

**TRANSPORTATION SECURITY ADMINISTRATION  
OVERSIGHT: CONFRONTING AMERICA'S  
TRANSPORTATION SECURITY CHALLENGES**

---

---

**HEARING**

BEFORE THE

**COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

APRIL 30, 2014

Printed for the use of the Committee on Commerce, Science, and Transportation



U.S. GOVERNMENT PUBLISHING OFFICE

95-840 PDF

WASHINGTON : 2015

---

For sale by the Superintendent of Documents, U.S. Government Publishing Office  
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800  
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

JOHN D. ROCKEFELLER IV, West Virginia, *Chairman*

BARBARA BOXER, California	JOHN THUNE, South Dakota, <i>Ranking</i>
BILL NELSON, Florida	ROGER F. WICKER, Mississippi
MARIA CANTWELL, Washington	ROY BLUNT, Missouri
MARK PRYOR, Arkansas	MARCO RUBIO, Florida
CLAIRE MCCASKILL, Missouri	KELLY AYOTTE, New Hampshire
AMY KLOBUCHAR, Minnesota	DEAN HELLER, Nevada
MARK BEGICH, Alaska	DAN COATS, Indiana
RICHARD BLUMENTHAL, Connecticut	TIM SCOTT, South Carolina
BRIAN SCHATZ, Hawaii	TED CRUZ, Texas
EDWARD MARKEY, Massachusetts	DEB FISCHER, Nebraska
CORY BOOKER, New Jersey	RON JOHNSON, Wisconsin
JOHN E. WALSH, Montana	

ELLEN L. DONESKI, *Staff Director*

JOHN WILLIAMS, *General Counsel*

DAVID SCHWIETERT, *Republican Staff Director*

NICK ROSSI, *Republican Deputy Staff Director*

REBECCA SEIDEL, *Republican General Counsel and Chief Investigator*

## CONTENTS

---

	Page
Hearing held on April 30, 2014 .....	1
Statement of Senator Rockefeller .....	1
Statement of Senator Thune .....	9
Statement of Senator Boxer .....	14
Statement of Senator Scott .....	21
Statement of Senator Booker .....	23
Statement of Senator Ayotte .....	25
Statement of Senator Blumenthal .....	27
Statement of Senator Klobuchar .....	29
Statement of Senator Coats .....	31

### WITNESSES

Hon. Mark Warner, U.S. Senator from Virginia .....	1
Hon. John S. Pistole, Administrator, Transportation Security Administration, U.S. Department of Transportation .....	4
Prepared statement .....	5

### APPENDIX

Response to written questions submitted to Hon. John S. Pistole by:	
Hon. John D. Rockefeller IV .....	37
Hon. Barbara Boxer .....	38
Hon. Maria Cantwell .....	39
Hon. John Thune .....	43
Hon. Roger F. Wicker .....	49
Hon. Roy Blunt .....	50
Hon. Marco Rubio .....	51



**TRANSPORTATION SECURITY  
ADMINISTRATION OVERSIGHT: CONFRONTING  
AMERICA'S TRANSPORTATION SECURITY  
CHALLENGES**

---

**WEDNESDAY, APRIL 30, 2014**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:35 p.m., in room SR-253, Russell Senate Office Building, Hon. John D. Rockefeller IV, Chairman of the Committee, presiding.

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

The CHAIRMAN. Senator Warner, we welcome you here. And you had wanted to testify, then not wanted to testify, but there was something that happened in the Navy which you wanted to speak of. And Senator Thune kindly has agreed to that. And so, you proceed.

Now, the first time we talked, before you said you didn't want to do it, I gave you 3 minutes.

Senator WARNER. No, it will be a quick 3 or 4 minutes.

The CHAIRMAN. OK.

**STATEMENT OF HON. MARK WARNER,  
U.S. SENATOR FROM VIRGINIA**

Senator WARNER. And I want to thank the Chairman for the opportunity to be back before the Commerce Committee. I will not take it personally that so many of my Republican colleagues showed up for my statement and none of the Democrats showed up.

[Laughter.]

Senator WARNER. So I hope that is not a sign of things to come.

But I do appreciate you and the Ranking Member's opportunity to just, frankly, share with you, as I know you have Mr. Pistole coming up next from TSA, but something that you may have heard about, but I have a number of concerns that I wanted to raise. And this is about the TWIC card program.

The CHAIRMAN. Can you pull that mike a little closer?

Senator WARNER. The TWIC card program.

This chair is really low. I don't know—I feel like I am kind of, you know—

[Laughter.]

Senator WARNER. Is this a Commerce Committee ploy against the witnesses?

But my interest in the TWIC program was sparked by a tragic shooting incident at the Norfolk Naval Base on March 24. A truck driver, who had a valid TWIC card, was cleared onto the base, passed through two security checkpoints, and got access to the pier where our U.S. Navy destroyers were docked.

This individual, Jeffrey Savage, then disarmed a ship security officer, used that weapon to shoot and kill another sailor, who heroically intervened to try and protect his shipmate. Other Navy security personnel finally then shot and killed Mr. Savage. Master-at-Arms Second Class Mark Mayo was laid to rest at Arlington National Cemetery last Friday with full military honors for his selfless actions.

But since the March 24 shooting, Mr. Chairman, we have learned that this truck driver had a troubling history of criminal offenses that were never disclosed to DHS or TSA. He had been issued a TWIC card despite at least two felony convictions, including one for voluntary manslaughter. These convictions occurred beyond the 5-year window used by DHS and TSA when evaluating this application.

Let me just say that again. Mr. Savage, who clearly had a checkered past, including voluntary manslaughter, had been issued a TWIC card that granted him, along with a bill of lading, access to sensitive U.S. security areas.

This tragedy was obviously deeply felt and still is of enormous interest in Norfolk and Hampton Roads. And while the criminal investigation is not completed and it may ultimately be determined that this shooting had more to do with inadequate training and procedures at the gate and had less to do specifically with the shooter's TWIC card, our look into this tragedy revealed some obvious deficiencies in the TWIC program.

There is a widespread misunderstanding about what exactly a TWIC card does and does not represent. In fact, DHS officials have told us that job applicants in the fast-food industry typically undergo a more robust background check than applicants for a TWIC card. Harder to get a job at McDonald's with a security check than to get a TWIC card.

TSA officials revealed they do not have access to criminal databases beyond the initial applicant screening. That means that there is no substantial look-back.

And criminal issues that arise after that TWIC card has been issued—and, again, the period you are looking at is only for a brief period during the person's life. If the event took place a long time ago in the background—maybe that should be the case—it doesn't even get reported. But if once you get the TWIC card and you create another criminal offense, that doesn't get into any database.

Now, officially, TSA requires cardholders to self-report on any crimes. But, Mr. Chairman, my colleagues, listen to this: out of the more than two million people who have been issued a TWIC card, only 3 individuals have ever stepped up and self-reported that they have committed a crime after they have been issued that card—3 out of two million.

That should send a chill down all of our spines, in terms of what we are doing on security of these installations. I think it is fair to say that some security personnel have placed too much trust in what the TWIC card represents.

Now, since the shooting in Norfolk, the Navy has moved forward to improve training and enhance procedures at the gate, and that is appropriate. But multiple GAO investigations over the years have documented problems with the TWIC program, and there has been little follow-up.

So as you receive testimony today on the TWIC program, I would suggest a couple of specific issues deserve your consideration.

We all have to work together to strike the right balance between security and daily operations. You can't wait 3 hours to get onto a base installation, but our challenge is to provide a system that gives appropriate access to individuals with legitimate business at our military bases without creating unmanageable delays.

One area that TSA is specifically asking for help is in strengthening the background check. TSA also, I believe, needs the authority to do periodic checkups on cardholders. And that will require better cooperation from our law enforcement agencies by providing greater access between those databases and the TSA database.

Now, we all know there are important issues of security and privacy that also have to be protected. But as we see these brave men and women who defend our country, they ought to be able, especially when they are back home-ported or back in the country, be able to go to work on a daily basis and feel the installations they work at are safe.

So, Mr. Chairman, I really appreciate the chance to appear before the Committee which I was so proud to serve on for 5 years. I know the Committee and you and the Ranking Member and other members will take up this issue.

But think: it is easier to get a job at a McDonald's in terms of a security background check than receiving a TWIC card. And even if you have that card, the failure to have any subsequent reporting, the record now, with 2 million people with these cards and only 3 people self-reporting, that just cannot stand on a going-forward basis.

So, Mr. Chairman, I know you will take appropriate actions, but you can count on this Senator to work with you in any way possible to make sure we get a better system in place.

With that, Mr. Chairman, I thank you and the Committee.

The CHAIRMAN. Thank you, Senator Warner. And I can't help but say that you dumped us for the Finance Committee.

[Laughter.]

Senator WARNER. Mr. Chairman, it was a lateral trade at worst.

The CHAIRMAN. Well, a trade it was. All right, I thank you very much. And thank you for your comments.

Welcome. I enjoyed very much our lengthy conversation yesterday and look forward to your testimony.

And we have today Barbara Boxer, Chairman Boxer. This only happens about two or three times a year, so this is obviously historic.

Please proceed.

**STATEMENT OF HON. JOHN S. PISTOLE, ADMINISTRATOR,  
TRANSPORTATION SECURITY ADMINISTRATION,  
U.S. DEPARTMENT OF TRANSPORTATION**

Mr. PISTOLE. Well, good afternoon, Chairman Rockefeller and Ranking Member Thune and distinguished Senators of the Committee. Thanks for the opportunity to testify today.

As you know, TSA's primary mission is to protect the nation's transportation systems, including aviation, mass transit, rail, highway, and pipeline, to ensure freedom of movement for people and commerce.

Each year, TSA screens over 650 million passengers and 1.5 billion checked and carry-on bags on domestic and international flights departing the U.S. TSA also strengthens and enhances the security of an interrelated, multimodal transportation network that includes millions of bus passengers and billions of passenger trips on mass transit each year.

To fulfill this vital mission, TSA employs a layered approach to security through a well-trained frontline workforce, state-of-the-art technologies, intelligence analysis and information-sharing, behavior detection, explosive detection canine teams, Federal air marshals, and regulatory enforcement.

It is my goal to apply a risk-based approach to all aspects of TSA's mission so we can provide the most effective security in the most efficient way. When I last testified before this committee, TSA was in the initial stages of operationalizing our first risk-based security, or RBS, initiatives. I am pleased to report to the Committee that RBS measures have been broadly implemented across the nation, and I appreciate the Committee's support on that.

TSA PreCheck was one of the first initiatives in our shift toward a risk-based, intelligence-driven approach to security, and I am pleased to report that the TSA PreCheck initiative has developed into an effective security program at 118 airports nationwide. As you know, passengers may qualify for the program through a trusted-traveler program such as TSA PreCheck or Customs and Border Protection's Global Entry program.

In December, we launched our TSA PreCheck application program online, and through this initiative passengers can apply directly to participate in TSA PreCheck and undergo a background check in order to become a known and trusted traveler for a period of up to 5 years. To date, more than 200,000 people have applied at over 240-plus application centers nationwide.

These RBS initiatives have enabled TSA to become more efficient and have resulted in over \$100 million in savings in our Fiscal Year 2015 budget. I anticipate that expanding RBS principles throughout TSA will result in a smaller, more capable workforce focused on our counterterrorism mission.

I would also like to share a number of important steps TSA has taken to strengthen airport security following the tragic shooting of Transportation Security Officer Gerardo Hernandez and two other TSOs at LAX last November.

After working extensively with key stakeholders and listening to concerns from TSA employees, we issued a report last month that included a series of actions and recommendations implemented or in process nationwide.

These include, one, redeploying certain VIPR teams—now, the VIPR teams are the Visible Intermodal Protection and Response teams—from surface venues to airports. Second, we are ensuring airport operators conduct active shooter training at least twice a year. Third, we issued an operations directive requiring all airports to conduct mandatory evacuation drills twice a year. Fourth, we required all TSA employees to undergo active shooter training and had supervisors brief employees on evacuation plans and routes.

We also recommended, quote, “best practice” standards for increased law enforcement presence at high-traffic airport locations, such as peak travel times at checkpoints and ticket counters, to provide visible deterrence and quicker incident response times. And, finally, we are procuring and installing additional duress alarms at airports around the country.

Now, within the surface mode of transportation, TSA is working to implement a mass transit and passenger rail strategy that prescribes specific outcome-based risk-reduction activities. We developed this approach together with mass transit and passenger rail security stakeholders.

In the surface modes of transportation where TSA does not conduct frontline screening, our partnership with stakeholders is key to effective, efficient security. TSA continues to work with our partners to develop security standards, assess vulnerabilities, and use metrics to drive risk reduction in a measurable way.

My vision for TSA as a high-performance counterterrorism organization begins with a skilled and professional workforce. Two years ago, we established the TSA Academy at the Federal Law Enforcement Training Center in Glynco, Georgia. This was part of a necessary first step in a process of moving us forward as an agency. I am pleased to report that we just finished training nearly all of our over-4,000 frontline supervisory transportation security officers, with the next level of frontline management, our lead transportation security officers, who have just begun a similar course, while managers will begin training this fall. I remain committed to creating a skilled, diverse, well-trained workforce.

In conclusion, I appreciate the support of this committee and the opportunity to update you on our progress.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Pistole follows:]

PREPARED STATEMENT OF HON. JOHN S. PISTOLE, ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

Good morning Chairman Rockefeller, Ranking Member Thune, and distinguished Members of the Committee. Thank you for the opportunity to testify today about the Transportation Security Administration’s (TSA) on-going efforts to develop and implement a risk-based approach in securing our Nation’s transportation systems.

TSA’s primary mission is to protect the Nation’s transportation systems, including aviation, mass transit, rail, highway, and pipeline, to ensure freedom of movement for people and commerce. Each year TSA screens approximately 640 million passengers and 1.5 billion checked and carry-on bags on domestic and international flights departing from U.S. airports. TSA also strengthens and enhances the security of an inter-related, multi-modal transportation network that includes 751 million bus passengers and 10 billion passenger trips on mass transit each year. To fulfill this vital mission, TSA employs a layered approach to security through a well-trained frontline workforce, state-of-the-art technologies, intelligence analysis and information sharing, behavior detection, explosives detection canine teams, Federal Air Marshals (FAMS), and regulatory enforcement. This multi-layered approach

helps to ensure the security of the traveling public and the Nation's transportation systems.

It is my goal to consistently apply a risk-based approach to all aspects of TSA's mission. Whether it is the deployment of Federal Air Marshals (FAMs), the allocation of Transit Security Grant resources, or air cargo screening policies, TSA is working to implement a risk-based approach that allows us to deliver the most effective security in the most efficient manner. To this end, TSA continues to examine the procedures and technologies we use, how specific security procedures are carried out, and how screening is conducted. When I last testified before this Committee in 2011, TSA was in the initial stages of operationalizing our first Risk Based Security (RBS) screening initiatives. I am pleased to report to the Committee that RBS measures are now being broadly implemented across the Nation and throughout the various modes of transportation.

Focusing on risk management is also the most efficient way to use TSA's limited resources and enhances the value we provide to the American people. I recently created the position of Chief Risk Officer to assess and standardize our approach to risk management across our mission operations and business support operations. This effort allows TSA to better assess new policies with respect to risk and value creation. As I have testified previously, it is not possible to eliminate risk altogether so our efforts must remain focused on managing and mitigating that risk. This is the most appropriate and sustainable model for TSA.

#### **Expedited Screening**

TSA Pre✓™ was one of the first initiatives in TSA's shift toward a risk-based and intelligence-driven approach to security. I am pleased to report that the TSA Pre✓™ initiative has developed into an effective security program at 118 airports nationwide. TSA Pre✓™ is a key RBS initiative that allows us to expedite security screening at aviation checkpoints for low-risk passengers. As you know, passengers may qualify for the TSA Pre✓™ program through a Department of Homeland Security (DHS) Trusted Traveler program such as TSA's Pre✓™ Enrollment or Customs and Border Protection's Global Entry program. Last December we extended TSA Pre✓™ to members of the U.S. Armed Forces, and in April of this year extended eligibility to all civilian employees of the Department of Defense. TSA is currently working with a number of other Federal departments and agencies to include other lower risk populations into TSA Pre✓™.

Another key initiative to expand the TSA Pre✓™ eligible population is the TSA Pre✓™ application program that we started in December 2013. Through this program, U.S. citizens, U.S. nationals, and U.S. lawful permanent residents can apply directly to participate in TSA Pre✓™ and, undergo a background check in order to become a known and trusted traveler for a period of 5 years. This program complements other DHS trusted traveler programs and allows passengers to access TSA Pre✓™ who may not otherwise travel internationally, or hold a valid passport. To date, more than 180,000 people have submitted applications at the 240-plus application centers nationwide.

Additionally, TSA uses real-time and intelligence based methods, such as Managed Inclusion and TSA Pre✓™ Risk Assessments to identify additional passengers eligible for expedited physical screening on a trip-by-trip basis. Numerous other risk-based changes are in effect nationwide, including expedited screening procedures for children 12 and under and adults 75 and older, airline pilots and flight attendants, and expedited screening at for military personnel.

To accommodate TSA's expansion of program eligibility to a greater number of low-risk passengers, TSA has taken the following actions: expanded the number of airports participating in TSA Pre✓™ from the initial 40 to 118 airports; increased the number of expedited screening lanes from 46 to more than 600, with each lane providing the capability for doubling hourly throughput; and increased the number of U.S. airlines participating in TSA Pre✓™ from five to nine in FY 2013, with plans of continued expansion as airlines are ready. Today, TSA is providing expedited screening to over 40 percent of the traveling public.

RBS has also enabled TSA to become more efficient and has achieved \$100 million in savings by enabling trusted passengers to more quickly move through the checkpoint, increasing the efficiency of both standard and TSA Pre✓™ security lanes. TSA anticipates that incorporating RBS principles throughout our operations will result in a smaller, more capable workforce focused on our counterterrorism mission.

#### **Industry Engagement**

Our industry and stakeholder partners are key to TSA's ability to implement risk-based security into every area of transportation security. These partners were key

in the aviation sector as TSA worked to establish and expand the TSA Pre✓™ program. Airlines worked with us to update their systems to handle new requirements, such as Pre✓™ interconnectivity and boarding pass markings, and our airport partners worked with us to reconfigure checkpoint space to accommodate a Pre✓™ lane for passengers. To date, TSA has expanded the program to 9 participating airlines at 118 airports nationwide, and continues to partner with industry to add additional partners and innovations to the program.

Our stakeholders were essential in understanding gaps and implementing important new procedures across our Nation's airports following last November's tragic shooting at Los Angeles International Airport (LAX), which resulted in the death of Transportation Security Officer (TSO) Gerardo Hernandez, and the wounding of Behavior Detection Officer (BDO) Tony Grigsby, Security Training Instructor (STI) James Speer, and a passenger. Immediately after the shooting I convened a series of stakeholder meetings at TSA Headquarters, which included representatives from law enforcement agencies and associations, labor groups and industry associations, and other federal, state, and local agencies. I requested that these stakeholders provide recommendations on how TSA could improve security and prevent another tragic event. Thereafter, I again met with stakeholders to present various ideas under consideration and seek initial feedback.

I also sought the input of TSA employees, through both town hall meetings and the TSA Idea Factory, our web-based employee engagement tool. Employees from all levels of the organization contributed ideas, including Federal Security Directors (FSDs), TSOs, staff from Training and Coordination Centers, security inspectors, and headquarters employees. A number of these ideas were incorporated into the final report TSA produced on March 26, 2014.

The report identifies recommendations adopted by TSA based in part on ideas and feedback generated by industry and law enforcement stakeholders as well as the TSA workforce. TSA is implementing these recommendations nationwide to close gaps identified through our LAX review. Some of these measures include recommending that airport operators conduct active shooter training and exercises on a bi-annual basis, issuing an Operations Directive requiring that all FSDs conduct mandatory evacuation drills twice a year, and requiring supervisors to conduct briefings for employees regarding the evacuation routes and rendezvous points identified in the local mitigation plan. TSA is also issuing recommended standards for increased law enforcement presence at high traffic airport locations such as peak travel times at checkpoints and ticket counters to provide visible deterrence and quicker incident response times.

TSA also recently extended invitations to 24 industry group and association members to be part of TSA's Aviation Security Advisory Committee (ASAC), which provides recommendations for improving aviation security methods, equipment and procedures. The ASAC enhances TSA's security posture through consultation with key partners concerning potential risks to infrastructure, passengers and cargo, as well as gathering input from stakeholders on the effectiveness of TSA's current security procedures. Members then develop and share recommendations for possible improvements to make TSA's policies more effective.

Within the surface transportation system, TSA continues to place emphasis on industry engagement support and partnership as keys to successfully developing security risk reduction policies. One example is TSA's effort to implement a mass transit and passenger rail strategy that prescribes specific, outcome-based risk reduction activities, developed in concert with mass transit and passenger rail security stakeholders.

### **International Engagement**

Engaging international partners is also critical to implementing effective risk-based security. Only with the collaboration and cooperation of foreign governments and international aviation partners can we mitigate international aviation threats. Overseas, TSA focuses on compliance, outreach and engagement, and capacity development. By conducting foreign airport assessments and air carrier inspections at last points of departure (LPDs) to the United States, TSA is able to identify, evaluate, and work with our international partners to address vulnerabilities through outreach and engagement activities and targeted capacity development. These areas of engagement, informed by intelligence and combined with the efforts of our international partners, form a strong foundation for enhancing risk-based security worldwide.

TSA also worked diligently with our domestic and international stakeholders on the Aircraft Repair Station rule. This regulation strengthens foreign repair station security as directed by Congress through The Vision 100—Century of Aviation Reauthorization Act (P.L. 108–176). The regulation supplements the Federal Aviation

Administration's (FAA) repair station safety requirements by requiring security measures to prevent unauthorized operation of aircraft under repair.

Repair stations that are on or adjacent to a TSA-regulated airport (or commensurate foreign facility) must adopt security measures to prevent the unauthorized operation of unattended aircraft capable of flight. This includes designating a TSA point of contact, securing large aircraft (those with a maximum certificated take-off weight of more than 12,500 pounds) capable of flight that are left unattended, and conducting employee background checks for the point of contact and any employee who has access to the keys or other means used to prevent the unauthorized operation of the aircraft. All repair stations certificated under part 145 of the FAA rules are required to submit to TSA inspections and implement any TSA-issued Security Directives. TSA collaborated with the FAA during this process, and we are pleased that the final rule enhances security while minimizing the cost to industry.

### **Surface Transportation**

TSA must remain vigilant across all modes of transportation. Although we know that our adversaries remain intent on targeting air travel, which is why 97 percent of TSA's budget is focused on aviation, TSA also has the responsibility for surface transportation security. Surface transportation modes include mass transit and passenger rail, pipelines, freight rail, and highway.

In the surface mode of transportation like surface and mass transit where TSA does not conduct frontline screening, TSA engages with state, local, and private sector partners to identify ways to reduce vulnerabilities, assess risk, and improve security through collaborative efforts. TSA continues to work to develop security standards, assess vulnerabilities, develop plans to close vulnerabilities, and use metrics to drive risk reduction in a measurable way. An integral part of this effort is engaging stakeholders in developing effective, operational security. For example, TSA conducts corporate security reviews of Mass Transit agencies to include Amtrak and over-the-road bus operators through the Baseline Assessment for Security Enhancement (BASE) program. This program is a thorough security assessment of mass transit and passenger rail systems nationally and over-the-road-bus operations, performed by our Transportation Security Inspectors-Surface (TSI-S). BASE assessments are conducted with emphasis on the 100 largest mass transit and passenger railroad systems measured by passenger volume, which account for over 80 percent of all users of public transportation.

TSA continues to work to develop security standards, assess vulnerabilities, and use metrics to drive risk reduction in a measurable way. An integral part of this effort is engaging stakeholders in developing effective, operational security. As an example, TSA and AMTRAK have a long-standing security partnership through programs that aim to deter terrorist activity through expanded random, unpredictable security activities. Amtrak has also expanded coordination with rail and transit agencies and local law enforcement through the Regional Alliance Including Local, State and Federal Efforts (RAILSAFE) program. Operation RAILSAFE is a coordinated effort involving counterterrorism activities such as heightened station and right of way patrols, increased security presence on board trains, explosive detection K9 sweeps and random passenger bag inspections. On average more than 40 states and over 200 agencies participate, including TSA's Visible Intermodal Prevention and Response (VIPR) teams.

TSA also collaborates with industry through our Intermodal Security Training and Exercise Program (I-STEP) across all modes of surface transportation. I-STEP tests and evaluates the prevention, preparedness and ability to respond to threats. As new threats develop, I-STEP scenarios are updated to ensure that our industry partners are appropriately prepared.

TSA works collaboratively and proactively with industry partners to ensure resources are appropriately directed towards reducing risk to critical pipeline infrastructure. *The Implementing the Recommendation of the 9/11 Commission Act of 2007* (P.L 110-53) required TSA to develop and implement a plan for inspecting the 100 most critical facilities of the national pipeline system. These inspections were conducted between 2008 and 2011, with regular ongoing reviews through TSA's Critical Facility Security Review program. I have personally taken the time to meet with and engage with officials from the pipeline sector and I am confident that our process of using current threat information and industry best practices is producing strong, flexible and effective security measures in a voluntary, rather than regulatory, manner.

TSA also partners with the Federal Emergency Management Agency (FEMA) to allocate transit security grants that assist states and localities in buying down transportation risk through Federal security funding. This funding allows for entities to increase mitigation of terrorism risk through operational deterrence activi-

ties, site hardening, equipment purchases, and other capital security improvements. Between FY 2006 and FY 2013, approximately \$2 billion in Transit Security Grant Program (TSGP) funding was awarded to public mass transit owners and operators, including Amtrak, and their dedicated law enforcement providers. The FY 2014 grants cycle, currently in progress, will add another \$100M in funding to public mass transit agencies and Amtrak. These grants provide funding to eligible recipients to enhance security through critical infrastructure remediation, equipment purchases, and operational activities such as counterterrorism teams, mobile screening teams, explosives detection canine teams, training, drills/exercises, and public awareness campaigns.

#### **Visible Intermodal Prevention and Response (VIPR) Teams**

Visible Intermodal Prevention and Response (VIPR) teams are a key layer of security in the deterring transportation threats. VIPR teams augment the security of any mode of transportation at any location within the United States and are typically composed of federal, state, and local law enforcement and security assets and TSA personnel including FAMS, BDOs, TSOs, Transportation Security Specialists-Explosives, Transportation Security Inspectors, and TSA-certified explosives detection canine teams. These teams can be immediately deployed to local multi-modal security operations nationwide, or respond to specific requirements and emerging intelligence. While VIPR teams have predominantly been deployed in surface modes, following November's shooting at LAX, I directed that VIPR teams be split evenly between surface and aviation modes. This VIPR deployment strategy has garnered support among the TSA workforce and we will continue this shift to enhance VIPR presence at airports, subject to adjustments based on intelligence or special requirements.

#### **Workforce Training**

TSA's mission performance requires a skilled, professional workforce. Through a variety of current initiatives, TSA has incorporated professionalism, cultural awareness, and customer service into our training. Specifically, TSA's new hire training is designed to strengthen core competencies in teamwork, respect, communication, and accountability. Further, TSA has expanded its partnership with the DHS Federal Law Enforcement Training Centers (FLETCs) to provide additional training courses for our screening officer workforce. This dedication to developing front-line employees recognizes their contributions and affirms their critical role in our risk-based security approach.

In addition to training for the frontline workforce, TSA offers programs for all employees that enhance security and leadership skills through advanced degree curricula and executive training at prestigious institutions. TSA has also completed leadership training for nearly all 4,331 Supervisory TSOs, and we are implementing similar training for our 5,500 Lead TSOs and 1,200 Transportation Security Managers. TSA remains committed to the professional development for employees across all levels of the organization.

#### **Conclusion**

TSA will continue to enhance its layered security approach through state-of-the-art technologies, better passenger identification techniques, best practices, and other developments that will continue to strengthen transportation security across all modes of transportation. I thank you for the opportunity to appear before you today, and I look forward to answering your questions.

The CHAIRMAN. Thank you very much.  
And I would call now upon the distinguished Ranking Member.

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

Senator THUNE. Mr. Chairman, thank you for holding this oversight hearing on the TSA.

This is the first TSA hearing the Committee has held since November 2011 and the first opportunity to hear from Administrator Pistole since he provided a classified briefing on aviation threats to committee members last February.

Last week, a public opinion survey released by Harris Poll found that only half of respondents thought that TSA security screening procedures make air travel safer.

Given this measure of public skepticism, which may reflect the fact that we thankfully haven't experienced another 9/11-style attack, I hope the Administrator can explain how his recent efforts to implement a risk-based approach to transportation security at the agency make it more efficient and effective at fulfilling its mission of securing the Nation's transportation systems.

I know Administrator Pistole has made this intelligence-driven approach a top priority and has brought his former law enforcement experience to bear in the process. So I look forward to hearing about TSA's progress in implementing and expanding the risk-based PreCheck program, which I was pleased to hear has recently become easier for South Dakotans to participate in after two PreCheck enrollment centers opened in Rapid City and Pierre.

At the same time, there have been a number of recent security breaches in the news that have raised concerns about TSA's ability to oversee and regulate airport security beyond the screening of passengers and baggage.

Last November, an individual entered a Los Angeles International Airport terminal and shot a bystander and three TSA employees, one of whom, Gerardo Hernandez, tragically died from his injuries.

And just last week, a teenage stowaway scaled an airport perimeter fence, climbed into an airplane wheel well, and somehow survived a flight from San Jose to Maui, Hawaii. Although TSA and FBI investigators have yet to release further details on how he evaded detection by the airport's multilayered security system, I hope the Administrator can discuss generally the TSA's role in overseeing airport perimeter security and access controls and how we all might learn from these two incidents.

Technology is one tool that TSA uses to mitigate threats, but the Agency's history of technology acquisition is spotty at best, from the failed deployment of unreliable puffer machines to the recent removal of those advanced imaging technology machines that could not be modified to replace detailed images of passengers with more generic images and automated threat-detection software.

Industry stakeholders have also criticized TSA for making it difficult for industry to plan ahead and invest in innovative research and development.

Legislation to improve transparency and accountability in technology acquisition spending by TSA cleared the House unanimously last December. This legislation and a companion bill introduced by our colleague, Senator Ayotte, and cosponsored by Senator Blunt have been referred to this committee, and I hope the Administrator can comment on these bills and ongoing acquisition challenges.

Mr. Chairman, as we consider TSA's use of its resources, I also want to note my concerns about recent increases to the passenger aviation security fee adopted under the Bipartisan Budget Act of 2013. This Act, which was drafted without authorizing committee input, raises the passenger fee on July 1 to \$5.60 per passenger per one-way flight and diverts \$12.6 billion of the total fees generated

over the next 10 years to deficit reduction rather than to aviation security.

While I certainly support deficit reduction, I do not think that the air-traveling public should be singled out to pay for it. In addition, commercial airlines have expressed concerns about TSA's implementation of the increased fee, specifically the elimination of the one-way trip cap and the resulting cost increases for long, multi-leg, round-trip travel. I look forward to hearing clarification from the Administrator on exactly how the TSA will implement this fee change.

I am also looking forward to discussing the efforts that TSA is undertaking in the surface transportation and maritime sectors.

One TSA program that has come under increased scrutiny recently is the Transportation Worker Identification Credential, or TWIC, program that was referenced by Senator Warner earlier. Recent reports from the Government Accountability Office have raised serious questions about the effectiveness of this program, and I would like to hear Administrator Pistole's suggestions on how the TWIC program can be improved.

I am also interested in hearing the Administrator's plans for TSA to carry out its mission as the lead Federal agency for all transportation security matters regardless of mode. I know that in response to the recent shooting at LAX, TSA has reduced the percentage of VIPR teams assigned to surface transportation security from 70 percent to 50 percent, and I would like to know whether the Administrator thinks this reduction will have any negative consequences.

Mr. Chairman, again, I want to thank you for holding this hearing. Thank you to Administrator Pistole for being here today. And I look forward to the opportunity to ask questions.

Thank you.

The CHAIRMAN. Thank you, sir.

I want to make my opening remarks.

Actually, it occurs to me, Senator Barbara Boxer, that you and I were the only two people on this committee before 9/11.

Senator BOXER. I think that is right.

The CHAIRMAN. I think that is right, yes.

Senator BOXER. I think that is accurate. We were together—

The CHAIRMAN. Yes.

Senator BOXER.—that morning.

The CHAIRMAN. Yes.

Senator BOXER. Remember?

The CHAIRMAN. Yes.

Senator BOXER. You grabbed my hand. We ran down the stairs.

The CHAIRMAN. Yes. Yes, I also remember—this is off the record.

[Laughter.]

Senator BOXER. No, we are just—talk among yourselves.

The CHAIRMAN. I remember John Kerry—I said, come on, John. Bill Nelson—we were having this Democratic leadership meeting, before they pitched me out—he is not laughing.

[Laughter.]

The CHAIRMAN. Sort of laughing.

And, you know, we—boom, there was the Pentagon, and we were looking right at it, because there was one of these huge windows.

And I said—and Bill Nelson and I took off in my car, and we went a bunch of sort of phony secure places.

Senator BOXER. Oh, so Bill was there?

The CHAIRMAN. Yes, Bill was there. But John Kerry was also there. And he was going down the stairs. I said, John, come with me, let's get out of here. He said, no, I am going to go back to my office.

So maybe he was working on the Middle East. I don't know.

Senator BOXER. Who knows?

The CHAIRMAN. Yes.

Anyway, in the wake of those attacks on September 11, Congress worked on several fronts very fronts. The first bill that we passed embarrasses me to this day. We passed a bill allowing the CIA and the FBI to talk to each other. You could not do that before.

You verify that?

Mr. PISTOLE. A number of limitations, Chairman.

The CHAIRMAN. OK. All right.

To secure our transportation system, we created the TSA administration. That is where it came from. Barbara and Jay and a few others helped do that. The TSA was given the monumental task of protecting our aviation system, our ports, our rail lines, our pipelines, wherever those are, at whatever level, whatever map, however old, and our transportation system.

Since its inception, this agency has dealt with conflicting mandates that have left it stuck between two very important goals: we have asked the TSA to promote speed and efficiency—fast get-through for passengers, et cetera—while at the same time prioritizing safety and security. Now, these two don't necessarily fit very well together. They can, I suppose.

And at the same time, the Agency has had to fulfill this vast—you have something like, what, 250,000 people?

Mr. PISTOLE. No, that is the Department of Security writ large.

The CHAIRMAN. That is Homeland Security writ—you are right.

Mr. PISTOLE. We are just a portion of that.

The CHAIRMAN. You have a bunch. Anyway, you have had to do all of this with limited resources. And as of our conversation yesterday, I am going to ask you a lot of questions on limited resources.

I was Chairman of this committee's Aviation Subcommittee when the TSA was created, and I have watched it grow but also struggle at times to meet its mission. However, these ups and downs are becoming less common. This is partly due to a series of legislative reforms and, importantly, the strong and steady and consistent leadership of Administrator Pistole.

Today, I believe our aviation system is safer than it has ever been. Since the TSA was created, we have had no successful air attacks on American soil despite several efforts to have that happen. We are also doing a better job at preempting dangerous people and goods from getting on aircraft. And better intelligence has resulted in real policy changes. This has allowed authorities to act faster than ever to guarantee travelers' safety.

Now, these are big words to say and hard to do.

Screening at American airports has also evolved and it has improved. The TSA is harnessing advances in technology while ade-

quately balancing privacy concerns. And we are going to have a meeting on that later in the afternoon. As a result, we have seen shorter waiting times.

And I remind our members that more than 99 percent of passengers move through security in less than 20 minutes, including Al Gore. That is a far cry from the days when security lines were, in fact, several hours long.

A lot of credit for these changes goes to TSA's new risk-based approach, which you initiated, an approach that is championed by you. How we refine and how we fund these risk-based approaches will determine how successful we are in adapting to our dangerous security concerns.

In the next decade, for example—and I want people to hear this—air travel is predicted to grow from 700 million a year to a billion people a year. How is it that we accommodate that and make that work without spending more money to handle that sheer volume?

But there is a severe lack of urgency among many in Congress to invest in the security of other transportation systems, just in general. Across the board, from our ports to our rails, we are failing to make sensible investments that will ultimately make traveling publicly safer and save us money in the meantime. As a result, we have left vulnerable the security of our ports and surface transportation systems, which are all critical components of the TSA's mission and vice versa.

While there is substantially less public focus on these areas, these systems have been the target of terrorist plots. An attack on a major port or in a crowded transit system could be as devastating as an aviation incident easily.

Even in aviation, where we are focusing the bulk of our resources, more work must be done. I continue to be concerned about the gaps in general aviation security.

Now, I am not going to take off, as I would like to do, on general aviation because they are not doing very much at all, and they get a free ride, and they ride in huge planes that could be carrying Semtex and all kinds of other things, but they won't let anything happen to them. You say that they have indicated they have made a few improvements, but I am unimpressed.

Recent incidents have further raised important questions about the security of our airports themselves. In November, there was a tragic shooting at Los Angeles International Airport. One TSA employee was killed, and seven others were injured. Last week, the famous teenager thing, and we are all trying to speculate on how he made it 9 hours up in a wheel casement which I think was 50 degrees below zero. In any event, he survived, so that is a happy ending. But it is not a happy story, because he got into the airport, into the airplane, and nobody noticed.

In the 13 years since TSA was created, we have learned that transportation issues are not becoming easier to overcome. That is because our world is becoming much more complex, and you know what I mean by that. One of the only ways we are going to meet these challenges is to provide the TSA with the resources that it needs to get its job done. Nothing in the world is plainer or truer to me. And, yes, we probably won't do it unless things change, and

then something awful will happen, and then we will probably do a little bit but not enough.

To improve the overall security of our transportation system, these resources must be allocated wisely across aviation and surface transportation programs.

The men and women of the Transportation Security Administration have done far more than they receive credit for. And if there are any watching or listening, let them hear that. They are taking care of us, and it is too often a thankless task with few good options and too few resources.

So that ends me.

Barbara, are you sure you don't want to make an opening statement?

Senator BOXER. No, I just have questions.

The CHAIRMAN. OK.

Senator BOXER. Thank you, though.

The CHAIRMAN. Well, then why don't we start with you on questions, and then we will go to—

Senator BOXER. Is that OK with everybody?

The CHAIRMAN. Yes.

Senator BOXER. It is OK?

The CHAIRMAN. It is OK with me.

Senator BOXER. All right. Thank you.

The CHAIRMAN. And John comes before I do, so—

**STATEMENT OF HON. BARBARA BOXER,  
U.S. SENATOR FROM CALIFORNIA**

Senator BOXER. Is it OK if I—thank you.

Well, I just want to thank our Chairman and our Ranking Member, not only for their leadership on this but also today raising two issues that happened in California: the tragic shooting at LAX of a TSA officer—it just happens to be the entrance that I go to very often when I fly to Washington, and I see that spot. And I saw it when we had roses all over the floor there. It is just unbelievable, what happened. And the second one, which was this terrible breach of security in San Jose.

So I really want to, before I get into that, just thank you for two things.

You know, sometimes you come here and you are pummeled, so I wanted to thank you for the PreCheck system. I want to say, it means so much to me, because for years I was begging TSA to do this. Because it means, as we look for the needle in the haystack, right, we are getting rid of a lot of those needles that we don't have to look at. And it makes your job really easier. And it really makes it better for people. People are thrilled. They really are. And I talk to them all the time. So thank you for that.

I want to also thank you for this report, "Enhancing TSA Officer Safety and Security." It came out after this tragedy at LAX.

So I don't want to ask—we would have to be in a classified setting. I don't want you to go into how you are changing things, but let me just get a "yes" or "no" answer.

Are you working very closely in Los Angeles at LAX with the other security forces there—the L.A. people, the LAX security peo-

ple? Because it is key; you have to be on one page. Are you coordinating?

Mr. PISTOLE. Yes, Senator. We work very closely with, they are called LAWA, the police chief, Pat Gannon, and his officers, to ensure that we have as seamless as possible a response to another tragedy like this if it may happen.

Senator BOXER. And if there are any problems in that regard, in terms of the cooperation, will you let me know? Because, to me, that is the key.

Mr. PISTOLE. Yes, there—

Senator BOXER. You have to mobilize all the resources. That was a mess. People were just not around. Passengers were just running, didn't know in which direction. No one was in charge. It was really a very bad situation.

So this requires your attention. And I am assuming it has gotten your attention.

Mr. PISTOLE. It very much has. I have been to Los Angeles, including the day after the shooting, November 2—

Senator BOXER. OK.

Mr. PISTOLE.—and then a number of times since then.

Senator BOXER. Good.

Mr. PISTOLE. Gina Marie Lindsey, the Airport Director, met with the Mayor, a number of people, to ensure that we are doing everything we can to address situations like that.

Senator BOXER. OK.

And my last question has to do with that incident that was raised by my friends here. San Jose Airport, the early hours of April 20, a 15-year-old boy was able to breach the perimeter fence, climb unnoticed into the wheel well of a parked aircraft.

And we are all thankful that this child survived the 5-hour flight, but this situation, we can just use our imaginations. If a 15-year-old kid can do this, who else can do this? I don't have to go into detail. So this layered defense is critical. Obviously didn't work.

And let me tell you what really, really concerns me. Three weeks before this security breach, the TSA completed a comprehensive, 3-month inspection of San Jose Airport. And what did you find?

And I would ask unanimous consent to put this in the record.

The CHAIRMAN. It is done.

Senator BOXER. You found that they were in compliance on all counts, including a review of the perimeter security through physical barriers and electronic access control systems. They passed this.

Now, it is an 82-hour inspection. And, in your own words, "San Jose Airport was found to be in compliance with its security requirements for perimeter systems and measures, including the fence line." And then you go into everything that was done.

What happened here? What are people telling—I am sure you called them in and said, huh? Are you kidding? This is a nightmare. What did they say?

Mr. PISTOLE. Yes, so we are obviously following up on that, Senator. As I think you and everyone—

Senator BOXER. Why are you just now following up on it? Why didn't you follow up on it the next morning?

Mr. PISTOLE. Oh, no, we did. We did that night. Well, as soon as we learned that there had been a stowaway. We have been working that almost nonstop since then to find out exactly what happened, what the airport authority who has the responsibility for perimeter security—we, of course, work with them in terms of the airport security plan to say—

Senator BOXER. No. You are not—

Mr. PISTOLE.—here is what—

Senator BOXER.—answering me. I am sorry. You found them in compliance 3 weeks before this happened.

Mr. PISTOLE. So there—

Senator BOXER. And it is not about a stowaway. It is about—it is not about a stowaway. It is about the fact that someone leaped over that fence and got onto a plane. What if it was someone else?

So I don't understand. I just think you are too calm about this. I don't understand. I want to know, what are you doing about this?

Mr. PISTOLE. So we are working with the airport, obviously, in our regulatory capability. We have the ability to fine the airport for allowing this to happen, because it is an egregious violation of the airport's perimeter.

Senator BOXER. So you think it was a failure of their personnel, not their fencing or everything that you checked.

Mr. PISTOLE. So, as you know, with 450 airports, there is no one-size-fits-all for each airport, so we inspect each one to assess, for that location, is the perimeter fencing—along with a number of other things. We actually did have two findings unrelated to the perimeter security.

Their fencing was in fine shape, but as at least one prior Secretary of Homeland Security said, “show me a 15-foot fence and I will show you a 16-foot ladder.” So there is no perfect solution, so what we do is try to buy down risk in a measured fashion that allows us to make sure that we are doing everything possible.

The fact is there was no CCTV coverage showing where he actually went over. We know what he said, where he went over the fence, and then what he did, as you described.

Senator BOXER. OK. Are you concerned that your organization cleared this airport just 3 weeks before and said they were in compliance, including physical barriers and electronic access control systems?

Mr. PISTOLE. So I would like to draw a distinction between what our regulatory compliance work is to say, they have the systems in place; the question is, do they work at every instance? And there is no 100 percent solution here, Senator, as you know. So we can build fortresses around airports for access—

Senator BOXER. But where is the layered defense? What is the layered defense here?

Mr. PISTOLE. So there are a number of opportunities. There could be armed officers or with canines out patrolling. There could be better CCTV coverage. There could be a second fence in some situations. You can look at Ben Gurion Airport to see what they do. That is—

Senator BOXER. Well, let's do it.

I don't want to take any more time. I just wanted to say this. You cleared them, and that is troubling to me. Why didn't you know that they didn't have the dogs? Is something wrong here?

I am very worried about this, because it isn't enough to fill out a piece of paper and say, "Check." This is really serious business—really serious business. What if it was someone else with an explosive—

Mr. PISTOLE. Absolutely.

Senator BOXER.—that got on that plane?

Hey, this is bad news. And I just would like not to continue this conversation now, A, because of my colleagues' getting probably very annoyed with me because I have gone over, but, B, I think we need to meet in a different type of setting—

Mr. PISTOLE. I would be glad to do that.

Senator BOXER.—to find out what the heck is going on here. Because I don't want this happening at anybody else's airports. And I just don't feel the sense of urgency in your voice that I would like to hear.

Mr. PISTOLE. So, thank you for that comment, Senator. I try not to be too over-the-top. I try to be measured in what I do.

And I think that what we do is measured in terms of—we could require airports to do much, much more. The question is, who pays for that? And if Congress doesn't fund us to fund the airports, then that is an unfunded mandate for the airports.

So we try to work in partnership as best we can to buy down risk and to do what we can to try to prevent risk, but not try to eliminate risk.

Senator BOXER. OK. I get it. Don't throw it away from the fact that you cleared these people and that is wrong. And there ought to be—

Mr. PISTOLE. I respectfully disagree, Senator—

Senator BOXER.—an explanation.

Mr. PISTOLE.—because I think if you go into detail as to what we are doing in terms of clearing, I think you are drawing the wrong conclusion from why we are, as you say, clearing.

We are assessing the airport security program. If it is done to our standards, then we will say, yes, you are doing it to our standards. It is not a guarantee that nothing bad will ever happen. So if that is what you are getting to, if you are looking for a 100 percent guarantee, that is not going to happen.

Senator BOXER. I am looking for a layered defense—

Mr. PISTOLE. Which we have. Which the airports have.

Senator BOXER. Well, no. Did not—

Mr. PISTOLE. It is not a guarantee 100 percent, ma'am.

Senator BOXER. Did not happen. This is serious business.

Mr. PISTOLE. I agree.

Senator BOXER. I don't think you are taking it that seriously.

Mr. PISTOLE. I disagree.

Senator BOXER. That is fair enough.

Mr. PISTOLE. Thank you.

Senator BOXER. I still like you.

Mr. PISTOLE. I like you, too. We disagree.

The CHAIRMAN. Thank you, Chairperson Boxer.

I call now upon Chairman Thune.

Senator THUNE. Thank you, Mr. Chairman. I like you and Senator Boxer and Mr. Pistole.

[Laughter.]

Mr. PISTOLE. Senator.

Senator THUNE. I have a TWIC question. You heard Senator Warner's statement about the problems with TWIC, specifically whether the background checks are robust enough and are refreshed often enough to identify those who represent a threat to our transportation infrastructure. And I am just wondering how you would respond to that critique.

Mr. PISTOLE. No, I agree with Senator Warner that the tragedy at the Norfolk Navy Yard was very unfortunate.

I think there is still some uncertainty as to the facts, whether the shooter actually displayed the TWIC card to gain access, which we know a TWIC card does not grant access to a naval base; it grants access to ports. And I would defer to the Navy, in terms of their investigation, as to whether he actually displayed that card.

That being said, in terms of the background, we have been working on some of the legal aspects of what we are authorized to consider, both from a policy standpoint but also from a statutory standpoint. So I would look forward to working with the Committee in trying to tighten up some of those gaps which I believe were identified as a result of this tragic shooting.

Senator THUNE. Are we routinely checking TWIC holders against relevant criminal and counterterrorism databases to mitigate the risk that these people are getting access to sensitive locations?

Mr. PISTOLE. We do as to the terrorism database. So if somebody is a TWIC card holder and they are placed on the terrorism watchlist by another agency, then that information is pushed to us and we are made aware of that, and then we take steps to revoke that TWIC card, for example.

If it is a criminal arrest or something, as Senator Warner testified, that is not pushed to us. And that is one of those gaps.

So we know that about a third of all the TWIC card holders do have criminal histories, but that is acceptable under the statute. And so that is something—I mean, these are dock workers, these are port workers, in large part.

But that criminal information is not, or that updated information, not pushed to us. So it is only done at the issuance of the card and then on a reissuance, say, 5 years later.

So that is something that would be beneficial, in terms of buying down risk, to say if somebody had been not necessarily arrested but at least convicted, particularly of a felony, particularly of a violent felony, that we should get that information so we can take appropriate action, similar to the terrorist watchlist.

Senator THUNE. OK.

As I noted in my opening statement, the Bipartisan Budget Agreement of 2013, which, again, I would add, was drafted without authorizing committee input, increased the TSA passenger security fee from \$2.50 per enplanement with a cap of \$5 per one-way trip to a flat \$5.60 per one-way trip beginning July 1 of this year.

And we, of course, hear general complaints about the increased cost of travel, but we have been hearing concerns regarding TSA's implementation of the act and specifically that a multi-leg,

roundtrip itinerary could be subject to much higher fees than even the statutory increase would seem to indicate.

And it is my understanding, and correct me if I am wrong, that in response to industry inquiries, TSA suggested that a single roundtrip with five or six legs could be treated as five or six one-way trips. And so you could generate roughly \$30 in fees even though the previous \$5 cap per one-way trip would have limited those total fees to \$10. And I am just curious if that is accurate.

Mr. PISTOLE. That is not my understanding. Obviously, our lawyers have been working on this. My understanding is it is \$5.60 per one-way, and as long as that one-way trip is not interrupted by more than 4 hours in a transiting airport, then it is still considered one-way. So let's say you flew from Dulles to O'Hare to LAX, as long as O'Hare is less than 4 hours, Dulles to LAX is still one-way and that is \$5.60.

Now, the roundtrip portion, if—did you want to go into that?

Senator THUNE. Yes.

Mr. PISTOLE. On the roundtrip, we have not taken the position that that existing \$10 cap applies because that is not what the Bipartisan Budget Act said. It doesn't address the cap. And so we are just reading the statute and saying it is \$5.60 one way, so it is \$5.60 the other way, so that is \$11.20 rather than \$10.

Senator THUNE. So there is no departure from the precedent as to what constitutes a one-way trip today?

Mr. PISTOLE. There is a different—the statute is different. The existing talks about enplanement, and I think there has been some discussion about that. But as I outlined, that is my understanding. And I will take that back with our lawyers to make sure that is consistent.

Senator THUNE. If you would, that would be great. Because it sounds like what TSA is proposing is to treat each enplanement as a one-way trip, whereas previously it was recognized that a one-way trip could include several enplanements.

Mr. PISTOLE. That is correct.

Senator THUNE. OK. Well, you could read that new law, then, as simply replacing the \$5 cap per one-way trip—

Mr. PISTOLE. Right.

Senator THUNE.—with a \$5.60 cap per one-way trip, which would still be a significant increase for people who have only been paying \$2.50 for a one-way trip with a single enplanement.

Mr. PISTOLE. Yes.

Senator THUNE. I would appreciate if you could get some clarification to us on exactly how you intend to implement that. Because we are hearing, obviously, some concerns about that.

Mr. PISTOLE. OK.

Senator THUNE. I see my time has expired, Mr. Chairman, so I will turn it over back to you and let some other people ask questions.

The CHAIRMAN. Good. I don't mean "good." I should just say "thank you."

When we talked yesterday, Administrator Pistole, I told you that I am overwhelmed with the lack of possibilities in the future for our safety and for all kinds of inventiveness and STEM and re-

search and everything because of the lack of revenue. And there are people here who will do anything other than raise revenue.

I remember going to a hearing at Chicago airport with Dick Durbin and Mayor Daley—Mayor Daley at that time—because they had eight runways, but two of them crossed, and they have to take out some public housing to build in room for another runway. And so the point is it is in the middle of the city, so to speak, and there it is with no more space whatsoever.

Now, I go from the 700 million to 1 billion passengers and I try to contemplate, what in heaven's name is O'Hare going to do? Or Santa Fe, New Mexico, or Albuquerque, you know, much less Charleston, West Virginia.

At some point, if you don't have resources, you can't testify that things are safer. You can say you are doing your best. And you are. And I think you are the perfect guy for this job, and I have told you that, because you are very workmanlike. You don't do it in a flashy sense, but you get it done.

Mr. PISTOLE. Thank you.

The CHAIRMAN. But do you believe that we have resource problems?

Mr. PISTOLE. Clearly, with the expanding passenger growth, we will be challenged to keep up with those passenger loads at the same throughputs and same level of security and efficiency. So, clearly, that is an issue for us.

I believe, that being said, that through our risk-based security initiatives, we are making significant strides in both buying down risk and being more efficient. But when you are talking about those multiples, going from 700 million to a billion—

The CHAIRMAN. That is what I am talking about.

Mr. PISTOLE.—that makes it a challenge, as it does for each airport, as you described, in terms of their physical infrastructure and their ability to process people through.

For example, LAX, on busy days in the summer, they will have over 100,000 people go through their 9 terminals. That is a lot of people, and it creates a lot of challenges for everybody.

The CHAIRMAN. Second part of my question. We discussed this yesterday. Could you please tell us where you could immeasurably improve security on your watch if you did have more resources?

Mr. PISTOLE. So I think there are two parts to that, Chairman. And thank you.

I think the one is expanding the risk-based security initiatives. And so we were at 40 airports last year, 118 now, and up to 600 TSA PreCheck lanes, either full-time or part-time. I see the future of TSA being the majority of passengers going through expedited screening, either TSA PreCheck or one of our other programs. We have 75 and older, 12 and under, things like that.

I also see that same thing being applied to checked bags and carry-on bags. I mentioned the 1.5 billion, you know, that we screen every year. So that is something that I see.

The challenge becomes, what is the point of—the return on investment. So at what point does the number of passengers overload the system for our efficient handling with the best security? The more prescreening we can do of passengers, cargo, and baggage, the better job we can do of buying down risk in a measured way

to say, yes, we have high confidence that this is not an underwear bomber or there is not a toner cartridge bomb in this package.

The bottom line is the threats are real. I provided a classified briefing for some of your colleagues in the House yesterday going over some of the latest intelligence. And it concerns me greatly, about what terrorists are continuing to do in terms of focusing on aviation, particularly Western aviation.

So, given all that, yes, we have to work together with airlines, airports, industry, passengers, and particularly with the Congress to make sure we have the resources to do the job, to make sure there is not another 9/11 or some other type of attack.

The CHAIRMAN. And, you know, a problem that we all have—and I would just say this to my friend, Senator Thune. I say it all the time, but it is just so inbred that it is pointless. You can't give your own views, as director of TSA, when you testify. It has to be approved by the Office of Management and Budget. And if they think you are going out too far this way or too far that way or you are extending yourself to some point of vulnerability, then you can't say it.

I really resent that. I don't resent you; I resent that. For heaven's sake, if we have these hearings and we are trying to find out what we need to do, you have to be able to say where you are hurting and where you are not. And if OMB doesn't like it, that is too bad. What you will get is much more support from those of us on this committee because we will know that you are talking to us straight.

Now, you have edged into some subjects, and I congratulate you for that. But, you know, then you talked about all the PreCheck and, you know, expedited screening procedures. The more you do that, in order to cut down on time, the more you put at risk certain security measures, potentially. Somewhere, there is a cross-line there. And I don't know where it is, but I worry about that.

And my time is up. So, Senator Scott?

**STATEMENT OF HON. TIM SCOTT,  
U.S. SENATOR FROM SOUTH CAROLINA**

Senator SCOTT. Thank you, Mr. Chairman. Thank you very much for holding this very important hearing on our security through our transportation area.

Administrator Pistole, thank you for your dedication to a very difficult task, as we listen to the folks on both sides cross-examine you, in many ways. I am going to provide more of that in a second here, but we do appreciate your public service to our Nation.

Mr. PISTOLE. Thank you, Senator.

Senator SCOTT. Yes, sir.

We have heard the Chairman and others talk about the need for speed and efficiency, safety and security, and the use of technology. And the final point that he was talking about is the lack of revenues or the limited resources that we have.

My question really comes down to, what is your takeaway from some of the challenges of using technology that was either unproven or just inconsistent with the environment that it would be put into?

I think specifically about the puffer machines, \$160,000 each, now probably sitting in a warehouse somewhere. I am not sure what the return on the investment is on that. I think about the full-body scanners, 800 of them now sitting somewhere, as well, perhaps not being used as effectively as possible. Or the SPOT program that, of course, well-intentioned as it was, had a \$200 million rollout cost, perhaps not performing and getting accomplished what we would like to see accomplished.

My question to you, Administrator Pistole, is, as you look at those rollouts or those uses of technology, some untested, just some didn't work out well, what is your takeaway for how we look at the limited resources, a lack of revenues, and yet we have spent a lot of money doing things that just haven't worked very well?

And part of the challenge that I see is that some of these things came out without any cost-benefit analysis being performed before we used the very limited resources in a fairly ineffective way.

Mr. PISTOLE. Yes. And thank you, Senator. And I wish I had a nickel for every time the puffer machines have been brought up with me, because that was an inartful, ineffective rollout of an unproven technology in the actual airport environment. It preceded my time, but I am responsible for it now.

But I think one of the lessons learned from there, for example, was we did not have a testing facility to really test equipment before deployed. And so we created the Transportation Security Integration Facility just south of Reagan Airport, which I invite all Senators to come out and visit anytime, where we test with the latest technology before we deploy. So that is one of the lessons learned.

Two is on the acquisition process that a couple Senators have mentioned. We have learned a lot over the 12 years since TSA was created on how to do acquisition on a more timely basis, a more informed basis, more transparent basis, and I think we have made great progress in that.

And so we are working with industry to acquire technology that, one, helps buy down risk, but, two, does it in a cost-effective way, and not only here in the U.S. but working internationally, because we are trying to harmonize international standards. And we realize that as other countries acquire the latest technology that is commensurate with ours, that buys us down risk across the board. Because we know that since 9/11 all the threats to aviation have emanated from overseas. So we want to make sure our overseas partners are as well-equipped to buy down risk as we are.

So I think we have learned several lessons and we have tried to be good stewards in these last 3 years. So, for example, our budget from Fiscal Year 2012 to 2015 has gone down by over \$500 million. So we have had to become more efficient, we have had to buy down risk in a way that recognizes there are limited resources, so let's make sure we make wise investments.

Senator SCOTT. I know you have answered this question in part previously, with Senator Warner's comments, Senator Boxer's comments on the TWIC program, or it may have been Senator Thune's comments on the TWIC program.

Looking into the future of the TWIC program, what real changes, substantial changes, do you see?

And I will say that, speaking from a South Carolinian's perspective, residing in the Charleston area and thinking about the beauty of our coastlines and the economic contributions of our ports and the vigilance that it will take for us to make sure that we secure ourselves from the ports perspective, what do you see happening?

Mr. PISTOLE. So I think the TWIC card is a good idea in the sense of identifying people who have access to sensitive areas of ports, so we are doing a security threat assessment to know we are not allowing terrorists to get access to a port. And that is the bottom-line purpose of TWIC.

That being said, the deployment of card-readers in high-risk ports has been slow for a number of reasons. We work very closely with Coast Guard, which has that responsibility. I understand they will have a TWIC card-reader rule out sometime early next year.

So we work very closely in partnership with the Coast Guard to say, how can we buy down risk jointly? Because, obviously, TSA is not at the port, we are not reading the cards, we are not providing access to the ports and all the things; we just do the security assessment on the front end.

Senator SCOTT. And I know I am out of time. I may contact your office later on an additional question that I have on TSA PreCheck and the application by different airlines.

Mr. PISTOLE. OK. Look forward to it, Senator. Thank you.

Senator SCOTT. Thank you.

The CHAIRMAN. Thank you, Senator.  
Come on, big guy. It is your turn.

**STATEMENT OF HON. CORY BOOKER,  
U.S. SENATOR FROM NEW JERSEY**

Senator BOOKER. Thank you so much, Mr. Chairman.

And the thoroughness of my colleagues, many of the questions I had have been addressed, maybe not as sufficiently as I would like.

And I would enjoy to have a conversation in a more confidential environment, given a lot of the threats that we obviously see there, when you see things that happen like they did in California. And, obviously, someone stowing away in a wheel, I know that it rises to your level of concern.

Mr. PISTOLE. It does.

Senator BOOKER. You guys have been doing a better and better job and a good job. But if better is possible, even good is not enough. And so we constantly have to see us getting better.

Questions were asked, which I appreciate, about the increased funding that you have already gotten and how that might be being applied. I am happy to hear that there are some caps that our residents who often have to take multiple—like some of my colleagues, in fact, when they fly, have to take multiple links, and that those will, if I understand it, never be more than that \$5.60 and \$5.60, depending on if a roundtrip. Is that correct?

Mr. PISTOLE. That is generally correct. I mentioned that one 4-hour exception, so if you are in a transiting airport for more than 4 hours, then it would be considered—

Senator BOOKER. That is on a scheduled flight. So if I have a lay-over that ends up because of weather being 5, 6, 7 hours?

Mr. PISTOLE. I am not sure about that, Senator. I will have to look into that.

Senator BOOKER. I would love to know that.

Mr. PISTOLE. Yes.

Senator BOOKER. And so, since a lot of the areas I wanted to discuss have been discussed, I would like to just pin down on the surface transportation security, which is something that deeply concerns me.

Because in New Jersey we have a lot, with such a dense area, we have a lot of vulnerabilities. We house many chemical manufacturing sites and facilities in our state, and I worry about a breach in security there. It may not end up just being a person stowing away but could end up causing extreme havoc and untold damage on life and property.

And so, this increased funding that you get, you know, what are you doing, what additional steps are you taking now to secure transportation sectors?

Mr. PISTOLE. So, of course, because we don't have the frontline responsibility for surface transportation—for example, Amtrak Police does, and we work in concert with them—or pipelines or the rail, either passenger or freight, what we try to do is be a force multiplier for either those state or the local authorities that have that responsibility.

For example, Port Authority of New York/New Jersey, we work very closely with them to ensure that targets have been hardened. For example, if we went into a classified setting, I could tell you exactly what we have done over the years to harden particular vulnerable targets in your state.

Then, how can we do things that would enhance, for example, training; providing our VIPR teams to high-profile events, such as the Super Bowl that was just held. So we have VIPR teams there that helped, we believe, buy down risk as a visible show of force.

So there are a number of things we do to supplement those frontline efforts.

And recognizing that only about 3 percent of our budget is dedicated to surface transportation. Ninety-seven percent is on aviation because that is the way we are funded. So——

Senator BOOKER. And, Administrator, just given that, if you had more funding, what more would you do?

Mr. PISTOLE. Well, there are a number of things we could do, in terms of provide more LEO-reimbursable funds to state and local police and Amtrak and others, either for additional training or for overtime for officers who may want to have a more visible presence, like at Penn Station, Newark, or whatever.

We could do more training. We could do more infrastructure hardening of targets. There are a number of things we could do. But that is not where we are right now, so we do what we can, again, as supplement to those frontline resources.

Senator BOOKER. And, Mr. Chairman, I am going to stop there. I am grateful for the Administrator. He has a very, very difficult job. I know——

The CHAIRMAN. You have plenty of time.

Senator BOOKER. I know I do, but I want to stop there, but just encourage us to perhaps get into a confidential setting, because

some of my questions about specific areas are important. Or maybe that is something we can do individually.

The CHAIRMAN. A secure setting.

Senator BOOKER. A secure setting, a location to be—a secure location.

The CHAIRMAN. We are all going to meet in Kelly Ayotte's office. [Laughter.]

The CHAIRMAN. And you are next.

**STATEMENT OF HON. KELLY AYOTTE,  
U.S. SENATOR FROM NEW HAMPSHIRE**

Senator AYOTTE. Chairman, we might need a little more space than my office. But I think we should meet in your office. That would be even better.

Thank you for being here.

Mr. PISTOLE. Senator.

Senator AYOTTE. I appreciate you have a challenging position but very important leadership position for the country.

And I wanted to ask you about a bill. We have seen some examples in the past of some challenging—and I won't just pick on TSA for this, but one of the challenges I think that has been across the government is acquisition challenges. And some of those acquisition challenges, and particularly in the IT area, where we have invested but we haven't really been able to get the outcome that we want or the system that has been effective for us.

So I have introduced a bill that actually passed the House 416 to zero. Now, that is a rare moment, in and of itself. The bill is called the "Transportation Security Acquisition Reform Act." The legislation would just essentially implement a number of good-government reforms to help streamline TSA's acquisition process, have greater transparency, and accountability to the public.

So some of the things it would do is develop and share with the public, for the first time, a strategic multiyear technology investment plan; share key information with Congress on technology acquisitions, including cost overruns, delays, or technical failures, within 30 days of identifying the problem so we can work with you; better manage and utilize the inventory; and report goals for contracting with small businesses.

Have you had a chance to look at the legislation?

Mr. PISTOLE. I have, Senator, and—

Senator AYOTTE. What do you think of it?

Mr. PISTOLE.—yes, I think it is generally good. We have worked with Senator Richard Hudson and his staff in the House, one of the sponsors there. And I think, one, it does a couple things. It recognizes that we have made some progress over the last few years to improve the process, which was in many ways broken. And so we are taking those steps.

There may be some technical language that we would want to work with the Committee on to make sure that we are achieving the outcomes that are intended and that there aren't some unintended consequences, in terms of some reporting requirements.

But, overall, I applaud the bill and support it, in terms of what I have seen. So—

Senator AYOTTE. Fantastic. I appreciate that. And, you know, I look forward to us addressing that bill in the Committee, especially since it had unanimous support in the House. I am glad to hear your endorsement of it and look forward to working with you on this important issue.

I also wanted to ask you about the issue of exit-lane staffing, because there have been some concerns raised to me that TSA may be walking away from staffing exit lanes at certain airports, in reliance on a provision that was included in last year's budget agreement that requires the agency to continue to perform those services. So, in other words, that this may be contradicting that, and that one of the arguments that is being made is that if an airport makes any changes to an existing exit lane, including infrastructure, then TSA won't continue to man that exit-lane position.

So can you just help me understand the Agency's position on this and what is happening with regard to exit lanes?

And, obviously, if an airport is willing to make investments in infrastructure that could actually improve the airport, I wouldn't imagine that would be or should be a factor as long as they meet your standards in terms of what kind of staffing would be present.

So if you could help me with that—

Mr. PISTOLE. Right. Thank you, Senator, because that is something—because of our reduced budget, we were looking for ways to save taxpayer money. And not staffing exit lanes, which we see as access points as opposed to security screening functions—we only do exit-lane staffing in about a third of the 450 airports currently.

So, as we tried to get out of that business to save about \$100 million a year, so a billion dollars over 10 years, what we found is there was a lot of opposition to that from those 150, 160 airports that we do staff, because it would be basically an unfunded mandate on them.

So what I see as the long-term solution, and I think others generally would agree, is that technology is, in most instances, the long-term solution to get both airports and TSA out of the business of humanly staffing those exit lanes.

Senator AYOTTE. Using, like, surveillance and technology or—

Mr. PISTOLE. There are dozens of different technologies, including that, including doors, "mantraps" they call them, and different things, any number of things. But to work in a collaborative fashion to look at long-term, not just year by year.

And so your specific question relates to the Bipartisan Budget Act, which had an effective date of December 1, which said if we were providing security staffing or exit-lane staffing as of December 1, then we are required to continue that.

So if we weren't doing it December 1, then the question becomes—and this is what the lawyers are discussing. If it is a new exit lane or—

Senator AYOTTE. The lawyers are always involved.

Mr. PISTOLE. Being a recovering lawyer, I can appreciate what they are doing. So it is—

Senator AYOTTE. I am, as well.

Mr. PISTOLE. I appreciate that, and Senator Coats and others.

So I think they are just trying to work out what is the best way forward as airports reconfigure. And is it collocated with a security

checkpoint, or is it over there, where there are no TSA people? And so do we put somebody over there by themselves or two people?

So I think, look, I want to find a solution to it that makes sense not just now but for long-term, and I think technology is the key to that.

Senator AYOTTE. I appreciate that. And, obviously, I think it makes sense that your agency is really communicating with the airports and coming up with a mutually acceptable solution. That would make a lot of sense.

Mr. PISTOLE. We are communicating, but we might not always agree. But, yes, we are communicating, I think, effectively.

Senator AYOTTE. Great. Thank you. Appreciate it.

Mr. PISTOLE. Thank you, Senator.

The CHAIRMAN. Thank you, Senator.

Senator Blumenthal?

**STATEMENT OF HON. RICHARD BLUMENTHAL,  
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thank you, Mr. Chairman. And thank you for holding this hearing.

Thank you for being here today.

The Transportation Worker Identification Credential program. In your testimony before this committee back in 2011, you were asked, on a scale of 1 to 10, how you would rate the progress that has been made, or had been made by then, on the TWIC program. You put it at 3. What would be your grade today?

Mr. PISTOLE. I would put it at probably a 6 or so, maybe 7, because it is achieving the purpose of buying down risk so we don't let terrorists have a credential that authorizes them access to a secure-area port. So that is continuing, and that is a good thing.

I think where it still is lacking is the deployment of the card readers in high-risk ports around the country that allow those cards to be used as intended to verify the identity, so if it is you coming with your TWIC card, that Coast Guard and the port authorities who provide that staffing can look at that and say, yes, that is you, that is not a stolen card, it is not an outdated card. Because a flash pass doesn't do much, frankly.

Senator BLUMENTHAL. Is the obstacle to the remaining progress, whether it is from 6 or 7 to 10, one of resources or management? How would you characterize it?

Mr. PISTOLE. It is a complex issue, as I am sure you know, Senator. So I would say resources, management, cooperation with ports, port workers, having a rule that people can buy into and accept, which the Coast Guard is working on. And, again, I think that is due to be published in the first of next year or something.

Senator BLUMENTHAL. On surface transportation security generally, where would you say we are most vulnerable right now? What keeps you awake at night on surface transportation?

Mr. PISTOLE. Yes, so I am concerned about all the attacks that have taken place overseas in surface, whether it is the Madrid bombings, whether it is the London Tube bombings, whether it is the Moscow subway, whether it is trains in India and Pakistan. You know, we have had more killed in those surface attacks since 9/11 than we have in aviation on 9/11, so the nearly 3,000.

So my concern is that one or more of those attacks, including perhaps a situation like in Mumbai, the active shooter scenario, could take place here. And we have good defenses in many ways, and I won't go into detail where I think those are, just for obvious reasons. But there is clearly, to the Chairman's point, with additional resources, additional things could be done to buy down that risk.

So, given where we are today, I think we are as well-positioned as we could be, recognizing, as you saw in your state, that a shooter can do something tragic in a very short amount of time and there is just no 100 percent guarantee. So, given what we have, where we are, I believe we are as well-poised as we can be.

Senator BLUMENTHAL. And in order to achieve what you would regard as an acceptable level of security in surface transportation, do you have a ballpark figure and a length of time?

Mr. PISTOLE. No, I don't, Senator. I would have to give that some thought. Because if you start with the major metropolitan areas and look at what is being done—for example, you know, between Connecticut and New York and New Jersey, there is a lot of great work being done to buy down risk on Metro-North or on the New York City Subway system or the MARC train, different—or, I mean, the PATH train and things.

So there is a lot that is being done. If there were additional resources, could more be done? Sure. That is a question of, what is that return on investment for something that hasn't happened here? And so that is part of that public policy question of, what do we invest in something that may or may not happen?

Senator BLUMENTHAL. Let me ask you a question about the PreCheck program on air transportation. There are two separate lines in most airports.

Mr. PISTOLE. Right.

Senator BLUMENTHAL. Is there any procedure for shutting down the PreCheck line and making everybody go through the regular check? Is that a—

Mr. PISTOLE. We could do that. I am trying to envision a scenario where we would do that.

Senator BLUMENTHAL. Well, let me just tell you why I am asking. I encountered this situation myself, and I had reports of people telling me that the PreCheck line was, in effect, eliminated and everybody was going through just one line. And I don't know whether that is a situation that has come to your attention.

Mr. PISTOLE. So, out of the 600-plus TSA PreCheck lanes we have around the country, out of 2,200 lanes around the country all together, about 300 of those are full-time, meaning they are open whenever the checkpoint is open. So about half of those are only open during the morning rush, afternoon rush, whenever that may be.

It may be that you encountered a situation where, because of staffing levels and things, resources, we can't staff those full-time because there are only a few people, perhaps, going through. That may be what happened, but I would have to look into it specifically and would like to follow up on that with staff to figure out if that is what it was.

Senator BLUMENTHAL. Great. Thank you very much.

My time has expired. Thanks for your testimony.  
 Mr. PISTOLE. Thank you, Senator.  
 The CHAIRMAN. Thank you, Senator Blumenthal.  
 Senator Klobuchar, to be followed by Senator Coats.

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

Senator KLOBUCHAR. Thank you very much.  
 Thank you, Administrator, for your good work. I think you have some great people in the Minneapolis-St. Paul Airport. You know—

Mr. PISTOLE. Thank you.

Senator KLOBUCHAR.—it is one of our stellar airports, and we are proud of the work they do. And I know what hard jobs they have and what a hard job you have.

You were just talking with Senator Blumenthal about the TSA PreCheck. And I support the expansion of PreCheck, but I am concerned that making the expansion without preparation could negatively impact the expedited screening process that you are supposed to get. And as your prepared testimony says, more than 180,000 people have submitted applications at the 240-plus application centers nationwide.

What is the screening process now, and how long does it take for the average application to be processed?

Mr. PISTOLE. And just to update that, we have actually had now slightly over 200,000. And so it takes around 30 days or less, typically, to process that and then to issue a known-traveler number, which that person then takes and enters into their passenger profile. So that is what we are looking at.

And as more and more people sign up, either for TSA PreCheck or for Global Entry, then what we see as the expansion of either more lanes or more hours, to Senator Blumenthal's issue I believe, to expand the hours of operation that those TSA PreCheck lanes would be open.

And I think the analogy to a supermarket checkout lane where, if you have 10 items or less, you go through that lane, and there may be 3 or 4 or 5 people in that lane, so it looks like a long line because there is only 1 person over in this lane, checkout lane, but if that checkout lane has a month's worth of groceries in 2 full grocery baskets, that is still going to take a lot longer than going through the 4 or 5 people ahead.

So we have had some challenges in some airports at certain times, but the goal is to have TSA PreCheck lanes move quickly and efficiently with the best security and to try to get people through in, frankly, 5 minutes or less in the TSA PreCheck lanes.

Senator KLOBUCHAR. OK. And let me make clear, I have never been in a longer line than the Safeway in Penn Quarter, so none of your lines are longer than that. So thank you.

Mr. PISTOLE. Good to hear, Senator.

Senator KLOBUCHAR. OK. So maybe not an analogy you want to keep using.

[Laughter.]

Mr. PISTOLE. OK. I will come up with a new one.

Senator KLOBUCHAR. Well, for some places.

So the staffing levels at airports—and, I mean, again, the expansion is good, but we just continue to be concerned if it doesn't work.

And for passengers, there is something going on at Minneapolis-St. Paul. I don't know if you heard about this. An advisory was issued for passengers to arrive two and a half hours early for domestic flights during peak hours. I had never heard of this before. And fewer security personnel was a reason cited for the need for them to arrive earlier.

And there are people—I talked to the airport director—there are people that have been missing their planes that had gotten there 2 hours earlier. And I understand this isn't strictly a TSA problem.

Can you explain what you are doing to ensure there is sufficient TSA personnel?

Part of it is that the flights are all leaving—suddenly we are a hub—in a certain time period, and literally they have to have people there two and a half hours early.

Mr. PISTOLE. And I think you have identified the issue, hit it on the head. TSA obviously has some role in that, and we have addressed it with our Federal Security Director there, in terms of those times. I think if you found, many times, wait times at TSA PreCheck—or TSA lanes wait large of more than 20 minutes, there have been a few, but that two and a half hours is exactly what you are talking about in terms of other issues.

So, actually, Richard Anderson, the CEO of Delta, and I have spoken about this and looking at ways that we can both do things that will improve the efficacy, if you will, of that whole process. So there is a lot of—

Senator KLOBUCHAR. They need to space out their flights a little, as well, yes.

Mr. PISTOLE. I would defer to them—

Senator KLOBUCHAR. OK.

Mr. PISTOLE.—defer to them on that.

Senator KLOBUCHAR. That might be helpful.

So, OK, TSA has been mandated to ensure that Transportation Worker Identification Credential enrollment, which is, as we know, a TWIC, activation, issuance, and renewals require no more than one in-person visit to an enrollment center within 270 days. TSA has indicated that the reforms are under way but that full implementation of the one-trip requirement would not occur until the third quarter of 2014, which would be a year late.

In November of last year, Senator Ayotte and I wrote you with a concern regarding the timeline for the implementation. You said that TSA is transitioning the TWIC database and card production system to the new TIM system. Can you give us an update? And what are you doing to accelerate the timeline?

Mr. PISTOLE. So we have initiated the pilot programs for the one visit of TWIC. In Alaska, we have 9 or 10 locations where, because of the geographic, obviously, the size of Alaska, where TWIC enrollees can go in and just go in once, and then the card can be mailed or provided. And so that is working. We have been doing that for close to a year now, I believe.

We are also doing that in Michigan, a similar area in terms of toward the Upper Peninsula, to look at some, again, remote areas

and things to keep people from having to go in for that second visit. So those are working.

The plan is to have it rolled out nationwide later this year. Yes, it was delayed from what we had hoped, but there were a number of challenges that I believe we have worked through, and so I am hopeful and confident that we will be able to roll that out later this year for one visit for those who choose to.

Now, what we are finding is, even Alaska and the U.P., not everybody is taking advantage of that for whatever reason. They may live close to an enrollment center and so it is not inconvenient for them. But that is a personal choice they have.

Senator KLOBUCHAR. OK. Thank you very much.

Mr. PISTOLE. Thank you, Senator.

The CHAIRMAN. Thank you, Senator Klobuchar.

Senator Coats?

**STATEMENT OF HON. DAN COATS,  
U.S. SENATOR FROM INDIANA**

Senator COATS. Mr. Chairman, thank you.

Speaking of lawyers, the Administrator and I are graduates of the same law school.

The CHAIRMAN. No kidding.

Mr. PISTOLE. Hear ye.

Senator COATS. Does that disqualify me from asking tough questions or—

The CHAIRMAN. Not if you root for the Pacers.

Mr. PISTOLE. Ooh.

Senator COATS. We do root for the Pacers, but we are in a perilous situation right now, as you know. As a former basketball player, you follow that.

The CHAIRMAN. You were number one in your class and he was number two?

Senator COATS. I think I went through school a little bit earlier than he did. And I was not number one in my class. I don't know about—

Mr. PISTOLE. And I was not number two, so—

[Laughter.]

Mr. PISTOLE. Or number one.

Senator COATS. Well, I just have two questions here, Administrator. Well, first of all, thank you for your service, first as Deputy FBI Director—

Mr. PISTOLE. Thank you, Senator.

Senator COATS.—with your outstanding record there, as well as your service here. And, gosh, you must have to get all kinds of questions and complaints every day about a certain line at a certain airport being backed up beyond a certain point, et cetera, et cetera. So it is not an easy job, that is for sure.

I wanted to ask you about exit alane monitoring, but Senator Ayotte asked that. I would just do a follow-up here. You did a pilot study, from what I understand, and did it identify a timeline or a solution, a list of possible solutions? And where do we stand on actually implementing this?

Mr. PISTOLE. Yes, thank you, Senator. And so it really comes down to, again, each airport being unique and different airports

seeking different solutions. So some are way forward-leaning in terms of acquiring technology that could serve as a long-term solution, as opposed to staffing either by TSA or airport employees. And so we are trying to work with them as closely as we can, recognizing we don't have separate funding to either acquire the technology or to install it.

And so I think the longer-term plan is working with each airport and to find a solution that makes sense that allows us to get out of the exit lane business, which is, again, an access control point, which airports have the responsibility for dozens of places around any size airport, including Indianapolis, beyond the exit lanes, so those are all access control issues, and allow us to focus on the core mission of TSA, that being the security.

So, as we work with each airport, what I could envision is, with this committee's support, OMB's support, everybody, is to take the savings we glean from getting out of the staffing of those positions and to try to reinvest that in the technology and the installation of those long-term solutions.

So that is something that the House Homeland Security subcommittee is interested in, I know, and working toward that, I think, with industry. So that is what I would see as a good longer-term solution, airport by airport.

Senator COATS. Thank you.

And, second, speaking of budget, as you know, the Murray-Ryan budget deal gave us all an increase in the passenger security fee. But the administration has now asked for an additional increase, I think, from, what is it, \$5.60 to \$6, one-way trip.

That is unlikely to be authorized. I am not always a prophet here in terms of what the Senate ends up doing, but what I hear from my colleagues is, hey, the first one isn't even implemented yet, and now they are asking for more? I have talked to some members on the authorizing committee and so forth; I am not sure that is going to be authorized.

I am told that leaves about a \$615 million hole in your budget. How do you address that, or what is the response to that?

Mr. PISTOLE. So we are hoping, obviously, that there would be passage. The passenger fee you are referring to is about \$195 million of that, and then there is a \$420 million airline fee that was rescinded by the Bipartisan Budget Act, and so that is what has created that significant gap.

And so, obviously, we are hopeful that the Congress will enact those, but if not, then we will go back and figure out how we—and I don't think it is just TSA. It would be within the Department of Homeland Security writ large to figure out how we can manage our security operations, to the chairman's point, with what might be an even more reduced budget.

Senator COATS. Well, that is going to be an interesting task. Obviously, we want to work together. Providing the security is the number-one priority, but finding the funds to do so—maybe the chairman has a better idea of whether or not that fee can be implemented or not on the back of the other one.

Mr. PISTOLE. Right.

Senator COATS. But I am sort of—I guess what you need is a plan B just in case.

Mr. PISTOLE. We are looking at a number of different options. This has been a recurring issue, as you know, Senator, other than the \$420 million airline fee which has been collected every year and now this year for the first time not. So that is our biggest challenge.

Senator COATS. OK.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Coats.

I have one more, and Senator Thune may also.

We are going to have—some of us are going to have a meeting on cybersecurity. And this is a very sad, sad tale, in talking about the Congress. I started work on that in 2008 and have watched as each year it has been derailed, with very close votes, pretty much party-line, with the United States Chamber of Commerce squashing any effort to do anything even though the entire suggested program was entirely voluntary, which is what everybody sought to have as a beginning, as a program.

So what I want to ask you is, how do you stay alert to people hacking into your various functions?

It seems to me that because lots of them are huge in size but small in resources and personnel attending to them that it would be quite an opportunity.

Mr. PISTOLE. Yes, thank you, Chairman.

So, obviously, we start off every day with a classified intel brief that looks at across-the-board vulnerabilities, physical security, cyber, where those issues have come up from intel. And I would be glad to go into detail in a classified setting.

But generally we look and are focused on the onboard avionics, how they may be compromised on commercial aircraft, and then working with FAA, the air traffic control system, in case hackers or a cyber-terrorist were able to somehow affect that system. Again, I would be glad to go into more detail in a classified setting, but those are two of our areas.

And working with both industry, manufacturers, and then of course the intel community, law enforcement community to say what are the threats that are out there and what are the capabilities and then what are the defenses, the layered defenses, which obviously implicate a number of different agencies.

The CHAIRMAN. I guess the other thing I worry about, in closing, from my point of view, is this rush of people using your services, both on air, in barges and containers and ships, all kinds of things, ports, that you concentrate more and more on let's get it done as quickly as we possibly can, in other words, a low risk, and get as many people out of the way as possible, and what does that then, being noticed, do to those who would wish us harm? I worry about that.

Mr. PISTOLE. And thank you, Chairman, for that, because that is a concern I share also.

But just to clarify, the whole purpose is to improve security by, as Senator Boxer mentioned, reducing the size of the haystack from those known and unknowns. And so it is a risk calculation, though, that if you are a United States Senator or Member of Congress that you are lower-risk, so let's expedite your physical screening because we have prescreened you.

And if all we know about you is name, date of birth, and gender, which is required by Secure Flight, required by the statute, then let's apply some other layers, potentially, of security to help buy down that risk.

So the notion is not simply to try to speed things up. It is to apply some common sense policies and protocols that allow us to focus on higher risk because they are unknown or, clearly, the highest risk because they are people on the terrorist watchlist.

I think the Known Crewmember program that we have worked out with industry and pilots and flight attendants is a good example of how we buy down risk but achieve efficiencies. And so over 90 percent of the pilots and flight attendants every week in the Nation's busiest airports go through an identity-based screening that has been enabled by the airlines and the pilots association that allows us to verify in real-time that a pilot or flight attendant is in good standing, they didn't get fired last night, they are not disgruntled or something. And then we allow them to go through identity-based screening, because I don't, frankly, want to spend time patting down a pilot or flight attendant for what may be a small prohibited item when what is in their mind and what is in their hands—the yoke of the aircraft, for the pilots—is what could be catastrophic to that aircraft.

So it is a risk-based decision, but it is not a guarantee. As we know, there have been pilots or copilots in the last 10 years who have crashed planes because of bad intent, not necessarily because of terrorism but for whatever reason.

So it is something that we have to work in a way that makes sense. Always try to be flexible and adaptable so we can modify on a moment's notice. If there is new intel that there is somebody trying to exploit that, then we can modify it in a moment's notice.

The CHAIRMAN. I thank you and call upon Ranking Member Thune.

Senator THUNE. Thank you, Mr. Chairman. I just have one last question, too.

And I would, Mr. Pistole, ask you, as—we have talked a lot about this today, but, as administrator, you have championed programs like PreCheck and other risk-based security initiatives. And as I mentioned in my opening statement, I am pleased to see the agency move forward with these initiatives that are designed to reduce hassle for the flying public.

One of the ancillary benefits to that is the potentially significant cost savings to the agency for personnel, especially in light of TSA's workforce growth over the past decade.

The question has to do with resource issues, budget issues, et cetera. How has the establishment and expansion of some of these programs impacted your staffing model at airport checkpoints?

And as you continue to expand the proportion of the flying public that is using these screening lanes through PreCheck and other initiatives, do you anticipate that the staffing needs might become more streamlined?

I think the most visible thing that people see of TSA is people, obviously, personnel at the airports. And if these risk-based mechanisms and things that are being done at these various checkpoints

actually are being effective, the assumption would be that it would give you an ability to streamline some of the staffing needs.

Mr. PISTOLE. Yes, that is exactly right, Senator. And that is why we were able to give back \$100 million in savings this year in our 2015 budget, because of those efficiencies we have achieved.

And so, for example, because of sequestration last year and then the government shutdown, we have been attriting of people at a higher rate than we have been replacing them. So, in the past, if we had 100 people leave, we would probably hire 100 people. Because of those issues and our declining budget, we are a smaller agency today than we were a year ago. And so, for example, we have approximately 3,000 people less than we had a year ago, and so our budget has gone down in that regard because we are more efficient.

So at a TSA PreCheck lane, it may be literally twice—we can process perhaps as many as twice as many people than a standard lane. A standard lane may have 120 to 150 people an hour; a TSA PreCheck lane, 240, perhaps as high as 300 people an hour. So we don't need as many people to staff those lanes, so our staffing models, as you say, for each airport has gone down.

We have also streamlined our oversight of those. For example, a year ago, we had 120 what we call Federal security directors in a hub-and-spoke alignment around the country. We are down to 82 Federal security directors now.

And we have also downsized headquarters to reflect that smaller field presence. Federal Air Marshals we have downsized. We are closing 6 out of our 26 offices because of airline mergers and realignments and things.

And so we are trying to make sure that we are providing the most effective security but doing it in the most efficient way.

Senator THUNE. Thank you, Mr. Chairman. That is all I have.

The CHAIRMAN. Thank you, Senator Thune.

And I would just close by thanking you, Administrator Pistole. I have not a single example I can think of in the last 4 or 5 years where I have seen a TSA personnel being rude, curt, nasty, or whatever to harried passengers trying to get on.

Mr. PISTOLE. Thank you.

The CHAIRMAN. They know their work. They do their work. They probably mutter things under their breath sometimes, but they put their best face forward, and you should be proud of them.

Mr. PISTOLE. Thank you, Chairman.

There was a good article in *The New York Times* yesterday about one of our TSOs at LaGuardia who had just sung the national anthem at Citi Field with the Mets and engaged a *New York Times* reporter. And I think what you just stated was demonstrated in that engagement with that reporter. And, again, a good article in *The New York Times* about TSA.

Senator THUNE. And I would echo that, Mr. Chairman.

Thank you for your service, Mr. Pistole. And you have a very, very tough job under always-difficult circumstances and a public that is very demanding. And I know all of us get frustrated flying, as those of us that are members of the traveling public. But you have a lot of people who are trying their best and doing it in a very professional way. Thank you.

Mr. PISTOLE. Thanks, Senator.

The CHAIRMAN. Thank you.

And this hearing is adjourned.

[Whereupon, at 4:06 p.m., the hearing was adjourned.]

## A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN D. ROCKEFELLER IV  
TO HON. JOHN S. PISTOLE

*Question 1.* What are TSA's biggest obstacles to improving the acquisition process for security technology, and do any current legislative proposals address those obstacles? Does TSA's strategy for the allocation of security identification display area badges to employees of airport concessionaires ensure that small businesses are able to compete for concessionaire contracts? What are TSA's biggest obstacles to putting better security technology tools in the hands of security professionals, and how well does the TSA Acquisition Reform bill help to overcome them?

Answer. The biggest obstacle to improving the acquisition process for security technology and putting better security technology tools in the hands of security professionals is the availability of mature technology that meets the Transportation Security Administration's (TSA) requirements. Over the past several years, TSA and industry have partnered to create a number of processes to advance technology and reduce the testing timeline. TSA spends a significant amount of its Test and Evaluation budget on having to retest technologies because they fail to meet TSA's requirements and would not stand up to the rigor of the field. Enhancements are ongoing to better validate requirements, communicate testing needs, and streamline processes to more quickly obtain mission critical security technology.

Current legislative proposals outline sound acquisition principles, processes and best practices which TSA embraces. A majority of these principles have already been implemented by the Department of Homeland Security (DHS) and by TSA in response to past Government Accountability Office (GAO) findings, as well as a result of the natural maturation that this agency has undergone.

In April 2013, TSA issued a national amendment to airport operators as Airport Security Plan (ASP) Change 13-02, which provided additional options for compliance along with the measure in Security Directive 1542-04-10. The other options provided in the amendment included: 1) utilizing a system to limit access by ID media based on specific operational need that requires routine unescorted access to the Security Identification Display Area (SIDA); or 2) implementing physical improvements to the airport infrastructure that limit, or eliminate the need for sterile area concessionaire employees working in the sterile area to have unescorted access to the SIDA. Each airport operator will work with their respective Federal Security Director to amend the Airport Security Plan as necessary. TSA remains dedicated to working with airport operators to lessen the burden of outdated security measures by updating them for present day security challenges while using a risk and outcome-based approach.

*Question 2.* As a component of TSA assuming responsibility for United States transportation security, at many airports, TSA took control of securing exit lanes to ensure that individuals do not access secure parts of the airport without passing through the proper screening.

According to the Department of Homeland Security, there have been 3,000 security breaches nationwide over the past 10 years involving unscreened individuals gaining unauthorized access via exit lanes and security checkpoints. There have been specific incidents at Newark Airport and other major hubs, where individuals have gained access to secure areas through exit lanes. This threatens everyone's security. In the New Jersey-New York metro area, at Newark, LaGuardia, and JFK airports, TSA has controlled exit lane security over the past decade.

Maintaining strong security at airport exit lanes is essential. Given the number of breaches over the years, do you believe that our airport exit lanes are vulnerable? Can you provide further details on what TSA has done at airports in which TSA controls exit lanes, such as Newark, to strengthen security and prevent unscreened and unauthorized entry through exit lanes?

I am also concerned about proposals to remove TSA responsibility from securing the exit lanes. Last year, TSA proposed an amendment that would remove TSA's

responsibility over exit lanes at certain airports and give that responsibility to the airports. While the budget deal of December 2013 maintained funding for TSA exit lane security at airports such as Newark, I am concerned about TSA's position on this issue. Is there any existing effort or plans to implement a rule that would transfer TSA exit lane funding and responsibility to the airports?

Answer. Currently, two thirds of airport operators control access at exit lanes. The Transportation Security Administration (TSA) staffs approximately 350 exit lanes at 145 airports, or 32 percent of the Nation's approximately 450 airports at which TSA provides screening resources. The majority of exit lanes staffed by TSA are co-located with a TSA screening checkpoint. At federalized airports across the Nation, the TSA has closely examined exit lane security procedures. TSA has worked with airports to improve lines of sight and domain awareness for exit lane monitors. At those airports where TSA is directly responsible for staffing exit lanes, additional measures have been developed. Examples of such measures include local written guidance, and local training and frequent reinforcement, tailored to specific checkpoints and terminals. At Newark Liberty International Airport (EWR), for instance, TSA has increased staffing at those exit lane corridors most vulnerable according to past breaches. Additionally, TSA EWR has posted detailed guidance on standing, positioning, facing forward while engaging with passengers, the need for unimpeded domain awareness, and still further specific guidance, tailored to the unique exit lane configurations within each terminal at EWR.

Section 603 of the *Bipartisan Budget Act of 2013*, Pub. L. No. 113-67, 127 Stat. 1188 (2013) (Budget Act) requires TSA to monitor passenger exit points from the sterile area of airports at which TSA provided such monitoring as of December 1, 2013. TSA has interpreted this to mean if TSA was responsible for an exit lane on December 1, 2013, TSA will continue to be responsible for the EWR exit lane.

*Question 3.* The Airline Pilots Association, Federal Law Enforcement Officers Association, and others have recommended the use of "secondary barriers" on aircraft as a mechanism for delaying attempted breaches of the cockpit while in flight. Proponents of this extra protection maintain the fortified cockpit doors on aircraft are only effective when the doors are closed, but there are times during flight when the doors need to be open for various reasons, leaving the cockpit vulnerable to an intruder. This is a serious security threat that may require a policy change.

In your opinion, what more can be done by Congress, industry, the Administration and other stakeholders to increase in-flight passenger safety? Do you have an opinion on measures such as installing secondary barriers to increase passenger safety?

Do you agree it is critical to not only employ effective airport and screening security, but also to maintain equally stringent in-flight security precautions, in order to achieve the maximum security to airline passengers?

Answer. The Transportation Security Administration (TSA) continues to work with the Federal Aviation Administration (FAA) to evaluate what can be done to improve passenger safety while in-flight, and more has already been done in the specific area of flight deck access. Procedures that provide additional security while the flight deck door is open, such as blocking access with a catering cart, have been incorporated into airline operating procedures. The FAA adopted a rule requiring Flight Deck Door Monitoring and Crew Discrete Alerting Systems. While this rule requires additional measures for protection of the flight deck, it does not require installation of secondary barriers, because according to the FAA this would require an expensive reconfiguration of each airplane affected.

Airlines have the option to install secondary barriers, or adopt other security-enhancing practices. TSA's only concern is that any secondary barrier installed should not impede the ability of a Federal Air Marshal to observe and defend the cockpit door.

---

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BARBARA BOXER TO  
HON. JOHN S. PISTOLE

*Question 1.* I am very concerned about the incident at San Jose International Airport in the early hours of April 20th, when a 15-year-old boy was able to breach the perimeter fence and climb unnoticed into the wheel well of a parked aircraft. We are all thankful that this child survived the five-hour flight to Hawaii, but this situation could have been a tragedy if terrorists were involved. Situations like this remind us that we must have a layered defense when it comes to protecting our Nation's transportation systems.

I understand that the Transportation Security Administration issues regulations to guard against unauthorized access to aircraft and approves and inspects compliance with airport security plans, which includes airport perimeter areas.

Only three weeks before this security breach, the TSA completed a comprehensive three-month inspection of San Jose Airport and found it to be in compliance. In the wake of this incident do you agree that current regulations are in need of an update? Are you considering additional regulations to improve airport perimeter safety?

How often does TSA review and update Airport Security Plans? If an airport's perimeter security is found to be non-compliant, how does TSA work with the airport operator to address and correct that?

Answer. The Transportation Security Administration (TSA) regulates airport security under multiple authorities, including 49 U.S.C. 114 and implementing regulations at 49 CFR parts 1503 and 1542. TSA has not recently proposed any new regulations regarding perimeter security; however, TSA conducts regular inspections of security measures at airports under existing authorities to make sure that airports are in compliance with the requirements described in the Airport Security Program. For any instance of non-compliance, the regulatory enforcement team responsible for covering the airport at which the noncompliance was discovered discusses the finding with the airport operator to determine the airport's corrective measures and how they will be implemented. TSA Inspectors conduct follow-up inspections to ensure the finding was addressed and corrected. If airports do not satisfactorily implement corrective measures and are found to be in violation, they may be subject to civil penalty under the provisions of 49 CFR Part 1503. The Federal Security Director, Assistant Federal Security Director for Inspections, and the Transportation Security Inspector staff work directly with the airport operator to put corrective measures into place. All investigations and recommendations for administrative action or civil penalty are completed within a 90 day time frame from the time of the finding of non-compliance.

*Question 2.* In a May 2011 TSA report titled "Recommended Security Guidelines for Airport Planning, Design, and Construction," there was mention of a successful pilot project which used existing FAA Airport Surface Detection Equipment (ASDE) radar to provide perimeter and airport surface surveillance at a major airport. This technology successfully identified intruders, tracked them across the airfield and alerted the security operations center. Have any airports across the country been working to implement this technology? Can you tell me whether TSA has been testing other technologies designed to protect airport perimeters?

Answer. The Airport Surface Detection Equipment radar modification was done at John F. Kennedy International Airport, LaGuardia Airport, T.F. Green Airport, Seattle-Tacoma International Airport and San Francisco International Airport. Operational use reported by installers is that the radar has limitations for use and is not totally capable of detecting small targets in high clutter areas.

Currently, the Transportation Security Administration is not funded to test other technologies, but is working with airport operators who are selecting technology solutions as layers of security in perimeter security risk mitigation.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO  
HON. JOHN S. PISTOLE

*Question 1.* Mr. Pistole, as your agency continues to work to find ways to maximize your resources while improving safety, members of the flying public and the aviation industry as a whole have been glad to see the TSA moving away from a one size fits all approach, and toward a risk-based system. How are your Risk-Based Security Initiatives continuing to drive more common-sense, effective screening measures at our airports to keep traffic moving safely and efficiently?

Answer. Through the implementation of risk-based security initiatives focused on passenger screening, the Transportation Security Administration (TSA) has demonstrated that it can improve the passenger experience and maintain effective security. Since TSA began the initial pilot in 2011 of what is now TSA Pre<sup>✓</sup><sup>TM</sup>, more than 200 million travelers have experienced expedited screening. Today, TSA is providing expedited screening to more than 5 million travelers each week, and over 40 percent of passengers each day. Recent expansion of the Known Crew Member (KCM) program, which provides expedited screening for pilots and flight crew, to 56 airports has increased participation in that program by nearly 30 percent, with nearly 300,000 flight crew each week processing through dedicated KCM portals.

TSA continues to work with additional airlines to expand TSA Pre<sup>✓</sup><sup>TM</sup> participation to more travelers, while expanding the population of passengers enrolled in the program. Since the April 30 hearing, TSA has added two airlines, Sun Country Airlines and Air Canada (the first non-U.S. airline), opened 20 more TSA Pre<sup>✓</sup><sup>TM</sup> enrollment centers, and added nearly 90,000 new travelers to the program. These ef-

ports have improved operational efficiency and reduced passenger wait times, and allowed TSA to reduce overall staffing in the FY 2015 Request.

Additionally, TSA continues to expand its risk-based approach to our regulatory compliance programs, including vetting of regulated party personnel through the National Targeting Center, Cargo Risk-Based Inspection Techniques (CRBITs), national testing focused on specific areas of threat or concern, vulnerability assessments, and risk-driven exercises for industry. In the area of current airport Security Directives, TSA is working collaboratively with Industry where possible to review current requirements and look to update requirements to 2014 standards for risk, efficiency, layered approaches, and technology improvements. Through these efforts, TSA will continue its goal to maintain effective aviation security while facilitating the movement of travelers and commerce through the Nation's airports.

*Question 2.* Mr. Pistole, perhaps the most visible example of Risk Based Security is TSA Pre-check, which allows travelers who have been accepted into the program to move more quickly and easily through designated screening checkpoints. I understand that you have committed to open a TSA Pre-check Enrollment Center at Spokane International Airport in June, which is particularly important to that community since there are currently no Enrollment Centers in eastern Washington. Is that Enrollment Center still on track to open as planned in June?

*Answer.* The Transportation Security Administration (TSA) recognizes the importance of offering TSA Pre<sup>✓</sup>™ enrollment centers to Spokane and the broader eastern Washington community. TSA, through its enrollment vendor, has been actively engaging with Spokane International Airport to determine the terms and agreements necessary to open an enrollment center in the airport. The agreement was recently finalized and the anticipated launch date is targeted for August 2014 following construction and build out of this site. On May 12, TSA opened an enrollment center in Spokane Valley to begin offering TSA Pre<sup>✓</sup>™ to the community while the airport enrollment site activities are underway. Individuals may go online and make an appointment and/or visit the off-airport enrollment center in-person located at:

12510 E Sprague Ave # 7  
Spokane Valley, WA 99216-0755

*Question 3.* Mr. Pistole, in 2013, Congress passed the Bipartisan Budget Act that directed TSA to continue to staff airport exit lanes and increased funding in part to pay for that monitoring. This action was in response to TSA's plan to direct 155 airports across the country to assume responsibility for exit lane monitoring. It has come to my attention that TSA is now informing airports that are making renovations to security checkpoints that if any change is made that alters the location of exit lanes, the TSA will not staff those exit lanes because they were not in place on December 1, 2013. Can you explain TSA's actions and why they appear to be contradictory to Congressional direction and the intent of the legislation we passed? What long-term technology solutions exist to address this function, and how are you working with airports to explore this equipment?

*Answer.* Section 603 of the *Bipartisan Budget Act of 2013*, Pub. L. No. 113-67, 127 Stat. 1188 (2013) (Budget Act) requires the Transportation Security Administration (TSA) to monitor passenger exit points from the sterile area of airports at which TSA provided such monitoring as of December 1, 2013. TSA has interpreted this to mean if TSA was responsible for an exit lane on December 1, 2013, then after remodeling, TSA will continue to be responsible for that exit lane. Remodeling an existing exit lane at which TSA provided monitoring on December 1, 2013, is distinct from opening a new exit lane or moving an existing exit lane to a new location. In determining whether an exit lane project is a remodeling or relocation effort, TSA would consider whether the post-project physical location of the lane would require noteworthy additional effort by TSA for supervision, safety checks, and supervisor response for a checkpoint breach and/or incident.

Technology solutions to address this function cover a wide range. Baseline solutions for small airports can be as simple as locked doors or inexpensive Closed Circuit Television (CCTV) systems. Baseline solutions for more complex environments, or supplementary capabilities beyond a baseline capability, can range from a CCTV system with simple video analytic capabilities all the way to highly sophisticated, multi-layered custom solutions costing millions of dollars. Examples of highly sophisticated systems are automated interlocking doors with video; custom multi-layer systems with video (including analytics), infrared and optical sensors, automatic doors, and half height turnstiles; technology enhanced security force solutions including video (with analytics), magnetic closure doors, motion sensor double glass doors, steel doors with one-way automatic locks, and smart one-way doors. TSA developed and made available on-line guidance documentation ("guidelines") and web-

based, self-guided, self-assessment and decision aid tools that provide airport operators and Federal Security Directors (FSD) capability to assess their technology needs and choose which technologies will most effectively meet their needs and resources. Proper use of the “toolbox” will produce outputs which, TSA can certify as effective security technology options.

*Question 4.* Mr. Pistole, last year the House passed legislation (H.R. 1204—Rep. Thompson) to permanently charter TSA’s Aviation Security Advisory Committee (ASAC) in the hope of avoiding lapses in the Committee’s charter, as has been the case recently. Do you think this legislation, which now has a Senate companion (S. 1804—Sen Tester), is the best approach? More broadly, I know that you have just taken action on the ASAC, but do you have any suggestions for improving it to be a more useful and productive resource for TSA and ensure stakeholder involvement in TSA’s decision making?

Answer. The Federal Advisory Committee Act exemption contained in the proposed bill could help avoid possible lapses in the charter due to the Committee re-approval process. However, the Transportation Security Administration (TSA) has been working with the Department of Homeland Security (DHS) on improving this process, and currently has an active Aviation Security Advisory Committee (ASAC).

Most importantly, TSA wants to avoid any implication that all aviation security matters—including developing and implementing policies, programs, rulemaking and security directives—must go through the ASAC. TSA continues to work with the ASAC on these actions as appropriate, but there may be times when it is not possible to do so. For example, in exigent situations, TSA may not have time to fully coordinate security directives mandating additional security measures in response to a specific threat against civil aviation.

Concerning the proposed subcommittees, the language is too prescriptive. The proposed subcommittees cover important topics where TSA expects ASAC will do work, but mandating these subcommittees could limit the Committee’s flexibility to set its own priorities. ASAC members, selected from the private sector, choose a Chairperson and Vice-Chairperson to lead the group and establish priorities and subcommittees for each term. The committee should have the flexibility to create the subcommittees it deems critical to meet the pressing needs during each term.

*Question 5.* Mr. Pistole, the incident at San Jose Airport last week has highlighted the issue of perimeter security at airports. I recognize that TSA does not implement and manage the airport security plans that it approves, but any conversation about security threats to our aviation system must address who has access to aircraft and runways, and whether we are in full control of that access, which we clearly are not. What has TSA learned from your internal reports and analysis of this incident, and what improvements can be made to prevent this, or a more catastrophic version of this, from happening in the future?

Answer. Since the incident, Norman Mineta San Jose International Airport (SJC) Airport Operations, San Jose Police Department and the Transportation Security Administration (TSA) conducted a physical examination of the airport’s perimeter security measures to identify and address potential vulnerabilities. SJC staff has increased the number of perimeter inspections per day, discussed perimeter and individual security with staff and tenants, reconfirmed training programs, and notified tenants of the importance of challenging and reporting suspicious people and items. SJC is also working with the National Safe Skies Alliance Inc. to coordinate research into additional technologies related to perimeter deterrence and detection. TSA continues to actively engage and meet with the SJC to provide guidance and assistance as needed, through direct engagement from the Federal Security Director at SJC and from TSA headquarters Office of Security Operations (OSO) Compliance Programs Division.

TSA partners with the Nation’s airports to manage risk, within the scope of TSA’s regulatory oversight capacity and within the funding available. TSA also collaborates with industry to identify new approaches to secure the Nation’s airports.

*Question 6.* Mr. Pistole, serious concerns have been raised by GAO and others about TSA’s Behavior Detection and Analysis Program and Screening of Passengers by Observation Techniques (SPOT) Program, including lack of effectiveness or scientific basis. What is your response to those criticisms?

Answer. The Transportation Security Administration (TSA) does not share the Government Accountability Office’s (GAO) assessment of the effectiveness of the TSA Screening of Passengers by Observation Techniques (SPOT) program as outlined in their Report to Congressional Requesters (GAO–14–159) of November 2013.

Behavior detection techniques have been an accepted practice for many years within law enforcement, customs and border enforcement, and security communities, both in the United States and internationally. TSA’s SPOT protocol and the

Behavior Detection and Analysis (BDA) program are important elements of the TSA multi-layered security approach. TSA's Behavior Detection Officers (BDO) also play a key role in carrying out TSA's risk-based screening (RBS) initiatives. RBS initiatives are intended to provide a more common sense, less-invasive screening experience for low-risk passengers.

TSA's overall security posture is composed of interrelated parts; to disrupt one piece of the multi-layered approach will have a far reaching adverse impact on other pieces, thereby negatively affecting TSA's overall mission performance.

In April 2011, the Department of Homeland Security Science and Technology Directorate (DHS S&T) completed a comprehensive study that examined the validity of using behavior indicators in order to identify high-risk passengers. The study found that the SPOT program provided a number of screening benefits and is more effective than random selection at identifying high-risk passengers. While S&T and GAO both noted some deficiencies in the methodology used as a part of the study, limitations are present in every study and we do not feel that these limitations were great enough to discredit the overall findings. While future studies will mitigate the concerns that were noted, we believe the study itself was an important first step in assessing behavior detection in an operational environment.

Since the publication of the 2011 Study, TSA has taken steps to improve the entirety of the behavior detection program and the process by which it is validated. In early 2012, TSA began another round of research aimed at further substantiating the behavioral indicators by providing specific scientific research support for the indicators included and improving the detection protocols. This effort evolved into what is now known as the Behavior Detection Optimization effort. Optimization encompasses four pillars of behavior detection: (1) Improving recruiting processes, (2) Enhancing training content to further enhance BDO skillsets, (3) Instituting greater management and quality control systems, and (4) Revising its Behavioral Detection Reference Guide (BDRG) and corresponding Operational Handbook for the BDOs as well as designing a new referral methodology. Beginning in the Fall of 2014, a subset of airports will receive training for the optimized protocol and this training will continue into 2015. After the BDOs at these airports have demonstrated proficiency with the new protocol, data collection and record testing will begin to further validate the new methodology.

Integral to the optimization project is a comprehensive operational test designed to collect the operational performance data to validate behavior detection over and above what was seen during the original 2011 SPOT Validation Study. Scenario-driven testing will be used in addition to the outcome-based protocols used in the prior study. Utilization of both methods will allow TSA to replicate the type of testing used in the 2011 study with the new optimized program while also gathering additional data and employing additional testing methodologies that are better suited for determining the efficiency and effectiveness of the program (*e.g.*, threat inject-type methodologies). Each of the GAO limitations discussed in their report will be mitigated to the maximum extent possible given the constraints of testing within an operational environment as well as the extremely low base rate of actual operational terrorists transiting U.S. airports. Initial testing will begin in fall 2014, and full data collection is planned for late winter 2015.

*Question 7.* Mr. Pistole, there has been a lot of discussion of the safety of crude-by-rail—with new tank car standards, operating procedures, and proper testing and labeling of shipments. But I would like to talk with you about the security of crude-by-rail shipments. Like much of the West, Washington's cities grew up around—and because of—railroads. This means that there is a lot of rail freight moving through the centers of our population centers. What kind of security threats do crude-by-rail shipments (and other explosive shipments) pose?

*Answer.* The Transportation Security Administration (TSA) has not issued any security alerts related to shipments of crude-by-rail in the United States. However, TSA is aware of some plots and discussions of attacks against crude-by-rail internationally. For example, in January 2014, Indian authorities arrested an Indian Mujahideen leader on terrorist-related charges. During debriefings, he revealed Indian Mujahideen intentions to use magnetic improvised explosive devices against freight rail tank cars in India. He further stated the intention was to use such a device to detonate one tank car, in hopes that the explosion would cause a chain reaction and subsequently engulf the remaining freight cars. Extremist media outlets and social network sites have also provided technical training documents and explicit encouragement to individuals seeking to replicate devices of this kind.

*Question 8.* Mr. Pistole, as communities across Washington—and our country—grapple with the rapid increase in highly explosive crude oil moving through their downtowns, many have requested detailed information about how crude trains are

being routed, and how many there are. They'd like to be able to prepare better accident response plans for first responders. Some of that routing information isn't fully available, though—and security concerns have been cited as one of the explanations. Are you worried that the release of detailed routing and train information of crude-by-rail shipments could pose a threat to the public?

Answer. The Transportation Security Administration (TSA) is always concerned that information, which could reveal a security vulnerability, or aid an adversary planning an attack, is protected in accordance with all applicable laws and regulations. When information or data is so specific as to reveal potential vulnerabilities, then that information must be protected to ensure that only those with a legitimate need to know have access to the information. TSA also recognizes the need to provide certain information about rail shipments of hazardous materials to emergency planners and responders so that they may adequately prepare for emergencies involving railroads and the transportation by rail of hazardous materials such as crude oil. TSA will continue to work with its Federal partners to ensure the proper balance of protection and accessibility of transportation-related data and information.

TSA supports the issuance on May 7, 2014, of an Emergency Order by the U.S. Department of Transportation (DOT) to require railroad carriers operating trains containing large amounts of Bakken crude oil to notify State Emergency Response Commissions about the operation of these trains through their states. TSA also supports DOT's approach to limit distribution of this information to authorized entities within each state, which includes emergency planning and first responder organizations.

*Question 9.* How does the Transportation Security Administration work with rail operators to identify risks related to routing of hazardous shipments—both those that are Rail Security Sensitive Materials, and those that are not?

Answer. Since 2005, the Transportation Security Administration (TSA) has worked with the Nation's railroads to identify threats, vulnerabilities, and potential consequences associated with the transportation of hazardous materials. The focus of this effort has been on the locations and routes with the highest population density and routes containing the greatest volumes of rail security-sensitive materials. In most cases, assessments of these areas have been used to provide the railroads with options for consideration to reduce vulnerabilities and minimize potential consequences.

In 2008, the Department of Transportation's Pipeline and Hazardous Materials Administration promulgated a regulation that requires railroads to analyze the routes used for the transportation of certain hazardous materials to determine the safest and most secure route. This regulation (49 CFR 172.820) requires freight railroad carriers to submit the results of their analysis to the Federal Railroad Administration for evaluation. In February 2014, the Association of American Railroads, on behalf of its members, agreed to voluntarily use the same route analysis methodology (Rail Corridor Risk Management System) for routes used for trains with 20 or more cars of crude oil.

---

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
HON JOHN S. PISTOLE

*Question 1.* Transportation Worker Identification Credentials (TWICs) are required to access ports and other secure facilities in the maritime sector. The Government Accountability Office (GAO) has issued two reports harshly critical of the TWIC program. And earlier this year, Congress required the Department of Homeland Security to conduct an effectiveness assessment of the program prior to promulgating a rule on automated card readers for TWIC cards at selected ports. Has the Department begun this assessment? If so, are there any results that you can share with the Committee at this time?

Answer. At the direction of the House and Senate Appropriations Committee, the Transportation Security Administration (TSA) and the United States Coast Guard (USCG) have conducted a security assessment addressing the benefits of the Transportation Worker Identification Credential (TWIC) program. The draft security assessment report is currently under review by USCG and TSA leadership.

*Question 2.* In conducting its 2011 report, GAO investigators were successful in accessing ports using counterfeit TWICs, authentic TWICs acquired through fraudulent means, and by fabricating phony business cases for accessing secure areas. What steps has your agency taken over the past three years to address these concerns?

Answer. The Transportation Security Administration (TSA) has worked with the United States Coast Guard to identify port access vulnerabilities when Transportation Worker Identification Credentials (TWICs) are used as “flash passes,” to include updates to training, access control policies, and business processes.

Ports establish the requirements for access to their secure facilities. Possession of a TWIC, while a necessary element for access, does not guarantee its holder the right of access. The TWIC is not a substitute for access control policy or trained and attentive security personnel. The Coast Guard works with the ports to ensure the enforcement of security practices for access to secure facilities, including unscheduled inspections using portable TWIC readers.

TSA has also implemented a variety of enrollment safeguards, such as Federal training for trusted agents and the use of document authentication technology. Additionally, the Homeland Security Studies and Analysis Institute’s (HSSAI) Counterfeit Deterrence group conducted an evaluation of TWIC in November 2012 and provided input to the program for consideration in strengthening TWIC security. TSA is developing a Next Generation TWIC under TSA’s Technology Infrastructure Modernization Program, which incorporates the HSSAI recommendations and includes additional security features to further reduce the use of counterfeit TWICs. Considerations for the Next Generation TWIC are: (1) card durability, appearance, and new security features; and (2) use of facial, iris, and other biometrics.

*Question 3.* What role will TSA have in the rulemaking that the Coast Guard is conducting related to TWIC card readers? What are your thoughts on the Coast Guard’s decision to require card readers only at certain ports and on certain vessels?

Answer. The Transportation Security Administration (TSA) and the United States Coast Guard (USCG) jointly administer the Transportation Worker Identification Credential (TWIC) program. TSA is responsible for enrollments, security threat assessments, credential production, and systems operations. The USCG is responsible for establishing and enforcing access control requirements for Maritime Transportation Security Act -regulated vessels and facilities. Regulations are developed through a thorough, coordinated process that involves all of DHS including TSA and USCG, enabling TSA to contribute information to USCG to help inform all aspects of the USCG’s rulemaking, including but not limited to TWIC card reader technical specifications, qualified reader technology, and reader testing.

*Question 4.* At the hearing, I asked about TSA’s implementation of the increased passenger security fee scheduled to take effect July 1st under the Bipartisan Budget Act of 2013. Senate and House Budget Committee Chairmen Murray and Ryan recently provided insight into their intentions in a letter to you on the subject, stating that their intent in drafting the legislation was that passengers would pay no more than twice the maximum fee on a round trip, no matter how many stopovers may occur during that round trip. It appears TSA intends to implement the fee increase in a manner that is inconsistent with the stated intent, even though the agency could implement the fee increase as requested by the authors. As you pledged to follow up with me on this question during the hearing, please provide a copy of the legal analysis and justification used by TSA in drafting the new security fee rule under the Bipartisan Budget Act. If none was provided to the Office of Management and Budget for consideration, please indicate as much and provide an analysis and justification for this hearing record.

Answer. The Transportation Security Administration (TSA) has completed a rule-making action to amend its regulations to implement restructuring of the September 11th Security Fee, enacted as part of the Bipartisan Budget Act of 2013 (BBA). In developing this rulemaking, TSA has carefully considered the text of 49 U.S.C. 44940, the statutory language amending 44940 under the BBA, and available legislative history. In the interim final rule published on June 20, 2014, which can be found in the *Federal Register* (<https://www.federalregister.gov/articles/2014/06/20/2014-14488/adjustment-of-passenger-civil-aviation-security-service-fee>), TSA provided the following explanation for removal of the round trip cap:

TSA is removing language that effectively applied a cap to the amount of the fee that could be imposed per “round trip.” Under current § 1510.5(a), “passengers may not be charged for more than two enplanements per one-way trip or four enplanements per round trip.” This provision effectively created a \$10 cap on round-trip travel—in other words, it set a \$10 cap on any itinerary that ended at its origin point, even if the itinerary included more than four \$2.50 enplanements with lengthy stopovers.

Thus, for instance, if a passenger purchased a round trip for an itinerary involving ten enplanements, each separated by a three-day stopover, but ultimately ending at the origin point, a \$10 fee would be imposed because the regulation caps a round trip at 4 enplanements. At the same time, a different passenger

travelling on the same exact flights (same days, same planes, same stopovers and destinations) who does not purchase the travel as a single round trip itinerary could potentially be charged up to \$25.00 (\$2.50 x 10 enplanements). Thus, as a result of the distinction between round-trip and other itineraries, similarly situated passengers could be charged different fees.<sup>1</sup> TSA received comments on the 2001 IFR questioning the round trip cap on the basis that it was not specifically stipulated in the statute and had the effect of decreasing revenue.<sup>2</sup>

As enacted by ATSA in 2001, section 44940(a) required imposition of a “uniform fee” on passengers, but specifically imposed a one-way cap on the fee amount in 44940(c). As discussed above, prior to the Budget Act amendments, section 44940(c) provided that the fee “may not exceed \$2.50 per enplanement in air transportation or intrastate air transportation that originates at an airport in the United States, except that the total amount of such fees may not exceed \$5.00 per one-way trip.” This language provided TSA with clear discretion to limit the amount of fee charged per enplanement and, therefore, to provide a cap on the amount charged per round trip. Amending section 44940(c) by mandating a fee of \$5.60 per one-way trip, as well as eliminating the cap language that was in the statute as enacted in 2001, is consistent with the authorizing language of section 44940(a) and the requirement to impose a “uniform fee.”

Accordingly, in the absence of statutory language authorizing such a cap, and in light of the fact that a round-trip cap under the revised fee structure would have the effect of the fee being far less for some passengers than the mandatory \$5.60 per one-way trip, this IFR does not include a limit on the number of one-way trips—trips that can be charged per itinerary. TSA notes that by eliminating the round-trip cap, the restructured fee mitigates the likelihood of disparate treatment for substantially similar travel—some booked as round trips on one itinerary, and some not.

*Question 5.* Given TSA’s interest in reducing or eliminating the need to remove shoes, laptops and liquids under its risk-based approach, how will TSA’s new technology acquisitions and upgrades help facilitate this goal? Additionally, could TSA’s technology acquisition plan aim to achieve risk-based screening on a passenger-by-passenger basis?

*Answer.* The Transportation Security Administration’s (TSA) new technology acquisitions and upgrades are designed to support TSA Pre✓™ expansion and facilitate specific goals to minimize divestiture requirements for passengers while enhancing security effectiveness. TSA has invested in, and began the testing of, enhanced algorithms on Advanced Technology systems that allow large electronics to remain in passengers’ carry-on luggage. Additionally, further planned enhancements are aimed at easing current liquid restrictions. To ensure alignment between industry partners and TSA in meeting agency goals, TSA has released the TSA Security Capability Investment Plan aimed toward providing industry stakeholders insight into the capability investment areas. TSA continues to work closely with the Department of Homeland Security Science and Technology and interagency partners in the Departments of Defense and Justice to develop advanced technology in support of TSA’s risk-based security needs.

In addition, TSA is investing in Credential Authentication Technology (CAT). This technology enables TSA to automatically authenticate identity documents that are presented to TSA by passengers during the security checkpoint screening process, further enhancing travel safety. In the future, CAT systems will integrate with the Secure Flight system through the Security Technology Integrated Program (IT program that automates exchange of information with various screening equipment, including the capability to dynamically transfer information between Transportation Security Equipment and vetting and security operations) in order to provide a passenger’s risk status to the Travel Document Checker at the airport checkpoint. Additionally, TSA would like to develop an integrated system whereby a passenger’s risk status would be correlated with appropriate screening technologies. By linking risk

<sup>1</sup> In other words, under the current regulations, if Passenger A were to book such an itinerary beginning and ending at New York’s John F. Kennedy International Airport (JFK), and Passenger B were to book the same exact itinerary, except that Passenger B planned to return to Boston, Passenger A would owe \$10, and Passenger B would owe \$25.00. Similarly, Passengers C and D could both fly on the same days, flights, stopovers, and destinations, but pay different fees based on how the air transportation was purchased (for example, Passenger C purchases air transportation as a single five-stopover round trip itinerary but Passenger D purchases the same air transportation in separate transactions, creating multiple itineraries).

<sup>2</sup> See Letter from Air Transport Association to Docket TSA–2001–11120 (dated March 1, 2002) available at [www.regulations.gov](http://www.regulations.gov) under Docket No. TSA–2001–11120–0032.

information with a more tailored approach to screening, TSA will be able to provide greater situational awareness, as well as the ability to rapidly adjust risk mitigation based on emerging threats and evolving environmental risk.

*Question 6.* After 9/11, the U.S. Congress mandated that TSA deploy Explosive Detection Systems (EDS) to screen 100 percent of checked baggage at all U.S. airports, and TSA deployed EDS with computer tomography (CT) technology in fulfilling this mandate. This technology is now available for security checkpoints as well, and we're seeing the application of such technology at airports overseas. Such systems could potentially address the need for improved screening while improving traveler experience by largely eliminating the need to remove liquids/laptops and increasing throughput. Does TSA plan to bring this type of technology to the checkpoint?

*Answer.* The Transportation Security Administration (TSA) in collaboration with the Department of Homeland Security (DHS) Science and Technology Directorate (S&T) has been monitoring the progression of computed tomography (CT) but is not planning on using this technology for checkpoint purposes. Historically, the issues with operationalizing CT for the checkpoint have been cost and size related. CT systems for the checkpoint have been roughly 50 percent more expensive than traditional projection X-ray systems, and the footprint is larger than currently deployed technologies.

However, TSA's Passenger Screening Program has hosted over six different companies who discussed their CT for checkpoint solutions and TSA collaborates with its international partners who utilize CT to exchange lessons learned. TSA will continue to actively monitor the technological developments of CT and its feasibility within the checkpoint environment. At this time, TSA does not have any plans to procure CT for use at the checkpoint to screen carry-on bags.

*Question 7.* I have heard concerns from those representing smaller concessionaires at airports that TSA, under Security Directive 1542-04-10, allows only 25 percent of an airport concessionaire's employees to hold security identification display area—or SIDA—badges. For small businesses with few employees, the limited number of employees allowed to hold SIDA badges may be problematic. This requirement could make it difficult for these small businesses to compete effectively for concessionaire contracts. For example, because certain contracts may require long continuous service hours during which a concessionaire's employees would need to access secure areas like the tarmac for various servicing, delivery, and trash disposal needs, the limited proportion of employees who would be allowed to hold a SIDA badge may disadvantage concessionaires with a relatively small number of employees. Would you revisit TSA's current "one-size-fits-all" approach to SIDA badge issuance procedures and look at changes that may be necessary to facilitate and help small businesses compete on an equal playing field, while still providing the necessary security measures for airport facilities?

*Answer.* Strong access controls to the sterile areas of our Nation's airports are a crucial layer in our aviation security system. One way the Transportation Security Administration (TSA) manages access control is through limiting the number of secure identification display area (SIDA) badges issued at each airport, as these badges give individuals unfettered access to the sterile area. However, recognizing that this limitation was creating some hardships at larger airports, TSA worked with industry to develop options for addressing this issue.

In April 2013, TSA amended the national Airport Security Plan (ASP) (Change 13-02), to create flexibility by providing options in addition to the 25 percent measure in Security Directive 1542-04-10. The other options provided in the amendment included: (1) technology that, in lieu of general access, enables limited access to individuals to certain areas of the airport based on their specific job requirements; or (2) implementing physical improvements to the airport infrastructure that limit or eliminate the need for sterile area concessionaire employees working in the sterile area to have unescorted access to the SIDA. An example of this would be providing storage areas for consumable goods in the SIDA, thus negating frequent trips. Each airport operator must work with its respective Federal Security Director to amend the airport-specific, Airport Security Plan, as necessary. TSA remains dedicated to working with airport operators to lessen the burden of outdated security measures by updating them to meet present day security challenges, while using a risk and outcome-based approach.

*Question 8.* Your written testimony for this hearing stated: "It is my goal to consistently apply a risk-based approach to all aspects of TSA's mission. Whether it is the deployment of Federal Air Marshalls (FAMs), the allocation of Transit Security Grant resources, or air cargo screening policies, TSA is working to implement a risk-based approach that allows us to deliver the most effective security in the most effi-

cient manner.” With respect to TSA’s air cargo screening policies, how are you implementing a risk-based approach and how far along are you in that implementation process?

Answer. The “Trusted Shipper” concept is an essential element in enabling passenger carriers to apply principles of risk to the screening of inbound cargo without disruption to the global air cargo supply chain. The concept, currently implemented as standards in the Transportation Security Administration security programs requiring air carrier determinations, may in the future be implemented through the Air Cargo Advanced Screening program to provide an automated, data-driven, neutral platform for the determination of “trusted” shipper/shipment status. Automated segmentation of these shipments will more readily enable industry to apply appropriate tiered screening protocols, assisting both passenger carriers, and all-cargo carriers in processing “non-trusted” shipments for additional screening measures outlined in the appropriate security program.

*Question 9.* In your written testimony, you also referenced seeking employee feedback via the TSA Idea Factory, your web-based employee engagement tool, and receiving contributions from all levels of the organization. In contrast, however, the Partnership for Public Service (PPS) recently ranked TSA last out of all Federal agencies in its annual innovation score based on a survey of Federal employees. This ranking suggests TSA employees are not being encouraged and motivated to be creative and develop new ideas in their job. How would you describe TSA’s current culture for promoting innovation and new ideas, and how do you reconcile TSA’s low ranking in the PPS survey with your description of TSA’s efforts to solicit employee feedback in your testimony?

Answer. Innovation and promoting new ideas is an integral part of the Transportation Security Administration’s (TSA) current culture. Innovation has been one of TSA’s core values since its formation in 2002. TSA defines innovation as embracing and standing ready for change; being courageous and willing to take on new challenges; and having an enterprising spirit and accepting risk-taking that comes along with innovation. In 2007, TSA launched the IdeaFactory, a web-based social media tool that allows all employees to submit, rate and comment on ideas to improve the organization. This gives the frontline workforce the ability to submit ideas and gain a voice in how the agency evolves. The IdeaFactory has changed the way TSA interacts with a large, geographically dispersed frontline workforce and has led the way in how the Federal government uses employee ideation tools to engage employees. The IdeaFactory was featured in the White House Innovation Gallery in 2009, and in 2011, it was honored with a Harvard Kennedy School Ash Center Bright Idea Award. TSA has implemented hundreds of employee suggestions over the last seven years improving areas such as communications, customer service, training, procedures and human resource policies.

Yet, technology cannot be the only solution for encouraging and motivating employees to be creative and develop new ideas in their jobs. Currently, the IdeaFactory is accessible only via TSA’s network and many of the 46,000 frontline employees do not have ready access to computers. Additionally, because of TSA’s critical security mission, the frontline workforce is expected to follow Standard Operating Procedures in their daily operations. Consistent application of security measures is critical to carrying out the mission and this may make employees feel as though new ideas are not consistently encouraged.

Future plans include making the tool more accessible to the workforce; training supervisors and managers to be responsive to new ideas and initiatives; and using senior leadership-sponsored IdeaFactory challenges to ask the workforce for input on specific ideas and programs.

*Question 10.* In your March 25, 2014 testimony to the House Appropriations Subcommittee on Homeland Security, you stated that TSA is letting private contractors know how much Screening Partnership Program (SPP) airports cost the government. But in testimony before the House Committee on Government Reform in January 2014, Assistant Administrator Kelly Hoggan stated that TSA does not consider some costs, such as Federal employee benefits, in its Federal cost estimate. Since these and other costs associated with TSA screening that are incurred in accounts other than Screening Operations are not being considered, how do private contractors and the general public know whether the TSA’s Federal cost estimate provided to the private sector truly represents the entire cost paid by the taxpayer?

Answer. When calculating the Federal Cost Estimate (FCE) that is included in the Request for Proposals (RFP) for privatized screening contracts, the Transportation Security Administration (TSA) includes all costs directly attributed to screening operations, which include indirect costs such as headquarters overhead, airport

administrative staff and supplies, hiring and recruitment costs, information technology support and other cost items.

TSA excludes costs that fall outside annual appropriations, including future unfunded retirement liabilities, corporate tax adjustments, and general liability insurance. The FCE reflects those costs directly borne by the agency.

*Question 11.* You also stated in your House testimony that the SPP drives up the TSA's administrative costs, because the agency must employ more contract administration staff. While increased SPP participation may necessarily increase TSA's contract oversight staff, wouldn't the TSA's overall administrative cost actually be reduced, because the SPP shifts some of TSA's significant human resources administrative responsibility to the private sector?

Answer. Administrative costs for the Screening Partnership Program (SPP) are dependent on factors such as the number of airports in the program, the size and operational complexity of these airports, and the number of companies involved in providing services. For example, implementing or negotiating multiple changes at several airports with multiple contract providers may present greater challenges than managing these matters with fewer contract providers or airports. Similarly, multiple and overlapping contracting competitions may require more Transportation Security Administration Headquarters administrative resources to manage efficiently.

The SPP workforce currently represents less than 5 percent of total screeners in the field. The human resources administrative responsibility relieved by such a small number of workers moving to the private sector does not relieve enough workload for TSA personnel to result in meaningful staffing reductions.

*Question 12.* At the hearing, I asked about the impact of risk-based security initiatives on staffing models at airport checkpoints. Please provide additional, specific forecasted long term cost savings and staffing efficiencies that you expect TSA to achieve as a result of all risk-based security measures taken or planned at the agency.

Answer. The Transportation Security Administration (TSA) began implementing a series of risk-based initiatives in 2011. TSA continues to expand risk-based security (RBS) efforts by adding new programs and populations selected for expedited screening by using intelligence and risk-based information. Staffing efficiencies are now being realized due to TSA meeting and surpassing its calendar year 2013 goal of providing expedited screening to 25 percent of the traveling public, and as a result, TSA included \$120 million in budget savings related to RBS efforts in the Fiscal Year (FY) 2015 Request.

TSA's general underlying assumption at this time is that TSA will be able to achieve an approximate 50 percent expedited screening rate by the end of calendar year 2014. However, this general assumption cannot be applied universally across all airports. Realized efficiencies are unique to each airport, based on the size of the checkpoints, the peak travel times, the number of participating air carriers, airport infrastructure configurations and other factors. TSA's Enhanced Staffing Model (ESM), which determines the workload for each checkpoint, will need to be run for each location to determine actual savings.

The ESM is updated for each airport in the summer preceding the upcoming Fiscal Year and reviewed on a regular basis. Although future system-wide staffing efficiencies, due to RBS efforts, are anticipated in FY 2016 and beyond, the specific impact at each airport and checkpoint in these out years has not been determined at this time.

*Question 13.* As the TSA has acquired Reveal Imaging Technologies (CT-80) x-ray machines, airports across the country have spent significant funds designing and building checked baggage systems laid out to accommodate these machines. I understand the agency is now in the process of upgrading and removing some of the machines to allow for better throughput on a per machine basis. However, with fewer machines, overall capacity in the event of an outage may be temporarily diminished even with the upgraded machines, and the full costs of accommodating the new machines are not clear. These potential capacity and cost problems would be particularly difficult for small airports. Please provide a full inventory of the machines, including a list of airports using the CT-80 machines and those machines that may be in storage. Please also provide a list of airports where the agency is proposing changes, and a description of what TSA intends to do with the existing machines, including a description of the agency's plan for how costs associated with the agency's moves will be borne. In your response, please be sure to detail any plans that may affect any of the South Dakota airports, including Sioux Falls, regarding checked baggage screening capacity and costs.

Please provide a full inventory of the machines, including a list of airports using the CT-80 machines and those machines that may be in storage.

Answer. As this information is designated For Official Use Only, the Transportation Security Administration is providing this information under a separate cover.

*Question 14.* Please also provide a list of airports where the agency is proposing changes, and a description of what TSA intends to do with the existing machines, including a description of the agency's plan for how costs associated with the agency's moves will be borne.

Answer. As this information is designated For Official Use Only, the Transportation Security Administration is providing this information under a separate cover.

*Question 15.* Explanation of costs:

Answer. TSA will fully fund the design and facility modification costs for both stand-alone and integrated Explosives Detection System (EDS) recapitalization projects, provided all costs are within current Planning Guidelines and Design Standards. For integrated EDS recapitalization projects, the infrastructure changes required to accommodate growth through the date of beneficial use plus five years are the responsibility of the airport.

In instances where airports have requested funding for integrated screening solutions where none existed before, TSA will enter into a cost share agreement with an airport to facilitate the design and construction of a Checked Baggage Inspection System. If funds are available, TSA will provide up to 90 percent (for large and medium hub airports) or 95 percent (for small and non-hub airports) of allowable/allocable costs associated with the project if the cost effectiveness analysis predicts a 10 year positive return on investment.

In instances where TSA has identified a requirement for a new or upgraded stand-alone EDS unit, TSA will fully fund the removal, upgrade, deployment and installation of the EDS.

*Question 16.* In your response, please be sure to detail any plans that may affect any of the South Dakota airports, including Sioux Falls, regarding checked baggage screening capacity and costs.

Answer. One of the airports that the TSA has identified for CT-80 EDS upgrades is Sioux Falls Regional Airport (FSD) which currently has two baggage zones supported by two CT-80 EDS units in each zone. All CT-80 units in the field must be upgraded to meet enhanced detection standards. TSA will fully fund all costs associated with this upgrade project. TSA has completed one phase of the project by removing two CT-80 units that need to be upgraded by the vendor, Reveal, to the CT-80DR model. Current demand at FSD does not warrant two EDS in each zone; therefore, the two underutilized EDS units will be removed, upgraded to CT-80DRs, and reallocated in order to satisfy an existing operational need at another airport.

Should demand for baggage screening resources change, TSA will work with local airport authorities to accommodate new requirements.

---

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROGER F. WICKER TO  
HON. JOHN S. PISTOLE

*Question 1.* It has come to my attention that the TSA has planned to replace the seven CT-80 Reveal machines with only five upgraded machines at Gulfport-Biloxi Regional Airport. The airport has recently made significant investments in its ticket lobby and baggage handling area under the assumption that it would maintain seven baggage screening machines. These machines are routinely used and are instrumental to the airport's attempt to attract additional carriers and increase the economic development opportunities throughout the region. Can you please justify for me the reasoning for the TSA's decision to reduce the number of machines? During the decision making process, did the TSA consider the additional impacts to the airport including the affects to customer service, exclusive lease areas, operational, marketing and space constraint issues?

Answer. Prior to making the decision to remove two CT-80 Reveal explosives detection system (EDS) units from Gulfport-Biloxi Regional Airport, the Transportation Security Administration (TSA) confirmed no airlines have used ticket counters 2 and 3 for over a year. The two EDS units at those ticket counters have accommodated overflow from Delta Airlines and occasional unscheduled charter flights. TSA has recommended the use of gravity rollers in place of the EDS units to support transferring bags for screening when these ticket counters are utilized. TSA also advised the airport authority that should an airline decide to move into those spaces, TSA would work with the airport in meeting its requirements for baggage screening.

*Question 2.* It has also come to my attention that despite the clear legislative guidance regarding the need for TSA to continue to monitor airport exit lanes, this does not seem to be the case when it comes to Raleigh-Durham International Airport. TSA recently informed Raleigh Durham Airport that because of its recent renovations it is no longer responsible for monitoring the new exit lanes. Memphis International Airport is about to embark on a Terminal Modernization Program and is concerned that it will be in a similar situation. Does TSA have an obligation to monitor airport exit lanes? Can I have your assurances that TSA will continue to monitor the exit lanes at Memphis International Airport both during and after the renovations are complete?

*Answer.* Section 603 of the *Bipartisan Budget Act of 2013*, Pub. L. No. 113–67, 127 Stat. 1188 (2013) (Budget Act) requires the Transportation Security Administration (TSA) to monitor passenger exit points from the sterile area of airports at which TSA provided such monitoring as of December 1, 2013. TSA interprets this to mean if TSA was responsible for an exit point on December 1, 2013, then after remodeling, TSA will continue to be responsible for that exit point. Remodeling an existing exit point at which TSA provided monitoring on December 1, 2013, differs from opening a new exit point or moving an existing exit point to a new location. In determining whether an exit point project is a remodeling or relocation effort, TSA would consider whether the post-project physical location of the point would require significant additional manpower or FTE allocation by TSA for supervision, safety checks, and supervisor response for a checkpoint breach and/or incident. TSA does have an obligation to monitor exit points at Memphis International Airport. Based on current modernization plans, this obligation is expected to continue during and after the recently announced airport modernization effort.

---

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. ROY BLUNT TO  
HON. JOHN S. PISTOLE

*Question.* TSA has historically maintained that it is 3 to 9 percent more cost efficient than its private sector Screening Partnership Program (SPP) partners at providing airport security screening at airports across country. I have always found it difficult to accept this position. Surely, when factoring in how much it costs for TSA screeners to receive government benefits and other costs born “government wide” (not just specifically by the TSA), your cost comparison cannot be accurate. Multiple GAO studies have also been critical of the methodology used by TSA to calculate this cost comparison. DHS has also acknowledged that TSA does not include government-wide costs when making cost comparisons to SPP contractors. In the FY14 Omnibus, Congress directed TSA to contract with an independent entity to analyze this cost issue and hopefully once and for all get to the bottom of it.

But for now I want to ask for more elaboration on TSA’s continued position that it is more efficient than private contractors, specifically in relation to the cost estimate TSA uses as a maximum allowable price bid for solicitations. For example, TSA in February awarded a SPP contract at the Kansas City Airport. The cost associated with the contract is 20 percent below TSA’s cost estimate of its own costs were it to perform the screening services. Without getting into the specifics of the contract, I have concerns that this huge inconsistency, albeit one that cuts in the private applicants favor, is symptomatic of these problems with TSA’s cost analysis. Can you explain how TSA might award a contract award at a price so far below its operating costs (20 percent) while at the same time maintain that its operating costs are generally 3–9 percent more cost efficient than private contractors? Do you anticipate the study directed by the FY14 Omnibus will include a “government-wide” cost accounting?

*Answer.* The 3 to 9 percent reference is from a Government Accountability Office (GAO) report update in 2011 (GAO–11–375R), which included alternative approaches to formulating estimates. As reflected in the report, this range was for a point in time and was a composite average for all participants in the program. Cost estimates vary from airport to airport and are dependent on security requirements, which may change based on variables such as the configuration of the airport, passenger throughput and equipment requirements.

The Transportation Security Administration (TSA) awards contracts under the Screening Partnership Program (SPP) that provide the best value to the Government and do not compromise security or detrimentally affect the cost-efficiency or effectiveness of screening passengers or property, as required by the Federal Aviation Administration Modernization and Reform Act of 2012 (P.L. 112–95). TSA’s solicitations are based on cost estimates reflecting the actual resources used to conduct screening operations at the airport. Upon conclusion of the evaluation process,

the award is made to the responsible offerer whose proposal, conforming to the solicitation, will be most advantageous to the Government. A low price does not necessarily reflect an insufficiency of technical approach (to ensuring security effectiveness). In the case of Kansas City International Airport, the winning proposal was found to be the most advantageous offer for the Government, meaning it provided the best technical proposal for the price.

Per the request of Congress, TSA has awarded a contract for an independent study to be conducted on the cost and performance of SPP airports as compared to non-SPP airports. Because TSA's cost estimating methodology is the focus of the study, TSA structured the solicitation so that companies may propose their own approaches for providing the most robust cost and performance comparisons. The independent contractor does intend to assess costs external to TSA's budget per recent GAO recommendations. The contractor's report will be due to TSA in November for review and TSA is required to provide that report to GAO for its review within one year of enactment of the FY 2014 Appropriations Act.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARCO RUBIO TO  
HON. JOHN S. PISTOLE

*Question 1.* My understanding is that the TSA, as part of its responsibility for transportation security, must provide certain transportation workers with a security threat assessment that may include a fingerprint-based criminal history records check. These workers may include those with certain aviation jobs, maritime jobs which require a "transportation worker identification credential" and commercial drivers who seek "hazardous materials endorsements." It is also my understanding that there are variations in the criteria for a criminal history records check that may disqualify an applicant for one position but would not disqualify an applicant for another position. Is there an opportunity to harmonize the criteria? And if so, what benefits could stem from harmonization?

Answer. Yes, the Transportation Security Administration (TSA) supports and intends to harmonize programs to the extent it can within existing legislation such as harmonization of enrollment procedures and customer interaction. TSA was able to align the Hazardous Materials Endorsement (HME) criminal disqualifying criteria to be the same as required for the maritime workers requiring a Transportation Worker Identification Credential (TWIC). For these two populations, TSA is able to provide a common enrollment, security threat assessment and associated reduced fees to lower the burden to applicants.

A legislative change is required to harmonize criminal disqualifying criteria between aviation and the surface and maritime credentialing programs. Under the current statutory regime, the list of crimes, period of time for which a conviction remains disqualifying ("look-back" period); and redress process for aviation differs substantially from the surface and maritime programs.

Amendments to existing statutes are required to make the aviation criminal history records check (CHRC) requirements the same as the statutory requirements governing the TWIC program, which TSA also applies to HME applicants.

If the CHRC statutory requirements were made identical across all modes of transportation, TSA anticipates that it would reduce the need for multiple background checks for workers who access a variety of transportation facilities.

*Question 2.* Congress directed TSA to reform the TWIC process to enable applicants to obtain a TWIC with a single visit to an enrollment center. It's my understanding that TSA's plans for the national implementation of the OneVisit program calls for rollout in May and completion in August. Can you confirm that time-frame for the Committee? Based on the OneVisit pilot programs that have been completed, do you anticipate any problems that would prevent you from meeting objective? I would appreciate regular reports from you and your staff on the status of national implementation after the rollout begins in May.

Answer. The Transportation Security Administration (TSA) began national implementation of the Transportation Worker Identification Credential (TWIC) OneVisit in May 2014, and completed the national OneVisit rollout in July 2014. All Universal Enrollment Services (UES) sites offer the OneVisit enrollment option. TSA revised the information collection associated with the TWIC program to reflect the OneVisit option. This revised collection was approved earlier this summer.

*Question 3.* Tourism is an important part of Florida's economy, and my home state is a destination for millions of international travelers. One key part of their trip is the experience they encounter when travelling through our airports. Does TSA work with tourism officials when developing screening procedures or training agents, particularly at airports with a high percentage of international travelers?

Answer. In 2012, the Transportation Security Administration (TSA) created the Passenger Support Specialist program. This workforce initiative is comprised of Transportation Security Officers who have received special training to resolve the concerns of, and provide assistance to, travelers including those traveling to and from international destinations. More than 3,500 officers volunteered to represent TSA in this role, receiving specialized training from stakeholder organizations representing various facets of the traveling public, including those representing multi-cultural communities.

*Question 4.* It seems that the TSA PreCheck program has benefited both TSA and the traveling public, and that those benefits would continue if more people signed up for the program. In looking at the PreCheck program, however, it seems that TSA has neither the resources nor the expertise to conduct an effective marketing campaign to expand PreCheck and help the program realize its potential. As a result, it seems to me that some sort of collaboration with the travel community to have marketing experts promote the program would be smart and effective. Is TSA partnering with the travel community on this program, and what are your thoughts on such an effort?

Answer. The Transportation Security Administration (TSA) has partnered with the travel industry since the inception of TSA Pre✓™ in October 2011. Initial marketing and communication efforts involved the airlines participating in TSA Pre✓™ program and promoting enrollment via the U.S. Custom and Border Protection's (CBP) Global Entry program. During 2012, TSA expanded outreach and communications more broadly to the larger travel industry community, including:

- Dedicated TSA Pre✓™ web pages on the Internet sites for all 11 participating airlines.
- TSA Pre✓™-related articles in several in-flight magazines and employee newsletters.
- Direct airline messaging about TSA Pre✓™ to passengers via e-mail, signs posted at ticket counters and in airline lounges, and pop-up messages on check-in kiosks.
- TSA Pre✓™-specific signage provided by airports to include directional signs as well as 'call to action' banners regarding the TSA Pre✓™ enrollment process.
- Co-marketing agreements with American Express Card Services and Sabre Travel Network to promote TSA Pre✓™ enrollment direct to customers and through travel managers.

After TSA launched the TSA Pre✓™ application program in December 2013, marketing shifted to promoting direct enrollment in this program. TSA has opened 304 application centers across the country. On average, TSA receives 3,500 applications per day, more than double the initial projections that were based on CBP Global Entry enrollments. As of September 3, 2014, more than 524,000 travelers will have enrolled in TSA Pre✓™.

TSA recognizes that a strong partnership with the travel industry and other organizations remains critical to the success of TSA Pre✓™. TSA recently established a marketing advisory group consisting of the TSA Office of the Chief Risk Officer's Chief Marketing Officer and the Division Director of Marketing and Branding, and the Aviation Stakeholder of the TSA Office of Security Policy and Industry Engagement. The marketing and advisory group is actively working with a number of industry trade groups including Global Business Travel Association, U.S. Travel Association, Airports Council International, American Society of Travel Agents, U.S. Tour Operators Association, and several large travel management firms. TSA also works with other entities which include Marriott Hotels, Loews Hotels, Brand USA, and Visa Card Services to market TSA Pre✓™. A contract with a small business marketing firm to assist with branding and creative content development is close to being finalized.

*Question 5.* I sent you a letter in 2011 following a much publicized incident with the screening of an elderly passenger in a Florida airport. In your response, you noted on the letter that TSA is "actively exploring options for screening the elderly using more of a risk based approach." This is of particular interest to my state given the elderly population in Florida. Can you describe what options you have explored and implemented to ensure that elderly passengers are treated with dignity and respect?

Answer. It has always been the Transportation Security Administration's (TSA) policy to treat all passengers, especially the elderly, with dignity and respect. As part of TSA's movement away from a one-size-fits-all approach to security and the implementation of risk-based protocols, TSA has modified screening procedures for

the elderly to better focus resources on passengers who may be more likely to pose a greater risk to security, and to further ensure elderly passengers are treated with dignity and respect as they undergo screening. Under the modified procedures, passengers appearing 75 and older do not have to remove shoes and light jackets when going through security checkpoints and are allowed an additional pass through Advanced Imaging Technology to clear any anomalies detected. However, elderly passengers may be required to remove their shoes or undergo a pat-down if anomalies are detected during security screening that cannot be resolved through other means. Additionally, passengers appearing 75 and older who are unable to stand for screening may remain seated and will receive a comparable level of screening, including explosives trace detection.

*Question 6.* As you look to increasingly enhance the performance of TSA's front line workforce—the Transportation Security Officers, specifically—what are the critical success factors you and your management team consider need to be addressed? Additionally, in looking at the job of a TSO, there is clearly a security component to it; however, there is also an important customer service aspect that I am guessing is often overlooked. How customers are treated when in line, how long they have to wait, and how TSOs interact with passengers at the checkpoint are among the items I'd consider critical to customer service. So, can you tell me how you measure the level of customer service provided at the checkpoint, and how that factors into the overall evaluation of a TSO?

*Answer.* The Transportation Security Administration (TSA) is committed to enhancing the performance of its front line workforce and has implemented various programs to that end. Factors deemed critical to success not only include technical proficiency in screening operations, but those factors that contribute to deterrence, passenger experience, and workplace atmosphere. Passengers have multiple vehicles for providing feedback to TSA, such as the TSA Contact Center via telephone or e-mail; comment cards that are available at the checkpoint upon request; and through local Customer Service and Quality Improvement Managers at the airport. If passenger feedback cannot be addressed at the local level, it is elevated to TSA Headquarters for review and appropriate action.

The passenger experience (sometimes referred to as customer service) is important to TSA as is demonstrated by the implementation of the Presence Advisements, Communication, and Execution (PACE) program, which was launched in 2011. The PACE program deploys evaluation teams to six geographical regions. Teams of evaluators travel in pairs to covertly assess checkpoints at Category X, I, and II airports by posing as inexperienced travelers.

A PACE assessment evaluates how a checkpoint is adhering to standards derived from TSA management directives and the checkpoint screening Standard Operating Procedure.

TSA measures many other elements related to passenger experience through the PACE program. Elements include TSO command presence, whether they proactively direct and prepare passengers for the next stage of screening, and how they communicate with each other and with passengers.

The TSOs are evaluated in the Transportation Officers Performance System (TOPS). The performance goal by which they are evaluated is "Demonstrates professionalism and commitment to TSA's mission in order to promote public trust and confidence." The measures for the performance standards include: "fosters public trust and credibility by providing responsive service to internal/external customers and in accordance with TSA directives; maintains a positive demeanor and awareness while conducting assigned screening functions and operations, as observed by supervision; diffuses potentially disruptive situations promptly and tactfully." This goal is part of the 4-tier performance plan that also includes an assessment of competencies, *i.e.*, oral communication and interpersonal skills.

All of these elements factor into overall performance. While TSO names are not recorded (unless an egregious situation is observed), immediate feedback is provided to the Federal Security Director (FSD) following an assessment so that corrections can be made. Detailed written reports are provided to FSDs on the performance of each checkpoint so they may target specific deficiencies discovered. Each year, Category X, I, and II airports receive two PACE assessments for approximately 75 percent of the airport's checkpoints.