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INTERNATIONAL AVIATION SCREENING STANDARDS

HEARING

BEFORE THE

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

DECEMBER 2, 2010

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ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

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INTERNATIONAL AVIATION SCREENING STANDARDS

THURSDAY, DECEMBER 2, 2010

U.S. SENATE,
SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:16 p.m. in room SR–253, Russell Senate Office Building, Hon. Byron L. Dorgan, Chairman of the Subcommittee, presiding.

OPENING STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NORTH DAKOTA

Senator DORGAN. We're going to call the hearing to order this afternoon. This is a hearing of the Aviation Subcommittee, the Committee on Commerce, Science, and Transportation. I'm Senator Dorgan, Chairman of the Subcommittee. I'm joined by the Chairman of the full Committee, Senator Rockefeller. Senator Rockefeller, thank you for being here.

Let me provide a brief opening statement and then call on my colleague Senator Rockefeller, after which we will hear from four witnesses today. First of all, let me say that I am really pleased that during this Congress under the leadership of Senator Rockefeller we've considered a significant number of aviation issues in our Subcommittee and full Committee. I know that these efforts ultimately are going to make the skies safer for the traveling public, and there is much work yet to do.

The largest piece of legislation that we accomplished, however, the FAA reauthorization bill, is still awaiting a final vote after many, many months of negotiation. It is a great disappointment to me, and I know the Chairman of the full Committee, that we have not yet seen that completed by the Senate. It's completed by this committee, but we have not yet had completion of a conference report and get it to the President for signature.

I hope that my colleagues in the Senate—I know I speak for Senator Rockefeller—would join us in working seriously to try, even at this late date, to get the FAA reauthorization bill completed. It deals with air traffic control modernization and so many issues that are important. I still remain hopeful that there might be some crevice, some narrow crevice through which we can get that legislation passed at long last.

We've had 16 extensions of the FAA reauthorization bill. That to me is failure. And the work that we have done is excellent work,

I think, and the country would be well served if we can get the bill to the President for signature.

With that said, the hearing that we have today touches on something that we've been talking about a lot, particularly since the last Christmas period, when a man got on an airplane in a foreign land and attempted to bring down an aircraft loaded with passengers, with a bomb sewn in the underwear. It is the Christmas Bomber.

Fortunately, that bomb did not detonate, despite the fact that the passenger attempted to detonate that bomb. We know from that plot and other bomb plots over the past year that aviation security screenings are important, not just at our airports, but at every airport in this world.

We also know that every nation is expected to meet aviation security protocols that have been set out by the [International] Civil Aviation Organization, the ICAO. But the methods by which many countries meet these protocols is largely at the discretion of each country.

We also know that over the past year the Department of Homeland Security and the Transportation Security Administration have worked extensively with international partners to try to update existing aviation security protocols. I applaud and appreciate the work the agencies have done, but clear standards that all airports in this world should meet and must meet are still lacking.

The Christmas Day incident that I just referenced is an incident in which the suspect departed from Nigeria, where he in fact was subject to walk through a metal detector, a metal scanner, which meets existing security protocols in that country. Nonetheless, a person with a bomb in their underwear boarded the airplane and could very easily have brought that plane down and killed all of the passengers.

The thwarted bombing suspect was able to get through with explosives on his body because those standards and that scanner did not pick up those explosives.

This occurrence has led some nations, including our country, to use advanced imaging technology. Those machines have generated a great deal of discussion and news stories in recent weeks especially. Those machines are at commercial airports in many cases in this country, not all cases, while other countries continue to use other methods to screen passengers.

I know that these new machines are designed to catch types of explosives that are difficult, and I know that these are controversial screening techniques. We are very anxious to get to the advanced technology, which we discussed in this committee not long ago, where imaging technology would have the human figure as a stick figure, detecting only that which would be on the stick figure that would be difficult or represent a threat to the airplane.

So we're working very hard on advanced technology. The companies and the agencies are working together to have a more secure system while still respecting all of the civil rights of passengers.

A couple more points. It's clear that the most significant threats to the U.S. aviation system are consistently foreign-based. I say that not suggesting there aren't internal threats. Indeed there are. But if we take a look at what we have confronted—the shoe bomber, the underwear bomber, the cartridge toners, the liquids in bot-

tles—all of those are foreign-based plots that in many ways were trying to put explosives on airplanes that would fly over our territory.

That's why it's critically important that we work so closely with other countries and corporations to cooperate on improving this system.

Now, it's in the best interests, it seems to me, of commercial air carriers, of our manufacturers and homeland security representatives to come together on security solutions and push for consistency in their application. That's the purpose of this hearing today, to determine not just what is happening at our airports—we've certainly read enough about that in recent weeks—not what is happening in our airports to keep someone off a commercial airplane who may have a bomb on their person, but what is happening at every other airport and the world in which passengers who may well come to this country or will be traveling elsewhere are boarding an airplane that may well be unsafe because the screening technology and the screening capability was not meeting standards that we would expect.

This is a very important, a very controversial, and a very complicated subject, and the members of this committee appreciate a great deal all of the work that's been done by TSA, by Homeland Security, and by so many others, private companies that are working on new technologies as well.

Let me call on the Chairman of the full Committee, Senator Rockefeller, for an opening statement.

STATEMENT OF HON. JOHN D. ROCKEFELLER IV, U.S. SENATOR FROM WEST VIRGINIA

The CHAIRMAN. Thank you, Mr. Chairman.

Before we begin, I want to say that this is, after 25 years of public service in the Congress, this is the last hearing that Senator Dorgan will chair. To me that's worthy of comment, because he has been absolutely superb. He's going—he's not going to retire. He doesn't know how to do that. I don't know what he's going to do. But I think it's an enormous loss to the Senate.

Byron Dorgan can talk on any subject any time, at great length or short length, whatever is required. He can be on three different television stations at the same time—I don't know how he does that—talking passionately about jobs going overseas and tax incentives for that to happen. He cares so deeply about manufacturing. He's the quintessential what I would call—North Dakota and West Virginia aren't similar. One is sort of flat and the other is sort of not. But we are very similar in our people, in our work ethic. And Byron Dorgan exemplifies that.

He makes me incredibly proud just to serve with the guy, to watch him. He never stops moving. I think he has already spoken on the floor twice this morning. I know I saw him once, and I didn't watch the floor very much, so probably twice.

He always has his thoughts in order. He's always right. I can't think of a single time when he and I have disagreed. I'm sure it has happened, but it certainly doesn't come to mind.

So I think this is going to be a weaker committee, this is going to be a weaker Senate, without Byron Dorgan, and I mourn that

because what we need in this place are people with passion and people who are not gripped by politics first of all or theology first of all, but who are gripped by issues, and particularly putting people to work, fair trade, not exporting jobs, but creating more jobs, somebody who's just totally working middle-class-oriented, and he is that.

I'm so proud to serve with him and I'm so sorry that I'm not going to be able to any more. So I would like to put that into the record. He cares about these things, good wages, good benefits. He even wrote a book about it. I haven't read it yet, but it's "Take This Job and Ship It." It ought to be on your bedside table.

I just feel privileged to have served with him, and he's what a Senator ought to be. Everything is serious, nothing is frivolous, but he has a very good sense of humor, but you have to know him well. And he's a fighter.

That's what this place should be about, somebody who loves public policy, and that's Byron.

Senator DORGAN. Your time has expired.

The CHAIRMAN. No, it hasn't.

[Laughter.]

Senator DORGAN. Thank you very much.

The CHAIRMAN. My thoughts about you have expired. But I've got to say one quick word.

Senator DORGAN. Thank you very much. You're very generous.

The CHAIRMAN. Well, I am very generous. I am very generous, but I'm also very honest. You're good, Byron, and you need to know that.

So we're here to talk about the aviation security matters. As Byron said, there have been a lot of significant steps taken. This whole question of invasion of private security versus the security of the country, the security of airports, is huge. Everything is global now. Everything is in an international environment, and are others doing what we want them to do. If they're not, what do we do about that?

So I look forward to this hearing and I look forward to hearing our witnesses, and I thank the Chair.

Senator DORGAN. Thank you very much.

Senator Johanns.

STATEMENT OF HON. MIKE JOHANNS,
U.S. SENATOR FROM NEBRASKA

Senator JOHANNS. Mr. Chairman and Mr. Chairman: Let me, if I might, just offer a word also. I want to say to Chairman Dorgan how much I've appreciated the opportunity to be in the Senate with you over the last 2 years. As a former Secretary of Agriculture who interfaced with you a lot when I was in the Cabinet, I always knew that when I had a meeting with you I better darn well be prepared, because I knew you were going to be prepared.

Even though there were probably many times where we were on opposite sides of issues, I want you to know that you're one of the members when you pop up on the TV screen and I'm in my office going through paperwork or whatever, I tend to listen to what you're saying because you're so articulate and you have so much experience that you bring to bear.

So I join with what Chairman Rockefeller has said. You have brought a lot to this body and you will be missed.

I also wanted to offer just a word or two if I could about the subject of our hearing. The first thing I want to say—and I really feel I speak for everybody when I say this—and that is to just recognize how important airline security is. We all watched in horror on 9/11 as those planes were flown into the tower and into the ground and into the Pentagon, and we certainly don't want to ever, ever see that again. We want to do everything possible.

I fly a lot, like every member. I have flown a lot internationally because various jobs that I have had have required me to do that. My experience with the traveling public has been good. I think if we explain to them the need for the security and what we're doing and why we're doing it, the public has been more than willing to go along.

It has been an evolutionary process, as we all know. I think we can all remember the days when you could arrive at the airport 20 minutes ahead of the flight, make a mad dash for the ticket counter, and make a mad dash for the gate, and run on the airplane. Well, those days are over, and the public has been understanding.

As security has evolved and as we have explained the need for security, the public has evolved. So if I were to just offer one thought, whether it's international flights or domestic flights, I think if we can communicate to the public this is why this is needed, this is why we're taking this new step, it will go a long way to calming the concerns of people.

The last thing I wanted to mention on international flying, an important piece of the security puzzle for me is baggage: What are we doing about baggage? Can we be assured that that bag that is put into that airplane is safe, that it has been checked, that again that piece of the security puzzle is dealt with?

We can ask our travelers to go through a lot, whether it's advanced screening, whether it's a patdown, whatever it is. But if we're not getting the job done on the cargo, then very simply we've got a problem. So I'll be anxious to hear about that. I'll wrap up and just say I believe it is so terribly important that we get this right, that we communicate with the public, and that we continue to let them know why these measures are important.

Thank you.

Senator DORGAN. Senator Johanns, thank you very much. As you were mentioning it, I came here 30 years ago at a time when you could rush to the airport, rush to the ticket counter, and rush on the airplane, and then sit back and have a cigarette, not that I smoked at the time. But things have changed very dramatically, and the first change was to make certain that people who boarded an airplane did not have a gun. The reason? People were using guns on airplanes to hijack the airplane, mostly to fly to Cuba, but in some cases to fly elsewhere. If you could simply separate a potential passenger from a gun, you had the security you needed.

Things have changed so dramatically since then, the shoe bomber, underwear bomber, and very sophisticated threats. So that's why we find ourselves in a very different situation, not just with American or U.S. airports, but with airports all around the world.

So I'm really pleased today to welcome the Honorable David Heyman, the Assistant Secretary for Policy at the U.S. Department of Homeland Security; Ms. Vicki Reeder, Transportation Security Administration Office of Global Strategies, International Operations, at the Department of Homeland Security; and Mr. Stephen Lord, the Director of Homeland Security and Justice Issues at the GAO, Government Accountability Office.

Is it "HAY-man"? Mr. Heyman, thank you for being with us and why don't you proceed. The full statements of all of the witnesses will be made part of the permanent record and you may summarize. Mr. Heyman.

STATEMENT OF HON. DAVID HEYMAN, ASSISTANT SECRETARY, OFFICE OF POLICY, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. HEYMAN. Thank you, Chairman and distinguished members, for having us here today. Let me thank you and join in thanking you for your service, the support for the Department over the years and for our economic security for even longer, so thank you for that.

The topic today continues to be one of great importance. As you know, the attempts over the past year to attack the United States make the international dimensions of the aviation system quite clear. In both cases, terrorists looked to strike at America by using the international aviation system, the structures and operations across multiple countries in international airports, to attack us here at home.

The key lesson in both of these incidents is that if you have access to one part of the system you have access to the entire system. These attempted attacks highlight the fact that the terrorist threat is a global challenge and ensuring aviation security is a shared responsibility. Consequently, efforts to protect Americans at home must extend beyond our shores, to include partnerships with industry and governments abroad.

In fact, America's security relies in part on a robust system comprised of many layers operated by many partners across many continents. The system of collective security relies in part on the competency and capabilities of each individual partner. As such, maintaining effective standards and best practices is critical, and so I commend you on this hearing and shedding light on this important topic.

We will talk today about our response to the October 28 cargo plot, the work we've done over the last year, and, as you said, we have submitted a full statement for the record.

The October cargo plot represents an evolution of the threat beyond passenger planes to cargo. Our enemies continue to try to penetrate our security. Senator Dorgan, as you said, we separated the gun from the passengers, but now—and we tried to separate the bomb from the passengers. Now the bombs are going elsewhere.

The Department and its partners need to continue to adapt and innovate as well in terms of addressing these threats. It's that ability to adjust, to anticipate, to craft new strategies with our partners and to secure the flows of people and cargo around the world that will allow us to prevail.

The Department, both as a matter of response to these failed attacks and as part of our larger strategy already under way, has undertaken a number of measures to increase aviation security. We augmented existing protocols for screening inbound cargo, including temporarily grounding all packages originating from Yemen destined to the United States. With constant communication and coordination with the private sector and with international and government partners, we were able to support the larger effort by the U.S. government to disrupt the plot on October 28 before it did any harm.

DHS has also issued additional directives to the airline industry on the nonacceptance or extra screening of high-risk packages on passenger and all cargo flights. Those directives are in effect today.

In terms of our broader efforts, since 12/25 and the attempts of Abdulmutallab to detonate a device on an aircraft from The Netherlands to Detroit, we have accelerated efforts to enhance and harmonize international and domestic aviation security standards, with a focus on four key priorities: first, strengthening aviation security measures and standards; second, developing and deploying new security technologies and measures; third, enhancing information gathering and sharing; and fourth, coordinating international technical assistance.

In terms of strengthening aviation security standards, immediately following the events of 12/25 we initiated a broad international campaign to strengthen the global aviation system against the evolving threats posed by terrorism. The Deputy Secretary and I traveled to and consulted with nearly a dozen countries, touching on every continent and region. The Secretary then participated in five regional summits and meetings, engaging nearly 90 countries in consultations and discussions.

That effort culminated in a declaration by ICAO as you mentioned on aviation security that was signed onto by 190 nations. Following that, at the assembly meeting of ICAO in October the council updated its standards and recommended practices for security to include updates on cargo security. This is a major accomplishment.

In terms of developing and deploying new technologies, more than a dozen nations have joined the United States in strengthening their aviation systems by boosting their budgets on security and the use of new technologies, to include advanced imaging technology and an expansion of Federal Air Marshals and screening of air cargo.

In terms of enhancing information gathering, we have this week as part of Secure Flight Initiative, we now vet and have taken over the responsibility for vetting 100 percent of passengers on flights within or bound to the United States against the watch lists—a number of other technology initiatives, information sharing initiatives, and coordination on technical assistance that my colleague will touch upon in her opening statement.

Let me conclude by recalling a strategic document that we put forth this year. The first ever Quadrennial Homeland Security Review was developed by the Department and released earlier in February of this year. In it we set forth the mission of a safe, secure, and resilient homeland where American interests, aspirations, and

way of life can thrive. That is our vision. We articulated clear missions, goals, and objectives to accomplish this mission.

In the end, we concluded rightly that America—that this nation can protect itself, but we must all play a role. In the commitment of each, we will secure the homeland for all. That same conclusion is true for all of those who comprise the international aviation system. In the commitment of each, we will secure the system for all.

I look forward to the discussion today. Thank you.

[The prepared statement of Mr. Heyman and Ms. Reeder follows:]

PREPARED STATEMENT OF HON. DAVID HEYMAN, ASSISTANT SECRETARY, OFFICE OF POLICY AND VICKI REEDER, DIRECTOR OF GLOBAL COMPLIANCE, OFFICE OF GLOBAL STRATEGIES, TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

Introduction

Chairman Dorgan, Ranking Member DeMint, and distinguished members of the Subcommittee, thank you for the opportunity to testify today about the Department of Homeland Security's (DHS) ongoing efforts to improve aviation security standards in the wake of two failed terrorist attacks on the aviation system—on December 25, 2009 and October 28, 2010.

As you know, both of these attempted attacks involved exploiting the international aviation infrastructure to attack America. It is clear, however, that while the targets were domestic, the mechanisms that set these plots in motion were decidedly international. In both cases, terrorists sought to strike at America using the global aviation system, including the structures and operations across multiple countries and international airports, with little regard for the threat or potential consequences to a multitude of countries and citizens.

America's security—and the threats to it—does not exist in a vacuum. Consequently, protective efforts must extend beyond our shores. America's security relies in part on a robust international aviation security system, comprised of many layers and operated by many partners, across the globe. This system of collective security measures depends in part on the competency and capabilities of each individual partner. As such, maintaining effective standards and best practices is critical.

The recent attempts to attack the United States—the plot aboard Northwest Airlines (NWA) Flight 253 on December 25, 2009, and the October 28, 2010 cargo plot using aircraft to conceal and ship explosive devices—highlight the fact that the terrorist threat is a global challenge and ensuring aviation security is a shared responsibility.

In our testimony today, we would like to discuss DHS's role in responding to the October 28 cargo plot and some of the initiatives we are looking to implement in the long term, followed by a broader discussion of our efforts post–12/25 in enhancing international aviation security. We will conclude with some observations on the way forward.

The October 28 Plot

Similar to the NWA 253 plot, as the events of October 28 unfolded, DHS took a number of actions to immediately ensure the safety and security of the American people. The Transportation Security Administration (TSA) and U.S. Customs and Border Protection (CBP) immediately took measures to enhance existing protocols for screening inbound cargo, including temporarily grounding all packages originating from Yemen destined for the United States. With constant communication and coordination with the private sector, and with international and government partners, we were able to support the larger effort by the U.S. government to successfully disrupt this plot before it did any harm. As we continue to address the threat to air cargo, DHS continues to gather and analyze information and develop intelligence on the packages intercepted from Yemen.

In the days immediately following the attempted plot, at the direction of President Obama and Secretary Janet Napolitano, TSA deployed a team of security specialists to Yemen to provide assistance and guidance to the Government of Yemen regarding its cargo screening procedures. TSA also conducted significant outreach with more than 100 foreign governments, more than 200 foreign air carriers, and several in-

dustry organizations to discuss the common transportation security threats we all face and the cooperative actions we could take to address security vulnerabilities.

On November 2, Secretary Napolitano spoke with leaders of the international shipping industry, including UPS, DHL, FedEx, and TNT, about enhancing air cargo security. During that discussion, Secretary Napolitano underscored her commitment to partnering with the shipping industry to strengthen cargo security through enhanced screening and preventative measures, including terrorism awareness training for shipping industry personnel.

Following her dialogue with shipping industry leaders, Secretary Napolitano spoke with International Air Transport Association (IATA) Director General Bisignani about the Department's continued collaboration with our private sector and international partners to secure the global supply chain through a layered security approach that is designed to identify, deter, and disrupt threats at the earliest possible point. The Secretary also reiterated her commitment to ongoing coordination with the airline and shipping industries to uphold TSA security standards, including the vetting of personnel with access to cargo, employee training, and cargo screening procedures.

DHS also issued additional directives to the airline industry on the non-acceptance or enhanced screening of high-risk packages on passenger and all-cargo flights. Specifically, on November 8, Secretary Napolitano announced that:

- The ban on air cargo from Yemen will continue and has been expanded to all air cargo from Somalia;
- No high-risk cargo will be allowed on passenger aircraft;
- Toner and ink cartridges weighing 16 ounces or more will be prohibited on passenger aircraft in both carry-on bags and checked bags on domestic and international passenger flights in-bound to the United States, as well as certain inbound international air cargo shipments; and
- All cargo identified as high-risk will go through additional and enhanced screening, including inbound international mail packages, which must be screened individually and certified to have come from an established postal shipper.

DHS Initiatives

Beyond the immediate actions taken as a result of the directives discussed above, DHS is working to develop a range of longer-term and sustainable security solutions to address this real and constantly evolving threat.

First and foremost, DHS will accelerate work that has been ongoing since early this year to obtain critical information on the goods, conveyances, and entities involved in the shipment of air cargo to the United States prior to the loading of that cargo on an aircraft. The Department relies upon a risk-based and layered approach to security that allows us to focus our resources on the greatest threats and helps us speed delivery of lawful shipments. This approach is only as good as the data we gather about each shipment; and DHS is constantly striving to improve the quality and timeliness of the data we receive.

We are exploring additional pilot programs to augment several of the pilots that have been operational since early 2010 to better understand the type, quality, and timeliness of the pre-departure information we may require in the future. These pilots will ensure that we derive the most security benefit from any additional requirements and have considered the wide range of policy and operational factors that will need to be addressed. For instance, while some entities may be in a position to provide the necessary information now, others may need time to develop the appropriate technical systems or business processes. In addition, procedures for further inspecting and adjudicating suspicious cargo will need to be refined, as DHS does not currently have a physical presence in many airport locations where air carriers and host nation partners conduct the inspections. DHS is committed to moving forward with a pre-departure initiative and is developing a more detailed timeline and work plan.

In addition to seeking pre-departure information, we are also working with our international and private sector partners to expand and strengthen other important layers of security including:

- prioritized engagement with worldwide cargo hubs and high-risk/high-threat shipping locations;
- development and sharing of intelligence and information gathering capabilities to target high risk cargo;
- continued promotion and development of next-generation technologies that can identify threat material; and

- coordination and mutual recognition of processes and programs among federal partners and also, where possible, among private and public sector partners with a role in aviation security.

It is critical that DHS and other federal stakeholders work closely with the variety of private sector entities that own and operate the air cargo system to ensure that strong and sensible security measures are developed that both protect the aviation system and facilitate the movement of legitimate trade that is so essential to our economic prosperity. To highlight the crucial role of the private sector in this area, it is important to note that FedEx, UPS, DHL, and TNT together employ more than 1 million people around the world, and own or operate more than 1,700 aircraft. Each of these companies has operations in more than 200 countries. In 2008, air merchandise trade comprised almost 30 percent of U.S. exports by value, totaling approximately $390 billion, and almost 20 percent of U.S. imports by value, totaling more than $417 billion. Combined, that represents more than $800 billion of U.S.-international merchandise trade.

DHS and Aviation Security Post-12/25

Over the past 11 months, DHS has embarked on an unprecedented international campaign to elevate the importance of aviation security worldwide, with a focus on four priorities: strengthening aviation security measures and standards; developing and deploying new security technologies and measures; enhancing information gathering and sharing; and coordinating international technical assistance. Today we would like to highlight the advancements made in each of these categories.

Strengthening Aviation Security Measures and Standards

The global dimensions of the attempted attacks in December 2009 and October 2010 highlight the importance of international partnerships in mitigating evolving threats to our security. Over the past year, under the leadership of Secretary Napolitano, DHS and its components, including TSA, CBP, and Immigration and Customs Enforcement (ICE), have accelerated efforts to enhance and harmonize international and domestic aviation security standards.

In order to enhance global aviation security measures and standards, DHS initiated a broad international campaign to strengthen the global aviation system against the evolving threats posed by terrorism. After initial outreach following the December 2009 attempted attack that laid the groundwork for improved aviation security standards, Secretary Napolitano participated in four Regional Aviation Security Conferences hosted by Mexico, Japan, Nigeria, and the United Arab Emirates while working in concert with the International Civil Aviation Organization (ICAO) to increase international awareness and strengthen global aviation security measures. Secretary Napolitano also traveled to Spain and met with European ministers during the Justice and Home Affairs Informal Meeting on January 22, 2010, to promote enhanced global aviation standards. These five regional conferences and meetings included broad participation from elected leaders, security ministers, and airline officials across Europe, the Western Hemisphere, the Asia Pacific region, Africa, and the Middle East and resulted in the signing of historic joint declarations on improved aviation security standards in each region.

The ICAO General Assembly, held from September 28 to October 8 in Montréal, Canada, is a significant and essential global forum for advancing aviation security. Secretary Napolitano participated in this forum along with leaders from the majority of ICAO's 190-member states. Among the important security initiatives adopted by the General Assembly was the ICAO Declaration on Aviation Security, which was derived from the priorities and resulting Declarations endorsed at the five regional conferences and meetings held earlier in the year. The Declaration contains language on a number of key DHS aviation security priorities to help bolster global aviation security, including: increased screening technology, improved information sharing, enhanced cargo and airport security, expanded onboard flight protection, and increased transparency of ICAO audits. ICAO has also developed the Comprehensive Aviation Security Strategy (ICASS) that establishes the strategic framework for ICAO's aviation security efforts for the next 6 years. As President Obama noted, "the extraordinary global collaboration demonstrated by the nearly 190 ICAO countries during the ICAO General Assembly helped to bring about a truly 21st century international aviation security framework that will make air travel safer and more secure than ever before." The efforts taken by ICAO renew focus on aviation security and promote innovative, effective, and efficient security approaches, information sharing, and compliance and oversight, and emphasize the importance of security among sovereign states and stakeholders, as well as within ICAO.

Annex 17 to the ICAO Convention on International Civil Aviation has included cargo screening and security controls provisions well before September 11, 2001, and

the provisions have been further updated in the most recent iteration, Amendment 12, adopted in November 2010. As with other aspects of aviation security, there is still a need to improve performance internationally. In order to advance this concept, on November 16, 2010, TSA leadership met with the ICAO Secretary General and representatives from several countries and industry to discuss near-, mid-, and long-term actions informed by the most current threat information and intelligence. Discussions focused on implementing a graduated approach, led by ICAO, to identify ways to enhance cargo security worldwide.

This endeavor must be a collaborative mechanism for international counterparts from governments and industry to come together to discuss the threat from a risk perspective and identify actionable mitigation options. As this undertaking evolves, it will also serve as a model for the establishment of a mechanism for timely incident management led by ICAO, and also help to unify the global response as incidents occur.

We anticipate that this effort will encourage collaboration among international partners including both industry and organizations. Key priorities include the prioritized engagement with key cargo hubs and high threat cargo shipment countries; the establishment of a standard definition of high-risk cargo; development of chain of custody requirements and compliance requirements; development of multinational compliance teams and technology teams; information sharing; training; and development of ICAO guidance related to air cargo security. This guidance will be built upon the consensus of the international community along with outreach to industry and governments. Longer-term options under consideration include development of fortified devices to ensure minimal impact to the aircraft in addition to more rigorous standards for air cargo security at the international level.

The Department continues to support ICAO's Universal Security Audit Program (USAP), an essential tool for overseeing the implementation of the security measures set forth in Annex 17 to the Convention on International Civil Aviation. DHS supports the use of audit results to prioritize technical cooperation and capacity development as well as the greater transparency of audit results among member states when significant security concerns are found and verified.

Immediately following the air cargo incident, TSA participated in the ICAO Points of Contact Network and communicated directly with all countries with flights to the United States from the Western Hemisphere, Asia-Pacific, Europe, Africa, and the Middle East. In addition, TSA coordinates closely with the European Union (EU) on all transportation security issues of mutual concern, including through formal meetings twice per year of the U.S.-EU Transportation Security Coordination Group (TSCG). Immediately after we learned of the air cargo threat, TSA consulted with EU officials as new requirements were developed for flights to the United States and participated via video teleconference in the EU Aviation Security Emergency meeting on November 5, 2010, to specifically discuss air cargo.

Additionally, we encourage the continuance of regional aviation security conferences to improve aviation standards amid evolving threats. In her opening remarks at the ICAO General Assembly, Secretary Napolitano encouraged other member states to continue to hold these conferences after the ICAO Assembly concluded. All of these priorities have and will continue to help strengthen aviation security standards and measures worldwide.

Developing and Deploying New Security Technologies

Since January 2010, DHS and its components have facilitated the development and deployment of new security technologies and measures around the world. Already, more than a dozen nations have joined the United States in strengthening their aviation systems by increasing their aviation security budgets and accelerating the use of new technologies. Today we would like to highlight several of these security enhancements:

- *Increased Deployment of Advanced Imaging Technology (AIT)*: AIT machines bolster security by safely screening passengers for metallic and non-metallic threats including weapons, explosives, and other objects concealed under layers of clothing. To date, 13 countries have joined the United States in utilizing AIT. The Netherlands and Nigeria, two countries through which Umar Farouk Abdulmutallab traveled before his flight to Detroit, are deploying AIT. The Netherlands has specifically announced the deployment of AIT units for all U.S.-bound flights from Schiphol Airport. Additionally, Canada, Denmark, Germany, France, Italy, Japan, Korea, Russia, Spain, Ukraine, and the United Kingdom have all either deployed or announced plans to conduct trial runs of AIT units in their major airports. Domestically, TSA's deployment of AIT machines incorporates vigorous privacy controls to protect passenger privacy and ensure anonymity while ensuring operational effectiveness.

- *Expansion of Federal Air Marshal Service (FAMS)*: The FAMS deploys Federal Air Marshals on U.S. carrier flights worldwide to detect, deter, and defeat hostile acts targeting U.S. air carriers, airports, passengers, and crews. This past year, TSA has finalized numerous Memoranda of Understanding (MOU) between the United States and foreign countries to allow FAMS coverage on U.S. carrier flights into and out of those countries. Additionally, more than a dozen foreign countries have developed their own air marshal programs for their national carriers, including for flights to and from the United States. We can expand on this initiative in a classified setting, and we are happy to arrange a briefing for you or your staff.
- *Screening Air Cargo*: As of August 1, 2010, 100 percent of air cargo loaded on passenger flights originating in the United States is screened for explosives. CBP and TSA are currently working to address international inbound air cargo through a combination of additional program requirements and coordination with key partners on comparability of national cargo security programs.

All of these security enhancements have contributed substantially to bolstering international aviation security and mitigating threats to the nation.

Enhancing Information Gathering and Sharing

Over the past 11 months, DHS has also worked to enhance information gathering and sharing processes to diminish vulnerabilities and mitigate threats to global aviation security. The following are several examples of enhanced information-gathering and sharing programs and processes:

- *100 percent Watchlist Screening/Expansion of Secure Flight*: At the end of November, DHS achieved a major aviation security milestone, and fulfilled a key 9/11 Commission recommendation by assuming responsibility from the airlines for terrorist watchlist screening for 100 percent of aircraft operators covered by the Secure Flight Final rule for flights within, from, or bound for the United States—a month ahead of schedule. In addition to facilitating secure travel for all passengers, the program helps prevent the misidentification of passengers who have names similar to individuals on government watchlists. Prior to Secure Flight, airlines held responsibility for checking passengers against watchlists.
- *Improved Information Sharing*: In April 2010, DHS launched a new initiative to expand information-sharing capabilities among its components on smuggling techniques and tactics. This includes daily briefings to TSA frontline officers on concealment techniques and tactics through a collaborative information sharing process established among CBP, TSA, and other DHS components. Additionally, TSA is in the process of granting secret-level clearances to a greater number of TSA employees, significantly enhancing TSA's ability to leverage the best intelligence and maximize the benefits of information sharing.
- *Expansion of CBP's Global Entry Program*: Global Entry is a program operated by CBP to allow for the expedited clearance of pre-approved low-risk air travelers into the United States. The Global Entry vetting process includes checking applicant data against law enforcement databases and terrorist watchlist (Terrorist Screening Data base) records, an in-depth interview with a CBP officer, and an electronic collection of biometrics that are checked against FBI and DHS biometric databases. Participants are re-vetted every 24 hours to ensure no new derogatory information has arisen. CBP is currently working with several foreign customs/immigration administrations (United Kingdom, Germany, France, Japan, Korea, Canada, and Mexico) to develop agreements and arrangements supporting expanded participation in Global Entry.
- *Expansion of Immigration Advisory Program (IAP)*: CBP works with foreign governments to sign IAP arrangements to allow the posting of CBP officers at international airports to review the documents of U.S.-bound passengers to inform the boarding decisions of airlines or foreign officials. Currently, IAP is operational at 11 locations in nine countries, including the Joint Security Program in Mexico.
- *Enhanced Science and Technology (S&T) Partnerships*: DHS continues to build upon and effectively leverage S&T agreements with the United Kingdom, Canada, Australia, Sweden, Singapore, Mexico, Germany, Israel, France, New Zealand, and the European Commission to ensure that we have identified the most promising aviation security technologies and techniques around the globe.
- *Expanded Electronic System for Travel Authorization (ESTA) and Visa Waiver Program (VWP)*: The VWP, which allows citizens from participating countries to travel to the United States for up to 90 days without a visa, requires trav-

elers to apply and be screened for and receive travel authorization via ESTA before boarding a U.S.-bound flight. As of November 30, 2010, a total of 27,931,088 applications have been processed, with approximately 0.33 percent denied.

All of these initiatives have enhanced information-gathering and sharing processes to help improve international and domestic aviation security measures and diminish threats to global aviation security.

Coordinating International Technical Assistance

Finally, in collaboration with ICAO and the Department of State, DHS continues to conduct extensive training with foreign counterparts to strengthen identified areas of weakness within a nation's aviation security environment. TSA has provided more than 30 training courses to 30 foreign governments in the areas of cargo security, screening techniques for passengers and baggage, security management, and quality control. TSA also established the Aviation Security Sustainable International Standards Team initiative to provide the full spectrum of in-depth training and technical assistance. Successful programs have been conducted with Liberia and Saint Lucia, and an initial training needs assessment was performed in Yemen as part of a proposed project under the oversight of ICAO. TSA is also working with the European Civil Aviation Conference on a capacity development project with Georgia. Serving as an ICAO-approved training center, TSA provides several security workshops throughout the year on behalf of ICAO. An additional effort underway through ICAO involves coordination among contracting states to better identify capacity development needs around the world, leverage resources where possible, and ensure better overall collaboration and coordination within the international community for all training and capacity development activity.

This past year, TSA collaborated with more than 100 foreign governments and more than 200 foreign air carriers to address aviation security threats and strengthen joint aviation security measures. TSA also conducted 133 airport assessments, including 14 surveys; 793 air carrier inspections, including 68 passenger cargo inspections; and 75 cargo visits at international airports with flights to the United States. All of these initiatives have contributed to bolstering global aviation standards and mitigating threats to the nation.

Items for Consideration on the Way Forward

Effectively responding to a global challenge like aviation security requires trust and collaboration between nations. Among our remaining challenges is the false notion that privacy and data protection standards in the United States and the European Union (EU) are irreconcilable. As a result, several bilateral agreements that would improve information sharing on known offenders remain unsigned and some EU officials are now looking to restrict one of the most powerful tools we have for identifying risks to our aviation system, the review of data from passenger name records (PNR)—information that passengers give to travel agencies and airlines to book flights and that is provided to CBP in advance of a flight to prescreen passengers who may pose a risk to our nation's security. This data is invaluable as evidenced by the fact that the United States has successfully used PNR more than 3,000 times in 2008 and 2009, including in the investigation of many of the most notable terrorist plots in the United States over the last year. Likewise, our ability to protect it has been proven through multiple reviews by U.S. authorities and with the EU.

The United States is firmly committed to strong privacy protections that govern how we collect, store, and share information. At DHS, our Office for Civil Rights and Civil Liberties and our Privacy Office are involved in every step of the policy-making process, building in civil rights, civil liberties, and privacy protections to new security measures from the very beginning. For example, compliance documentation on all the DHS programs I have mentioned today is publicly available on our website. These Privacy Impact Assessments and Systems of Records Notices are a comprehensive review of new or proposed Department programs, systems, technologies or rule-makings that assess privacy risks, and recommend privacy protections and alternative methods for handling personally identifiable information (PII) to mitigate those risks. Additionally, privacy protections are not only included, but are central to every information-sharing agreement and program that we carry out with partner countries.

DHS also continues to prioritize and improve the redress program for passengers who believe they have been misidentified or improperly delayed or prohibited from boarding an aircraft. All DHS aviation security programs use the results of the redress process to help prevent future misidentifications.

In discussions with our foreign counterparts, we have continued to stress that stronger coordination with international allies will allow the United States to share information about terrorists and other dangerous individuals more effectively. This exchange will make all passengers safer. In a time of rapidly evolving threats from terrorism, we have to leave behind the false notion that civil liberties and security are opposing values.

Conclusion

Over the past 11 months, we have made substantial progress in improving aviation security standards around the world. DHS has strengthened international partnerships, enacted key domestic and international security enhancements, and established benchmark international aviation security guidance. Evolving aviation security threats against the United States will continue to present new challenges. While we cannot eliminate all threats to aviation, we can mitigate these threats as we continue to improve domestic and international aviation security measures.

This past year, DHS concluded our nation's first ever Quadrennial Homeland Security Review. In it we set forth a vision of a safe, secure, and resilient homeland where American interests, aspirations, and way of life can thrive. We articulated clear missions, goals, and objectives to accomplish this vision. In the end, we concluded that we all must play a role to protect our nation—and in the commitment of each, we will secure the homeland for all. That same conclusion is true for all of those who comprise the international aviation system: in the commitment of each, we will secure the system for all.

DHS appreciates the support that this Committee has shown for our work on improving aviation security measures internationally and domestically. We have been able to make the progress we have in part because of your steadfast support to enhance aviation security standards and we look forward to working with you further on these efforts. Thank you again for the opportunity to testify. We are happy to take any questions you may have.

Senator DORGAN. Mr. Heyman, thank you very much for your testimony.

Next we will hear from Ms. Vicki Reeder, TSA Office of Global Strategies. Ms. Reeder, you may proceed.

STATEMENT OF VICKI REEDER, DIRECTOR OF GLOBAL COMPLIANCE, OFFICE OF GLOBAL STRATEGIES, TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

Ms. REEDER. Chairman Dorgan, Chairman Rockefeller, Senator Johanns, and Senator Lautenberg: Thank you very much for the opportunity to testify before you today on the topic of efforts to improve aviation security standards.

The Transportation Security Administration is a component agency within DHS charged with protecting the nation's transportation systems. In addition to travel within and from the United States, TSA ensures that robust security is applied to all U.S. airlines regardless of where they're flying and to all flights operating directly to the U.S. With a daily network of thousands of flights linked across the globe, the security and performance of our individual operations are only as strong as those of our international partners.

Within TSA, the Office of Global Strategies, or OGS, works with the international partners to ensure that that security is established and maintained. OGS conducts these efforts through three primary missions. The first one is compliance, which I'll explain, and that's the one of which I'm the director. We conduct outreach and engagement and we conduct capacity development.

We use a risk-based approach that looks at the threat, the vulnerability, and the consequence in place for each of the flights and

at each of the airports that provide the service that we evaluate. In compliance, my group identifies and evaluates the risk that is in place, the threat and the vulnerability that's in place at each of the airports that we've been charged to evaluate. We look at all airports, all 300-plus airports, from which U.S. air carriers operate, those from which foreign air carriers operate to the United States, those that pose a high risk to international air travel, and those that we've been informed to do so by the Secretary of Homeland Security.

OGS has five regional operations centers and approximately 65 inspectors who perform all this work. The 300 airports are visited on a 1- to 3-year interval depending on the amount of risk that has been identified associated with those airports. The evaluations at those airports are based on International Civil Aviation Organization, or ICAO, standards and recommended practices. So these are the international requirements for the airport assessments.

OGS also conducts inspections of every air carrier that flies to the United States and every U.S. air carrier operation around the world, regardless of where they're flying. Our evaluations of those operations are based on TSA regulations. Those regulations are codified in the standard security programs, the security directives, and the emergency amendments. These are the mechanisms through which TSA is able to regulate, able to direct activities be taken at foreign countries and foreign airports.

Through our outreach and engagement efforts, we work with international counterparts at the global, the regional and at the bilateral levels. At the global level, we work very closely with the International Civil Aviation Organization and our focus is on enhancing baseline international security standards. At the regional and bilateral levels, we deploy TSA representatives at locations throughout the world to work on developing effective transportation security measures, share best practices, and coordinate implementation of appropriate responses when new and emerging threats arise.

OGS also conducts outreach and engagement with the airline industry, especially with the foreign air carriers. Other components of TSA work with the U.S. carriers. OGS works with the foreign carriers and with the associations. We ensure that the necessary security requirements are implemented and that airlines are alerted to the threats as best we can.

Finally, capacity development is the third leg of our stool at TSA. We help partners build sustainable aviation security practices through this capacity development effort. We have a team of instructors and inspectors who are able to go to various countries, to various airports, evaluate their security posture, identify areas where they need additional help, and then we work with State Department, Organization of American States, and other funding sources to get the mechanisms to be able to pay for extended support to various locations.

Two such locations were St. Lucia and Liberia, but we've been working extensively with Yemen. In fact, we have a team in Sanaa that leaves tomorrow. They had been there for 2 weeks early in November working with the Yemenese and we have a program that

will be starting up in the very near future that will be an 18-month program with Yemen.

In the past 11 months, we've taken a number of initiatives that have enabled us to make gains on compliance, in outreach and engagement, and in capacity development. For example, we've deployed personnel to the Winter Games in Vancouver, to the FIFA World Cup, and to Haiti following the earthquake.

In areas of outreach and engagement, we've signed agreements with ICAO for additional seconded positions and we've exchanged liaison officers with foreign governments. In the area of capacity development, we have concluded the efforts in St. Lucia and we're about to conclude the efforts in Liberia.

We look forward to your questions and I defer to Mr. Lord for the additional GAO comments.

Senator DORGAN. Ms. Reeder, thank you very much for your testimony.

Next we will hear from Mr. Stephen Lord. He represents the Government Accountability Office and he is the Director of Homeland Security and Justice Issues in that office. Mr. Lord.

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

Mr. LORD. Thank you, Mr. Chairman. I as well am honored to appear at your last hearing that you chair, and we also wanted to thank you for your years of service.

Today I would like to discuss U.S. efforts to harmonize aviation security standards with those of other nations. As the other witness mentioned, the December 25 terrorist incident in Detroit and the recent air cargo incident in Yemen underscore the importance of undertaking efforts to harmonize these standards. Today I'd like to do essentially two things: discuss DHS and TSA's progress in harmonizing international aviation standards and practices, as well as discuss some of the related challenges they encounter in doing so.

One of the key messages I wanted to convey today is TSA and DHS have taken several important steps over these last few weeks and months. At the same time, I think it's important to point out that harmonization is not a new concept. These efforts have been ongoing for many years and progress has been incremental and deliberate.

For example, the first amendment to the ICAO annex on aviation security was adopted in 1976. The latest amendment, Amendment 12, was approved last month after 3 years of patient negotiation. In terms of progress and as noted by Mr. Heyman, the Secretary of Homeland Security has participated in five regional summits since the beginning of the year. The security principles espoused during these regional summits form the basis for ICAO's September Declaration on Aviation Security. This is a very significant achievement.

In this declaration, all ICAO participants agree to undertake efforts to strengthen security screening procedures, utilize modern technologies to better detect explosives and dangerous items, as well as provide technical assistance to those in need.

It's also worth noting that TSA plays a very important role in these harmonization efforts. For example, TSA has been at the forefront of efforts to encourage other countries to adopt advanced imaging technology, the so-called body scanners, and at least 13 other nations are now testing or deploying these scanners or have committed to deploying them in the near future.

The agency has also worked closely with foreign governments in drafting the latest amendment to the ICAO annex on aviation security. A major focus of the recent negotiations is air cargo. As GAO recently reported, however, harmonizing air cargo standards is extremely difficult because of the global nature of the air cargo supply chain as well as other regulatory and logistical challenges and the number of players involved. As the TSA Administrator noted in a recent hearing before this committee, TSA is going to need several more years before it can effectively ensure that all inbound air cargo—that's air cargo coming, flying into our country—is fully screened in accordance with 9/11 Act requirements.

It's important—I'd like to give Ms. Reeder a nod. It's important that the TSA's foreign airport assessment program helps achieve these broad harmonization goals through the foreign airport assessment program she manages. Through the program, TSA reviews the security practices of foreign airports and they help identify where a country might need additional security training and technical assistance. We think that's a very useful expenditure of TSA resources. We'll have more to say about this program next year. We're currently doing a comprehensive audit and we expect to report out on this probably the middle of next year.

At the same time, I'd like to also highlight a number of challenges that DHS and TSA face in their efforts to harmonize. First, harmonization depends on the voluntary participation of foreign countries, which as sovereign nations cannot be compelled to implement specific security standards. Second, many developing countries do not have the financial resources or human capital to enhance their security programs in a manner that's consistent with our expectations.

And third, legal and cultural factors sometimes inhibit harmonization efforts. I think a great example is some of the recent concerns that countries across the world have expressed about adopting body scanners. They've expressed concerns related to privacy and health.

In closing, the recent air cargo plot demonstrates that enhancing aviation security is a shared responsibility among U.S., foreign, and industry stakeholders. The harmonization efforts we're discussing today should be considered part of our nation's strategy for improving aviation security and deterring future threats. However, other elements include timely intelligence, effective technology, well trained and capable staff, and regular oversight such as conducted by this committee.

Mr. Chairman, that concludes my statement. I look forward to your questions.

[The prepared statement of Mr. Lord follows:]

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

Mr. Chairman and members of the Subcommittee:

I appreciate the opportunity to participate in today's hearing to discuss the Department of Homeland Security's (DHS) efforts to work with foreign partners to enhance international aviation security. The December 25, 2009, attempt to detonate an explosive during an international flight bound for Detroit, and the October 2010 discovery of explosive devices in air cargo packages bound for the United States from Yemen, provide vivid reminders that civil aviation remains a key terrorist target and highlight the importance of working with foreign partners to enhance international aviation security. In response to the December 2009 incident, the Transportation Security Administration (TSA) mandated enhanced security measures for air carriers at United States airports and for all international flights—prior to departure—bound for the United States.[1] Additionally, the President directed DHS to take a number of steps to enhance aviation security including strengthening international coordination on aviation security issues and pursuing enhanced screening technology, protocols, and procedures. Following the October 2010 bomb attempt in cargo originating in Yemen, TSA also implemented additional security requirements to enhance air cargo security.[2]

To this end, DHS has increased its ongoing efforts to work with foreign partners to coordinate security standards and practices among nations—a process known as harmonization. Harmonization, as defined by DHS, refers to countries' efforts to coordinate their security standards and practices to enhance security as well as the mutual recognition and acceptance of existing security standards and practices aimed at achieving the same security outcome.[3] TSA also facilitates compliance with existing international standards and practices by coordinating assessments of foreign airports with foreign nations. Through its foreign airport assessment program, and using international standards and recommended practices, TSA determines whether foreign airports that provide service to the United States are maintaining and carrying out effective security measures.

The Aviation and Transportation Security Act (ATSA), enacted into law shortly after the September 11, 2001, terrorist attacks, established TSA and gave the agency responsibility for securing all modes of transportation, including the nation's civil aviation system, which includes air carrier operations (domestic and foreign) to, from, and within the United States.[4] For example, ATSA requires that TSA provide for the screening of all passengers and property, including air cargo, transported on passenger aircraft.[5] ATSA further requires that a system be in operation to screen, inspect, or otherwise ensure the security of the cargo transported by all-cargo aircraft—aircraft that carry only cargo and no passengers—to, from, and within the United States.[6] TSA also assesses the effectiveness of security measures at foreign airports served by a United States air carrier, or from which a foreign air carrier serves the United States, at intervals deemed appropriate by the Secretary of Home-

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[1] See, for example, TSA, SD 1544–09–06E (Apr. 2, 2010); EA 1546–09–01D (Jan. 3, 2010).

[2] On November 8, 2010, DHS announced security measures in response to the Yemen incident. Specifically, TSA banned cargo originating from Yemen and Somalia from transport into the United States; banned the transport of cargo deemed high-risk on passenger aircraft; prohibited the transport of toner and ink cartridges weighing 16 ounces or more on passenger aircraft in carry-on and checked luggage; and required additional screening of high-risk cargo prior to transport on an all-cargo aircraft.

[3] For the purposes of this statement, "standards and practices" refers to statutory, regulatory and other requirements as well as any measures or practices imposed or followed by a country to secure its civil aviation system. This general term encompasses the International Civil Aviation Organization (ICAO) "standards and recommended practices" also referred to in this statement.

[4] See Pub. L. No. 107–71, 115 Stat. 597 (2001).

[5] See Pub. L. No. 107–71, § 110(b), 115 Stat. at 614–15 (codified as amended at 49 U.S.C. § 44901). The U.S. Customs and Border Protection (CBP) also plays a role in securing inbound cargo by selectively screening cargo upon its arrival in the United States. CBP has primary responsibility for preventing terrorists and implements of terrorism from entering the United States. CBP is currently coordinating with TSA to determine the feasibility of using CBP's Automated Targeting System—a system used by DHS to match travelers and goods against certain screening information and intelligence—to support TSA's efforts toward screening 100 percent of inbound air cargo. In discussing how a system to target certain shipments for screening will fit into TSA's overall plans to screen 100 percent of inbound air cargo, officials stated that ATS would provide an additional layer of scrutiny for all cargo entering the United States.

[6] See 49 U.S.C. § 44901(f) (requiring the system to be in operation as soon as practicable after the date of enactment—November 19, 2001—but without establishing a firm deadline).

land Security.[7] TSA further requires that domestic and foreign air carriers with operations to, from, or within the United States establish and maintain TSA-approved security programs and comply with any applicable security directives or emergency amendments to air carrier security programs.[8]

On a global basis, the International Civil Aviation Organization (ICAO), a specialized agency of the United Nations representing 190 countries, has established security standards and recommended practices to help ensure a minimum baseline level of international aviation security among member nations.[9] These international aviation security standards and recommended practices are detailed in Annex 17 to the Convention on International Civil Aviation, as adopted by ICAO. Although TSA security requirements generally encompass (and in several instances exceed) the ICAO standards and recommended practices, the ICAO standards and recommended practices are broad and open to different interpretations. As such, there are wide variations among the aviation security practices adopted by ICAO member nations. For example, some nations require passengers to remove their shoes for screening at airport passenger checkpoints while others do not. TSA officials stated that countries may utilize different approaches to achieve the same outcome and that DHS and TSA work closely with their international partners and with other U.S. agencies, such as the U.S. Department of State (State), to enhance existing international standards and practices through harmonization efforts.

My testimony today discusses DHS's progress and challenges in enhancing international aviation security standards and practices through harmonization efforts and facilitating compliance with ICAO standards and recommended practices. My comments are based, in part, on our prior reports and testimonies issued from April 2007 through June 2010 addressing the security of the passenger and air cargo transportation system.[10] For these reports, we reviewed relevant documents related to the programs reviewed and interviewed cognizant DHS and TSA officials. In addition, we obtained updated information in September 2010 on TSA's efforts to address recommendations we made in 2007 to improve its foreign airport assessments program. More detailed information on our scope and methodology appears in our published reports.

This statement is also partly based on observations from our work—conducted from April 2010 through November 2010—assessing the progress that DHS and its component agencies have made in enhancing international aviation, and ongoing work assessing TSA's foreign airport assessment program, which will be issued next year. To conduct this work we reviewed relevant documents related to TSA's passenger screening, air cargo security, and foreign airport assessment programs in-

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[7] See 49 U.S.C. § 44907. While § 44907 requires that TSA conduct foreign airport assessments at intervals deemed necessary, in practice TSA may not perform an assessment of security measures at a foreign airport without permission from the host government.

[8] See 49 U.S.C. §§ 44903, 44906; 49 C.F.R. pts. 1544–46. TSA also conducts security inspections of foreign and United States-based air carriers with service to the United States from foreign countries to ensure compliance with applicable security requirements, including those set forth in the air carriers' TSA-approved security programs.

[9] ICAO is responsible for the safe, orderly, and efficient development of international civil aviation. ICAO was formed following the 1944 Convention on International Civil Aviation (the Chicago Convention). Signatory nations to the ICAO convention agree to cooperate with other member states to meet standardized international aviation measures. An ICAO standard is a specification for the safety or regularity of international air navigation, with which member states agree to comply; whereas, a recommended practice is any desirable specification for safety, regularity, or efficiency of international air navigation, with which member states are strongly encouraged to comply. Member states are expected to make a genuine effort to comply with recommended practices.

[10] See GAO, *Aviation Security: Progress Made but Actions Needed to Address Challenges in Meeting the Air Cargo Screening Mandate,* GAO–10–880T (Washington, D.C.: Jun. 30, 2010); *Aviation Security: TSA Has Made Progress but Faces Challenges in Meeting the Statutory Mandate for Screening Air Cargo on Passenger Aircraft*, GAO–10–446 (Washington, D.C.: Jun. 28, 2010); *Aviation Security: TSA Is Increasing Procurement and Deployment of the Advanced Imaging Technology, but Challenges to This Effort and Other Areas of Aviation Security Remain*, GAO–10–484T (Washington, D.C.: Mar. 17, 2010); *Homeland Security: Better Use of Terrorist Watchlist Information and Improvements in Deployment of Passenger Screening Checkpoint Technologies Could Further Strengthen Security*, GAO–10–401T (Washington, D.C.: Jan. 27, 2010); *Aviation Security: DHS and TSA Have Researched, Developed, and Begun Deploying Passenger Checkpoint Screening Technologies, but Continue to Face Challenges*, GAO–10–128 (Washington, D.C.: Oct. 7, 2009); *Aviation Security: Preliminary Observations on TSA's Progress and Challenges in Meeting the Statutory Mandate for Screening Air Cargo on Passenger Aircraft*, GAO–09–422T (Washington, D.C.: Mar. 18, 2009); *Aviation Security: Foreign Airport Assessments and Air Carrier Inspections Help Enhance Security, but Oversight of These Efforts Can Be Strengthened*, GAO–07–729 (Washington, D.C.: May 11, 2007); and *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.: Apr. 30, 2007).

cluding TSA aviation security policies and procedures, as well as ICAO aviation security standards and recommended practices, and working group documents. We also interviewed cognizant DHS and TSA program officials, foreign aviation officials from Australia, Canada, the European Union (EU), France, the United Kingdom, and the Netherlands, and representatives from international organizations such as ICAO and international aviation industry associations. While information obtained from our interviews with foreign aviation officials and aviation industry representatives cannot be generalized beyond those contacted because we did not use a probability sampling method to select these officials for interviews, the officials we interviewed provided important perspectives on efforts to enhance international aviation security. All of our prior work, as well as the results of our ongoing work, used for this statement was conducted 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.

DHS Has Made Progress in Its Efforts to Harmonize International Aviation Security Standards and Practices and to Facilitate Compliance through Foreign Airport Assessments, but Can Further Strengthen Assessment Efforts

DHS Has Made Progress in Its Efforts to Harmonize International Aviation Security Standards and Practices

DHS has increased its global outreach efforts. Historically, DHS and its components, working with state, have coordinated with foreign partners on an ongoing basis to promote aviation security enhancements through ICAO and other multilateral and bilateral outreach efforts. For example, DHS and TSA have coordinated through multilateral groups such as the European Commission and the Quadrilateral Group—comprising the United States, the EU, Canada, and Australia—to establish agreements to develop commensurate air cargo security systems. On a bilateral basis, the United States has participated in various working groups to facilitate coordination on aviation security issues with several nations, such as those that make up the EU, Canada, and Japan. The United States has also established bilateral cooperative agreements to share information on security technology with the United Kingdom, Germany, France, and Israel, among others.[11] In addition, TSA has finalized agreements with ICAO to provide technical expertise and assistance to ICAO in the areas of capacity building and security audits, and serves as the United States' technical representative on ICAO's Aviation Security Panel and the panel's various Working Groups.

In the wake of the December 2009 incident, DHS increased its outreach efforts. For example, to address security gaps highlighted by the December incident, DHS has coordinated with Nigeria to deploy Federal Air Marshals on flights operated by U.S. carriers bound for the United States from Nigeria. Further, in early 2010, the Secretary of Homeland Security participated in five regional summits—Africa, the Asia/Pacific region, Europe, the Middle East, and the Western Hemisphere—with the Secretary General of ICAO, foreign ministers and aviation officials, and international industry representatives to discuss current aviation security threats and develop an international consensus on the steps needed to address remaining gaps in the international aviation security system.[12] Each of these summits resulted in a Joint Declaration on Aviation Security in which, generally, the parties committed to work through ICAO and on an individual basis to enhance aviation security. Subsequently, during the September 2010 ICAO Assembly, the 190 member states adopted a Declaration on Aviation Security, which encompassed the principles of the Joint Declarations produced by the five regional summits.[13] Through the declaration, member states recognized the need to strengthen aviation security worldwide

[11] For example, in January 2010 the United States signed an Agreement on Science and Technology Cooperation with New Zealand to establish a framework to encourage, develop, and facilitate bilateral coordination in science and technology by means that include, but are not limited to, facilitating a systematic exchange of technologies, personnel, and information, as well as collaborating to develop technologies and prototype systems that assist in countering present and anticipated terrorist actions.

[12] Regional summits were held in Abuja, Nigeria; Tokyo, Japan; Mexico City, Mexico; Abu Dhabi, United Arab Emirates, and Toledo, Spain. In addition, the Secretary of Homeland Security and the ICAO Secretary General met with industry representatives from the International Air Transport Association (IATA) in Geneva, Switzerland.

[13] ICAO's member nations—the Assembly—meet at least once every 3 years, at which time member states establish ICAO policy for the following 3 years.

and agreed to take nine actions to enhance international cooperation to counter threats to civil aviation, which include, among other things:

- strengthening and promoting the effective application of ICAO Standards and Recommended Practices, with particular focus on Annex 17, and developing strategies to address current and emerging threats;
- strengthening security screening procedures, enhancing human factors, and utilizing modern technologies to detect prohibited articles and support research and development of technology for the detection of explosives, weapons, and prohibited articles in order to prevent acts of unlawful interference;
- developing and implementing strengthened and harmonized measures and best practices for air cargo security, taking into account the need to protect the entire air cargo supply chain; and
- providing technical assistance to states in need, including funding, capacity building, and technology transfer to effectively address security threats to civil aviation, in cooperation with other states, international organizations and industry partners.

TSA has increased coordination with foreign partners to enhance security standards and practices. In response to the August 2006 plot to detonate liquid explosives on board commercial air carriers bound for the United States, TSA initially banned all liquids, gels, and aerosols from being carried through the checkpoint and, in September 2006, began allowing passengers to carry on small, travel-size liquids and gels (3 fluid ounces or less) using a single quart-size, clear plastic, zip-top bag. In November 2006, in an effort to harmonize its liquid-screening standards with those of other countries, TSA revised its procedures to match those of other select nations. Specifically, TSA began allowing 3.4 fluid ounces of liquids, gels, and aerosols onboard aircraft, which is equivalent to 100 milliliters—the amount permitted by the EU and other countries such as Canada and Australia. This harmonization effort was perceived to be a success and ICAO later adopted the liquid, gels, and aerosol screening standards and procedures implemented by TSA and other nations as a recommended practice.

TSA has also worked with foreign governments to draft international air cargo security standards. According to TSA officials, the agency has worked with foreign counterparts over the last 3 years to draft Amendment 12 to ICAO's Annex 17, and to generate support for its adoption by ICAO members. The amendment, which was adopted by the ICAO Council in November 2010, will set forth new standards related to air cargo such as requiring members to establish a system to secure the air cargo supply chain (the flow of goods from manufacturers to retailers).[14] TSA has also supported the International Air Transport Association's (IATA) efforts to establish a secure supply chain approach to screening cargo for its member airlines and to have these standards recognized internationally.[15] Moreover, following the October 2010 bomb attempt in cargo originating in Yemen, DHS and TSA, among other things, reached out to international partners, IATA, and the international shipping industry to emphasize the global nature of transportation security threats and the need to strengthen air cargo security through enhanced screening and preventative measures. TSA also deployed a team of security inspectors to Yemen to provide that country's government with assistance and guidance on their air cargo screening procedures.

In addition, TSA has focused on harmonizing air cargo security standards and practices in support of its statutory mandate to establish a system to physically screen 100 percent of cargo on passenger aircraft—including the domestic and inbound flights of United States and foreign passenger operations—by August 2010.[16] In June 2010 we reported that TSA has made progress in meeting this mandate as it applies to domestic cargo, but faces several challenges in meeting the screening mandate as it applies to inbound cargo,[17] related, in part, to TSA's limited ability

[14] According to ICAO officials, ICAO member nations have yet to vote on final approval of Amendment 12. If approved by ICAO members, Amendment 12 to Annex 17 will become effective in March 2011 and applicable in July 2010.

[15] IATA is an international trade body that represents 230 airlines comprising 93 percent of scheduled international air traffic. IATA's approach, called Secure Freight, is an attempt to create an air cargo industry comprising certified secure operators in secure supply chains operating to international cargo security standards recognized by relevant state authorities. A pilot test of the Secure Freight program began in the first half of 2010.

[16] Pub. L. No. 110–53, § 1602, 121 Stat. 266, 477–80 (2007) (codified at 49 U.S.C. § 44901(g)).

[17] For the purposes of this statement, domestic cargo refers to cargo transported by air within the United States and from the United States to a foreign location by both United States and

Continued

to regulate foreign entities.[18] As a result, TSA officials stated that the agency would not be able to meet the mandate as it applies to inbound cargo by the August 2010 deadline. We recommended that TSA develop a plan, with milestones, for how and when the agency intends to meet the mandate as it applies to inbound cargo. TSA concurred with this recommendation and, in June 2010, stated that agency officials were drafting milestones as part of a plan that would generally require air carriers to conduct 100 percent screening by a specific date. At a November 2010 hearing before the Senate Committee on Commerce, Science, and Transportation, the TSA Administrator testified that TSA aims to meet the 100 percent screening mandate as it applies to inbound air cargo by 2013.

In November 2010, TSA officials stated that the agency is coordinating with foreign countries to evaluate the comparability of their air cargo security requirements with those of the United States, including the mandated screening requirements for inbound air cargo on passenger aircraft. According to TSA officials, the agency has begun to develop a program that would recognize the air cargo security programs of foreign countries if TSA deems those programs provide a level of security commensurate with TSA's programs. In total, TSA plans to coordinate with about 20 countries, which, according to TSA officials, were selected in part because they export about 90 percent of the air cargo transported to the United States on passenger aircraft. According to officials, TSA has completed a 6-month review of France's air cargo security program and is evaluating the comparability of France's requirements with those of the United States. TSA officials also said that, as of November 2010, the agency has begun to evaluate the comparability of air cargo security programs for the United Kingdom, Israel, Japan, Singapore, New Zealand, and Australia, and plans to work with Canada and several EU countries in early 2011. TSA expects to work with the remaining countries through 2013.

TSA is working with foreign governments to encourage the development and deployment of enhanced screening technologies. TSA has also coordinated with foreign governments to develop enhanced screening technologies that will detect explosive materials on passengers. According to TSA officials, the agency frequently exchanges information with its international partners on progress in testing and evaluating various screening technologies, such as bottled-liquid scanner systems and advanced imaging technology (AIT).[19] In response to the December 2009 incident, the Secretary of Homeland Security has emphasized through outreach efforts the need for nations to develop and deploy enhanced security technologies.

Following TSA's decision to accelerate the deployment of AIT in the United States, the Secretary has encouraged other nations to consider using AIT units to enhance the effectiveness of passenger screening globally. As a result, several nations, including Australia, Canada, Finland, France, the Netherlands, Nigeria, Germany, Poland, Japan, Ukraine, Russia, Republic of Korea, and the UK, have begun to test or deploy AIT units or have committed to deploying AITs at their airports. For example, the Australian Government has committed to introducing AIT at international terminals in 2011. Other nations, such as Argentina, Chile, Fiji, Hong Kong, India, Israel, Kenya, New Zealand, Singapore, and Spain are considering deploying AIT units at their airports on a limited basis. In addition, TSA hosted an international summit in November 2010 that brought together approximately 30 countries that are deploying or considering deploying AITs at their airports to discuss AIT policy, protocols, best practices, as well as safety and privacy concerns. However, as discussed in our March 2010 testimony, TSA's use of AIT has highlighted several challenges relating to privacy, costs, and effectiveness that remain to be addressed.[20] For example, because the AIT presents a full-body image of a person during the screening process, concerns have been expressed that the image is an invasion of privacy.[21] Furthermore, as noted in our March 2010 testimony, it remains unclear whether the AIT would have been able to detect the weapon used in the December 2009 incident based on the preliminary TSA information we have received.[22] We will continue to explore these issues as part of our ongoing review

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foreign-based air carriers, and inbound cargo refers to cargo transported by air from a foreign location to the United States.

[18] GAO–10–446; GAO–10–880T.

[19] AITs produce an image of a passenger's body that security personnel use to look for anomalies, such as explosives. See GAO–10–484T.

[20] GAO–10–484T.

[21] In October 2010, TSA adopted "enhanced patdown" procedures for passengers who decline to be screened using the AIT, which have also raised privacy concerns.

[22] GAO–10–484T.

of TSA's AIT deployment, and expect the final report to be issued in the spring of 2011.[23]

DHS Has Made Progress in Its Efforts to Facilitate Compliance with ICAO Standards through Foreign Airport Assessments but Can Further Strengthen Its Efforts

TSA conducts foreign airport assessments. TSA efforts to assess security at foreign airports—airports served by U.S. aircraft operators and those from which foreign air carriers operate service to the United States—also serve to strengthen international aviation security. Through TSA's foreign airport assessment program, TSA utilizes select ICAO standards to assess the security measures used at foreign airports to determine if they maintain and carry out effective security practices.[24] TSA also uses the foreign airport assessment program to help identify the need for, and secure, aviation security training and technical assistance for foreign countries. In addition, during assessments, TSA provides on-site consultations and makes recommendations to airport officials or the host government to immediately address identified deficiencies. In our 2007 review of TSA's foreign airport assessment program,[25] we reported that of the 128 foreign airports that TSA assessed during Fiscal Year 2005, TSA found that 46 (about 36 percent) complied with all ICAO standards, whereas 82 (about 64 percent) did not meet at least one ICAO standard.[26]

In our 2007 review we also reported that TSA had not yet conducted its own analysis of its foreign airport assessment results, and that additional controls would help strengthen TSA's oversight of the program. Moreover, we reported, among other things, that TSA did not have controls in place to track the status of scheduled foreign airport assessments, which could make it difficult for TSA to ensure that scheduled assessments are completed. We also reported that TSA did not consistently track and document host government progress in addressing security deficiencies identified during TSA airport assessments. As such, we made several recommendations to help TSA strengthen oversight of its foreign airport assessment program, including, among other things, that TSA develop controls to track the status of foreign airport assessments from initiation through completion; and develop a standard process for tracking and documenting host governments' progress in addressing security deficiencies identified during TSA assessments. TSA agreed with our recommendations and provided plans to address them. Near the end of our 2007 review, TSA had begun work on developing an automated database to track airport assessment results.[27] In September 2010 TSA officials told us that they are now exploring ways to streamline and standardize that automated database, but will continue to use it until a more effective tracking mechanism can be developed and deployed. We plan to further evaluate TSA's implementation of our 2007 recommendations during our ongoing review of TSA's foreign airport assessment program, which we plan to issue in the fall of 2011.

Challenges Related to the Harmonization Process and TSA's Foreign Airport Assessment Program May Affect DHS's Progress

Challenges Related to Harmonization

A number of key challenges, many of which are outside of DHS's control, could impede its ability to enhance international aviation security standards and prac-

[23] Our ongoing review of TSA's procurement and deployment of AIT units is requested by Senator George V. Voinovich and Representative John Mica, Ranking-Republican Member, House Committee on Transportation and Infrastructure.

[24] For the purposes of this testimony we refer to both standards and recommended practices as standards. TSA officials said that when conducting airport assessments they focus on 17 ICAO standards the agency deems most critical. TSA assessment teams coordinate with State to arrange briefings for host government and airport officials at the beginning of an assessment and to schedule exit briefings for the officials at the end of the assessment, during which a synopsis of the assessment results is presented. TSA also coordinates with State to provide aviation security training to host nations. For example, State uses TSA instructors to teach an airport security course that is provided to officials from host nations through the department's Anti-Terrorism Assistance (ATA) program.

[25] GAO–07–729.

[26] For the 82 foreign airports that did not meet at least 1 ICAO standard, the average number of standards not met was about 5, and the number of standards not met by an individual airport ranged from 1 to 22. The most common area of noncompliance for foreign airports was related to quality control—mechanisms to assess and address security vulnerabilities at airports. After the Secretary of Homeland security determined that 2 of the 128 foreign airports TSA assessed were not maintaining and carrying out effective security measures, DHS notified the general public of these determinations by the Secretary in accordance with 49 U.S.C. § 44907(d). In 2007 TSA assessed security against 86 of 106 ICAO aviation security standards and practices.

[27] GAO–07–729.

tices. Agency officials, foreign country representatives, and international association stakeholders we interviewed said that these challenges include, among other things, nations' voluntary participation in harmonization efforts, differing views on aviation security threats, varying global resources, and legal and cultural barriers. According to DHS and TSA officials, these are long-standing global challenges that are inherent in diplomatic processes such as harmonization, and will require substantial and continuous dialogue with international partners. As a result, according to these officials, the enhancements that are made will likely occur incrementally, over time.

Harmonization depends on voluntary participation. The framework for developing and adhering to international aviation standards is based on voluntary efforts from individual states. While TSA may require that foreign air carriers with operations to, from, or within the United States comply with any applicable U.S. emergency amendments to air carrier security programs, foreign countries, as sovereign nations, generally cannot be compelled to implement specific aviation security standards or mutually accept other countries' security measures.[28] International representatives have noted that national sovereignty concerns limit the influence the United States and its foreign partners can have in persuading any country to participate in international harmonization efforts. As we reported in 2007 and 2010, participation in ICAO is voluntary.[29] Each nation must initiate its own involvement in harmonization, and the United States may have limited influence over its international partners.

Countries view aviation security threats differently. As we reported in 2007 and 2010, some foreign governments do not share the United States government's position that terrorism is an immediate threat to the security of their aviation systems, and therefore may not view international aviation security as a priority.[30] For example, TSA identified the primary threats to inbound air cargo as the introduction of an explosive device in cargo loaded on a passenger aircraft, and the hijacking of an all-cargo aircraft for its use as a weapon to inflict mass destruction.[31] However, not all foreign governments agree that these are the primary threats to air cargo or believe that there should be a distinction between the threats to passenger air carriers and those to all-cargo carriers. According to a prominent industry association as well as foreign government representatives with whom we spoke, some countries view aviation security enhancement efforts differently because they have not been a target of previous aviation-based terrorist incidents, or for other reasons, such as overseeing a different airport infrastructure with fewer airports and less air traffic.

Resource availability affects security enhancement efforts. In contrast to more developed countries, many less developed countries do not have the infrastructure or financial or human resources necessary to enhance their aviation security programs. For example, according to DHS and TSA officials, such countries may find the cost of purchasing and implementing new aviation security enhancements, such as technology, to be prohibitive. Additionally, some countries implementing new policies, practices, and technologies may lack the human resources—for example, trained staff—to implement enhanced security measures and oversee new aviation security practices. Some foreign airports may also lack the infrastructure to support new screening technologies, which can take up a large amount of space. These limitations are more common in less developed countries, which may lack the fiscal and human resources necessary to implement and sustain enhanced aviation security measures. With regard to air cargo, TSA officials also cautioned that if TSA were to impose strict cargo screening standards on all inbound cargo, it is likely many nations would be unable to meet the standards in the near term. Imposing such screening standards in the near future could result in increased costs for international passenger travel and for imported goods, and possible reductions in passenger traffic and foreign imports. According to TSA officials, strict standards could also undermine TSA's ongoing cooperative efforts to develop commensurate security systems with international partners.

To help address the resource deficit and build management capacity in other nations, the United States provides aviation security assistance—such as training and technical assistance—to other countries. TSA, for example, works in various ways with state and international organizations to provide aviation security assistance to foreign partners. In one such effort, TSA uses information from the agency's foreign airport assessments to identify a nation's aviation security training needs and pro-

[28] See 49 U.S.C. § 44906; 49 CFR pt. 1546.
[29] GAO–07–660 and GAO–10–446.
[30] GAO–07–660 and GAO–10–446.
[31] For the purposes of this statement, inbound air cargo refers to cargo transported by both U.S. and foreign air carriers from a foreign location to the United States.

vide support. In addition, TSA's Aviation Security Sustainable International Standards Team (ASSIST), comprised of security experts, conducts an assessment of a country's aviation security program at both the national and airport level and, based on the results, suggests action items in collaboration with the host nation. State also provides aviation security assistance to other countries, in coordination with TSA and foreign partners through its Anti-Terrorism Assistance (ATA) program. Through this program, State uses a needs assessments—a snapshot of a country's antiterrorism capability—to evaluate prospective program participants and provide needed training, equipment, and technology in support of aviation security, among other areas.[32] State and TSA officials have acknowledged the need to develop joint coordination procedures and criteria to facilitate identification of global priorities and program recipients. We will further explore TSA and State efforts to develop mechanisms to facilitate interagency coordination on capacity building through our ongoing work.

Legal and cultural factors can also affect harmonization. Legal and cultural differences among nations may hamper DHS's efforts to harmonize aviation security standards. For example, some nations, including the United States, limit, or even prohibit the sharing of sensitive or classified information on aviation security procedures with other countries. Canada's Charter of Rights and Freedoms, which limits the data it can collect and share with other nations, demonstrates one such impediment to harmonization. According to TSA officials, the United States has established agreements to share sensitive and classified information with some countries; however, without such agreements, TSA is limited in its ability to share information with its foreign partners. Additionally, the European Commission reports that several European countries, by law, limit the exposure of persons to radiation other than for medical purposes, a potential barrier to acquiring some passenger screening technologies, such as AIT.[33]

Cultural differences also serve as a challenge in achieving harmonization because aviation security standards and practices that are acceptable in one country may not be in another. For example, international aviation officials explained that the nature of aviation security oversight varies by country—some countries rely more on trust and established working relationships to facilitate security standard compliance than direct government enforcement. Another example of a cultural difference is the extent to which countries accept the images AIT units produce. AIT units produce a full-body image of a person during the screening process; to varying degrees, governments and citizens of some countries, including the United States, have expressed concern that these images raise privacy issues. TSA is working to address this issue by evaluating possible display options that would include a "stick figure" or "cartoon-like" form to provide enhanced privacy protection to the individual being screened while still allowing the unit operator or automated detection algorithms to detect possible threats. Other nations, such as the Netherlands, are also testing the effectiveness of this technology.

Although DHS has made progress in its efforts to harmonize international aviation security standards and practices in key areas such as passenger and air cargo screening, officials we interviewed said that there remain areas in which security measures vary across nations and would benefit from harmonization efforts. For example, as we reported in 2007,[34] the United States requires all passengers on international flights who transfer to connecting flights at United States airports to be rescreened prior to boarding their connecting flight.[35] In comparison, according to EU and ICAO officials, the EU has implemented "one-stop security," allowing passengers arriving from EU and select European airports to transfer to connecting flights without being rescreened. Officials and representatives told us that although

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[32] The needs assessment, performed by State personnel along with a team of interagency subject-matter experts, is conducted at several levels, including tactical capabilities (people and resources), operational management capabilities (overall management and ability), and strategic capabilities.

[33] According to the European Commission, these countries are the Czech Republic, France, Germany, and Italy. GAO has not independently verified these potential legal impediments. Both TSA and the European Commission report that use of the two types of AIT units deployed will expose individuals to low doses of radiation. For example, the X-ray dose received from the backscatter system is equivalent to the radiation received in 2 minutes of airplane flight, while the energy projected by the millimeter wave system is 100,000 times less than a cell phone transmission.

[34] GAO–07–729.

[35] For example, a passenger traveling from Frankfurt, Germany, to Chicago, Illinois, and changing planes in New York City, must be rescreened, along with the passenger's checked baggage, prior to boarding the connecting flight to Chicago. See 49 U.S.C. § 44901(a), which requires that TSA provide for the screening of such passengers.

there has been ongoing international discussion on how to more closely align security measures in these and other areas, additional dialogue is needed for countries to better understand each others' perspectives. According to the DHS officials and foreign representatives with whom we spoke, these and other issues that could benefit from harmonization efforts will continue to be explored through ongoing coordination with ICAO and through other multilateral and bilateral outreach efforts.

Challenges Related to TSA's Foreign Airport Assessment Program

Our 2007 review of TSA's foreign airport assessment program identified challenges TSA experienced in assessing security at foreign airports against ICAO standards and recommended practices, including a lack of available inspector resources and host government concerns, both of which may affect the agency's ability to schedule and conduct assessments for some foreign airports.[36] We reported that TSA deferred 30 percent of its scheduled foreign airport visits in 2005 due to the lack of available inspectors, among other reasons.[37] TSA officials said that in such situations they sometimes used domestic inspectors to conduct scheduled foreign airport visits, but also stated that the use of domestic inspectors was undesirable because these inspectors lacked experience conducting assessments in the international environment.[38] In September 2010, TSA officials told us that they continue to use domestic inspectors to assist in conducting foreign airport assessments and air carrier inspections—approximately 50 domestic inspectors have been trained to augment the efforts of international inspectors. We also previously reported that representatives of some foreign governments consider TSA's foreign airport assessment program an infringement of their authority to regulate airports and air carriers within their borders. Consequently, foreign countries have withheld access to certain types of information or denied TSA access to areas within an airport, limiting the scope of TSA's assessments. We plan to further assess this issue, as well as other potential challenges, as part of our ongoing review of TSA's foreign airport assessment program, which we plan to issue in the fall of 2011.

Mr. Chairman, this completes my prepared statement. I look forward to responding to any questions you or other members of the Committee may have at this time.

Senator DORGAN. Mr. Lord, thank you very much, and thanks for the work that the Government Accountability Office routinely does.

I'd like to ask the cooperation of the three witnesses if I might for a moment. We have a second panel of only one presenter and I would like to ask your cooperation if I might ask that presenter to come forward to the end of the table and make this presentation.

It is Mr. Greg Principato, who is the President of the Airports Council International. If we could have Mr. Principato's testimony on the record, then when I call on members of the Committee we can ask questions of all of them. So thank you for your cooperation in allowing that to happen, but we do have some time restraints and I want to handle it that way.

Mr. Principato, you are the President of the Airports Council International, and your full statement will be made a part of the record, and if you would be willing to summarize we'd appreciate that. You may proceed.

STATEMENT OF GREGORY PRINCIPATO, PRESIDENT, AIRPORTS COUNCIL INTERNATIONAL—NORTH AMERICA

Mr. PRINCIPATO. Thank you very much, Senator Dorgan. Let me begin as well by adding my appreciation for a career well served and for all you've done for the country, for the Senate, for the aviation industry. As my colleagues here have said it, I'm honored to be part of your last hearing. So thank you very much.

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[36] GAO–07–729.

[37] This included visits for both airport assessments and air carrier inspections. See GAO–07–729.

[38] Domestic inspectors are inspectors who typically conduct security inspections at U.S. airports.

Mr. Chairman, members of the Subcommittee: On behalf of the members of Airport Council International—North America, thank you for allowing me to testify here this afternoon. It's important that industry and government work together to find solutions to secure our aviation system and passengers. Close coordination yields positive results. After discovering a bomb threat using liquid explosives in 2006, TSA coordinated closely with airports and airlines to ban liquids, aerosols, and gels. Airports were instrumental in reaching out to their communities to explain the new checkpoint procedures, which helped to mitigate confusion at airport security checkpoints.

In the aftermath of the attempted attack on Christmas Day 2009, TSA imposed new security requirements which required passengers boarding flights to the U.S. be subject to additional screening and enhanced searches of carry-on luggage. The new procedures caused significant wait times at security checkpoints and in many cases flights to the U.S. were delayed or canceled. Toronto Airport, for example, had no choice but to work with its airlines to cancel 25 percent of all of its U.S.-bound flights due to the delays caused by the increased screening requirements.

These new mandates were particularly cumbersome for European airports, which, unlike the U.S., are actually responsible for screening passengers and baggage. Unfortunately, while the Department of Homeland Security and TSA worked closely with the airlines on December 25, they did not coordinate with airports. So we pressed for a meeting with Secretary Napolitano, which she graciously gave us, where we offered to assist DHS in working with airports both domestically and internationally to develop sustainable security measures.

Since then, DHS and TSA have begun to better coordinate with foreign governments and global industry stakeholders to strengthen aviation security standards. In addition, we routinely encourage TSA, Canada, and the European Union to develop mutually recognized standards for security screening technology. Having similar standards will allow passengers, baggage, and cargo to be screened once, which will enhance the efficiency and effectiveness of the security process.

As a result of the Christmas Day bombing incident, TSA announced its plans to install advanced imaging technology (AIT), units to replace current metal detectors. Although supportive, we stressed to TSA the need to consider the throughput of screening with AIT versus metal detectors and the space available at airport checkpoints.

In response to these concerns, TSA has begun installing AIT at airports that can readily accommodate the machines. We remain concerned that future AIT installations will pose significant challenges at airports, where major facility modifications may be necessary to accommodate the equipment.

Along with installing AIT, TSA has implemented enhanced patdown procedures. In advance of the implementation of these patdowns, we strongly urged TSA to conduct a public awareness campaign to educate travelers on the rationale and necessity for the new procedures. Unfortunately, TSA launched its public awareness campaign only after the public backlash.

It's critically important for airports to receive timely and actionable intelligence information from DHS and TSA. As the Christmas Day bombing incident showed, this is not always the case. Yet receiving this intelligence allows airports to make risk-informed decisions to help mitigate threats by effectively using their limited resources to ensure the security of their facilities and passengers.

Finally, TSA's use of security directors as a way to issue security regulations for airports has become increasingly challenging. We understand TSA must be able to issue security directives in response to intelligence involving in imminent threat, as with the liquid plot 4 years ago. However, TSA has used security directives to push out costly regulations that do not meet that threshold, with little or no industry coordination or input.

We're pleased, however, with TSA's willingness to examine some outdated security initiatives through the In-Depth Security Review Task Force, an initiative by ACI North America which has allowed TSA and airport industry representatives to have an open discussion about sustainable security measures. And we commend TSA for this coordination with the airport industry.

ACI North America and its member airports stand ready to partner with TSA to help maintain a secure aviation system. You might be interested to know that yesterday representatives from key commercial aviation stakeholders got together in our offices to discuss all this and the best ways to move forward, and we're prepared to work with you, your colleagues in Congress, with DHS and TSA and others, on continuing improvements to the system.

We remain optimistic that DHS and TSA will more closely coordinate with the airport industry and with the international community on future aviation security measures. I look forward to taking your questions.

[The prepared statement of Mr. Principato follows:]

PREPARED STATEMENT OF GREGORY PRINCIPATO, PRESIDENT, AIRPORTS COUNCIL INTERNATIONAL—NORTH AMERICA

Chairman Dorgan, Ranking Member DeMint, and members of the Subcommittee, thank you for the invitation to appear before you today to offer the views of airport operators on airport security and improvements to enhance the current system. As the President of Airports Council International—North America (ACI–NA), I am testifying today on behalf of the local, regional, and state governing bodies that own and operate commercial service airports in the United States and Canada. ACI–NA member airports enplane more than 95 percent of the domestic and virtually all the international airline passenger and cargo traffic in North America. Nearly 400 aviation-related businesses are also members of ACI–NA.

Mr. Chairman, we commend you for holding this important hearing. Each day, airports work to ensure the safety and security of our passengers, employees and facilities. To this end, airports partner with airlines, tenants, the Transportation Security Administration (TSA), Customs and Border Protection and federal, state, and local law enforcement to maintain and develop a comprehensive, layered security system that can quickly adapt and respond to new threats.

Christmas Day Bombing Attempt

In the immediate aftermath of the attempted attack on Christmas Day 2009, TSA imposed additional security requirements on domestic and international airlines with flights to the United States. Some of the measures included restrictions placed upon passenger access to carry-on and service items as well as limitations on the ability to get out of their seats during the last hour of flight. In addition, airlines were required to turn off the moving map displays, coincidentally the most-watched channel on in-flight entertainment systems. The measures also called for passengers

boarding flights to the U.S. to be subjected to secondary screening at boarding gates and searches of their carry-on items.

On the day of the event, many airports in the U.S.—including Detroit—learned of the attempted terrorist attack from the media. As the new measures were being implemented, many flights were delayed and passengers endured significant wait times at security checkpoints, especially in Canada. Although TSA coordinated closely with the airlines in the immediate aftermath of the attempted bombing, it did not coordinate as effectively with airports and the impact of the enhanced passenger screening requirements—particularly at Canadian airports—was significant. In order to reduce wait times at security checkpoints, which had exceeded 2 hours, Toronto Pearson International Airport had no choice but to work with airlines to cancel 25 percent of their flights to the United States. As a result, ACI–NA worked with its counterparts in Europe and Canada to share information and provide updates on the evolving security measures.

It is important to understand that the TSA mandates requiring airlines to provide enhanced security and screening of passengers on flights departing international airports for the U.S. could not be implemented absent coordination with the airport operators and foreign governments. European airports are largely responsible for screening passengers and baggage, paying for new screening technology and, after ensuring that the requirements could be conducted in accordance with local regulations, had to hire and deploy security staff to gates to conduct enhanced passenger screening on flights departing to the U.S. Absent the necessary funding and manpower at many airports to perform the new requirements and in an attempt to develop sustainable measures that provided an adequate level of security while minimizing passenger and flight delays, TSA worked closely with airlines, and ultimately dispatched teams of senior executives to meet with foreign governments and airports. As a result of the coordination, TSA modified the measures in order to use data to target certain passengers for additional screening, thus enhancing security while minimizing the burden on airports.

Although Department of Homeland Security (DHS) Secretary Janet Napolitano had several meetings with airline representatives and their associations after the Christmas Day bombing attempt, there was little coordination or information sharing between DHS and the airport industry. To ensure DHS understood the important role airports throughout the world play in aviation security, ACI–NA pressed for a meeting with the Secretary. ACI–NA offered to assist the Secretary in identifying sustainable aviation security measures through the International Civil Aviation Organization (ICAO), given that Airports Council International (ACI World) serves as the officially accredited airport representative to ICAO. Since that time, DHS and TSA have worked extensively with foreign governments and through ICAO to strengthen aviation security standards and encourage the use of the latest screening technology. As a result of these efforts, ICAO recently issued a Declaration on Aviation Security which recognizes the need to strengthen aviation security world-wide through the uniform application of aviation security standards and available screening technologies while putting a priority on the research and development of explosive detection technology.

In furtherance of our objective to coordinate on aviation security, ACI–NA invited TSA Administrator John Pistole, Daniel Calleja, Director of Air Transport for the European Commission and Kevin McGarr, President and CEO of the Canadian Air Transport Security Authority, to a joint board of directors meeting of the North American and European regions of Airports Council International (ACI–NA and ACI Europe) this past September. In addition to discussing the need for coordination between governments and industry to develop sustainable aviation security measures, the boards expressed concern that the EU has unrealistic deadlines for loosening the restrictions on liquids, gels and aerosols, which cannot be met and are out of sync with similar initiatives in the U.S.

To continue our effort to educate our member airports on international aviation security measures, I am leading a delegation of airport directors and security staff on a mission to Israel this month which will allow participants to hear presentations from Ben-Gurion Airport security professionals and to learn first-hand the procedures the Israelis use to keep their passengers and facilities secure. In addition to encouraging all of our member airports to participate in our 4th annual mission, we also invited senior TSA representatives to join us.

Advanced Imaging Technology

In the wake of the attempted terrorist attack on Northwest Airlines Flight 253 on Christmas Day, TSA announced its plan to install advanced imaging technology (AIT) at security checkpoints to replace current walk-though metal detection devices. AIT units had been tested at several airports in the United States over the

last several years; and unlike the metal detection devices AIT units can detect prohibited items with little or no metallic content.

ACI–NA generally supports the TSA's continued evaluation, testing and deployment of this technology. In doing so, however, we identified three key considerations:

1. Throughput—the deployment of AIT technology at airports should not result in increased wait times;

2. Space—in accordance with the old adage "when you have seen one airport, you have seen one airport," AIT technology may not fit at every checkpoint absent significant and costly facility modifications, the cost of which should be borne by TSA;

3. Privacy—the TSA continues to adhere to the strict privacy principles it put in place when the technology was originally pilot tested:

- Images cannot be stored, downloaded or copied.
- Operators are stationed in separate rooms with no view of the individual being screened.
- Passengers are given the option of going through a walk through metal detector and being subjected to a patdown inspection.

Additionally, ACI–NA has encouraged TSA to pursue enhancements to AIT technology that will increase effectiveness, efficiency and passenger throughput while continuing to provide passengers the option of alternate screening methods. TSA's proposed solution is Automated Target Recognition (ATR), an algorithm that can be loaded on AIT units and readily identifies items of concern for TSOs by highlighting certain areas on a stick figure image for further inspection. Since ATR produces only a stick figure image, it not only addresses concerns about privacy, but it also negates the need for the image operators to be located in separate, isolated viewing rooms, thereby reducing the space needed at airport security checkpoints. Even with these advancements, airports continue to have concerns about the larger footprint of this technology, which takes more space than walk-through metal detectors and could necessitate costly facility modifications in order to accommodate the units. Of the airports that responded to a survey conducted by ACI–NA, about half reported having limited checkpoint space. ACI–NA raised these issues at a meeting with DHS Secretary Napolitano in February.

In response to the concerns raised by airports, Secretary Napolitano asked TSA to constitute a working group comprised of airport and TSA representatives to develop a coordinated plan for AIT deployment that considers passenger throughput and the costs associated with facility modifications. Although TSA, at a working group meeting, confirmed that it plans to deploy the first 500 AIT units only to airports that have available checkpoint space and do not need facility modifications, the costs associated with facility modifications is something that should be borne by TSA and is especially challenging for smaller airports. TSA has now deployed over 385 units to more than 68 airports and is on track to reach its goal of deploying a total of 500 AIT units in the remainder of 2010.

So far, the working group has facilitated a collaborative approach that will allow TSA and airports to resolve the identified challenges and result in coordinated deployment of AIT at checkpoint locations where the technology can be readily accommodated. Given the lack of available funding necessary for facility modifications at checkpoint locations where space is limited, airports remain optimistic that the working group process will result in a cooperatively developed deployment plan that identifies airport checkpoint locations where AIT can be readily deployed. ACI–NA continues to work with TSA to ensure it coordinates all security technology deployments with airports, as TSA plans to have a total of 1,000 AIT units installed at airports across the country by the end of 2011.

TSA recently invited ACI–NA to participate in an International Policy Summit on AIT to better educate representatives from other countries, answer questions and discuss the security benefits of the technology. The forum also provided an opportunity for foreign government representatives to present on their experiences in using the technology, including the use of ATR, which is installed and operational on all AIT units at Schiphol Airport in Amsterdam.

Enhanced Pat Down Procedures

Along with installing AIT units, TSA has also implemented enhanced patdown procedures. According to TSA, only individuals who trigger an alarm during screening, or those who opt out of screening by AIT would be subject to these new patdown procedures. In advance of the implementation of these enhanced patdowns, ACI–NA strongly encouraged TSA to conduct a public awareness campaign to educate trav-

elers on the rational and necessity for the new procedures. Unfortunately, the public awareness campaign was only launched after significant public backlash over the enhanced patdown procedures.

Concerns of passengers must be taken seriously, and we need to find the delicate balance between providing the appropriate level of security while ensuring efficient checkpoint screening and airport operations. This continues to be a substantial challenge. A system that achieves a balance between optimal security and customer service is achievable, provided that government and industry work together. ACI–NA stands ready to work with DHS, TSA and Congress to reach this goal and hosted a meeting on December 1 with the heads of airport and airline associations to discuss the principles of a future aviation security system that achieves that delicate balance.

Technology

While there have been significant advances in the research and development of cutting edge passenger and baggage screening technologies, a cohesive screening technology research and development plan that leverages government and industry expertise has yet to be formulated. Similarly, adequate funding and prioritization is essential to ensure that new technology is deployed to airports where outdated technology is in need of replacement. With the significant focus on screening passengers and baggage, the development of next generation screening technology, as well as that for screening air cargo, has suffered and should also be a priority. The research and development of next generation security technologies could be further advanced through the introduction of government-administered grant programs that provide incentives to manufacturers.

We routinely encourage TSA and the European Union to collaboratively develop mutually recognized standards for security screening technology. The identification of mutually recognized standards will allow manufacturers to develop screening technologies that can be used in different countries while stimulating competition between manufacturers, and resulting in technology enhancements and lower costs. Further, the deployment of screening technology developed in accordance with the standards will allow passengers, baggage and cargo to be screened once, thus paving the way for true harmonization, something that is essential to further enhance the efficiency and effectiveness of the security process, especially as we prepare for the anticipated increase in the number of passengers in the coming years.

One area that technology development and inter-governmental coordination could readily address is the current process of re-screening connecting baggage from Canada at U.S. gateway airports. This requirement is redundant and unnecessarily drains limited TSA and industry resources as the checked baggage has been inspected by CBP officials, is screened prior to departing Canada, and has flown at least one segment upon arrival in the U.S. TSA should work with the Canadian authorities to develop mutually agreeable checked-baggage screening procedures or technologies at Canadian airports, which would eliminate the need for re-screening at U.S. locations. This would not only free up limited TSA resources but also reduce the operational burden on airports, decrease flight delays and minimize misconnecting checked baggage.

Although biometric employee identification and access control offers some potential security benefits, implementation is very costly and should not be the result of an unfunded federal mandate. Given the significant cost to outfit an airport with biometrics, and in accordance with sound risk-management, an investment of this magnitude in this type of evolving technology, something that would further deplete limited resources, must be weighed against the security benefits of other systems. While a few airports have begun to test and install biometrics in accordance with existing TSA technology standards, a federally-funded pilot program is necessary to evaluate the capabilities of biometric employee identification and access control. Subsequent to a pilot test, results must be scrutinized to determine which systems should be included on a government-developed qualified products list. In consideration of the limited availability of resources, funding must be provided to airports for the installation of biometric employee identification and access control systems.

Intelligence Information and Sharing

The importance of timely and actionable intelligence information cannot be understated and is essential for TSA and airports to appropriately adjust the aviation security posture. While information sharing has expanded, more can and should be done. Of concern to ACI–NA is the timeliness of actionable intelligence information which is used by airports to immediately develop countermeasures to respond to the identified threat. Proactive security professionals realize the importance of pre-

paredness; information outlining threats to airports can be used to help reduce identified risks.

The government should undertake an effort to conduct a risk-based analysis of all threats. Once this has been completed, each should be prioritized, based on the latest intelligence information and the relative risk, taking into consideration the effectiveness of measures already in place. The development of a threat matrix will permit government officials and airport security professionals to mutually identify areas that necessitate additional security measures and importantly, provide a methodology for the most effective allocation of limited resources.

An example of the critical importance of intelligence information is the recent attempted bombing of cargo airplanes. This plot was disrupted because TSA readily conveyed actionable intelligence information to the all-cargo airlines.

Sustainable Aviation Security Measures

One of the key challenges for airports is TSA's use of Security Directives to promulgate regulations. In most cases, procedures mandated through Security Directive must be implemented immediately, with little consideration for the fact that each airport is different and boiler plate measures may not work, given facility constraints and more importantly, limited resources. Although TSA has changed its posture somewhat, to allow the opportunity for a coordinated review of some Security Directives prior to issuance, others have been issued recently absent industry input.

While airports agree that TSA needs the ability to avoid the formal rulemaking process and issue Security Directives, that regulatory option *should be strictly reserved for situations involving an immediate threat*, as was stipulated by Congress and in TSA security regulations. Rather than routinely regulating through a Security Directive, TSA should use the Notice of Proposed Rulemaking (NPRM), a proposed change to airport security programs or a similar coordinated rulemaking process, which affords industry an opportunity to identify other procedures that provide the same level of security while minimizing unintended costs and operational impacts. Although TSA ultimately issued Security Directives in response to the liquids explosives plot in August 2006, it was only after extensive coordination and collaboration with industry to review the intelligence information that sustainable measures were developed. By working together, government and industry transformed the aviation security system overnight maintaining security but also taking into account the needs of the traveling public.

Although there has been much discussion about the need to conduct an "Orange Level Review," to evaluate the heightened security requirements that the aviation industry had to put in place and comply with since August 2006, some in government and industry are loathe to rescind measures—even when doing so means that limited resources can be freed up to bolster other areas—out of concern that it might be perceived as weakening security. In reality, many aviation security measures are out-of-date, contradictory and requiring the application of staff and funding to areas that have long since been addressed by technology or other security layers.

As a proactive measure and in consideration of the significant security costs borne by airports, ACI–NA constituted an In-Depth Security Review Task Force, comprised of staff and several airport representatives, to conduct a thorough review of current security measures. In conducting the review, ACI–NA evaluated all existing security requirements to identify those which are duplicative, stale or no longer make sense given the evolution of the threat and/or implementation of countermeasures. In order to ensure a coordinated approach, ACI–NA involved American Association of Airport Executives and TSA representatives in the process and is working to ensure the near-term modification of existing requirements to provide additional flexibility for airports through the development of sustainable security measures. Recently, as a result of this process, TSA eliminated a long-standing requirement for employment history verifications, something that was no longer necessary when airports began conducting fingerprint-based criminal history records checks on all employees in 2006.

Conclusion

Although there are aspects of the current aviation security system that are effective, there are others which need to evolve to keep pace with the projected increase in the number of passengers and volume of cargo in the United States and abroad. Only through an effective partnership where government coordinates with industry to apply appropriate security measures can we ensure the long-term sustainability of the aviation system.

Through an effort in which government works to prioritize threats, adjusts the security posture based upon credible intelligence information and allocates resources

accordingly, while at the same time, collaborating with the airport industry to mutually address security issues, we can better achieve our mutual goal of enhancing security while minimizing unnecessary operational impacts.

Thank you for the opportunity to appear before you today.

Senator DORGAN. Mr. Principato, thank you very much for your perspective on these issues.

I have a good number of questions, but I think I will defer questions until others have been able to ask their questions. So I'll call on Senator Rockefeller.

The CHAIRMAN. I yield to the Senator from New Jersey.

Senator DORGAN. All right. Senator Lautenberg, why don't you proceed.

STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM NEW JERSEY

Senator LAUTENBERG. I'll just take a couple minutes, Mr. Chairman, because we're called back to something else. I want to thank the witnesses. I feel that we've got a very good team at Homeland Security and TSA and I thank them for their work.

But I particularly did not want to miss a moment to say that we're going to miss you, Mr. Chairman. We've served together for a great number of years, about 16. I left for a couple of years, and I'm hoping you'll have a chance to think about that and maybe we'll see you again.

But it has been an honor and a privilege to work with Byron Dorgan. Thoughtful, articulate, loved his job, and he gave it his best. You will be missed and we wish you and your family all good things in the future. Don't be afraid to give us advice. You haven't been until now, so why should you stop at this point.

Thank you very much, thank the witnesses. I'll put my questions to them in writing.

Senator DORGAN. Senator Lautenberg, thank you very much. You're all too generous.

Let me call on Senator Johanns, after which I'll call on Senator Rockefeller.

Senator JOHANNS. Thank you very much, Mr. Chairman.

Mr. Principato, let me start with you. I offered the observation in my opening statement, as you know, that if passengers can be forewarned about what's coming, if possible, it just seems to work better. Give us your perspective on that? As we think about the next generation of security and what might be required, what's the best way to roll these things out, if you will?

Mr. PRINCIPATO. Senator Johanns, I think the point you made, it just can't be overstated. It's critical. As I mentioned, in 2006 we had the liquid plot. Many of us in this room were on those conference calls late that night, and no one knew anything. It was all going to be rolled out the next morning. I think the government, the airlines, and the airports just did a magnificent job getting together, with absolutely no lead time, to educate the public on what was going on.

There were people who went to bed that night figuring they were going to show up at the airport an hour and a half before their flight, everything would be fine, they'd be off to see their family, and they got there and it was much different.

But because of the efforts of all three players in this, the government, the airports, and the airlines, when passengers arrived at the airport there were folks there at the airport giving them pieces of paper, telling them what was going on, explaining why. There was a lot of excellent work done with the press overnight to make sure that when people woke up the story was out.

Really, it's worth looking back on that particular case and seeing how in a situation where you had no lead time at all it really worked very well.

Given that, it's a little bit frustrating that the patdowns and so forth were rolled out without that kind of effort. I know TSA Administrator John Pistole, for whom I have a great deal of regard, by the way—I think he's going to do a terrific job there and he is—has already indicated that he wished he could have this one back.

But I think passengers want information, and whether they're delayed on the tarmac, whether they're in the security line, or whatever it is, they want information and they want to know that you've got their best interests at heart. I think if we can do that, all working together, that that's really the model for the way forward.

Senator JOHANNS. Great. I appreciate those thoughts.

I don't know which witness would be best equipped, but I would like just a little education here. In my foreign travels, my observation has been that, for example, if you fly from, let's say, a Third World country and you fly from the interior of that country, the security is quite honestly kind of so-so. But it seems like in foreign operations they have kind of a hub system, too. Where you fly into a more major airport city, whatever it is, security really ramps up at that point. It looks more like U.S. security. And then you come over the ocean, wherever you're coming from.

Is that a correct observation? Is that what we're dealing with? And if that is a correct observation, what are the key elements in terms of bringing security to that system, if you will?

Mr. HEYMAN. Maybe we'll split the question. I'll take the first part.

So the observation is probably—is possibly correct. The difference that you may be observing is that 250 or so countries or places around the world represent a last point of departure, where you're coming directly from another country to the United States. At those last points of departure we have programs through our security programs and our security directives to ensure that the level and standards are adhered to that are critical for our own domestic interests.

Those are regulated through the 9/11 Act and are overseen by my colleague here in terms of auditing them and ensuring that they maintain those standards. So you will see—you may see that type of difference. Part of the reason that we've just gone through this last year's efforts to increase standards globally is so that we can actually raise the bar across all points of departure.

Ms. REEDER. To provide a little background, the program that I manage now actually began with the TWA flight back in 1985 where the Navy diver was taken off and assassinated by the terrorists. That was the genesis of the foreign airport assessment program, which has gained momentum over the years.

The challenge we face is that ICAO Annex 17 focuses on international airports. Countries are encouraged to apply those same standards to their internal airports, but they're not obligated to do so. So if you're taking off from a small airport, say in Poland, and then you go to Warsaw, that's all within the EU and, fortunately, that is subject to pretty strict standards.

But the same situation in, say, Kenya doesn't apply. So you take off from a small airport in Kenya and you go to Nairobi and you depart from—well, Nairobi's not a good example because we don't have direct flights. But those airports that have direct service to the United States, as Mr. Heyman explained, they are monitored by my inspectors. We go there at least once a year to look at the air carrier inspection activities, and we go and do an airport assessment at least every 1 to 3 years to ensure that they are fully complying with the standards. When they're not fully complying, we take actions with the government or even at the airport to provide additional training.

Senator JOHANNS. Thank you, Mr. Chairman.

Senator DORGAN. Senator Johanns, thank you very much.

Senator Rockefeller.

The CHAIRMAN. First just a quick agreement with Senator Johanns on the public's adjusting to more security. There really isn't any choice, and it has been—the patdowns, which actually only affect about 3 percent of the people who go onto airplanes, and they have to fail another test to get that—you know, it's sensationalized. It makes everybody nervous. In fact it is necessary, and others have learned how to live with this and I think we can, too. So I really agree with you, and I think TSA is doing a terrific job at it.

In fact, on most trips I'll find a TSA person, particularly in rural areas, where they're dealing with a family that doesn't speak the English language all that well, but they handle them very nicely. What I routinely do is just sort of find out the supervisor of that TSA person and I write them a letter saying what a good job they did. I mean, I think they're doing a great job and I think the adjustment is part of the responsibility of the media and most importantly the American people themselves to face reality.

I was very interested in what you said, Mr. Principato, about Canada and 25 percent of their flights being canceled. That raises a question that really affects all of you. It would be—not knowing what their security procedures are, I would assume that they'd be pretty rigorous, and then I would potentially falsely go on to assume that once they took off from Canada and landed in the United States and were then departing from that airport to some other destination that they would be allowed to go through our security system without special attention because they'd been through the Canadian one, because I would assume that the Canadian one had been good.

But what you say is really stunning, that they've canceled 25 percent to this country because of long lines of waiting, which doesn't make sense to me, because I only travel from the busiest airports in the country and they don't take that much time.

Several questions. One is, do we have those kind of arrangements, to all of you, with other countries, that if they do have good

security that they can not get a pass, but whatever the proper word is, within America as they change to another destination? That's number one.

Number two: The very fine line—and you've talked about it, Ms. Reeder, and also you, Mr. Heyman—the line on a Third World country where some say, OK, the rural airport's not so good, but the main airport is good, that's very tricky. And it is hard to get a Third World country to upgrade. It's expensive. They don't have that. They don't have the experience. They don't have the mentality and the resources that we do in the West.

So how do you judge in your audits, Ms. Reeder, which you do of these countries, how much they need to do to be satisfactory in order for us to trust them? How do you make those judgments?

And then the Canada question, too. But you go ahead, Ms. Reeder.

Ms. REEDER. Yes, sir. In fact, going to the Canada question first, there are I think 13 now airports around the world that are preclearance airports. There are eight in Canada, there are four in islands in the Caribbean and the Atlantic, and then there's one in Ireland, soon to be two. At these preclearance facilities, there are Customs and Border Protection officers who do the customs, the immigration, and the agricultural screening of all the passengers.

We've entered into agreements with those countries wherein they conduct screening that is equivalent to what is done in the United States. So they use ETDs on the passengers the same way we do. They do patdowns the same way we do. They do everything, perhaps not identically, but certainly very comparable to what is done in the United States at U.S. airports.

This was a very complicated legal matter that—it took us several years to go through the development of the standard operating procedures to ensure that the alignment was there and that the passengers were all being screened physically upon departure, the same way that they would be screened at the United States. As a result, upon arrival those passengers do not have to go back through—they don't enter the Federal Inspection Station, the FIS. They don't have to go back through TSA screening because we've already verified, and we regularly inspect them to ensure that they are complying with TSA SOPs, not with their own host government SOPs.

There are 24 airports in Canada that provide service to the United States. Eight of those are preclearance. The other 16 are not preclearance and they comply with Transport Canada's requirements, not with TSA's requirements. So persons that depart from those other 16 airports——

The CHAIRMAN. Could you explain that difference to me, because this is actually very interesting, because if Canada is having these problems——

Ms. REEDER. Yes, sir. And In fact the airport that Mr. Principato referred to, Toronto, is a preclearance airport. So it may have been that there were issues with them understanding the complexities that we had been working on. They are not always the very first one in the line of SOPs that get generated. So that may be what led to it, and I'll let him explain more about that particular instance.

But the agreements that we have reached with the different countries, with Ireland, Aruba, the Bahamas, Bermuda, and with Canada are such that CBP has—their roles and responsibilities are fulfilled at those forward locations, rather than being fulfilled at the U.S. locations. Then we ensure that the passengers themselves and their accessible property are screened exactly the same way that they would be here.

Now, the other departures—for example, there are ten islands in the Bahamas that have service to the United States. Those measures are not the same as what's done in Freeport and Nassau. The 16 airports in Canada, it's not as rigorous a screening as what we require from those preclearance airports, because we do require a certain percentage of passengers that get randomly selectee screened, the ETD usage, et cetera. So that's where the difference lies from the passengers experience perspective.

There are no other countries whose measures have been deemed to be identical, because we have to comply with ATSA. The Aviation and Transportation Security Act requires that very specific things be done by TSA for all flights that depart from the United States, whether it's an internal domestic flight or it's an outbound flight. ATSA has very specific requirements, and that's where we get into the challenges with baggage that arrives from Canada and from the other preclearance locations, because that baggage is not being screened using the same kind of equipment that we require for screening here in the United States. So we continue to have those discussions.

Now, as to the Third World countries——

The CHAIRMAN. My time is out and we'll continue in the next round. There aren't too many of us up here.

Senator DORGAN. You can continue.

The CHAIRMAN. OK, you go ahead.

Ms. REEDER. As to the Third World countries, as I mentioned, I have a cadre of 60, 65 inspectors—I have turnover at any given time—who are very skilled and very—they have a lot of knowledge and expertise.

The CHAIRMAN. And they are doing the audits around the world?

Ms. REEDER. They are the ones who are going to these foreign airports and looking at them. They will look at an airport that's the size of this room, for example, and they will look at are the doors locked? Yes, the doors are locked. They don't have swipe codes, but there are only two keys. OK, so it's not as arduous perhaps as DFW, but there are a limited number of doors, there are a limited number of keys, and they have good key control. So they determine that access control for that facility is strong.

They may not have a fence, but they have a lake full of crocodiles. There are different ways that they ensure that there is access control. So it's not that you have to have a ten-foot wall with triple concertina wire at the top. There are different ways of accomplishing this.

So we ensure that the inspectors are familiar with what are best practices, what are ways that can meet these requirements without having to have all the bells and whistles that we may have at a U.S. airport.

Mr. PRINCIPATO. If I could just—I know that—I guess we'll pursue some of this later, but on the Canadian issue just a little bit of quick perspective. And if you'd like, Senator Rockefeller, I'd be delighted to bring in the airport director from Toronto and other airports the next time they're in town, or even fly them down, to give you further perspective on this.

Toronto, to use the example I used in the testimony, has more departures to U.S. cities than all but about 34 or 35 U.S. airports have to U.S. cities. There are a couple hundred departures each day. Even the busiest European gateways don't have that kind of traffic. So all the extra requirements are sort of multiplied in a situation like that.

They had some, I guess they would call it, constitutional questions with taking people whose passports had been stamped in one of those 14 countries that DHS had identified and treating them differently, so they had to treat everybody the same. They ended up just banning carry-ons because they couldn't screen everything at the gate and they had to screen all carry-ons by opening them up. There's a lot of things that add up very quickly when you have that many departures.

I want to give TSA some credit here. We worked very closely with TSA and with the folks in Toronto and some of the other Canadian airports to help alleviate some of this and find some solutions to it.

But from the get-go I think when these requirements were first put in, there was a sense that all foreign traffic is the same, and it really isn't. The airports in Canada have so many more departures, especially Toronto, Montreal, Calgary and Vancouver. So it just sort of multiplied, multiplied out.

The CHAIRMAN. Thank you.

Senator DORGAN. Let me ask a couple of questions. The question I think that was asked earlier about the hub and spoke system in other countries or other continents, for that matter, that hub and spoke system is very much like ours, a circumstance where I assume terrorists would look for the weakest link to enter the system, because once into the system you're not going to be screened and rescreened, generally speaking.

So what, for example, in Africa does the hub and spoke system look like? Am I right that we generally would fear that the terrorists would try to find the weakest link in that hub and spoke system in order to get into the system? And how are we responding to that?

Ms. REEDER. Yes, sir. There are a very limited number of airports in Africa that provide direct service to the United States. But from every airport except those preclearance airports that I mentioned previously, at every airport everyone has to be rescreened. The passengers are rescreened, their accessible property is rescreened, and their checked baggage is rescreened. So, it's not as though if a person gets on an aircraft in Uganda and flies to Dakar, Senegal, that the Uganda threat is what we're concerned about as much as ensuring that Dakar is as strong as possible, which is why TSA focuses the majority of our efforts on those last points of departure or from those places where U.S. carriers depart.

Now, places like Yemen and Pakistan, there are other areas where we focus attention as well because we want to ensure that, because there are so many flights that are coming from those locations or because there is an incident that has occurred, we want to ensure that at the very beginning that security is being implemented. So we will do that at the direction of the Secretary.

Senator DORGAN. If we were holding this hearing at the exit airport for the Christmas bomber, what kind of security would we find at that airport at this moment?

Ms. REEDER. Actually, he departed from Amsterdam direct to the United States. At that time Amsterdam did have whole-body imagers. They were not in the terminal that had the direct flights to the U.S. They have since placed AIT at all of the departure points for the U.S.

But the security in place at Amsterdam, I can provide to you an SSI briefing on exactly what the posture is. We had a team there very recently. But that would not be an area of concern for me.

Senator DORGAN. You mentioned a number of—a universe of 300 airports, and then you also mentioned a universe of, what, 60 or 65 inspectors, 65, 60 inspectors?

Ms. REEDER. Yes, sir.

Senator DORGAN. Go over again what those 300 airports represent?

Ms. REEDER. Those 300 airports, there are about 270 of them that have direct service to the United States. Another 30 or so have all-cargo service to the United States, but no passenger service to the United States. Recognizing that we do have limited resources, we've gone through and done a very comprehensive evaluation of the threat, how much terrorist activity has been documented, how many terrorist screening database matches go through those airports, et cetera.

We look at historical vulnerabilities as a result of assessments we conduct. Then we look at the size and the number of the aircraft that depart from those locations. So if we're looking at an airport that has two flights of a 19-seater a week to the United States and there has never been a TSDB match coming from that location, that's not real high on the list. A place that has two 777s with three TSDB matches per thousand passengers, that's very high on the list.

So those are the ways that we look at where we should send people and ensure that we get to all of those locations in a reasonable amount of time to ensure that the security posture at those locations continues to meet the standards that we've identified.

Senator DORGAN. Now, the other issue—and, Mr. Principato, perhaps you can respond to this—is you represent airports in the United States, correct?

Mr. PRINCIPATO. Yes.

Senator DORGAN. We understand that we have standards here that we expect to be implemented across the country in a similar fashion. It is also the case, with respect to aviation safety or environmental standards or any number of things that you can have whatever standards you want on paper, in writing; the question is how are they implemented and how are they enforced.

Can you give me your assessment, based on the meetings that you have held with international airports and partners abroad, what's the notion of the enforcement of standards as you see it? What should we believe exists out there with respect to the enforcement of the standards?

Mr. PRINCIPATO. I think in talking to airport leaders all over the world, of course, there isn't a single one who wants to run an insecure airport. They all want the best security they could possibly have. In many cases, as has already been described by Ms. Reeder and others, they lack the resources or maybe the training in some cases to do that. So they're certainly looking for that.

But there are plenty of places around the world, as has already been discussed, in Europe and elsewhere where the standards are as good as what we have here. I think the main thing—I think the main point I want to make about this is that the Department of Homeland Security's impulse to work through ICAO and to harmonize and to work with other countries is exactly the right way to go. I think early on when we were responding in the middle of the decade, for example, to liquids and gels plot, there were airport folks in Africa and elsewhere who were just frustrated. They were just, OK, now we've got to do this, now we've got to do that; we're not part of this. And now they are.

I think there's a genuine desire around the world to meet the highest standards they could possibly meet. You've got Boeing and Airbus building planes that can now go point-to-point to lots of different places we didn't have before. People want in on that and they know they can't get in on that unless they're part of the solution.

So I'm very pleased actually that the U.S. government is working so hard through ICAO with our international partners to try to develop these standards, get them on board, so that we can have a more uniform approach throughout the world.

Senator DORGAN. Mr. Lord, what progress has TSA made from your perspective in establishing a system to screen 100 percent of the inbound air cargo on passenger aircraft?

Mr. LORD. We issued a report in June of this year on that very subject and, while we gave TSA good marks for establishing a system to meet the 9/11 Act requirements on domestic air cargo carried on passenger flights, we pointed out they did not meet 9/11 Act requirements on inbound air cargo on passenger flights.

Again, there are a multitude of reasons why. You're essentially working with a number of foreign governments to help harmonize standards and, sure, they have the systems in place, but it's an incredibly complex proposition. And the TSA Administrator indicated recently before this committee it probably will take until 2013 to come up with a system. I don't think they're ever going to have identical screening systems. I think the operative word is "commensurate with." So TSA's currently in the process of evaluating a certain number of other countries' systems to ensure they're commensurate with TSA requirements. It's going to take some time to do that. It's an evaluative process. They have to collect information, and it's difficult.

Senator DORGAN. Senator Thune.

STATEMENT OF HON. JOHN THUNE,
U.S. SENATOR FROM SOUTH DAKOTA

Senator THUNE. Thank you, Mr. Chairman. Thanks for calling the hearing. I want to express my appreciation to the panel of witnesses that have joined us today to talk about a very serious matter. It's a question that's on the minds of more and more Americans as a result of recent events and the increase in air travel that always happens this time of the year.

Whether it was Abdulmutallab's attempt to detonate a bomb while traveling to Detroit last December or the recent terrorist plot that was uncovered regarding suspicious packages that originated in Yemen, there's no question that Al Qaeda and other groups continue to explore weaknesses in our air transportation system when it comes to passenger flights and shipments of cargo.

So I will just try and keep my remarks brief and let the witnesses respond to a couple of questions. Maybe this has been asked. If it has, I apologize. But with all the recent public concerns regarding the use of advanced imaging technology—and I guess I would direct this first to Ms. Reeder and then whomever else would like to respond to it—could you explain what makes TSA's deployment of this technology different from other countries?

Ms. REEDER. In our testing of the technology, I think that it's important to look at what Mr. Pistole had talked about with regard to the automated target recognition software, because I suspect that that's part of the question. There are other countries that have deployed AIT. Some countries have now deployed their own version of ATR, which really mollifies many of the concerns about the privacy.

However, our concern remains the number of false positives and then the amount of patdown that is required to resolve those false positives. So we continue to work with the other countries to encourage them to procure AITs, hopefully AITs similar to what we've already procured since we've been doing so much of the testing.

We're cooperating with them in identifying what the measures are that—or the standards we used. We hosted a big conference last November, 3 weeks ago, where we had numerous countries that were represented. We had I believe about 85 people from all over the world who attended, in our attempts to ensure that they understood fully what the benefits are of AIT, and helped to ameliorate some of the concerns about the drawbacks of AIT.

Senator THUNE. Mr. Lord.

Mr. LORD. I think it's important to note there's a significant difference in the scale, the magnitude, of the deployment. As of today, I believe TSA has deployed about 385 units in 70 airports. Based on the information we collected as part of our current audit, it's our observation, even though 13 other countries are either testing or deploying it, that the quantities, the numbers of machines, they're actually deploying are rather small.

As you probably know, TSA plans to have 500 machines deployed at the end of this year, 1,000 by the end of next year, and 1,800 at full deployment. So I think that's really important to understand. Just the scale of the deployment in our country vastly exceeds what other countries are currently considering.

Mr. HEYMAN. Let me just add one other thing in terms of one of the things that we do in an exceptional way is the privacy protections we've put in place to ensure the privacy of the public. There are a number of procedures that are in place. To begin with, all images are viewed in a walled-off area by somebody who's remote, not where the screening is taking place.

The officer who's assisting the passenger can't view the images. The images cannot be stored, printed, or transmitted. In fact, they're deleted. The officer can't go to the next image until the image is deleted. They're not allowed to bring any cameras or anything into the room. They will be fired if they do, so that they can't retain those images. The images are blurred in an appropriate way.

So there are a number of privacy protections that we put in place to ensure that the traveling public understand that we take that seriously.

Mr. PRINCIPATO. If I can, just very quickly from the airport point of view. We very, very much are interested in the development of the automated target recognition technology. The image comes up, it looks like a Gumby character, if you remember the character Gumby. As Ms. Reeder said, they're concerned about the false positives and the actual patdowns and all the time that that takes. If we can get that technology over the finish line, then you don't have to have that person sitting in that room who can't see you and me and who we are, our wives, or anybody else. You can put that person to doing something really important and take them away from looking at that screen, if we can get that technology there. It's really, really worth looking at, investing in, and pushing.

I just want to pat TSA on the back a little bit, too, for the meeting that Ms. Reeder talked about from a few weeks ago, for the fact that they included stakeholders as well, the airline and airport community. It's really important that airlines and airports are involved in these solutions.

Senator THUNE. So basically what you're saying is that is some sort of a software application. And is it a cost issue, or is it just not fully developed yet?

Ms. REEDER. It is a technology issue; it's not a cost issue at all. In fact, it will be an addition to the existing hardware. But it's just that the technology has not evolved that far yet.

Mr. PRINCIPATO. Somebody explained it to me on a third grade level, they said that you want to get the machine to where they're at least as good as the human in looking at the image. That the machine is as good as that, then we want to get beyond that point. And for me to understand it, that really rang home with me.

Senator DORGAN. Senator Thune, I think, if you'd yield, I think Mr. Pistole when he was here indicated that the programming and the technology would be usable on the existing frame of the imaging systems they now have. So it's a matter of plugging it in. We were asking the question, are you going to have to buy all new machines. The answer is no, which I think is going to be helpful.

Senator THUNE. It's like a new little card or something on our computers, right?

Mr. PRINCIPATO. Software upgrade.

Senator THUNE. A chip or something, yes.

To get to that goal of having 1,000 of the machines by the end of 2011—and again, I would direct this, I guess, to either Assistant Secretary Heyman or Ms. Reeder—could you give the Committee a sense of the percentage of these machines—that the machines would cover, versus existing walk-through magnetometers?

Ms. REEDER. We can get that for you.

Senator THUNE. OK, that's not something that's readily available.

Mr. LORD. Actually, I believe I know the answer to that question. There's about, from my understanding, 2,300 checkpoints. So if you acquire 1,800 machines, it's still not going to be enough to ensure 100 percent coverage. TSA's strategy is to focus it, the use of these machines, on the highest volume airports.

Senator THUNE. And by the end of 2011 you'd have almost half of them covered, if there are 2,300.

When it comes to separating the machine from the actual TSA screener, can you tell the Committee how much training is required when it comes to operating those new machines?

Mr. HEYMAN. It does require training. Each of the officers who are required to go through mandatory training and updates are also overseen by supervisors who see the same training and continue to ensure the integrity of the program.

Senator THUNE. My time is up. Thank you, Mr. Chairman.

Senator DORGAN. Senator Thune, thank you very much.

Senator Rockefeller.

The CHAIRMAN. A final question from my point of view. We talked about machinery. We need to talk about information. That is, about passengers. You had, I believe, an incident where the European Parliament rejected the continuation of the passenger name record IE information on passengers. That can be as important as the machinery itself and can reveal things that the machinery never could, such things as intent.

I think machinery is the final passage and ought to be. But the sharing of information about passengers surely has to be extremely controversial. Why did they turn it down, the European Parliament, number one?

Second, who sets the standard on information? Do we have the best way in the United States of delineating information? I wouldn't think that would be necessarily the case because I think the Germanys and the Englands and the Amsterdams, et cetera, in many cases might feel more threatened because they have a higher at-risk, so to speak, population.

But anyway, can you enlighten me on that?

Mr. HEYMAN. Happy to, Senator. The European Parliament did not vote down our PNR agreement. We have a bilateral agreement, the United States and the European Union, for the sharing of passenger name records, PNR. These are the records that travelers provide to their travel agents when they purchase a ticket and they are forwarded, a number of discrete fields, names and——

The CHAIRMAN. So, it's not security?

Mr. HEYMAN. It is for security. The purposes of that information—we get that information. That information is then sent forward to CBP 72 hours before the departure of a flight to the United States. Having that information 72 hours in advance allows us to

check against our watch lists and to do the kind of screening that we need to do to make sure that people are either not on the flight who shouldn't be on the flight because they're a known or suspected terrorist, or that they are in fact—that we need to take a second look and we have to do some additional screening.

So the PNR record is extremely important. It has helped us on a number of occasions, recent occasions, to identify or through the data PNR provides us to do analysis that allows us to find co-travelers, for example, who may be of concern—we did that in the case of Zazi—and to identify individuals who may be trying to flee the country, as the case was with Shahzad.

So a very valuable tool. The information sharing is critical. Parliament has not rejected that agreement. They have said that they've got questions about it; they want to strengthen the privacy protections in it and a number of other elements, and they have consequently said they were going to withhold their voting it down until the Commission negotiates a new agreement with the United States.

So the Commission received today their mandate to negotiate with the United States, and that will be a forthcoming negotiation starting very soon.

The CHAIRMAN. OK. So what information needs to be there?

Mr. HEYMAN. So you asked about standards. The United States has—there are 19 different types of data that we require, and that requirement is different from country to country. That is to say, other countries who have PNR systems do not necessarily have the same standard as the United States. You mentioned Germany and the Europeans. The Europeans do not have a PNR system for analysis at this point. A number of countries want to have it. There is no agreement——

The CHAIRMAN. Is that because of the European Union factor?

Mr. HEYMAN. The European Commission has not at this point taken that on, and a number of countries are waiting to get that, an equivalent of a mandate for the Commission to have a uniform union PNR system. At this point that does not exist, so they do not have that tool.

The CHAIRMAN. I would think that the European Union factor—i.e., they don't have passports; they all have the same passports, et cetera—would actually be quite a risk when it comes to information for airplane travel and potential terrorism.

Mr. HEYMAN. Well, there are, as you know, ongoing threats that have been discussed in public, in Europe. Having all of the tools that we need to avert those threats is critical. We very much would support a European PNR system. We find it an invaluable tool——

The CHAIRMAN. Do the Europeans—their PNR system, is it one—is it the same for all the members of the European Union? Second, is it—I think you indicated it's not satisfactory or compatible with our own.

Mr. HEYMAN. They do not have one at this point, and so that's to be determined. Member states seek to have their own systems and the European Commission will seek to have a European-wide one for all member states.

The CHAIRMAN. That sounds like 2 decades worth of work. I mean, what's the problem here?

Mr. HEYMAN. I'll defer those questions to the European Commission.

The CHAIRMAN. Europe is Europe?

Mr. HEYMAN. Look, they have their own process by which they go through to develop the tools. I think just this week the counterterrorism coordinator for the European Commission, Giles de Kerchove, stated quite emphatically that more investment needs to go into terrorist, counterterrorist programs, in particular transportation security, and that Europe needs to come up to speed on that, to include better coordination on understanding the threat.

So I think they are having discussions and we would encourage that.

The CHAIRMAN. OK. Then finally, if they don't come up to the standards we think they should have, if they ever get to have the standards, ever can agree on anything—surely they should, but Europe is Europe. What if they don't come up to our standards? What do we do?

Mr. HEYMAN. Well, we have our own—as I said, we have an agreement with the Europeans today. We have in place a highly effective operational arrangement.

The CHAIRMAN. That I stipulate. But just as machinery has to in some way be compatible, so does information, I would think, to satisfy us.

Mr. HEYMAN. So what the Europeans don't have right now is, for flights flying into Europe from outside of Europe, they do not have the same advance passenger information which we get in our PNR arrangement. So they at this point would be lacking a tool to do the kind of screening that we do, which we find quite useful.

The CHAIRMAN. OK. Thank you.

Senator DORGAN. We've been joined by Senator Klobuchar. Senator Klobuchar.

STATEMENT OF HON. AMY KLOBUCHAR, U.S. SENATOR FROM MINNESOTA

Senator KLOBUCHAR. Thank you very much, Mr. Chairman, and thank you for holding this hearing on international aviation screening standards.

Regrettably, recent terror attempts against the U.S. have once again highlighted both the risks that we face through our aviation system and also our dependency on our international partners. We are lucky in this case that we were alerted to these attempts by our allies and this step in the process shows that there are some good things happening in terms of the sharing of information, but there is clearly more work to be done.

I actually wanted to start with something I know Chairman Rockefeller discussed and that was the issues with—some issues with Canada. This is kind of a side point, but it's the requirement—I discussed this with Secretary Napolitano—of the rescreening for passengers arriving from Canada. I don't know if you're aware of this, since their baggage must be physically transported from the arrival aircraft to a baggage screening facility in the U.S.——

I see you're nodding your head, Ms. Reeder, Mr. Principato—and it causes a lot of delays on our end for passengers who, by the way,

have already flown in from Canada over our airways, with their screening.

Could you just discuss if there's any progress on that issue because of the delays it's causing in the U.S.? Ms. Reeder?

Ms. REEDER. Senator, as I believe that we've answered in a couple of your letters, we do continue to work with the Canadians on this topic. As you're aware, the Aviation and Transportation Security Act is very specific in what kind of screening has to be done on those checked bags. We continue to encourage the Canadians to purchase the same kind of explosive detection systems for screening the checked bags that we use, and that's in accordance with ATSA.

However, given space constraints, given financial constraints, et cetera, they've not been able to move forward. Once they're able to purchase those types of equipment, install them, and begin using the same SOPs as we do, we anticipate that we'll be able to move forward very quickly in eliminating the need for the rescreening of the bags upon arrival in the United States.

Senator KLOBUCHAR. Mr. Principato?

Mr. PRINCIPATO. If I could, as we have Canadian members too, the Minneapolis-St. Paul airport in your state, there's no airport in the country with higher costs that are caused by this particular requirement. Denver is rising quickly as is Chicago and a number of others.

The example I often use, you can fly from Montreal—I apologize for not using Minneapolis in this example——

Senator KLOBUCHAR. That's all right.

Mr. PRINCIPATO. But this is geographically—you can go from Montreal to Denver with your bag screened in Montreal and you're fine, going over two-thirds of the country. And then you transfer to Grand Junction, a couple hundred miles, and you have to have your bag rescreened, and your bag may not make it with you to Grand Junction.

I understand the requirements of ATSA. Perhaps—just two thoughts. Perhaps, number one, as we look at hopefully maybe reforming ATSA, maybe we could deal with that provision in ATSA, because it just doesn't make any sense.

Number two, in the meantime we're looking for Winnipeg as a possibility for an airport in Canada where we could do maybe a pilot. I've talked to Jeff Hamiel, your Airport Director in Minneapolis about this, and perhaps we can work with CATSA and TSA and others to do a pilot to show how this might work.

Senator KLOBUCHAR. Very good. Thank you.

Then just on the issue that we've been focused on here, the partnership with the international partners on the cargo screening. Can you talk about what is happening with that in terms of the international partners, and I guess specifically if you've worked with private industry on this, on the expansion of layered detection systems, to strengthen security?

Mr. HEYMAN. We have a number of activities underway. One is obviously following the events of October 28 and working with industry, with carriers, government, United States Postal Service, the State Department, a number of different actors involved, in

making sure that we have in place a regime that is both operationally effective and maintains the security that we need.

That will continue to evolve over the next weeks to months. In terms of the specific requirement that we have for 100 percent screening of air cargo, we have, as you know, succeeded in doing 100 percent screening within the United States and we are now incrementally moving toward 100 percent internationally. That will be achieved by 2013.

We have done that in two ways. One is to increase the requirements through our security standards, standard security programs; and two is to develop national cargo security programs that are commensurate with screening programs that we would have. That's to say, third parties that can validate or screen the cargo in advance.

There are quite a bunch of challenges associated with that—different systems, different laws, different regulations throughout the world. But we are making steady progress on that.

Senator KLOBUCHAR. What steps is TSA, Ms. Reeder, taking to offer guidance to other partners—this is countries—particularly high-risk nations? And can you talk at all about the training efforts that are going on, when it's so clear that this is a global issue?

Ms. REEDER. Well, in terms of the cargo outreach, as Mr. Heyman mentioned, we are working on national cargo security program reviews. There are a number of countries—in fact, the top 20 exporters to the United States, the majority of them have very robust security programs. We have a program through which we're going to each of those countries, we are receiving their programs, evaluating them, going to the countries, looking at the actual process, following a box from the point at which the shipper hands it in to the point at which it gets on the aircraft to determine whether that is meeting what our needs are as far as the 100 percent screening requirements.

For training, we have developed a pretty comprehensive cargo training program. We have two actual approaches with it. One is looking at cargo screening based on ICAO requirements. Currently ICAO requirements focus simply on implementing security controls. It does not dictate that you screen the cargo. With Amendment 12, it opens the door—and that's the most recent iteration of International Civil Aviation Organization's Annex 17. That does open the door to more stringent activities regarding cargo.

But our cargo training has been focusing very much on using actual technology, not just physical screening but the use of X-rays, the use of explosive trace detectors. Looking at what we've been doing at specific countries, high-risk countries, we have a team that is departing Yemen tomorrow who's been working with them on the use of ETDs, explosive trace detectors, for cargo, for passengers, for checked baggage. We also provided to them on a long-term loan portable ETDs, both portable ETDs and the stand-alones that you would see at a U.S. airport.

So we've been identifying those locations where they pose the greatest concern to us, going there and providing the training, and in some cases doing the long-term loans of the ETDs.

Senator KLOBUCHAR. Anyone want to add anything to that?

[No response.]

Senator KLOBUCHAR. I just wanted one other thing, if you could just pass on to the Secretary—I know this isn't the focus today, but I was talking to some of our TSA people when I came home from the holidays to come back here, and I just want to pass on the good work that they do. I think they went through quite a public brouhaha last week. I think there were some issues with education of the public on this policy. I understand the concerns raised by people that called me, but I think this idea that it should somehow be taken out on these front-line employees who are simply doing their job—I think what they told me, which is good, was that the passengers were appreciative of their work. But I think they were through the wringer and I think appreciated the support that they got from the Department. So I want to just put my appreciation for their work, whatever the policy changes may be.

All right. Thank you.

Senator DORGAN. Senator Klobuchar, thank you very much. I think that's an important statement to understand, that the folks who are at our airports who are doing the day to day screening, they're working under the orders of a process and procedures and supervision. They by and large do a really outstanding job.

I mean, like everyone else, you can find one that's crabby or had a bad day and probably not doing quite as well as you would hope. But by and large, I've watched a lot of it because I've traveled a lot, and I think they day in and day out do a pretty good job. Given the patdown issue, given the advanced imaging issues and the 24/7 news about the——

Senator KLOBUCHAR. And the *Saturday Night Live* commercial.

Senator DORGAN. All of that. I think it has been a pretty tough time, and I think—I know Mr. Pistole wishes, and the Department wishes, that perhaps they had done a lot more advance work to explain to people what they're doing.

Given a choice of getting on an airplane with a large number of passengers who have not been properly screened and who could possibly have an explosive device, or getting on an airplane in which passengers have been screened sufficiently so that there's no possibility of flying with a bomb, I think most passengers would choose the latter by far. That's what we expect and want.

I want to just say that the sum total of all that we've been talking about is for here and around the world to try to keep people and luggage off of airplanes and other methods of transportation, but especially airplanes, keep people and luggage off of airplanes that would be containing a bomb or a weapon.

It's not easy to do, especially inasmuch as in recent years what has happened is we now have people that are perfectly willing to kill themselves while they commit an act of terror. That's a change and we haven't always seen that in our lifetime.

So it seems to me kind of a race between offense and defense. Who are the terrorists? How do you identify them? How do you keep them and the things they would want to carry with them onto an airplane? They want to kill people, we want to protect people. It's that simple. And yet it's that complicated as well.

So the purpose of this hearing is to once again get a status report of where we are, what we're working on trying to do, as I said at the outset, not just with respect to an airport in Fargo or Min-

neapolis or somewhere else in this country, but the network of airports and the network of screening around the world by which someone can enter the system and move around the world. The process for providing security in those circumstances for both people and luggage is enormously complicated and a very big undertaking.

One thing I don't quite understand for sure is, have the good fortunes that we have experienced, and that is being able to at least see the prevention of the bombs that we're aware of, that they didn't detonate and so we've been fortunate, and we haven't seen other acts, is that good government or is it just good fortune? I don't know the answer to that, but I know there's a lot of work under way and a lot more is necessary to provide the kind of protection I think the traveling public demands and deserves.

So I want to thank all of you for preparing testimony and being with us, and I know that you'll be asked again and again to come before this committee and give us status reports on the work that you're doing.

Thank you very much. This hearing is adjourned.

[Whereupon, at 3:50 p.m., the hearing was adjourned.]

APPENDIX

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO HON. DAVID HEYMAN

Question 1. Some people have called for the United States to adopt the Israeli airport security model. The Ben Gurion Airport in Israel had nearly eleven million passengers pass through it last year. In contrast, the three airports in the northern New Jersey region alone saw more than one hundred million passengers in 2008. What would be the costs to adopt an Israeli airport security model here in the United States?

Answer. The Transportation Security Administration (TSA) has not conducted a formal analysis of the cost to implement a United States airport security system modeled after Israel's system. The substantially higher passenger volumes and the comparative complexity of the U.S. commercial aviation systems with its 450 geographically dispersed locations would likely pose considerable operational and financial challenges for transplanting the Israeli system in this nation.

TSA has consulted extensively with Israel and adapted key techniques to meet U.S. aviation security needs. In particular, TSA already operates a behavior detection program that is based on Israel's model, and continues to increase the direct human evaluation of passengers during screening. Still, an analysis of Israel's system must take into account not only differences in scale regarding passenger enplanement but also the differences in U.S. policy toward privacy and civil rights and civil liberties.

Question 2. Airlines have been charging passengers fees for checking their bags, leading more passengers to carry bags onboard and causing significant strain at airport checkpoints. Airlines are required to pay an annual security fee, but that fee is based on costs from 10 years ago. Yet, the administration has proposed an increase to passenger security fees. Shouldn't the security fee for airlines be increased instead of shifting this burden onto passengers?

Answer. The Aviation Security Infrastructure Fee was imposed on certain air carriers beginning in February 2002. In accordance with requirements from Congress in the Aviation and Transportation Security Act (ATSA) (codified at 49 U.S.C. 44940 et seq.), the total amount of fees imposed on the air carriers may not exceed the aggregate cost that the air carriers incurred for passenger and property screening during calendar year (CY) 2000, as determined by the Transportation Security Administration (TSA). TSA has imposed the fee at this overall limit since February 2002 based on its determinations regarding CY2000 costs. The statutory cap on the fee precludes TSA from implementing any upward adjustment of the fee.

Question 3. In the U.S. we now require all cargo placed on passenger aircraft to be screened and we have stepped up security significantly on cargo-only flights since the bomb plot in October. International cargo security standards currently focus on protecting the packages themselves, rather than screening for terrorist threats. Shouldn't the international community place more emphasis on protecting the public against what might be in packages?

Answer. The international aviation security standards established by the International Civil Aviation Organization (ICAO), and set forth in Annex 17 to the Convention on International Civil Aviation, require all ICAO Contracting States to ensure the safety of passengers, crew, ground personnel, and the general public from acts of unlawful interference with civil aviation. The Annex 17 standards on air cargo security have recently been updated by ICAO and specifically address the screening of cargo and mail, and the establishment of a supply chain security process, as well as ensuring that security controls are applied to cargo being transported on all-cargo aircraft. After the October 2010 incident, ICAO and its Contracting States realized that more attention to air cargo security standards and practices is necessary. To that end, ICAO, its Contracting States to include TSA, and industry partners participated in a multilateral study group on cargo and supply chain security in December 2010 with the ultimate goal of developing additional amendments

to the Annex 17 Standards and Recommended Practices to further strengthen air cargo security with emphasis given to the most recent and evolving threats.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER F. WICKER TO HON. DAVID HEYMAN

Question 1. What actions has DHS taken on outreach efforts to assure the public of the safety of the scanners currently being implemented throughout the country?

Answer. The Transportation Administration (TSA) has conducted dozens of press conferences, at more than 70 airports that currently have Advanced Imaging Technology (AIT), reaching thousands of passengers to inform the traveling public of the importance of the technology, advising them that the technology is safe, and reminding them that it remains an option to all passengers. TSA has worked with third party health and safety groups to verify the safety of the technology. TSA continues to work with local and national media outlets to provide the latest information on the technology with regards to its safety and effectiveness. The Office of Public Affairs has responded to and conducted interviews for more than 4,000 press inquiries. TSA communicates with the traveling public on an ongoing basis through the TSA website (*www.tsa.gov*), the TSA Blog, Twitter, fact sheets, and brochures. In addition, TSA has installed multiple signs informing passengers about the technology, including sample images, in plain sight at airport security checkpoints, in front of the AIT, and on the AIT itself.

Question 2. What plans does DHS have to expand public outreach and education on this issue?

Answer. The Transportation Administration (TSA) will continue to conduct press conferences in each media market that receives Advanced Imaging Technology (AIT) to educate the traveling public about this critical screening tool used to ensure the safety of air travel. TSA will also continue to educate and inform the public through traditional media and social media about the safety and privacy protections in place for travelers.

Question 3. What efforts is DHS undertaking to work with industry to develop improvements to further protect the privacy of individuals screened with advanced imaging technology?

Answer. The Transportation Security Administration (TSA) is working closely with Advanced Imaging Technology (AIT) manufacturers as they develop Automated Target Recognition (ATR) software. ATR software is used with AIT and displays a gender-neutral stick figure-like image on the monitor attached to the AIT machine. This generic image shows potential threats concealed on a passenger; however, it does not display the actual image of the passenger. It will provide strong privacy protections and will eliminate the need to staff an extra officer in a private room. Software development is currently underway and will be followed by testing to ensure it meets our screening requirements.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. FRANK R. LAUTENBERG TO STEPHEN M. LORD

Question. In 2007, GAO issued a report that found of the one hundred twenty-eight foreign airports inspected by TSA in Fiscal Year 2005, only thirty six percent complied with all security standards. What should the Department be doing to require foreign airports to meet all security standards for passenger aircraft entering the United States?

Answer. In accordance with 49 U.S.C. § 44907, TSA assesses the effectiveness of security measures at foreign airports served by a U.S. air carrier, from which a foreign air carrier serves the United States, or that pose a high risk of introducing danger to international air travel, and at other airports deemed appropriate by the Secretary of Homeland Security. Section 44907 also identifies measures that the Secretary must take in the event that he or she determines that a foreign airport is not maintaining and carrying out effective security measures based on TSA assessments. However, it is important to note that while TSA is authorized under U.S. law to conduct foreign airport assessments at intervals it considers necessary, TSA may not perform an assessment of security measures at a foreign airport without permission from the host government. (In contrast, foreign air carriers with service to or from the United States must adopt and carry out security programs against which TSA may assess compliance at its discretion. See 49 U.S.C. § 44906 and 49 C.F.R. pt. 1546.) As part of our ongoing review of TSA's efforts to assess the security measures at foreign airports, we plan to evaluate the results of TSA assessments

at foreign airports, including how TSA uses the results of its assessments to help enhance foreign airport efforts to implement effective security measures consistent with international aviation security standards. We also plan to review the extent to which any Secretarial actions have been taken in response to TSA assessments at foreign airports.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO GREGORY PRINCIPATO

Question 1. Airlines have been charging passengers fees for checking their bags, leading more passengers to carry bags onboard. What has been the security impact on airports as a result of these baggage fees?

Answer. The increase in carry-on baggage after the airlines began charging a fee for checked baggage has caused a backlog at the X-ray machines at airport security checkpoints. The fees have prompted passengers to bring more carry-on baggage, packed full of personal items, including multiple electronic devices. Therefore, it takes additional time for TSA Transportation Security Officers to thoroughly screen individual items, something that creates bottlenecks of passengers waiting for their carry-on baggage to be screened. This has contributed to an increase in wait times at many airport security checkpoints.

Question 2. Cargo manifest information entering our country by air must be provided just 4 hours prior to arrival—which could be too late to stop a bomb before it enters one of our airports. Shouldn't we require more advance notice for air cargo, particularly high-risk cargo, entering the United States?

Answer. This is an interesting point, and as I stated in my testimony, our security system should be much more risk-based. A government/industry working group should be created to look at a number of things, including the manifest data requirement, coupled with the latest intelligence information, in order to achieve that goal.

December 1, 2010

Hon. JOHN D. ROCKEFELLER IV,
Chairman,
Committee on Commerce, Science, and Transportation,
U.S. Senate,
Washington, DC.

Hon. KAY BAILEY HUTCHISON,
Ranking Member,
Committee on Commerce, Science, and Transportation,
U.S. Senate,
Washington, DC.

Hon. BYRON DORGAN,
Chairman,
Subcommittee on Aviation Operations, Safety, and Security,
U.S. Senate,
Washington, DC.

Hon. JIM DEMINT,
Ranking Member,
Subcommittee on Aviation Operations, Safety, and Security,
U.S. Senate,
Washington, DC.

RE: International Aviation Screening Standards Hearing

Dear Chairman Rockefeller, Ranking Member Hutchison, Chairman Dorgan and Ranking Member DeMint:

On behalf of Morpho Detection, thank you for your continued leadership and efforts to improve aviation safety and security in the U.S. and for inbound flights to the United States.

As a market leader in explosives and narcotics detection equipment, Morpho Detection is working closely with the Transportation Security Administration and international aviation security agencies throughout the world to enhance aviation security and improve screening standards across all aircraft access points. Enclosed is our latest white paper on Aviation Screening Standards. I respectfully request that it be submitted to the hearing record as part of Aviation Subcommittee's December 2, 2010 hearing on International Aviation Screening Standards.

We welcome the opportunity to discuss these ideas with you further at your convenience. In the meantime, should you have any questions I can be reached at 202–256–1235.

Thank you for your consideration.

Sincerely,

SCOTT BOYLAN,
Vice President and General Counsel.

About Morpho Detection, Inc.

Morpho Detection, Inc.—part of Morpho, a business of the Safran group (PAR: SAF)—is a leading supplier of explosives and narcotics and chemical, biological, radiological, and nuclear (CBRN) detection systems for government, military, air and ground transportation, first responder, critical infrastructure and other high-risk organizations. Morpho Detection integrates computed tomography (CT), Raman Spectroscopy, trace (ITMS™ technology), X-ray and X-ray Diffraction technologies into solutions that can make security activities more accurate, productive and efficient, With industry-leading products such as the Itemiser® DX trace detection system, the CTX line of explosive detection systems (EDS), and the StreetLab* Mobile handheld chemical and biological substance identification unit, Morpho Detection's solutions are deployed to help protect people and property in some of the most important and sensitive world locations.

Additional information can be found at *www.morphodetection.com*.

ATTACHMENT

December 2010

Improving U.S. Aviation Security through High Standards—Not by the Selection of Specific Technologies

Based on twenty years of experience developing and producing aviation security solutions, Morpho Detection, Inc., recommends the U.S. adopt a policy of establishing high security standards, as opposed to selecting specific technologies that seem promising at a particular moment in time.

Such a standards-based approach would stimulate the development of technologies or combinations of technologies that provide the best possible levels of true threat detection, reduce false alarm rates and speed passenger, baggage and cargo flows. This approach, feasible both in terms of policy and cost, will not only lead to higher security levels but also provide a much needed boost to the airline industry with higher throughput and greater trust in the security provided U.S. aviation.

The Way Forward for Aviation Security

Setting high and non-technology-specific standards would result in a consistent approach to solving the nation's aviation security challenges. Further, it would better leverage the uniquely American government-industry collaborative relationship to develop new technology-based screening solutions necessary to detect threats and achieve ever higher screening performance.

Creating such standards would incentivize manufacturers to invest in the development of solutions to the nation's aviation security threats by providing them an established baseline that equipment must meet. Manufacturers would be empowered to work with the government to develop the right long-term solutions in support of clearly established standards.

A Disproportionate Focus on Specific Technologies

Although many screening technologies for aviation security exist, the policy debate is focused largely on specific technologies instead of the desired security level.

For example, the debate about passenger screening is currently focused on Advanced Imaging Technology ("AIT") body scanners. While body scanners have a role to play in a layered approach to aviation security, they are by no means a silver bullet. AITs do not actually detect threats. Instead, AITs are designed to indicate the presence of physical anomalies on a person's body for identification by an operator and further inspection to determine if the anomalies are in fact actual threats. Moreover, the machines cause passenger concern and anger, are expensive and time-consuming to operate, have high false alarm rates, and do not effectively detect well-concealed items such as explosives hidden in hard-to-detect locations or in passengers' bodies.

A Better Technology-neutral Approach Based on High Standards

Rather than continuing to add new technologies to the list of authorized screening methods, the government should set clear standards for threat detection that would apply to any security system used to scan people or things going onto aircraft. A single set of standards would encourage competition among equipment manufacturers, and stimulate investment in more accurate and efficient systems that allow TSA to scan passengers, crew, baggage and cargo more thoroughly and quickly.

The potential of such standard setting is demonstrated by the technology-neutral approach taken for screening of passengers' checked baggage that has been highly successful in raising security levels since 9/11. The checked baggage standard has

spurred the improvement of existing technologies, such as faster and smaller Computed Tomography (CT) explosives detection systems, and the development of new technologies, such as X-ray Diffraction. Today, checked baggage loaded onto passenger planes is screened to a single high detection standard by a variety of technologies appropriate for individual airport size and configuration.

The U.S. should adopt a similar standards-based approach for all aspects of aviation security, including the screening of passengers, carry-on bags, checked baggage and cargo.

FLYERSRIGHTS.ORG
Napa, CA, December 1, 2010

Hon. JOHN D. ROCKEFELLER IV,
Chairman,
Commerce, Science, and Transportation Committee,
U.S. Senate,
Washington, DC.

Dear Mr. Chairman:

On behalf of the American traveling public thank you for examining the current policies being employed by the Transportation Security Agency (TSA) at our airports.

We understand that preventing terrorist acts in a travel system as complex as ours presents an enormous challenge. The dedicated men and women that work in our airports to keep us safe are often never thanked fully or appreciated—we also thank you for your continued strong support of these brave and dedicated men and women.

What is at stake in this debate is nothing less than the civil liberties we all hold dear in this nation. In other less democratic nations, imposing highly invasive searches upon citizens is a lot easier, or should be a lot easier, than doing it in this country. Yet it seems TSA is willing to cut corners on civil liberties with these new tactics. We believe that in America, implementing policies that clearly impact our civil liberties must be a balancing act—even when national security is at stake. Our concern is that when it comes to the recent policies initiated at our airports, these policies are not appropriately balanced and not in keeping with the traditions and precedents set by our Constitution.

We wish to make clear that the current debate should not be about "more" security or "less security" at our airports. Our organization is not advocating for less security at airports. What we are advocating for is smarter security. This means that all the national security and law enforcement agencies must do a much better job of sharing and using information, and getting it in a timely fashion to those that are on the operational front lines such as airport security checkpoints. It means wider use of less invasive biometric technologies. In the age of real time global data and a smart energy grid, we believe this is difficult but achievable. We recognize and appreciate your continuing efforts and leadership to make our transportation the safest and most efficient in the world and have every confidence you will work to ensure our security system is also.

Secondly, we believe that the successes of others who have faced more severe daily threats than we do in the U.S. over a longer period of time—namely Israel, is instructive. Israel, as you know, has been highly effective in recent years at preventing terrorist actions at their airports by using a tiered system of security. The Israelis leverage an enormous amount of coordinated effort and manpower is used to identify suspects before they go through security so that the more suspicious a person is, the greater the level of security they receive. While Israel may have slightly different values than we do in terms of how it profiles suspects, we must pursue a system that effectively targets threats and applies the appropriate level of security accordingly. We feel that few, if any, would protest using highly invasive techniques on individuals that are suspected on some reasonable basis of being a threat. The problem is that right now it seems we have a dragnet that does not appear to discriminate between an 84-year-old grandmother and a highly-suspicious individual.

Additionally, if Americans are going to be forced to stow their civil liberties in the overhead bin, they should at least be doing so for a comprehensive set of tactics that work. Recent reports and data demonstrate that the current suite of techniques being used would not detect the Underwear Bomber or weapons hidden in body cavities. We are hopeful that this information will be used by the Committee and brought to bear in your questioning and follow up with TSA officials. Current secu-

rity gaps must be addressed, and new tactics employed—hopefully only on those that are reasonably suspected.

We also urge you to take a hard look at the security being imposed on airport workers including those who clean the planes and have access to aircraft. In many cases these workers, some of whom come from countries on terrorist watch lists, are not subjected to the same level of screening or security as passengers and crew. Despite this, some of these workers may have unfettered access to aircraft on the ground while the rest of us are effectively under arrest for purposes of search and seizure. This information has been imparted directly to us by those who have direct knowledge of security lapses and gaps in this area.

Americans will sacrifice a great deal to ensure they are and their families are safe when they fly. Ensuring their safety, as Chairman, is an enormous responsibility. In the coming weeks and months we are hopeful that you will chart a course that implements real time security at airports that is tiered, targeted and efficient and in keeping with our most sacred traditions of civil liberty. We urge you to ensure that the sacrifices travelers do make are not overly invasive, without cause and that they are not made in vain. We are confident that as Americans we can do better.

Sincerely,

KATE HANNI,
Executive Director.

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