airport (SLC)

All of the Service Providers identified in the chart above were approved by the Transportation Security Administration (TSA) to conduct enrollment and verification

Question#:	1
Topic:	RTIP
Hearing:	Aviation Security: An Update
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Committee:	TRANSPORTATION (HOUSE)

operations on behalf of their Sponsoring Entities. Similarly, all of the Sponsoring Entities identified in the chart above met TSA criteria to perform Registered Traveler (RT) operations at their respective locations.

TSA recently announced the conclusion of the RTIP through a July 30, 2008, Notice printed in the *Federal Register*. Furthermore, TSA has lifted the cap on the number of airports which can participate in the RT program, and eliminated the government fee associated with the security threat assessment performed on RT applicants. TSA's evaluation of the outcome of the RTIP resulted in key findings in the following areas:

Interoperability

- Interoperability of RT cards issued by participating Service Providers was demonstrated successfully and considered a benefit by cardholders. TSA and private sector stakeholders came together to develop a standard for capture, storage and use of biometric data to be able to verify identity electronically in a non-proprietary way that fostered a competitive market for Registered Traveler services by private companies. A Service Provider, however, raised concerns about the lack of equitable transfer fees for use of each other's kiosks.

Security

- There is tremendous value in biometrically-based identity verification.
- Limited Security Threat Assessments (STAs) do not justify reduced security screening at the security checkpoint due to new and emerging threats such as operatives with clean backgrounds.
- The STA is largely redundant for passengers because airlines currently perform watch list matching prior to the time of travel.
- Current technology does not support reduced screening (e.g., shoe scanners provided insufficient security benefit to allow RT participants to bypass elements of the screening process).

Operations

- Ability of participating airports/air carriers to operate with larger populations was successfully demonstrated.
- Participating RT Service Providers continue to report increasing enrollments while Sponsoring Entity interest in the RT Program has also increased.

Question#:	1
Topic:	RTIP
Hearing:	Aviation Security: An Update
Primary:	The Honorable Jerry F. Costello
Committee:	TRANSPORTATION (HOUSE)

Question#:	2
Topic:	cargo
Hearing:	Aviation Security: An Update
Primary:	The Honorable Jerry F. Costello
Committee:	TRANSPORTATION (HOUSE)

Question: The 9/11 Commission Act requires TSA to screen 50 percent of all cargo shipped on board passenger aircraft by February 2009 and 100 percent by August 2010. What percentage of cargo is currently being screened?

Response: The answer to this question has been identified as Sensitive Security Information. The Transportation Security Administration is able to provide this information in a closed forum or briefing at the Committee's convenience.

Question#:	3
Topic:	HULD
Hearing:	Aviation Security: An Update
Primary:	The Honorable Jerry F. Costello
Committee:	TRANSPORTATION (HOUSE)

Question: The 9/11 Commission recommended the need for hardened containers to be on an aircraft. Inside these special containers would contain suspect luggage or packages that passed through the screening process but may still be questionable because of their origin or the passenger associated with them. The containers would be used to contain an explosion and allow a plane to land safely. Telair, an aviation security company based in my district has manufactured the only "Hardened Unit Load Device" (HULD) that has passed TSA testing. What is TSA's plan regarding the use of HULDs on commercial airlines, if there is such a plan?

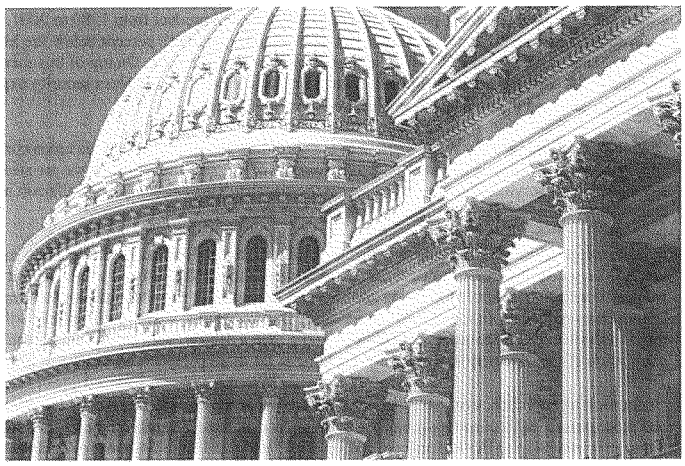
Response: The Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act) (P.L. 110-53) Section 1609 requires that the Transportation Security Administration (TSA) to evaluate the results of the blast-resistant cargo container pilot program initiated by TSA in 2005. Specifically, TSA must, "prepare and distribute through the Aviation Security Advisory Committee to the appropriate Committees of Congress and air carriers a report on that evaluation."

Consistent with the results of this evaluation, this legislation requires that the Administrator, as deemed appropriate, develop and implement a program to acquire, maintain, replace, pay for, and make available – beginning no later than July 1, 2008 – blast-resistant cargo containers to air carriers on a risk-managed basis.

Taken as a whole, TSA's analysis of the pilot project's interim technical results finds Hardened Unit Load Devices (HULDs) to be effective blast containment devices but that there would be challenges relating to actual deployment given the current demands of the aviation security environment and the resources available. TSA intends to include HULD technologies on a Qualified Products List (QPL) that will be made available to airlines to facilitate their own deployment of HULDs as they deem appropriate.

ATA TESTIMONY

Aviation Security: An Update



Statement of John Meenan
Executive Vice President and Chief Operating Officer
Air Transport Association of America, Inc.
Before the
House Transportation and Infrastructure Committee
Subcommittee on Aviation

July 24, 2008

AIR TRANSPORT ASSOCIATION

The country was, of course, profoundly changed by the events of 9/11. The airline industry was also changed. Security requirements now under the control of the federal government, more than ever, significantly shape the economics of the industry. This fact makes it vitally important that this committee, and decision-makers at all levels of government, understand this relationship and the importance of assuring that security measures are effectively conceived and properly and economically implemented. Particularly in that context, we welcome the opportunity to appear today.

To provide a perspective on the change the industry has experienced, I would like to draw your attention to a critical but little recognized fact. That is, passenger spending on air travel on U.S. airlines remained in a tight band between 0.9 and 1 percent of U.S. gross domestic product from 1980 to 2001. Post-9/11, this dropped precipitously to less than 0.7 percent and today remains 0.18 percent below the historical average. That amounts to $25.5 billion in "missing" passenger revenue. On top of this missing revenue, the industry is carrying between $4 billion and $5 billion in direct and indirect security expenses. Both of these facts changed the business – and we are all paying the price.

Obviously, these facts are also an element in the unfolding energy and economic crisis currently confronting us. As airlines adjust to the painful reality of $4 per gallon jet fuel, we are seeing substantial reductions in air service to communities across the country. This extraordinarily difficult adjustment makes smart spending for security more critical than ever.

How do we get there? First, we believe that it would be extremely valuable for decision-makers at all levels to be guided by true risk management and analysis tools. To really prioritize security investments, we need common baseline information and we need to recognize that the tendency to jump to conclusions is not often productive. In the area of airline safety improvements, we have effectively utilized data and trend analysis to prioritize safety spending for more than a decade, with very positive results. While the application of these principles to security spending is far more complex, we believe it has real merit.

Under such an approach, every security expenditure–those undertaken directly by the federal government and those passed on to industry–should be thoroughly evaluated, not just on their individual merit but rather in relationship to the full array of risks we are facing and solutions we are seeking. A conscious and informed decision would then be required: that a specific expenditure takes priority over others.

Second, consistent with a risk management based investment policy, it is essential we ensure that security screening technology keeps pace with the evolving terrorist threat to civil aviation. One area that has suffered as a result of the intense focus on passenger and baggage screening is research and development of technology to screen air cargo. Currently, other than canines, no technology has been certified to effectively and efficiently screen cargo. We believe industry can provide valuable inputs in the evaluation and testing of technology and recommend the creation of a Security Equipment Integrated Product Team. This, along with grant programs will provide the necessary incentives for manufacturers to develop cutting edge security technology.

A third key element for improving the design and efficiency of security programs requires improved focus on data collection, sharing and management. Expanding passenger information requirements creates substantial new demands on governmental agencies, airlines and travelers. The problem is that government passenger-information requirements thus far have remained stove piped and poorly coordinated.

This is a serious situation. Given the security threats confronting civil aviation, there is no reason to believe that the government's demands passenger-information will abate. Passenger data will be required

for the Secure Flight Program. Foreign visitors from visa-waiver nations will soon be required to submit data under the Electronic System for Travel Authorization. In addition, passenger information is currently required for the Customs and Border Protection (CBP) Advance Passenger Information System Pre-Departure program known as APIS AQQ. Moreover, foreign governments are imposing similar demands on airlines flying to their countries, including U.S. air carriers. This unmistakable international trend is most evident with the ever increasing number of countries that require APIS information but also is reflected in the Canadian requirement for access to passenger reservation information for international flights bound for Canada, including flights from the United States. Finally, the Centers for Disease control has proposed a rule that would require that airlines collect and store broad new categories of passenger contact information.

Information management is precisely where the government should be able to achieve a coherent policy. We appreciate the ongoing efforts of CBP and Transportation Security Administration (TSA) to more closely align APIS AQQ and Secure Flight date requirements. However, the continued absence of a comprehensive, governmentwide passenger-information access policy is a matter of real concern. Nor is there any indication that any element of the Federal government is inclined to assume the responsibility to develop and oversee such a comprehensive policy.

This needs to change quickly. The U.S. government must produce a uniform passenger-information collection policy that applies to all of its civil aviation security and facilitation programs. Our government should also lead an effort to create such a policy for worldwide application.

A fourth key element of improving security, under the principle of "do no harm" is to put a stop to misguided efforts. One example that comes immediately to mind is the Department of Homeland Security's bizarre, and we believe unlawful, effort to force airlines to assume the DHS responsibility for collecting fingerprint data from departing foreign visitors. Congress has made it quite clear that federal government is responsible for the USVISIT-Air Exit Program, not the airlines. As we have also noted repeatedly, we also see no merit in devoting still more resources to a poorly conceived and unjustifiable Registered Traveler program that drains limited TSA resources yet provides no efficiencies or security benefits. We also need to be as smart as possible in implementing new programs such as 100 percent cargo screening aboard passenger aircraft and need to be extremely wary when the government decides just to pass along security responsibilities to industry.

Finally, I would be remiss in not bringing the subcommittee's specific attention to the devastated economic condition of the airline industry. As a direct result of the current fuel price situation, we are seeing a substantial reduction in the size of the industry. Roughly 100 communities have already been advised that they will no longer have scheduled air service, more than 31,000 jobs have been eliminated and more than 700 aircraft are being removed from service. Going forward, unless fuel prices moderate, things will get worse. While not directly relevant to today's discussion, we are actively pursuing measures to address unhealthy oil speculation while also focusing on supply and demand issues. We would ask that the subcommittee work with us on these issues and, going forward, to assure that the government plays its proper role in providing and funding aviation security and understand the limits of industry resources.

Thank you for the opportunity to appear before you today.

Testimony before the
House Committee on Transportation and Infrastructure
Subcommittee on Aviation

"Aviation Security: An Update"

Presented by

Mr. Ajay Mehra,
President
Rapiscan Systems, Inc.

1901 S. Bell Street
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July 24, 2008

Testimony before the
House Committee on Transportation and Infrastructure
Subcommittee on Aviation

"Aviation Security: An Update"

Presented by

Mr. Ajay Mehra,
President
Rapiscan Systems, Inc.

July 24, 2008

Thank you Chairman Costello, Congressman Petri, and Members of the subcommittee. I am honored to testify before this committee on the critical issue of improving aviation security.

I am Ajay Mehra, President of Rapiscan Systems. Rapiscan Systems is a global company based in Torrance, California which offers the world's widest array of non-intrusive inspection systems for airports, seaports, land borders, mass transit modes and other secure locations.

Rapiscan Systems has installed more than 70,000 inspection systems in over 150 countries around the world. We currently provide more than half of all U.S. airport checkpoint screening systems. Rapiscan also delivers border and sea port inspection systems for U.S. Customs and Border Protection and other international customs agencies. The State Department employs our systems at its offices throughout the world. And the systems we all walked through to gain entry to this building were made by Rapiscan Systems.

Rapiscan Systems designs, develops, manufactures, installs and services nearly every type of non-intrusive inspection technology used in the world today. We therefore understand better than anyone the strengths and limitations of all these systems and can help security officials employ the best technology for any detection and operational requirement.

Rapiscan Systems is a leader in aviation security with installations at the world's most secure airports

Every day, Rapiscan Systems upholds our commitment to our leadership role in keeping global air travel safe. Our technology has been the first line of defense since the 1960s, when airports began to use such systems. Today, aviation customers worldwide turn to our fully integrated, all-inclusive solutions to screen passengers, baggage, and cargo – quickly and reliably. After September 11, the United States government called on Rapiscan Systems for an emergency deployment of hundreds of additional systems to U.S. airports.

Air travel is more secure since 9-11
Today, nearly seven years after the 9-11 attacks, I can say that aviation security is clearly stronger. That is due in large part to the dedication of the TSA. As with everything, there is still room for improvement. While my focus today will be on technological advances in detection, we must pay equal attention to how technology affects airport operations and the traveling public. The aviation industry and the traveling public clearly want a secure civil aviation system. Long lines, inconsistent inspection procedures, and a beleaguered airline industry are not acceptable outcomes of increased aviation security. TSA and the aviation security industry should be evaluating and installing technology that not only improves detection, but also facilitates the flow of passengers and their baggage. Rapiscan has the capability of simultaneously improving both throughput and aviation security at the checkpoint, in the checked baggage arena, and in air cargo screening.

Next Generation Checkpoint Technology: Carry-on Baggage Phase 1
TSA is diligently working to enhance the inspection capability of passenger carry-on items for terrorist threats. Currently, TSA is implementing the Advance Technology (AT) Checkpoint program at Category X airports and is planning a larger, system wide deployment.

TSA intends to replace the current checkpoint X-Ray systems with the AT systems. The AT systems are aimed at improving the detection of explosives and other aviation threats while improving the processing of passengers and their belongings. The AT systems provide multiple views of each bag being screened and a number of advanced functions to achieve this goal.

In what we consider a model for procurement policy at TSA, as part of a competitive solicitation, TSA evaluated multiple technologies and selected three vendors to move to the operational pilot phase of the program. I am proud to say that Rapiscan Systems was one of these companies. The initial contract called for each vendor to deliver five of their AT systems to TSA for testing in airports. The airport pilot locations were; Albuquerque, John F. Kennedy in NewYork, Phoenix Sky Harbor, Los Angeles International and Ronald Reagan Washington National.

Ultimately two vendors passed operational testing and were chosen to move forward with deployment contracts. To date, Rapiscan Systems and one other company have been awarded contracts totaling approximately 500 systems. TSA recently announced that they would be purchasing an additional 500 systems to be deployed in the next nine to twelve months.

Next Generation Checkpoint Technology: Carry-on Baggage Phase 2
As part of phase 2 of AT deployment, TSA recently released a request for proposal (RFP) for scanning technology to add to the Qualified Products List (QPL) for the AT program. This RFP

doubled the number of performance requirements for AT systems and opens the door to more vendors and any new technologies developed over the last few months.

Rapiscan is ready to meet these new challenges and we have technologies that will continue to improve on checkpoint security. Our developments to meet the new procurement requirements are designed to be easily upgradable in the future, which will allow the TSA to technology refresh these systems rather than actually replacing them.

Next Generation Checkpoint Technology: Whole Body Imaging (WBI)
Currently, U.S. airports employ a complex system of enhanced metal detection systems, trace detection machines, and physical pat-downs to inspect passengers for weapons, explosives, and other hazardous materials. This process employs a number of techniques that combine relatively low reliability and relatively high intrusiveness. Airport metal detectors cannot detect explosive materials or other non-metallic threats. The previous trial deployment of explosives trace detection "Puffer" systems were unable to detect non-explosive threats and suffered from numerous operational issues. These systems can improve aviation security with fewer systems that achieve even better results by being used as primary screening as well.

TSA's WBI program is designed to deploy technologies able to inspect people for all threats more quickly and effectively than pat down searches and metal detectors. Although the WBI technologies do meet these requirements, deployment has been slowed due to policy provisions associated with privacy concerns and testing changes to move the systems into a primary screening application. These delays have primarily affected the backscatter technology systems, which have proven to offer the best detection capabilities.

One of the selected WBI systems is the Rapiscan Secure 1000 which utilizes backscatter technology. Immediately after scanning, images appear on a remote display monitor showing any concealed objects on the person. The system imaging includes privacy software to allow for quick detection while protecting the personal privacy of those scanned. The privatized image is basically a chalk outline of the body that highlights the foreign object. Images are not saved and cannot be printed.

Backscatter technology can inspect people for metallic objects, plastic and ceramic weapons, explosives, and non-metallic threats like explosives. The system is currently deployed at hundreds of non-aviation security checkpoints around the world. This technology has been successfully used by U.S. armed forces in combat zones around the world, as well as U.S. Customs and Border Protection, and other homeland security agencies where improving security is of paramount importance.

It is important to remember that the WBI program is an alternative to the very unpopular, less effective, and highly-intrusive physical pat down search. So it is important to remember that the traveling public has the choice of this method over invasive and unreliable physical searches.

Unfortunately, unlike the successful AT program, TSA has chosen to move forward with one technology, millimeter wave, without successfully completing all phases of testing, and submitting all technologies to equal testing under the WBI program. We believe that this insufficient data did not quantify the detection capability, passenger throughput, and reliability of the millimeter wave technology. Thus, procurement of these machines at the numbers at which TSA has chosen is not yet validated. We would suggest that TSA successfully complete the entire original pilot program as it was defined, and quantify their test data before moving forward with procurement of any additional machines.

The delays in the initial WBI pilot program are now being followed by a new QPL procurement for WBI systems which will open the market further. The new QPL process requires a large unfunded investment by WBI companies to submit for another round of testing. Given TSA's ongoing testing of the initial program and their decision to purchase one technology, millimeter wave, before finalizing testing, Rapiscan does not understand the value of the government or industry investing in another round of procurement qualification testing until the current testing, data review, and procurements are completed.

Other Technolgies for Aviation Security

While I was asked by the committee to focus on the checkpoint today, I do want to at least mention that Rapiscan continues to be a leader in aviation security. We are currently developing technology that can be used for next generation EDS for checked baggage. We also have readily available technology that can be used for air cargo screening. However, due to procurement regulations I will not discuss those at this time.

I want to again thank the committee for the opportunity to discuss these important issues and technological advancements. Rapiscan Systems is proud to be part of the United States homeland security effort, and the only company to be a part of both the AT and WBI programs at the checkpoint. We take seriously our role in the final line of defense. Rapiscan Systems has designed and deployed many of the systems the country relies on to catch terrorists today. We look forward to continuing to work with Congress and the Department of Homeland Security to bring the newest and most advanced technologies from the laboratories to the front line. I am happy to answer any of your questions.

Rapiscan® systems
An OSI Systems Company

August 7, 2008

Congressman John Mica
Ranking Republican Member
U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

Dear Congressman Mica,

I appreciated the opportunity to testify before your committee regarding aviation security. Per your request, I am submitting the following answers to your questions for the record.

1. We are quickly approaching the 50% deadline for air cargo screening. Have you been involved in the process with TSA?

   Yes, we have been working with the TSA on this important issue. Based on operational feedback from the cargo carriers the TSA is sending an evaluation team to test our pallet screening systems for this application. Single view versions of these systems have been used throughout Europe for air cargo screening for the past 10-years and Rapiscan has a very large market share and a great working relationship with various cargo carriers. The TSA will be evaluating dual view versions of this technology for use in the United States. Our Break bulk or loose package screening systems have gone through preliminary testing and are listed on the TSA's candidate screening list.

2. With regard to the Whole Body Imaging Pilot, your testimony states that you do not feel that both technologies were submitted to the same rigorous testing. Can you please elaborate on this?

   The AT system completed a rigorous 90 day evaluation at multiple airport sites to baseline performance and operational characteristics. Conversely the decision to procure WBI systems was based on an evaluation at one airport site. We strongly believe the

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additional test data for all WBI systems should be required, and all WBI systems should be subject to the same rigorous testing.

3. We are always interested in next generation technologies. You mentioned you have a next generation EDS technology for checked baggage. Where are you in the process of that development with TSA?

   We are currently bidding such a system under an active TSA solicitation, and hope to work with them closely in the future. This technology has been in development for the past several years and this technology would be a giant leap forward from the current mechanical CT systems to a next generation electronic CT system. What this means is essentially a more cost effective system with increased throughput and better detection. Like I said in my testimony, security has to go hand in hand with better passenger service.

Sincerely,

Ajay Mehra

President

Rapiscan Systems, Inc.

STATEMENT OF

CAPTAIN JOHN PRATER, PRESIDENT

AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

BEFORE THE

SUBCOMMITTEE ON AVIATION

UNITED STATES HOUSE OF REPRESENTATIVES

WASHINGTON, DC

July 24, 2008

Aviation Security: An Update

Air Line Pilots Association, International
1625 Massachusetts Avenue, NW
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STATEMENT OF
CAPTAIN JOHN PRATER, PRESIDENT
AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

BEFORE THE
SUBCOMMITTEE ON
AVIATION

UNITED STATES HOUSE OF REPRESENTATIVES

WASHINGTON, DC
July 24, 2008

Aviation Security: An Update

Good afternoon and thank you, Chairman Costello and Ranking Member Petri, for the opportunity to present testimony to this Subcommittee today. The Air Line Pilots Association (ALPA) is the world's largest, most influential pilot union, representing nearly 55,000 pilots who fly for 40 airlines in the U.S. and Canada. ALPA was founded in 1931 and our motto since its beginning is "Schedule with Safety."

ALPA has had a prominent role in shaping aviation security for many decades. The Association demanded, and ultimately achieved, legislation that created airline passenger screening at the height of the so-called "homesick Cuban" hijacking crisis in the early 1970's. Many of the aviation security improvements that were made after the terrorist attacks of September 11, 2001, were first advocated by ALPA via congressional testimony given in September and October 2001, which included installation of hardened cockpit doors, upgrading airline security training, and the creation of the Federal Flight Deck Officer (FFDO) program, among many others.

Since that time, we have urged Congress and the US government to address other aviation security issues as well, and while significant progress has been made since 2001, much work remains to be done. For that reason, we applaud the Subcommittee for holding this hearing in which we will address five specific topics: passenger screening; secondary barriers; the Federal Flight Deck Officer program; cargo security and baggage screening.

Passenger Screening

Since the events of September 11, the US aviation system has witnessed a variety of changes in the way that passenger screening is conducted. The creation of the Department of Homeland Security and the Transportation Security Administration (TSA) spawned the implementation of Watch List matching and a variety of new rules regarding prohibited items, footwear and restrictions on liquids aerosols and gels (LAGs). Likewise, we have witnessed great strides in the development of new and improved technologies used to screen passengers for harmful items such as explosive materials. Although these security amendments have increased security, they have also significantly increased passenger inconvenience, frustration, screening checkpoint queues, and delays. These problems have resulted in passengers opting to drive rather than fly and, for those business travelers who can afford to do so, increasing numbers of them are flying in private jet aircraft to avoid commercial travel altogether.

The great challenge for TSA, now that it has enhanced security screening, is to simplify the process so that it can handle today's passenger counts much more quickly without giving up any ground to security threats. To that end, ALPA has advocated, since 1997, the use of intent-detection measures to complement those technologies and systems used for detecting prohibited items such as guns, knives and improvised explosive devices. To its credit, TSA has begun to implement behavioral detection capabilities at screening checkpoints and elsewhere around the airport. The Behavioral Detection Officer (BDO) program stands as an example of an outstanding success in the effort to separate out those who possess evil intent from the majority of law-abiding citizens who use the nation's air transportation system on a daily basis. ALPA has long supported the advent of this technique, applauds the TSA for its use and encourages its expansion, not only at airport checkpoints, but also beyond the checkpoint, within expanded areas of airport terminal environments to further protect the traveling public from those who intend to do them harm. ALPA encourages Congress to fully support the expansion of the BDO program at all TSA-regulated airports.

Another behavior-driven enhancement is ALPA's *CrewPASS* program. This Association, working in conjunction with the TSA, conceived and supported the implementation of this new means of screening pilots which is now being used at three of our nation's airports (i.e., Baltimore Washington International, Pittsburgh, and Columbia). *CrewPASS* leverages existing security measures and harnesses them in a fashion which offers better aviation security while providing improved passenger facilitation.

The "Implementing Recommendations of the 9/11 Commission Act of 2007" (PL 110-53) requires TSA to develop a means of enhancing security "by properly identifying authorized airline flight deck and cabin crew members at screening checkpoints and granting them expedited access through screening checkpoints." As a result, the TSA has recently begun a 60-day evaluation of *CrewPASS* at the three airports that I have named. *CrewPASS* uses an existing TSA-operated program known as the Cockpit Access Security System (CASS), which electronically validates, in real-time, the identity and employment status of airline pilots via airlines' personnel databases. *CrewPASS* performs the same functions as CASS, and provides a significant enhancement to security by helping to ensure that no uniform-wearing pilot imposters are able to go through security screening checkpoints and gain access to sterile areas. Because *CrewPASS* removes pilots from airport checkpoint lines, it offers an additional security benefit in that it allows Transportation Screening Officers (TSOs) to more effectively and efficiently focus their resources on unknown threats.

As added value, passenger queues are reduced, decreasing the chances for the creation of a target-rich environment for those who possess evil intent. At the same time, passenger convenience is facilitated with decreased wait times. It is clear that besides TSA and the traveling public, airports and air carriers will benefit from these results, providing a "win-win" for all critical stakeholders in the aviation domain. *CrewPASS* requires a dedicated personal computer or laptop situated at each screening portal and may require additional personnel depending on the demonstration program's findings. ALPA recommends that Congress provide $2 million to fund the equipment needed for the implementation of *CrewPASS* nationwide. Although the exact number of screening checkpoints that are affected is not presently known, this amount will provide $2,000 for a basic laptop and associated equipage at 1,000 screening checkpoints.

Baggage Screening

Great strides have been made with respect to hold baggage screening since the events of 9/11. With the passage of the Aviation Transportation Security Act (ATSA), the congressional mandate requiring 100% screening of passenger bags shored up a previously existing, glaring vulnerability. The current system which is utilized to fulfill the screening mandate is composed of a variety of standard technologies and alternative techniques and has been working well, but it needs improvement.

Our greatest remaining challenges are associated with the field of new technology. Devices that are used to screen checked luggage must meet a variety of requirements. They must be effective in detecting and interdicting extremely challenging new threats, as certain harmful substances remain difficult to detect. They must be affordable and scalable to meet the needs of a variety of airport sizes and configurations. They must economize on manpower, provide effective through-put and offer low false positive rates, all while meeting standards which are validated through the Safety Act process. Additionally, the training aspect for operators cannot be overlooked. Much of the effectiveness of the detection equipment is dependent on operator proficiency, which may vary significantly between individuals. Available tools associated with computer "gaming" in virtual reality situations offer realistic training opportunities. These training aids must be continuously refined in conjunction with improvements in detection technology.

Although technology is improving and more efficiently and effectively fulfilling these multiple requirements, government acquisition and procurement processes often inhibit the timely selection of the equipment which is best-suited to meet the security needs of the aviation domain. At times, the procedural requirements for achieving status as a "qualified vendor" inhibit the discovery and selection of the best solutions to existing problems. In addition, the wait times for qualified vendors to have their products reviewed often delay the timely acquisition of affordable, realistic technological solutions.

ALPA recommends that the government procurement process be streamlined and revised so that new technologies qualify for and receive review in a timely manner.

Secondary Barriers

The reinforced flight deck door is an effective measure for prohibiting unauthorized access to the flight deck, but only when it is closed and secured. Unfortunately, the door must be opened on extended flights multiple times for a variety of legitimate reasons, placing the flight deck at risk. Although some carriers have recognized this vulnerability and instituted additional, temporary measures as a solution, such as blocking the aisle with a galley cart, these stop gap responses are not standardized or predictably reliable. The problem will be resolved only with the addition of standardized crew procedures and a *secondary barrier*; a portable, light weight, easily storable device which is deployed whenever the flight deck door is opened in flight. It will provide the crew with the precious seconds needed to secure the primary flight deck door when faced with an attack, and assist flight and cabin crewmembers, air marshals, other law enforcement officers and able-bodied passengers in determining an individual's hostile intent.

In addition, as many on the Committee know, aircraft used exclusively for cargo operations are not required to be equipped with even a cockpit door, much less a hardened secure cockpit door. While ALPA believes that these aircraft types should be required to be equipped with the hardened door, the secondary barrier may be an acceptable, temporary solution, until there is a firm requirement in place for cargo aircraft to be equipped with a cockpit door.

On its own initiative and at its own expense, one major carrier is progressively installing such devices on its aircraft, one fleet type at a time. Other carriers have expressed interest in following suit but are hesitant to do so because of the lack of a federally established standard for this device. ALPA fully supports the installation of secondary barriers and has developed a white paper further explaining the concept which may be accessed on the ALPA website, www.alpa.org. FAA is helping to establish a government-industry committee to set standards for secondary barriers so that any airline that wishes to install them may do so. Testing of various barrier configurations and materials is needed to ensure that the standards adopted will meet their desired intent. It is requested, therefore, that federal funding in the amount of $1 million be provided to FAA for its use in testing prototypes of secondary barriers needed for the development of standards for these devices.

Federal Flight Deck Officer Program

The Federal Flight Deck Officer program has proved to be a highly successful and reliable initiative, offering significant protection to the nation's air industry at minimal cost to the US government and no cost to the nation's air carriers. Implemented in April 2003, it has grown from an initial force of 43 FFDOs to many thousands who are currently deployed. The program is managed by the Federal Air Marshal Service (FAMS) with less than 20 people. This support structure is clearly not large enough to oversee a force the size of today's FFDO population. The program also relies on volunteers who are willing to sacrifice their personal time and out of pocket finances to participate in this federal law enforcement initiative. FFDOs often use personal leave to attend training events and must personally pay hundreds of dollars in a year to remain qualified as an FFDO.

Fulltime law enforcement officers and FFDOs at times find themselves the subject of federal, state, and/or local government investigations for a variety of reasons. However, unlike other full-time law enforcement officers, FFDOs' legal protections and right to due process in such circumstances are not clearly defined in areas such as:

- the right to counsel
- legal protections/rights afforded when fulfilling agency requirements to provide statements which may potentially be used against the best interests of the FFDO (criminal or civil)
- clear delineation of a process and timeline required to complete an internal investigation
- dealing with multiple law enforcement/regulatory agencies expressing interest in the same event
- process for dealing with simultaneous, parallel investigations of a single incident by the Federal Air Marshal Service and the TSA's Office of Investigations.

The initial FFDO budget in FY 2003 was approximately $23 million and grew to only about $25 million in FY 2008. Government support and allocated funds have not kept pace with the rapidly growing size of the force. The Federal Flight Deck Officer budget should be expanded to $50 million to provide for:

- an appropriately sized and devised management structure, based on traditional law enforcement models, commensurate with the organizational structure of like-sized federal law enforcement agencies
- reimbursement of significant out-of-pocket expenses incurred by FFDOs (hotel, ammunition, rental cars and other associated costs)
- leave for training, similar to military leave
- clear definition and enforcement of legal rights and protections afforded to FFDOs who are subject to internal or external investigation.

ALPA maintains a vested interest in the viability of the FFDO program. All pilots who compose its ranks willingly make great personal sacrifices in order to participate for the benefit of the airline industry and the nation in general. The program has proved itself to be a critical, cost-effective component of the nation's layered aviation security system. ALPA appreciates the contributions to date by the TSA and the Federal Air Marshal Service, but it is time to make improvements in key program areas in order to ensure its long-term viability. ALPA is ready to provide further input to Congress in this regard as appropriate.

Cargo Security

Section 1602 of the "Implementing Recommendations of the 9/11 Commission Act of 2007" requires the Secretary of Homeland Security to establish a system to screen 100 percent of cargo transported on passenger aircraft by August 2009. We will first provide some background regarding cargo screening on

passenger and all-cargo aircraft, then look at the specific issue of the adequacy of DHS's response to the 100 percent screening requirement for passenger aircraft. Finally, we will address what we believe to be the most neglected area of cargo security: the insufficiency of security measures adopted for all-cargo operators.

The air-cargo supply chain is a complex, multi-faceted mechanism that begins when a shipper tenders goods for transport. It potentially involves numerous intermediary organizations such as freight forwarders, indirect air carriers (IACs), and other industry personnel who accommodate the movement of goods. The process culminates when a shipment is received by airline personnel, loaded on an airliner, and delivered to its intended destination.

Because a cargo shipment is exposed to multiple security-related circumstances from the time it is tendered until it is delivered, an effective air-cargo protective system must focus on the entire supply chain and discover opportunities for, and provide reasonable measures to prevent or interrupt, malicious acts. Such a system must certify the integrity of the goods that are offered and the reliability of the shipper, properly educate and verify the trustworthiness of all personnel who maintain access to shipments, and ensure a secure operating environment. Because the movement of goods is often time-critical, this process presents a daunting challenge to regulators and industry alike, and complete success has not yet been achieved.

The Passenger Carrier Cargo Supply Chain

Since the events of September 11, 2001, the TSA has worked diligently to strengthen the air cargo supply chain, primarily focusing its efforts on cargo that is shipped on passenger aircraft. It has spent a significant amount of time on the development of a Freight Assessment System (FAS), the Known Shipper Management System (KSMS), the Certified Shipper Program and the Certified Cargo Screening Program (CCSP). ALPA agrees with TSA that, based on the state of today's screening technology and the need to facilitate the movement of goods, an effective cargo screening program must be composed of a variety of techniques to ensure that 100 percent of the cargo which is loaded on commercial aircraft is secure.

The combination of systems that TSA proposes to accomplish this goal is built upon a certain degree of trust, as responsibility for ensuring its integrity is shared among the critical players who compose the air cargo supply chain, including: Known Shippers (KS); Certified Shippers (CS); Certified Cargo Screening Entities (CCSE); Indirect Air Carriers (IACs); direct air carriers; other entities involved in the movement of air cargo such as trucking companies, and the TSA. For the proposed system to be effective, it requires the proper education, strict management, supervision, enforcement and oversight of the stakeholders by the governing authority. Consequently, serious responsibility is assigned to the TSA to make certain that it has sufficient personnel and resources in place to guarantee the integrity of the entire process.

ALPA supports TSA's multi-faceted, air-cargo supply chain security vision, to include the CCSP, but urges Congress and the TSA to be mindful that without the proper resources and a comprehensive and effective oversight and enforcement process, the system is vulnerable. TSA must be afforded and dedicate the appropriate resources to effectively fulfill its obligation in securing the air-cargo supply chain.

The current screening/inspection system employs a layered approach, using a combination of the Certified Cargo Screening Program, the Certified Shipper program, the Known Shipper program, government inspections and enforcement, facility security requirements, vetting of supply-chain personnel, standard security programs for airlines and indirect air carriers, random inspections by carriers, and the Freight Assessment System (FAS). ALPA supports this layered approach to securing goods which move in the

air-cargo supply chain. The current state of screening technology, labor resource constraints, and the dire financial straits of the airline industry all argue against a 100 percent pre-flight inspection requirement. A very few passenger airlines, due to their size, type of operation, types of cargo carried and other variables, may be able to institute a 100 percent inspection of cargo today. Most, however, cannot. To force such a requirement on the carriers at a time of $145 per barrel of oil is simply unrealistic and, in our view, unnecessary.

Given the fact that TSA proposes a layered approach in securing the air-cargo supply chain, no need has been demonstrated to justify pre-flight inspection of 100 percent of goods offered for shipment. Until affordable and efficient technology exists and is capable of inspecting all commodities moved via air without disrupting the normal flow of commerce, ALPA supports TSA's layered approach to cargo security based upon a philosophy of 100 percent screening.

Security Measures for All-Cargo Operators

The post 9/11, revitalized focus on airline security revealed that security regulations pertaining to air cargo operations were inadequate and that the all-cargo airline industry was often exempted from complying with the stricter policies that are mandated for passenger airlines. As an example, all cargo airlines are not required to install hardened flight deck doors, and all-cargo pilots were initially excluded from participating in the FFDO program. Known Shipper (KS) rules are not applied in the all-cargo supply chain. Additionally, Common Strategy training is not required for flight crews of all-cargo airliners. This imbalance in regulatory requirements affords all-cargo operations only a fraction of the protections that are mandated for passenger airlines.

Because of the differing levels that still exist between securing goods shipped on passenger air carriers versus those moved in the all-cargo air supply chain, ALPA offers the following recommendations:

- Make greater use of technology
- Implement risk-based assessment of cargo
- Require a SIDA for all-cargo operations.
- Install hardened flight deck doors and secondary barriers on all-cargo airliners.
- Vet persons who have unescorted access to cargo and all-cargo airliners
- Vet persons transported on all-cargo airliners
- Provide security training for all-cargo flight crew members and staff
- Expand TSA compliance enforcement
- Address security deficiencies at private airports serving all-cargo operations
- Conduct vulnerability assessments and threat mitigation
- Improve cargo security rule
- Use known shipper concept for all-cargo operations

The Transportation Security Administration, in conjunction with industry stakeholders, has done significant work to improve the security of the air-cargo supply chain, but there is much more to be done. The costs associated with needed cargo security enhancements are minimal when viewed in terms of the potential price to be paid for failing to properly protect the air-cargo industry from viable threats. Since the events of 9/11, cash-strapped and bankrupt passenger airlines have added multiple layers of security enhancements at their own expense, while many all-cargo airlines, which until very recently enjoyed robust growth and sustained record profits, have failed to keep pace in making such improvements. Protecting flight crews, industry personnel, passengers, and airliners engaged in or affected by air-cargo operations requires that government and industry stakeholders cooperate in achieving effective layers of security.

ALPA commends the TSA for a number of its cargo security efforts, including increased field inspection staff and use of canine resources, research on screening technology, research on the use of container seals to certify the integrity of cargo shipments, and the continued effort to develop and deploy the CCSP and Freight Assessment System (FAS).

Conclusion

ALPA understands and values its role as a critical stakeholder in the aviation mode of transportation. The unique position our membership occupies within that domain positions us to acquire valuable insight into the effectiveness of our nation's layered system of security. We appreciate the opportunity to be heard on these matters and respectfully offer our continued support and subject matter expertise to the US Congress, the Department of Homeland Security and the Transportation Security Administration.

# # #

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July 24, 2008

The Honorable James Oberstar
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Washington, DC 20515

The Honorable John Mica
Ranking Member
House Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Jerry Costello
Chairman
House Subcommittee on Aviation
2165 Rayburn House Office Building
Washington, DC 20510

The Honorable Tom Petri
Ranking Member
House Subcommittee on Aviation
2165 Rayburn House Office Building
Washington, DC 20515

RE: Submission to Record for July 24, 2008 Hearing on Aviation Security

Dear Chairmen Oberstar and Costello and Ranking Members Mica and Petri:

We are writing to address the imperative issue of the Transportation Security Administration's (TSA) failure to comply with the "9/11 Commission Recommendation Act of 2007" (P.L. 110-53) and VISION 100 (P.L. 108-76) and the ensuing repercussions to be levied upon the aviation industry.

In Sec. 611 of VISION 100, TSA was instructed to issue a final rule to "strengthen oversight" for all Federal Aviation Administration (FAA) certificated part 145 repair stations, located both domestically and abroad. The agency was afforded 240 days to issue the final rule, which elapsed without such action.

The "9/11 Commission Recommendation Act of 2007" addressed the inaction in Sec. 1616, by mandating that the TSA issue the final rule within one year of enactment of the legislation (Aug. 3., 2007). However, unlike VISION 100, the legislation contained a "punishment" if the agency failed to meet the prescribed deadline. If the TSA is unable to issue a repair station security final rule by Aug. 3, 2008, no new foreign repair stations will be afforded FAA-certification. Renewals of existing certificates are exempt and applications in process prior to August 3 will be afforded standard review, including "consideration" for certification.

It is a foregone conclusion that the TSA will not issue a final rule by Aug. 3, 2008. On May 13, TSA Administrator Kip Hawley testified before the Senate Commerce, Science, and Transportation Committee that the final rule will not be issued by the date. Indeed as of today, July 24, the agency has yet to issue a Notice of Proposed Rulemaking.

ARSA understands Congress' frustration at the executive branch's failure to comply with law. However, punishing a beleaguered industry and workers (who have no power to compel TSA action) will not expedite

the rulemaking process. ARSA believes it is important that the leadership of the committee and subcommittee understand the facts regarding repair station security and the precarious precedent that will be set by punishing private industry for inaction by a government agency. Of emphasis in this case:

- Foreign repair stations are an essential component of the global aviation system. Without them there would be no international travel.
- Security standards do exist for repair stations based on their location. Such standards come from the Federal Aviation Administration (FAA), existing TSA regulations, and International Civil Aviation Organization (ICAO).
- Pushing TSA to quickly produce rules mandating additional security requirements will reallocate limited oversight resources from areas where the threat is greatest.
- Given the broad scope of the aviation maintenance industry, adequate time to review any proposed rules is essential; mandates for a speedy issuance of new rules undercut the rulemaking process and prove particularly damaging to impacted small businesses.
- Punishing private industry for the failings of a federal agency sets a damaging precedent.

Foreign repair stations are an essential component of the international aviation system. Without them there would be no international travel.

Foreign repair stations are an integral part of the international aviation industry. U.S. and foreign airlines, charter companies and general aviation operators, as well as aircraft manufacturers located around the world, depend on maintenance facilities for everything from repairing aircraft and components to maintaining supply chains. Aircraft manufacturers and maintenance companies establish overseas repair stations to service international customers and U.S.-based operators (airlines, charter companies and general aviation) who are operating internationally. Preventing the certification of new foreign repair stations will undermine the ability of these U.S. companies to participate in the global market and add to the current woes plaguing the domestic aviation industry.

The Chicago Convention of 1944 and ICAO standards require that the State of Registry (i.e., the country in which an aircraft is registered) oversee the maintenance performed on that aircraft and related components, regardless of where the work is performed.[1] Consequently, a U.S. registered aircraft requiring maintenance ***must*** have that work performed by an FAA-certificated maintenance provider. Similarly, when an aircraft of foreign registry requires maintenance (e.g., while in the United States), only a repair station certificated or validated by the relevant National Aviation Agency may perform the work. For example, only a European Aviation Safety Agency (EASA)-certificated repair station may perform maintenance on an aircraft of French registry.

Prohibiting or otherwise limiting the use of appropriately certificated repair stations overseas would make international travel impossible, since aircraft need some level of work performed when they land at their destination. The ramifications of this prohibition are far too vast to discuss in this document.

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[1] *See*, ICAO Annex 8, Airworthiness, § 4.2.1(b).

Furthermore, foreign authorities may choose to take retaliatory action against U.S. counterparts for any restrictions put in place. The United States and the European Union are on the verge of concluding a new bilateral aviation safety agreement (BASA) that deals directly with the reciprocal certification of aviation maintenance facilities. By restricting the certification and use of foreign repair stations, Section 1616 would threaten years of work by FAA, State Department, and EASA negotiators to craft the new international agreement. There is also a risk that if the ban on the issuance of new certificates goes into effect, foreign governments could retaliate by restricting the use of U.S. repair stations.

Congress may not have considered the fact that restrictions such as those in Sect. 1616 may adversely affect the trade balance between the United States and other countries, specifically the European Union. There are only 698 FAA-certificated repair stations outside the United States; yet there are 1,200 EASA-certificated repair stations and numerous other NAA-certificated repair stations in the United States.

It is necessary for Congress to closely examine how the effects of Sect. 1616 will impact not only the traveling public, but the global aviation community and the ability of domestic companies, particularly small businesses, to compete in the worldwide marketplace.

Security standards do exist for repair stations based on their location. Such standards come from the FAA, existing TSA regulations, and ICAO.
Domestically, repair stations located on a commercial airport are required to have their personnel undergo criminal background checks under TSA regulations *if* they require unescorted access to the designated airport security identification display area (SIDA). Therefore, a repair station employee that performs line maintenance for an air carrier would have the same 10-year criminal background check requirement as an airline mechanic. Many repair stations voluntarily implement additional security procedures since the quality and safety of their work directly affects their business.

However, many repair stations are located miles away from airports and perform specialized work on component parts. These facilities are usually small-businesses; imposing undue security burdens would in effect put an entire sector of specialized workers out of business. ARSA members understand the need for safety and security; we ask that Congress recognize that the TSA must recognize these differences in repair facilities. While we all share the same goal—maintaining a high level of safety and security—security threats differ.

Internationally, each country must implement the types of security procedures to be followed just as they must do in the safety area. These are based on ICAO standards contained in Annex 17 and thus are very similar to TSA regulations. These include, but are not limited to:

- A national civil aviation security program with continuous threat monitoring and mandatory quality control procedures;
- Airport security programs for each airport serving international carriers;
- Air operator security programs;
- Background checks for persons implementing security control measures and persons with unescorted access to restricted security areas; and
- Periodic ICAO security audits.

Pushing TSA to quickly produce rules mandating additional security requirements will reallocate limited oversight resources from areas where the threat is greater.
The professionals at the TSA, ICAO and other countries' security oversight organizations have concluded that resources should be focused where the threat is greatest.

In testimony given by TSA Administrator Kip Hawley on October 16, 2007 before the Senate Committee on Commerce, Science, and Transportation, he mentioned several of the initiatives TSA is working to increase safety, from highways and rail, to aviation and cargo shipments. Threats exist throughout all modes of transportation, and TSA must be allowed the opportunity to prioritize its resources to those areas where the threat is greatest. During the October 16 hearing, Secretary Hawley testified that the TSA currently is committed to focusing its resources on "high priority items" facing national security interests. Administrator Hawley stated in his written testimony,

> ...many of the rulemaking requirements mandated in the 9/11 Act do not adequately recognize the obligations that TSA must give the many stakeholders affected by proposed regulations and the general public...These requirements are time consuming but are time well spent to assure that our regulations achieve their objective in a way that is transparent to stakeholders and the public and does not adversely affect travel and commerce.

Given the broad scope of the aviation maintenance industry, adequate time to review any proposed rules is essential; mandates for a speedy issuance of new rules undercut the rulemaking process and prove particularly damaging to impacted small businesses.
Ensuring a deliberate and responsive rulemaking procedure is the cornerstone in the promulgation of federal agency action. Sect. 1616 threatens the viability of the other laws mandating a carefully calculated and reasoned rulemaking process.

By mandating the August 3, 2008 "due date," the law effectively gave the TSA and industry two options—support a hurried rulemaking to avoid penalty or ensure a deliberate rulemaking process but risk missing the mandated due date. Such a predicament is a dangerous one. This far-reaching rule requires adequate time for TSA deliberation, industry comment and agency response. It is better to do the process right rather than fast.

The majority of entities which stand to be impacted by this final rule are small businesses. The protections in the rulemaking process, namely the Administrative Procedure Act and the Regulatory Flexibility Act, are in place to protect the nation's small businesses. A rulemaking that is hurried in order to lessen the penalty levied upon the industry could potentially deny valuable input from these businesses and jeopardize thousands of jobs.

Punishing private industry for the failings of a federal agency sets a damaging precedent.
U.S. aviation companies and the thousands they employ do not have the power to compel TSA to issue the repair station security final rule, yet these persons will pay the price for the agency's inaction. Indeed, if the

industry was able to exert that much influence on the agency, it would be subject to criticism for being too close to the regulated entities.

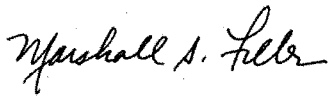
Despite cooperation from the industry, TSA has yet to even issue a Notice of Proposed Rulemaking. As the implementation breakdown lies at the feet of TSA and not industry, Section 1616 is misdirected. ARSA is concerned that allowing such a scenario to unfold sets dangerous precedent for future law and subsequent rulemakings.

Conclusion
ARSA has communicated these points on numerous occasions, but felt it necessary at this important juncture to reemphasize the dynamics of the scenario which the industry faces.

Faced with the potentially damaging repercussions outlined above, ARSA respectfully urges the committee to either eliminate or delay the effective date for implementing the statutory prohibition on new foreign repair station certificates.

Should you have any questions or require additional information, do not hesitate to contact me.

Regards,



Marshall S. Filler
Managing Director and General Counsel

July 29, 2008

The Honorable James L. Oberstar, Committee Chairman
The Honorable John L. Mica, Committee Ranking Member
The Honorable Jerry F. Costello, Subcommittee Chairman
The Honorable Thomas E. Petri, Subcommittee Ranking Member
House Transportation and Infrastructure Committee,
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Dear Chairmen Oberstar and Costello and Ranking Members Mica and Petri,

On July 24, 2008, the House Transportation and Infrastructure Committee, Subcommittee on Aviation held a hearing entitled, "Aviation Security: An Update". The Cargo Airline Association (CAA) is extremely troubled by the statement submitted by Captain John Prater, President of the Air Line Pilots Association, International (ALPA). Specifically, Captain Prater's written testimony states, "[w]e will address what we believe to be the most neglected area of cargo security: the insufficiency of security measures adopted for all-cargo operators." Statement of Captain John Prater, President, submitted for the record, House Subcommittee on Aviation, page 6, July 24, 2008.

ALPA's written statement goes further and cites specific examples and makes recommendations in an attempt to suggest that the all-cargo industry is not as secure as the passenger airline industry. Unfortunately, some of ALPA's assertions and all of its conclusions are simply untrue and misleading.

Contrary to ALPA's statement, all-cargo carriers are directly regulated by both the Transportation Security Administration (TSA) and the Federal Aviation Administration (FAA). To that end, on July 18, 2003, the FAA issued a Final Rule requiring hardened cockpit doors on all-cargo aircraft required to have a flightdeck door. Certain all-cargo carriers are required to either install a reinforced door or adopt enhanced security procedures approved by the TSA.[1] ALPA's claim that, "all-cargo airlines

[1] Specifically, "[i]n comparison, cargo operations transport far fewer riders, those riders are authorized by the company, and cargo operators have greater discretion in deciding who rides on the airplane. Security procedures can be adapted to fit the needs of cargo

are not required to install hardened flight deck doors" with no further explanation or reference to the FAA's Rule is simply unreasonable and misleading. *See* page 7 of ALPA statement.

Moreover, all-cargo carriers are subject to extensive regulation pursuant to Part 1544 of the TSA Regulations. In fact, on May 26, 2006, the TSA issued an air cargo security requirements Final Rule which implemented a host of new requirements on the air cargo segment of the aviation industry. As part of the new requirements, certain all-cargo transport facilities whether on airport property or not were made part of the Secured Display Identification Area (SIDA). 71 Fed. Reg. 30478 (May 26, 2006). ALPA' s recommendation to, "require SIDA for all-cargo operations" has been addressed by TSA's rulemaking and those requirements were implemented several years ago in accordance with the new rules. *See* page 7 of ALPA statement.

Also, all-cargo operators are required to operate in accordance with a detailed Security Program that is approved by and audited by TSA, and subject to TSA enforcement proceedings. While the Association cannot reveal the details of what is contained in the Standard Security Programs, the assertions made by ALPA that persons who are either near cargo or cargo aircraft or are transported on cargo aircraft are not vetted are simply false. Moreover, the Final Rule referenced above also requires certain precautions are made to vet persons with unescorted access to cargo. Finally, all-cargo operators and TSA are consistently conducting vulnerability assessments and threat mitigation analyses in accordance with TSA and local airport requirements. Our members are fully committed to complying with all security mandates and have taken a leadership role in both identifying potential vulnerabilities and crafting solutions to any problems found. Any inference to the contrary is simply untrue.

At the same time, it is important to note that the all-cargo environment and the passenger carrier environment are entirely different operationally and do not pose the same types or levels of security risk. Therefore, they do not, and should not, be subject to exactly the same security programs – a fact fully recognized by TSA. TSA has correctly determined that threats and threat levels are different in the all-cargo and passenger environments and has put policies in place accordingly.

This fact is not only supported by TSA, but also by numerous studies and major regulators around the world. Specifically, the United

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operations making the reinforced door less significant in terms of airplane security. Further, since we have identified security procedures as a valid alternative to a reinforced door in cargo operations, there is currently no justification for the substantial cost involved in retrofit." 68 Fed. Reg. 42874, 42876-77 (July 18, 2003).

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