

**MOVING BEYOND THE FIRST FIVE YEARS: HOW
THE TRANSPORTATION SECURITY ADMINISTRA-
TION (TSA) WILL CONTINUE TO ENHANCE
SECURITY FOR ALL MODES OF TRANSPOR-
TATION**

HEARING
BEFORE THE
**SUBCOMMITTEE ON TRANSPORTATION
SECURITY
AND INFRASTRUCTURE PROTECTION**
OF THE
COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES
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**MOVING BEYOND THE FIRST FIVE YEARS:
HOW THE TRANSPORTATION SECURITY AD-
MINISTRATION (TSA) WILL CONTINUE TO
ENHANCE SECURITY FOR ALL MODES OF
TRANSPORTATION**

Tuesday, April 15, 2008

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON TRANSPORTATION SECURITY AND
INFRASTRUCTURE PROTECTION,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:10 p.m., in Room 311, Cannon House Office Building, Hon. Sheila Jackson Lee [chairwoman of the subcommittee] presiding.

Present: Representatives Jackson Lee, Clarke, Perlmutter, Lungren, and Bilirakis.

Ms. JACKSON LEE [presiding.] Good afternoon. The subcommittee will come to order. The subcommittee is meeting today to receive testimony on moving beyond the first 5 years, how the Transportation Security Administration will continue to enhance security for all modes of transportation. Importantly, this testimony will discuss what the Transportation Security Administration has accomplished in the first 5 years since the creation of the Department of Homeland Security and what work remains to be done to secure the Nation's transportation system.

Let me first of all acknowledge the presence of the ranking member, Mr. Lungren, of California, and Mr. Bilirakis of Florida.

We are delighted that our Assistant Secretary Hawley is here amongst the other witnesses. Let me thank them all.

Mr. Hawley, Ms. Berrick and Mr. Ervin, it is good to see you again, and, Mr. Verdery, it is good to see you, as well.

I will attempt to yield myself 5 minutes and to speak pithily in my opening remarks. Many of us are double-scheduled. This is an extremely important hearing. I want to give time to the witnesses and also time for the members, who may have to go back to the floor.

As I said, good afternoon, and we thank you again for coming to this hearing and participating, again, in the hearing that speaks about the first 5 years of the Transportation Security Administration. But, in light of where we are after 9/11, to really focus on how we improve transportation in all modes.

We have had some challenges. As we have discussed, the needs for the air traffic marshals, if you will, the air marshals, U.S. air

marshals; as we have listened to the overall challenges addressing the question of utilization of air traffic controllers; as we continue to look for new technology as it impacts the air cargo aspect; as we find that our flight deck officers are facing maybe the possibility of accidental utilization of guns in the cockpit. We know that there is much to be done.

As we continue to work and to make better the work in progress that is the transportation security screeners, we do that by inviting Assistant Secretary Hawley to our respective jurisdictions, as he did just recently in the city of Houston at the Bush International Airport to look at—and as he has done across the Nation—but to listen to and to look at ways of enhancing the training and professional development of the TSA screeners and to work on what is not a diminishing of security but a consistency in security.

So, with a smile on my face, we certainly are not here, Ranking Member Lungren, to tip off the terrorists, because with all that we are trying to improve, I have said consistently that this should give no comfort to any terrorist. The United States is far better prepared and ready than it has ever been. Certainly the tragedy, the horrific tragedy of 9/11, has caused to be prepared. But we can always work to do better. For a Nation, the necessity for funding and the necessity for technology have to be utilized, along with oversight and hard questions. We should not run away from hard questions.

As we welcome the witnesses today, I think we will be speaking about many very important issues. We recognize the significant milestone that is the Department of Homeland Security's fifth year anniversary. This subcommittee will take the opportunity to reflect on the work that TSA has done to secure our Nation's aviation and surface transportation systems and what work has to be done.

First, I would like to recognize, again, the work that the TSA employees and the team have done.

Thank you, and thank you to Assistant Secretary Hawley for your work.

However, in the business of security, there is always work to be done for those of us charged with doing all we can to protect the American public from those who wish to do us harm. The work never ends, and we can never rest.

As such, we are here today to discuss not only what has been accomplished in aviation and surface transportation security, but what needs to be done. The TSA is responsible for the security of highways, railroads, buses, mass transit systems, ports and the 450 U.S. airports and employs approximately 50,000 individuals who have the very important mission of keeping the traveling public safe from terrorist threats.

There are many aspects of securing transportation. First, there must be an overarching plan and comprehensive strategy under which all programs and policies must flow. Those programs need to be administered efficiently in combination with developments, in screening and detection, technology, to make sure that threats are discovered.

We must have well-thought-out grant programs that quickly get money to mass transit or transit systems and an appropriate risk assessment so that continuing security investments can be made

that are tailored to particular transit systems to provide the most comprehensive security networks, an all-important component of security that I consider a paramount priority in the continuing training of front-line workers. They are our first line of defense against our enemies, and we owe it to them to provide them with the best training, supportive work environment and opportunities for professional development.

With respect to technology, we must cut out the red tape. The longer we are engaged in red tape, the less secure America becomes. If we must screen air cargo, then we must do it with the latest technology. If it is available, we have to cut the layers and layers of approval that now the DHS subjects entrepreneurs and inventors of new technology that can actually help us.

Do I want to build in fraud? Absolutely not. I want to build in efficiency, expediency, detailed knowledge of the technology and then approval, if it is a product or a technology that works.

When this Congress passed into law the 9/11 bill, we directed the Department to make improvements in the aviation cargo screening, expanded the surface transportation security grants, defined criteria for the handling of security-sensitive materials on railroads and provided significant employee training programs and protections.

I would like to think this committee has been part of the solution. The subcommittee has worked very hard on including in its oversight the improvement of transportation employees, security employees. It is vitally important that the Department continues to carry out the mandates created in the 9/11 bill. These provisions were created in a bipartisan manner with significant input from the Department and industry stakeholders to close security gaps and fulfill the recommendations of the 9/11 Commission.

To be sure, the TSA has taken steps to secure the plane and the passenger but has still left the system vulnerable to attacks. In essence, I believe that our focus has disproportionately been on protecting aircraft from past attack scenarios, such as suicide hijackings, which we should never forget, and IEDs carried out by airline passengers, and has not given enough attention by other potential vulnerabilities.

I am encouraged by the progress that has been made within the TSA, such as including refining the checkpoints, advances made in behavior recognition.

Assistant Secretary Hawley, I will be asking you about a success story we recently had in introducing technologies that improve screening. However, there remains cause for concern, as well. By TSA's own covert testing, TSA screeners are still underperforming when it comes to detecting potential bombs and bomb parts, calling into question whether TSOs are getting the training they need to do the job that we need them to do and that they desire to do.

Training, resources, we can't nickel-and-dime the security of Americans. We must also not lose sight of the need for robust surface transportation security programs. I wonder how many of us have paid attention to the buses that travel upon the roads and highways of this Nation, taking hardworking Americans to work.

The intelligence tells us that transportation continues to be the most significant security threat facing us today. Aviation is still a

premium for terrorists, but as attacks around the world have shown us, rail and mass transit is also an extremely attractive target for those who want to cause mass casualties and panic, and buses, as I previously said.

When 11.3 million people are traveling by mass transit each weekday, we cannot afford to lose sight of this vulnerability. That is why this hearing is so vital. TSA is one of the most high-profile components of the Department of Homeland Security. It has a broad-based jurisdiction, and we are here to be a partner in, again, as I said, protecting America against threats and, as well, ensuring the safety and security of Americans.

As the subcommittee with jurisdiction over transportation security and infrastructure protection, we need to be in constant communication with the TSA on how we can continue to improve transportation security. So today, in the sense of respect of the fifth anniversary of the department, let us congratulate our successes, and let us thank our front-line employees, but let us come together in our collective concern and efforts and vigilance.

We have managed to avert a terrorist attack on our soil since the tragic events of September 11. But even more important than celebrating our efforts is thinking critically and creatively and with foresight about the systemic steps that we need to take to better secure our Nation's transportation systems. As you are, we are here to be of assistance and to make it happen.

I thank the witnesses for their testimony. With that, I yield to the distinguished gentleman from California for his opening statement.

[The statement of Chairwoman Jackson Lee follows:]

PREPARED STATEMENT OF CHAIRWOMAN SHEILA JACKSON LEE

APRIL 15, 2008

Good afternoon, I would like to thank everyone for their participation in this afternoon's hearing entitled, "Moving Beyond the First Five Years: How the Transportation Security Administration (TSA) Will Continue to Enhance Security for All Modes of Transportation." I would also like to welcome our witnesses today who have come to talk about this very important issue. As we recognize the significant milestone that is the Department of Homeland Security 5-year anniversary, this subcommittee will take this opportunity to reflect on the work that the TSA has done to secure our Nation's aviation and surface transportation systems, and what work has to be done.

First, I would like to recognize the hard work and dedication of Assistant Secretary Hawley. Under Mr. Hawley, the TSA has made significant strides in making aviation and surface transportation more secure. This committee certainly congratulates him on his successes as the Administrator of the TSA.

However, in the business of security, there is always work to be done. For those of us charged with doing all we can to protect the American public from those who wish to do us harm—the work never ends, and we can never rest. As such, we are here today to discuss not only what has been accomplished in aviation and surface transportation security.

The TSA is responsible for the security of highways, railroads, buses, mass transit systems, ports and the 450 U.S. airports, and employs approximately 50,000 individuals who have the very important mission of keeping the traveling public safe from terrorist threats.

There are many aspects to securing transportation. First, there must be an overarching plan and comprehensive strategy under which all programs and policies must flow. Those programs need to be administered efficiently in combination with developments in screening and detection technology to make sure that threats are discovered. We must have well-thought-out grant programs that quickly gets money to transit systems under an appropriate risk assessment so that continuing security

investments can be made that are tailored to particular transit systems to provide the most comprehensive security network. An all-important component of security that I consider a paramount priority is the continuing training of frontline workers. They are our first line of defense against our enemies, and we owe it to them to provide them with the best training, supportive work environment, and opportunities for professional development.

When this Congress passed into law the 9/11 bill, we directed the Department to make improvements in aviation cargo screening, expanded up the surface transportation security grants, defined criteria for the handling of security sensitive materials on railroads, and provided significant employee training programs and protections. It is vitally important that the Department continues to carry out the mandates created in the 9/11 bill. These provisions were created in a bi-partisan matter, with significant input from the Department and industry stakeholders, to close security gaps and fulfill the recommendations of the 9/11 Commission.

To be sure, the TSA has taken steps to secure the plane and the passenger but has still left the system vulnerable to attacks. In essence, I believe that our focus has disproportionately been on protecting aircraft from past attack scenarios—such as suicide hijackings and IEDs carried out by airline passengers—and has not given enough attention to other potential vulnerabilities.

I am encouraged by the progress that has been made within the TSA, such as including refining the checkpoints, the advancements made in Behavior Recognition, and introducing technologies that improve screening. However, there remains cause for concern as well. By TSA's own covert testing, TSA screeners are still underperforming when it comes to detecting potential bombs and bomb parts, calling into question whether TSOs are getting the training they need to do the job that we need them to do and that they desire to do.

We must also not lose sight of the need for a robust surface transportation security program. The intelligence tells us that transportation continues to be the most significant security threat facing us today. Aviation is still a premium target for terrorists, but as attacks around the world have shown us, rail and mass transit is also an extremely attractive target for those who want to cause mass casualties and panic. With 11.3 million people traveling by mass transit each weekday, we cannot afford to lose sight of this vulnerability. That is why this hearing is so vitally important. The TSA is one of the most high profile components of the Department of Homeland Security, and based on known threats, the most important.

As the subcommittee with jurisdiction over transportation security and infrastructure protection, we need to be in constant communication with the TSA on how we can continue to improve transportation security. So today, in honor of the fifth anniversary of the Department, let us congratulate our successes. Because of our collective efforts and vigilance, we have managed to avert a terrorist attack on our soil since the tragic events of September 11. But even more important than celebrating our efforts is thinking critically, creatively and with foresight about the systemic steps we need to take to better secure our Nation's transportation systems and ensuring that we are committed and dedicated to the implementation of these steps.

I thank the witnesses again and look forward to their testimony.

Mr. LUNGREN. Thank you very much, Chairwoman Jackson Lee. Thank you for having this hearing.

The Transportation Security Administration is without a doubt a critical partner in our Nation's domestic security umbrella. Therefore, before we move beyond the first 5 years, I believe it is important for us to reflect on what we have learned during these formative years for TSA and for our Homeland Security Department in general.

First and foremost, and you alluded to this a moment ago, there have been no successful attacks against any U.S. transportation mode since TSA was established. I don't think that is by accident.

If anybody thinks that after 9/11 Al Qaeda put its feet up on the table and decided that they were no longer going to try and attack us, I think that person is living in a dream world. There have been no successful attacks since—well, in 2002, 2003, 2004, 2005, 2006, 2007 and thus far in 2008. I don't think that is by accident. I think it is because of the hard work of many men and women around the world, including those involved with TSA.

So, before we look forward, it seems to me we should recognize and commend the outstanding work of all, including TSA, in fulfilling their mission in securing our air, rail and bus transportation systems. TSA has accomplished their mission, yet we know there is much more to be done. There is no perfection in this world, and we can always do better.

We have had hearings in which we have pointed out shortcomings, as we have also acknowledged the successes within the Department of Homeland Security, and I hope that will continue.

But it seems to me we on our side over here could be doing some things, too. We have not in the last year-and-a-half provided a homeland security authorization bill. That is 2 consecutive years.

It seems to me, if we are serious about finding ways TSA could enhance future transportation security, passing an authorization bill, whether or not the Senate would move along with it, would be an important first step. It would show exactly we think TSA and the Department should be going. It would show a commitment on a total bipartisan basis in our effort to ensure that we continue with progress.

Another helpful change that we could make would be to consolidate congressional jurisdiction of the Homeland Security Department. I know how many times we have had TSA up here. I know how many times we have had other people from the Department of Homeland Security here.

It seems to me that TSA and the Department could focus on its critical transportation security responsibilities in a better way, instead of responding to and appearing before countless congressional committees. I mean, that was the promise of reorganization here in the Congress to go along with the reorganization on the Executive branch.

I will say that my side of the aisle failed to do it, and I was hoping that maybe we would see this in the last couple of years, but it hasn't. That is not a partisan issue. That is a congressional issue that continues.

But we ought to step up and say, if this is a priority, we ought to have the courage to reorganize ourselves. Congress should also stop the continuous departmental reorganizations. I think this would stabilize the working environment and improve productivity in the entire Department.

So, looking forward, TSA can enhance future security for all modes of transportation by not abandoning the risk-based security principles in pursuit of something which is elusive, 100 percent this, 100 percent that. One hundred percent screening solutions at times may sound good, but they may not in fact be the practical way that we deal with the problem.

Risk assessment allows TSA and the Department to effectively target its financial and intelligence resources for a greater security benefit. Without unlimited funding, and we will never have that, we in the Congress have to do better. We have to be smarter. We have to make sure that our Department is smarter than the terrorists. We have to use our intelligence and layered security measures to mitigate future risks.

As much as I would like to say it could be true, the fact of the matter is risks cannot be eliminated entirely, and we ought to level

with the American public on that. It can be managed and it can be practically dealt with and effectively dealt with in all areas. But that is also true in a transportation system as large as ours.

If we tried to promise something which is impossible, bankruptcy will result and terrorists will win. I hope that we can continue to use the risk-based approach, the layered security approach, working in a cooperative effort between the Congress and the Executive branch, pointing out the warts where they exist, and I know occasionally you folks point out the warts which exist over here, as well.

But we should be giving the American people confidence that we are in this together, not for partisan purposes, but on a bipartisan basis attempting to do the best for this country under the best of circumstances that we can create. So I look forward to the hearing today and to hear from our witnesses this afternoon.

We have reviewed the prepared testimony. I might have to skip out for a short time for another meeting I have, but I will be back here for the round of questions and I know we will probably be interrupted by votes on the floor, too. But I will be back after that to make sure that we have a chance for the questioning round.

So thank you very much, Madam Chairwoman.

Ms. JACKSON LEE. I thank the ranking member and join him in accepting the challenge. Obviously, as he admitted, when the House was in different leadership it was quite difficult to try to disturb this jurisdictional, if you will, roadblock that we sometimes have.

I can assure you that myself and the Chairman of the full committee are committed to ensuring a well-run Department of Homeland Security with minimal amount of overlapping in jurisdiction. We are willing to take up the challenge, and I think as we listen to the witnesses, who may themselves wish to comment on streamlining the jurisdictional oversight, we will work together. We hope that you will have the votes on your side of the aisle, and we will work to get the votes on our side of the aisle, because it certainly is an important question.

I would like to also note that you made an important point about authorization, and of course we did pass an authorization bill out of the House last year. We really will look forward to tackling that again and working to ensure that it happens. But we all are concerned about those issues, and we thank you for your statement.

Let me as well now indicate that other members of the subcommittee are reminded that under the committee rules opening statements may be submitted for the record.

[The statement of Hon. Brown-Waite follows:]

PREPARED STATEMENT OF HON. GINNY BROWN-WAITE

Thank you Chairwoman Jackson Lee and Ranking Member Lungren for holding this hearing today.

While it is important for this committee to examine the role of the Department of Homeland Security 5 years after the Department's inception, I cannot overlook the committee's failure to draft and pass an authorization bill. As many of my colleagues have pointed out, passing an authorization bill is a primary responsibility of this committee, and we must attend to this duty as quickly as possible.

Today, I look forward to hearing from Assistant Secretary Hawley and our other witnesses as they shed light on the Transportation Security Administration's great-

est successes to date, and the looming challenges they face in attempting to keep our transportation system and critical infrastructure secure.

Specifically, I hope that Assistant Secretary Hawley can provide an update on the status of Transportation Worker Identification Credential (TWIC) enrollment in the State of Florida. The well-intentioned TWIC program must be implemented in a way that does not undo the good work of States that took meaningful steps to protect their ports before TWIC was developed.

This committee must also address how TSA plans to test airport worker screening methods. As Congresswoman Lowey and I signaled with the passage of our bill, H.R. 1413, to create a pilot program to screen such workers, this is an issue TSA must confront as quickly as possible. While there has been speculation that TSA may launch a similar pilot program in the near future, I hope that the Assistant Secretary can elaborate on his plan for approaching airport worker screening.

Finally, I would like to thank the Assistant Secretary and TSA for their dedication to keeping Americans, especially those of us who must travel frequently, out of harm's way. Confronting terrorism and protecting this Nation is often a thankless task, but your accomplishments over the last 5 years have not gone unnoticed.

Thank you.

Ms. JACKSON LEE. I welcome our panel of witnesses. Our first witness, Assistant Secretary Kip Hawley, is very well known to this committee. As the distinguished administrator of the Transportation Security Administration, Kip Hawley has exhibited his extensive transportation technology experience in both the private and public sectors, his tenure as Assistant Secretary of Homeland Security for the Transportation Security Administration, since his swearing in in 2005.

Welcome.

Our second witness is Ms. Cathy Berrick, who is Director of Homeland Security and Justice at the Government Accountability Office. In this position, she oversees GAO's reviews of aviation and surface transportation security matters, has developed a broad knowledge of transportation security practices and related Federal policies and Federal and private sector roles and responsibilities.

Our third witness is Mr. Clark Kent Ervin, who has spent some of his best years in Houston, Texas. Clark Kent Ervin joined the Aspen Institute in January 2005 to explore the creation of a homeland security initiative. Before joining the institute, he served as the first inspector general of the United States Department of Homeland Security from January 2003 to December 2004. Prior to his service at DHS, he served as the inspector general of the United States Department of State from August 2001 to January 2003. His service in the George W. Bush administration is preceded by his service as the associate director of policy in the White House Office of National Service in the George H.W. Bush administration.

Welcome.

Our fourth and final witness is Mr. Stewart Verdery of Monument Policy Group. From 2003 to 2005, he served as the first assistant secretary for policy and planning at the U.S. Department of Homeland Security. Following his unanimous confirmation by the U.S. Senate, at DHS Border and Transportation Security Directorate, he led efforts to develop and implement policies related to immigration, visas, travel facilitation, cargo security and international trade, transportation security and law enforcement. Mr. Verdery supervised policy development at agencies such as the U.S. Customs and Border Protection and the Transportation Security Administration. Mr. Verdery also serves as an adjunct fellow at the Center for Strategic and International Studies.

Without objection, the witnesses' full statements will be inserted in the record. I now ask each witness to summarize his 5 minute statement, beginning with Assistant Secretary Hawley.

STATEMENT OF KIP HAWLEY, ASSISTANT SECRETARY, TRANSPORTATION SECURITY ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY

Mr. HAWLEY. Thank you, Chairwoman Jackson Lee, Hon. Bilirakis, members of the subcommittee.

I am pleased to appear before you today to discuss the first 5 years at DHS for TSA and look ahead to the next 5 years. Two weeks ago today, Kevin Brown walked into the Orlando Airport. A behavior detection manager in plainclothes saw Mr. Brown and he saw a few things that caught his interest as a trained behavior specialist.

Along with additional behavior detection officers, they intercepted his checked baggage before they went to screening. When they had searched his bags, they found everything you need to build a bomb.

Brown didn't make it to the checkpoint and his bags never left the lobby. He was intercepted and taken into custody by the Orlando police, searched at curbside by the Orange County bomb squad and turned over to the FBI. This is layered security in action. It is an excellent example of TSA's partnership with law enforcement and it is part of our new paradigm to recognize and use the skill of our workforce to add layers of security to go on offense.

How do we do that? There are three prongs to our approach to upgrade security: people, technology and process. All of those need to be improved, and all are moving forward as we speak. We call it Checkpoint Evolution because we do not have the game-changing technology that will at once take us back to pre-9/11 convenience.

By upgrading what we do have, our significant people and technology resources, coupled with process innovation, we can get the security result we need with a lot less hassle to passengers. Recently, TSA announced a prototype checkpoint that will shortly be tested in Baltimore.

You will see there an integrated security checkpoint bringing together people, technology and better process. You will first notice a new look, but the most significant piece involves our officers.

The checkpoint configuration and technology will support a team approach that will be calmer and more conducive to smart security. It all starts with our people. They are our biggest investment, and if we motivate and prepare them to their best, they will in fact improve TSA security.

Our TSOs are ready to use that experience and skill from working with passengers every day to take security up a level. This committee has been forward leaning, and the Chairwoman mentioned in her opening statement their commitment to front-line training. TSA is committed, as well.

We have begun a top-to-bottom retraining of our workforce. I and every TSO working at a checkpoint will undergo this year an extensive 12-hour retraining, bringing together the latest thinking from intelligence, from explosive detection and in human factors that can affect security.

This will give us the tools to go on offense. It is not about completing a checklist. It is about stopping terror plots.

On the technology front of Checkpoint Evolution, we will be upgrading the technology you see at passenger checkpoints. For quick, less-intrusive, highly effective screening of what is carried on the person, whole-body imaging will be deployed, this week, to JFK and LAX airports. We will begin operating millimeter-wave technology at those airports.

In addition, we will be purchasing at least 30 more of the machines for deployment at airports this year. I have previously said that we are deploying 250 multi-view advanced X-ray machines by midyear and today I am pleased to announce our plan to purchase and deploy another 580 units, totaling 830, using fiscal year 2007 supplemental and fiscal year 2008 annual appropriations.

We have got 250 already bought. We are announcing today we are going to add another 580. Multi-view advanced X-ray is a powerful platform on which to build additional software algorithms as new detection technologies become available, including for liquids.

Six hundred of these machines, of the new A.T. machines, are going to be deployed by year-end. TSA's strategy is to start with intelligence, partner with law enforcement, industry partners and the public and use security measures that are flexible, widely deployable, mobile and layered to cover the inevitable gaps that exist or develop in our complex open transportation network.

We cannot afford to spend all our energy looking for listed items while standing behind the magnetometer. We have to look up from the checklist and be proactive, engaged in really evaluating risk.

TSOs and all of us at TSA are focused not only on what we already know, but also on being alert for clues of something new, different and dangerous. That is the challenge of the next 5 years, to execute against known threats, but also to have the courage and imagination to put measures in place now that will disrupt whatever may come at us.

Thank you very much.

[The statement of Mr. Hawley follows:]

PREPARED STATEMENT OF KIP HAWLEY

APRIL 15, 2008

Good afternoon, Chairwoman Jackson Lee, Ranking Member Lungren, and Members of the subcommittee. I am pleased to appear before you today to discuss how transportation security has evolved and what the future holds for transportation security.

The Department of Homeland Security has reached a significant milestone in passing its fifth anniversary in March. Secretary Chertoff has noted that it is time to assess how far the Department has come and where it must go in the next 5 years. In that context, Secretary Chertoff outlined the Department's priorities as: Identifying the nature and scope of threats, assessing our vulnerabilities in relation to these threats, preventing these threats from materializing, and preparing responses to and recovery from disasters resulting from acts of terrorism and nature. As the Secretary recently noted, before September 11 we did not have an effective aviation security system to protect the 2 million domestic air travelers who rely on commercial aviation every single day. Today, the traveling public benefits from 20 layers of screening—from hardened cockpit doors; to Federal Air Marshals; to 100 percent screening of passengers and their bags by the dedicated men and women of the Transportation Security Administration (TSA).

In conjunction with Secretary Chertoff, TSA is focused on risk-based security using all of our resources—our people, our processes and our technology—to get

ahead of the terrorist threat. Namely: To stop what is in progress; to disrupt and deter what is being planned; and to address vulnerabilities that will strengthen our core. Two recent items in the news remind us of the importance of these challenges and of how TSA has successfully met them.

The first concerns the eight men currently standing trial in London who are accused of a plot to conduct suicide bombings during the summer of 2006 onboard passenger planes destined for North America. As details of that plot emerge, the public is learning that deception and the use of unconventional tactics are two of the staples employed by those who desire to do us harm. The plot involved targeting flights bound for San Francisco, New York, Washington, Chicago, Montreal, and Toronto with home-made liquid explosives capable of being assembled and detonated mid-flight. In opening statements, jurors were told that these transatlantic flights, all leaving Heathrow Airport within 2½ hours of one another, would be simultaneously blown up in midair with the goal of killing on “an almost unprecedented scale.” Immediately after the plot was foiled, TSA developed, with the help of the Science and Technology Directorate, the current 3–1–1 liquids policy which, to date, has proven to be an effective tool to manage the threat of liquid explosives.

The second concerns a successful catch by our Behavior Detection Officers (BDOs) earlier this month at the Orlando International airport. On Tuesday, April 1, a Jamaica-bound passenger, Kevin Brown, aroused suspicion of TSA BDOs, who, working in conjunction with the Orlando Police Department, the Orange County Bomb Squad, and the Federal Bureau of Investigation, uncovered prohibited bomb-making materials located in the passenger’s checked bag. Their swift action demonstrated that BDOs, trained to detect deceptive and suspicious behavior, are contributing to airline security by detecting and discovering dangerous people and dangerous items.

Facing a risk of unparalleled dimension, TSA has clarified its mission by incorporating a risk-based and layered strategy into security operations and programs. In evaluating our resources, we have invested in promising technologies designed to more effectively aid us in achieving our security mission. To engage our workforce, we have relied upon the value of their input, provided provisions for their safety, rewarded their work ethic through pay for performance incentives, provided career progression opportunities, and invested in their professional potential with increased training programs. In order to leverage the value of our partners and stakeholders in the transportation security community, we have developed and fostered relationships with other government agencies, local law enforcement, and the private sector. Finally, strong management of these assets has enabled TSA to produce a spirit of evolution and a bold security approach focusing on people, process, and technology.

Despite the challenges we have faced in implementing these ideals, we have made significant progress, which I feel privileged to highlight today.

EVOLUTION OF SECURITY AT THE CHECKPOINT

An effective security system must constantly be evolving. TSA is in the process of a fundamental shift in strategy for the security checkpoint which encompasses people, process, and technology. This is the most significant change occurring in passenger screening since 9/11 and even since the checkpoint was first established in the 1970’s. TSA has taken a fresh look at our checkpoint operations to see how we can improve security. We took what we know from the intelligence and security communities, we listened to our employees, we learned from passengers, we evaluated readily deployable technology, and have come up with changes that we are piloting.

People.—The human element is critical to achieving a high standard of security. TSA is overhauling the process at the checkpoint and relying more on personal interaction to detect irregular behavior. TSA’s introduction of behavior detection and assuming the position of travel document checker have proven to be valuable methods of identifying people who are exhibiting unusual signs of stress, fear, and/or deception at the checkpoint. Behavior detection draws a contrast between average levels of travel stress and those intending to do harm. Training all security officers to increase passenger interaction on a one-on-one basis will achieve a calmer, quieter environment that will result in heightened security.

Process.—The current checkpoint during a peak travel period is often noisy and congested. Part of the noise comes from security officers shouting instructions at travelers. A chaotic, noisy congested checkpoint is a security nightmare because it can potentially conceal the enemy. The prototype at Thurgood Marshall Baltimore-Washington International Airport (BWI) gives screeners wireless whisper radio headsets which will allow them to perform their duties in a more low-key demeanor

and communicate more effectively with others on their team. Further, the prototype has light and sound elements designed to have a calming effect.

Another simple yet effective program that improves the checkpoint process is Self-Select Lanes currently running in Salt Lake City, Orlando, Denver, Spokane, Boston, Orlando, Cincinnati, and Raleigh-Durham, with more planned in the near future. Self-Select Lanes are comprised of a series of lanes designated by signage that directs passengers based on their travel needs and knowledge—Expert, for the business traveler who flies several times a month; Casual, for passengers that travel less frequently, but are familiar with the security process; and Family/Special Assistance, for passengers traveling with small children or strollers, elderly passengers, and passengers who may need special assistance. These lanes give passengers some control over the checkpoint process and have reduced the number of alarms and prohibited items at the checkpoint.

Technology.—New technology does not currently exist to adequately address the threat alone so TSA, working closely with the Science and Technology Directorate, is investing in the development and deployment of proven technology, including multi-view X-ray and whole body imaging. These are the first significant additions to checkpoint technology since walk-through metal detectors and standard X-ray machines were introduced in the 1970's. Multi-view X-ray gives the security officers a better look at what is in the carry-on and will potentially speed up the process because fewer bag checks will be required. The other advantage is the equipment can be upgraded as new software algorithms are mastered.

TSA introduced millimeter wave in Phoenix, and we will roll out this technology at LAX and JFK this month and BWI later this spring. This technology can detect items concealed on the body, including plastics, through a robotic image that will be viewed from a remote location. TSA will be working to socialize this technology with the American public. It is already in use in international transportation venues, and will improve security while maintaining passenger privacy by ensuring that images will not be saved or stored.

DEFINING OUR MISSION

Risk-Based, Layered Security

Checkpoint evolution is based upon a risk-based strategy that requires us to envision the whole picture and implement selective and unpredictable security measures. TSA is focusing beyond the physical checkpoint—pushing our borders out and concentrating on persons with hostile intent or those conducting surveillance even if they are not carrying a prohibited item. By spreading our layers of security throughout the airport environment and elsewhere, we have multiple opportunities to detect terrorists and leverage the capabilities of our workforce, our partners, and our technology.

Using this approach, we have significantly improved security at airports by deploying our workforce in new locations and for new functions. Our Travel Document Checker (TDC) program, which enhances security by detecting individuals who attempt to board an aircraft with fraudulent identification documents, has been implemented at all federalized airports. We deployed 1,323 Behavior Detection Officers (BDO) and trained them to identify potentially high-risk individuals who exhibit behaviors indicating hostile intent at over 88 of our busiest airports as part of the Screening Passengers by Observation Technique (SPOT) program. In cooperation with Federal, State and local law enforcement and aviation and surface transportation entities nationwide, we have also deployed Visible Intermodal Protection and Response (VIPR) teams, comprised of TSOs, BDOs, Transportation Security Inspectors (TSIs), and Federal Air Marshals. VIPR teams enhance the security of persons and critical infrastructure and prevent, prepare for, protect against, and respond to acts of terrorism in all modes of transportation at any location.

Enhanced Employee Screening.—In addition to the extensive scrutiny that employees working in a sensitive airport environment must undergo before being allowed unescorted access to the Security Identification Display Areas (SIDA) or the sterile areas of our Nation's airports—criminal history records checks and name-based checks against terrorist watchlists, we have developed the Aviation Direct Access Screening Program (ADASP), which conducts random and unpredictable screening of individuals employed at airports who enter secured areas of airports and their accessible property.

Screening of Air Cargo.—In carrying out the Implementing Recommendations of the 9/11 Commission Act (9/11 Act), Pub. L. 110–53 (2007), requirement of screening 100 percent of cargo transported on passenger aircraft, TSA is stressing effective security management of the air cargo supply chain. Collaborating with stakeholders—U.S.-based shippers, freight forwarders, and passenger air carriers—TSA is devel-

oping a program that will facilitate screening early in the supply chain using currently approved screening methods and stringent facility and personnel security standards. TSA will build upon our established programs: air cargo security regulations, Security Directives, and increased use of TSA-certified explosives detection canine teams and TSIs for Cargo.

TSA's strategy will involve every component of the air cargo shipping system from the entity originating the freight to the freight consolidators/forwarders, airports, and finally to air carriers who transport the cargo—and the people involved in the process that have access to cargo at every point in the supply chain. This program is designed to harmonize with the international community since a large portion of air cargo moves on international flights.

TSA employs 300 Cargo TSIs who are exclusively dedicated to the oversight of air cargo. An additional 150 air cargo TSIs will be added by the end of fiscal year 2008. Inspectors conducted more than 30,000 compliance reviews in fiscal year 2006 and initiated more than 1,300 formal investigations based on suspected non-compliance with TSA. Along with performing daily oversight of cargo operators, inspectors also conduct covert testing of the air cargo system and participate in “cargo strike” surge activities at our Nation's largest cargo airports.

General Aviation.—TSA is collaborating with the general aviation (GA) community and our interagency partners to develop reasonable, feasible, and effective security for GA operations while ensuring that these measures support continued operations and increased growth of the industry. TSA currently vets aircrew and passengers in certain high-interest GA sectors, including flights flying into the “Maryland-3” airports (Potomac, Hyde, and College Park), GA flights flying into or out of Reagan Washington National Airport, and certain categories of private charter flights and general aviation aircraft. TSA is also working with aircraft operators and Fixed Base Operators directly to develop voluntary programs of verifying the identification of passengers on board aircraft and maintaining facility security in and around GA aircraft.

Internationally, the U.S. Customs and Border Protection (CBP) recently issued a Notice of Proposed Rulemaking (NPRM) that will require GA operators to submit comprehensive manifest data about passengers, crew, and flight information electronically to CBP, as part of its Electronic Advance Passenger Information System (e-APIS), at least 60 minutes before the aircraft departs for the United States. Currently, we only receive very basic information from GA aircraft coming into the United States, such as who is and is not a U.S. citizen. Having this information an hour before departure will give CBP officers more time to fully pre-screen travelers and crews and take necessary actions to resolve threats.

Vetting

TSA's Office of Transportation Threat Assessment and Credentialing (TTAC) consolidates the management of all vetting and credentialing programs designed to identify known or suspected terrorist threats seeking access to transportation systems, using terrorist-related threat assessments. Since late 2003, TTAC has continually vetted flight crews and other crewmembers on commercial and all-cargo flights flying internationally into, out of, or over the United States or its territorial airspace, representing about 50,000 crewmembers daily.

TTAC's mission has expanded to include vetting in other critical sectors of transportation, including truck drivers applying for a HAZMAT endorsement and persons or entities within the United States engaging indirectly in air transportation of property on passenger aircraft. Also, each and every foreign national applying for flight training, leading to an additional skill, at any FAA-certified school anywhere in the world is vetted before beginning that training. TSA is seeking fee legislation to capture the costs related to these applications ensuring a self-supporting sustainable fee-funded program.

Secure Flight.—To enhance the vetting of aviation passengers against terrorist watch lists, TSA published a NPRM to implement the Secure Flight program on August 23, 2007. As proposed, Secure Flight will bring the process of comparing passenger names against the watch list, now performed by aircraft operators, into the government and will align domestic and international passenger pre-screening. This will establish a more consistent and effective watch list matching process and enhance our ability to stop terrorists before they get to the passenger screening checkpoint. TSA is now evaluating the comments received from the public and industry and preparing the Final Rule. We have taken the time to build the Secure Flight program right. We have built a program with the operational requirements necessary to enhance aviation security while protecting the privacy and civil liberties of the traveling public. The DHS Traveler Redress Inquiry Program (DHS TRIP) is

available for passengers who feel they have been improperly delayed or prohibited from boarding an aircraft.

TSA has begun voluntary testing with airlines to validate the Secure Flight watch list matching system, in which volunteer aircraft operators provide data to TSA, while continuing to conduct watch list checks for their flights. TSA will compare the results of its watch list matching with these air carrier results to ensure the validity of the Secure Flight system.

Transportation Worker Identify Card (TWIC).—The TWIC program provides a tamper-resistant biometric credential to maritime workers requiring unescorted access to secure areas of port facilities and vessels regulated under the Maritime Transportation Security Act of 2002, Pub. L. 107–295. As of April 8, 2008, TSA has enrolled more than 213,000 port workers at approximately 90 fixed enrollment centers and expects to complete national roll-out of 147 fixed enrollment centers and enroll nearly 1 million workers during 2008.

In cooperation with the United States Coast Guard (USCG), we have initiated pilot programs with partners in five distinct locations across the country to test card readers in real world marine environments. Current participants are the Port Authorities of Los Angeles, Long Beach, Brownsville, and New York/New Jersey, and vessel operations in Annapolis, Maryland and Vicksburg, Mississippi. We are also working with DHS's Science and Technology Directorate and the National Institute of Standards and Technology (NIST) to execute our test plan that will evaluate the card-reader interface under a variety of conditions and assess its impact on operations.

EFFICIENTLY ALIGNING OUR RESOURCES

People

TSA continues to seek efficiencies in our field operations. Through the use of the Staffing Allocation Model (SAM), we are able to identify operational and efficiency gains by better utilizing our TSOs. We have improved our TSO scheduling to more accurately align with passenger loads and air carrier schedules, increased the use of part-time employees and expanded the use of “split-shift” employees to increase staffing during high-volume periods. We have also installed computers at or near screening checkpoints to allow a more efficient use of TSO time for training and reduce their time away from checkpoints.

Technology

As a result of our close relationship with the Science and Technology Directorate, working through the Capstone Integrated Product Team (IPT) process, we are constantly seeking new technology solutions. The events on 9/11 and the details of the London plot being made public now teach us that we must anticipate threats that continue to grow in sophistication and complexity. This effort includes leveraging the skills of our TSOs with new technology designed to increase threat detection and improve efficiencies in checkpoint throughput. We added 23 in-line Explosives Detection Systems (EDS) for checked baggage screening at airports and are adding significant next generation technologies. We are deploying liquids scanning devices at checkpoints and are now using a hand-held liquids scanner for non-checkpoint screening locations. We will begin deploying Advanced Technology (AT) X-ray equipment for carry-on baggage, which provides TSOs with a better capability to identify and detect threats through improved imagery and analysis tools.

Other technology is being evaluated. We are pilot testing whole body imagers to quickly and safely screen passengers for prohibited items without the need for physical contact on a voluntary basis. We are exploring Automated Carry-On Explosives Detection Systems (Auto-EDS) for inspecting carry-on items, and we are testing new cast and prosthesis scanners that will provide a safe, dignified, and non-invasive way to identify potential threats and clear passengers wearing casts, braces, and prosthetic devices. Finally, we are evaluating several new products that will greatly increase the speed of handling and screening checked baggage, particularly when integrated into an airport's baggage handling system, while reducing the size of the footprint of the baggage screening location.

The President's fiscal year 2009 budget request reflects TSA's plan to strategically deploy additional technology that will improve security for passengers, generate additional staffing efficiencies, and improve the passenger's travel experience. The request anticipates an additional \$426 million annually in mandatory funds generated by a 4-year \$0.50 temporary surcharge on the passenger security fee with a maximum increase of \$1.00 per one-way trip. The temporary surcharge would be deposited into the Aviation Security Capital Fund (ASCF) for the specific purpose of purchasing, installing, and recapitalizing inline EDS. This is being requested together

with a proposal to allow for more flexible funding of inline EDS, including the discretionary use of letters of intent. This additional funding will allow TSA and our airport partners to greatly accelerate the implementation of the checked baggage screening investment plan.

Improvised Explosive Device (IED) Mitigation

Our TSOs undergo some of the world's most intensive IED training to understand the nature of explosives and detect even the most cleverly conceived devices. To learn to identify anomalies and enhance detection of liquid explosives and other emerging threats, TSOs receive extensive classroom, checkpoint, and computer-based IED recurrent training. Practical exercises further enhance the ability to carefully scrutinize the images which appear on the X-ray machines in order to recognize IED components that are artfully concealed or disguised as innocuous items, such as gels, shampoos, toothpaste, and shaving cream within bottles and containers. The training is flexible and updated to respond to any new potential threat against the Nation's transportation systems. Additionally, TSA deploys special bomb simulation kits for recurrent training purposes at all airport checkpoints. These kits are designed to train TSOs to "think like a terrorist," by creatively constructing and concealing simulated explosive components and materials, and attempting to get them through the checkpoints.

ENGAGING OUR WORKFORCE

The success of any operation depends on the quality of the people involved. TSA has had a major focus on improving security by improving the capabilities of its people. Better recruiting and hiring, better training, better incentive systems, career progression opportunity, more involvement in decisions affecting the workforce, and more recognition of the critical role played by our people—these efforts all have a positive effect on the security result TSA delivers.

Training.—We are in the process of rolling out a major training package that ties together the latest intelligence analysis, more advanced explosives detection skills, and ways to engage with passengers in a way that gets calmer environment and better security result.

Career Progression.—The Career Progression Program has been in effect for a full year in fiscal year 2007. This program provides widespread career growth and professional development opportunities for high-performing TSOs. The plan allows TSOs to continue to advance in their work based on their skills and performance; this will open up more opportunities for TSOs to potentially qualify for security, protection, or law enforcement jobs elsewhere within the Department of Homeland Security.

Policies.—Recently, I met with the second generation National Advisory Committee (NAC-2), which is a group comprised of all levels of screening personnel selected by their peers. Together, we made significant changes to the performance management system based on their recommendations because we want our security professionals engaged in their work and gaining knowledge through training as opposed to being bogged down with assessment requirements. We want our supervisors and managers on the floor, coaching and involved with the activity at the checkpoint, not spending all of their time with program administration. TSA leadership is serious about implementing human capital policies, including pay, that reflect the critical importance of TSA people being engaged and motivated for our vital job.

Safety.—Maintaining a healthy, able-bodied workforce is also critical to TSA's mission. We have improved workplace safety through a series of aggressive initiatives, including Optimization and Safety Integrated Product Teams, involvement of the National Advisory Council in planning aspects of the Safety program including the Safety Week Campaign, the deployment of contract safety specialists to support TSA field operations, and timely investigation of incidents to identify and correct safety problems. We have automated the injury claim filing process for injured TSOs to ensure that benefits are uninterrupted, and our Nurse Case Manager Program is helping to return injured TSOs to productive duty once they are medically capable. As a result, we reduced the number of TSO Lost Time injuries and illnesses by 26.1 percent from 4,367 in fiscal year 2006 to 3,228 in fiscal year 2007—a reduction to 7.19 injuries per 200,000 work hours.

DEVELOPING STRONG PARTNERSHIPS WITHIN ALL MODES

Surface Transportation Security

Strong partnerships have especially proven to be critical as we expand our presence in modes of surface transportation security. TSA continues to make progress

in addressing major system wide security risks in surface transportation and build information sharing networks. We work closely with stakeholders in these industries, putting an emphasis on sharing intelligence, capacity, and technology with that of other law enforcement, intelligence or other agencies at every level of government. We also continue to work closely with the Department of Transportation (DOT), its various modal administrations, and the many other surface transportation stakeholders to enhance security through partnerships, proposed regulations, and the Federal Emergency Management Agency (FEMA) with grant planning, evaluation and awards.

Freight Rail.—Secretary Chertoff established the priority goal of achieving a 50 percent reduction in the objectively measured risk posed by rail cars carrying toxic inhalation hazards (TIH) by the end of 2008. To achieve this goal, TSA has implemented a multi-layered security strategy which includes regulatory development, cooperative agreements, and comprehensive risk-based programs. To objectively measure success in reducing the risk associated with TIH rail transportation, TSA developed a program that will track and measure the standstill time of TIH cars in high threat urban areas (HTUA)'s. Using a detailed set of tracking data and comprehensive field inspections, to date TSA has been able to document a 42.9 percent reduction in the overall risk.

On December 21, 2006, TSA published a proposed rule (NPRM) to strengthen the security of the Nation's freight rail systems in (HTUA). The NPRM addressed shippers, carriers, and receivers of TIHs and other security-sensitive materials by rail. Proposed requirements include railcar location reporting within a specific time period and the establishment of a secure chain of custody from shippers to railroads and from railroads to receivers within HTUAs. TSA also proposed requirements for designating rail security coordinators and suspicious incident reporting by rail mass transit, passenger rail, and all freight rail carriers. We intend to publish this final rule by the end of the year.

Passenger Transit Programs and Grants.—As a strategic priority, TSA focuses on elevating terrorism prevention and immediate response capabilities in passenger transit systems through operational deterrence, security training and exercises, and key infrastructure protection.

A critical component of this effort is the Baseline Assessment for Security Enhancement (BASE). TSA Transportation Security Inspectors assess passenger transit systems in 17 areas foundational to an effective security program. Applying the results of the 63 comprehensive security assessments completed to date, TSA has developed and implemented programs and allocated resources for counterterrorism training of frontline employees, dedicated anti-terrorism operational packages, and transit system-focused terrorism prevention and response exercises—each eligible for funding as priorities under the Transit Security Grant Program.

The success of the BASE program reflects the close security partnership developed with passenger transit systems. To facilitate development of effective security strategies and programs, TSA established the Transit Policing and Security Peer Advisory Group. Formed under the framework of the Government and Sector Coordinating Councils, the Advisory Group brings together the expertise of 15 transit police chiefs and security directors from systems across the Nation as a consultative forum with extensive experience to help align security strategies and programs with operational realities.

Highway.—TSA is working on a number of strategies to close gaps in security in various aspects of the highway sector—school buses, over-the-road buses, commercial motor vehicles (CMV), HAZMAT motor carriers, and highway infrastructure. Collaborating with industry and our governmental partners, ongoing programs and initiatives include training and development of standards and guidelines. TSA partners with the Federal Emergency Management Agency (FEMA) to support these efforts.

To facilitate information sharing, the Highway and Motor Carrier Sector Government Coordinating Council (GCC) and Sector Coordinating Council (SCC) meet on a regular basis. TSA has also developed a Homeland Security Information Network Highway portal, a TSA Highway & Motor Carrier (HMC) Web page, an internal TSA Highway and Motor monthly newsletter for field personnel, and contributes security notes to industry trade periodicals. The Highway and Motor Carrier Industry Information and Analysis Center and Highway Watch programs are active and continually processing reports from highway operators and sharing information between industry and TSA.

To facilitate domain awareness, TSA conducts Corporate Security Reviews (CSRs) with motor vehicle transportation organizations, as well as organizations that maintain or operate key physical assets within the highway transportation community with a current focus on the transportation of HAZMAT by motor carriers. TSA is

developing a pilot project for testing the feasibility of tracking trucks carrying HAZMAT by location and load type. The pilot includes the development of a set of protocols capable of interfacing with existing truck tracking systems, State and local government intelligence operations centers, Federal law enforcement agencies, and first responders. The Integrated Intermodal Information System-Domestic Feasibility Study focused on the transportation of Extremely Hazardous Materials throughout the domestic transportation system.

Pipeline.—TSA initiated a number of programs to assist pipeline companies in their efforts to secure these vital systems. For example, through the CSR Program, we have reviewed company adoption of the pipeline security guidelines and developed a best security practices document based on observations throughout the industry.

TSA partnered with our counterparts in Natural Resources Canada (NRCAN) to hold an International Pipeline Security Forum. This event provided an opportunity for pipeline companies, industry associations, and government representatives to exchange security information and best practices. We continue to work with NRCAN on cross-border pipeline assessments in accordance with the Security and Prosperity Partnership agreement.

9/11 Act Implementation

Finally, the recent 9/11 Act implemented important recommendations from the 9/11 Commission and affirmed that Congress remains one of our strongest partners. This legislation received overwhelming support from Members of Congress and provided TSA with much needed tools to evolve transportation security. In particular, we are pleased to now have the authority to establish an administrative process for civil enforcement of surface transportation regulations and orders, the flexibility to develop a robust air cargo screening program that maintains the flow of commerce, and the authority for VIPR teams to operate in all modes of transportation. Overall, the act authorized 33 programs and 20 rulemaking actions for TSA, many of which were already initiated by TSA. Fiscal year 2009 will be the first full year of TSA's expanded inspector work force and K-9 team deployment, both strongly supported in the 9/11 Act. TSA will utilize this legislation as another vehicle to deliver the evolution of transportation security.

CONCLUSION

The needs of people must continue to drive the focus of transportation security. The American people and the traveling public require a transportation infrastructure that can be secured without the expense of unreasonable burdens. The people in our workforce require investments that will allow them to perform effectively and grow professionally. The people within our homeland security partnerships and network require cooperation, communication, and leadership. The strength of these relationships has been fundamental to our progress and must continue to remain a focal point as we move forward.

Madam Chairwoman, thank you again for this opportunity to highlight the progress TSA has made since its creation and to provide a road map for the evolution of transportation security. I look forward to our continued work together and would be pleased to respond to your questions.

Ms. JACKSON LEE. Thank you very much for your testimony.

I now recognize Ms. Berrick to summarize her statement for 5 minutes.

STATEMENT OF CATHLEEN BERRICK, DIRECTOR, HOMELAND SECURITY AND JUSTICE, GOVERNMENT ACCOUNTABILITY OFFICE

Ms. BERRICK. Thank you, Madam Chairwoman and Ranking Member Bilirakis for inviting me here to discuss GAO's work assessing TSA's progress in securing the transportation network and needed focus moving forward.

Since its creation, we have reported that TSA has made moderate progress in securing aviation and surface transportation modes. In other words, we reported that TSA has generally achieved between half and three-quarters of the expectations set out for them by Congress, the administration and DHS itself.

With respect to progress, we found that TSA has made significant achievements in the following four key areas: hiring, deploying, training and measuring the performance of its aviation security workforce; developing, implementing and testing procedures for screening passengers and baggage; deploying systems to screen checked baggage for explosives; and conducting risk assessments, partnering with stakeholders and administering grant programs for surface transportation systems.

For example, we reported that TSA has developed robust training programs for TSOs, including enhanced explosives detection training. TSA also issued strategies for securing transportation modes and is pursuing a rulemaking to guide its efforts in securing passenger and freight rail systems.

However, we found that other key areas need continued attention, both in the short and long terms. First, it is important that TSA move forward on initiatives to secure airport perimeters and access to restricted airport areas.

Although TSA has completed technology pilots and issued guidelines for biometric identification systems, it has not yet determined how or when it will require the implementation of these systems nationwide. In addition, TSA is making progress in determining how to mitigate the risk posed by airport workers through an ongoing pilot, among other efforts. However, the agency has not yet made final decisions regarding how it will address this vulnerability.

Second, with regard to checkpoint screening technologies, DHS and TSA have researched, developed, tested and initiated procurements of various technologies to detect explosives and plan to deploy new, enhanced technologies this year. However, to date, TSA has made limited progress in fielding emerging technologies due to performance, maintenance and planning issues.

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

Fourth, TSA made progress on a number of fronts in securing air cargo and is pursuing a plan to meet the congressional mandate to screen 100 percent of cargo on passenger aircraft. However, TSA has placed less attention on cargo transported into the United States from foreign locations and DHS and TSA have made limited progress in deploying technologies to screen cargo.

Finally, TSA will need to continue to define its regulatory or other role with respect to all surface transportation modes and more clearly define the mission and capabilities of its inspections workforce. For example, it is unclear whether TSA's surface inspectors will be able to support the increased workload expected in implementing the requirements of the 9/11 Act and new security regulations.

In conducting our work, we have found that a variety of cross-cutting issues have impacted DHS and its components' efforts, including TSA. These include developing results-oriented goals and measures to assess performance, integrating a risk-based approach

to guide investments and establishing effective frameworks for coordinating with stakeholders.

TSA has placed attention on and continues to make progress in addressing all of these issues. We are currently reviewing TSA's efforts in many of these key areas and will continue to report to the Congress and the public on the results of our work.

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

[The statement of Ms. Berrick follows:]

PREPARED STATEMENT OF CATHLEEN A. BERRICK

APRIL 15, 2008

TRANSPORTATION SECURITY: EFFORTS TO STRENGTHEN AVIATION AND SURFACE
TRANSPORTATION SECURITY CONTINUE TO PROGRESS, BUT MORE WORK REMAINS

GAO-08-651T

Madam Chairwoman and Members of the subcommittee, I appreciate the opportunity to participate in today's hearing to discuss the Department of Homeland Security's (DHS) progress and challenges in securing our Nation's transportation systems. The Transportation Security Administration (TSA) is charged with securing the transportation network while ensuring the free movement of people and commerce. Other DHS components, Federal agencies, State and local governments, and the private sector also play a role in transportation security. In carrying out its broader homeland security responsibilities, DHS faces the challenge of determining how to allocate its finite resources within the transportation system and across all sectors to address threats and strengthen security. My testimony today focuses on: (1) The progress TSA and other DHS components have made in securing the Nation's aviation and surface transportation systems, and the challenges that remain; and (2) crosscutting issues that have impeded TSA's efforts in strengthening security. My comments are based on GAO reports and testimonies issued from February 2004 to February 2008 and selected updates to this work obtained in April 2008. In obtaining these updates, we reviewed documents related to TSA security efforts and interviewed TSA and transportation industry officials. In addition, we included some of our preliminary findings from ongoing work regarding the security of the Nation's aviation and surface transportation systems. We conducted these performance audits in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

SUMMARY

TSA has undertaken a number of initiatives to strengthen the security of the Nation's commercial aviation and surface transportation systems. Specifically, TSA has hired and deployed a Federal work force of over 50,000 passenger and checked baggage screeners, and installed equipment at the Nation's more than 400 commercial airports to provide the capability to screen all checked baggage using explosive detection systems, as mandated by law.¹ TSA has since turned its attention to, among other things, strengthening passenger prescreening—in general, the matching of passenger information against terrorist watch lists prior to an aircraft's departure; more efficiently allocating, deploying, and managing the transportation security officer (TSO)—formerly known as screener—workforce; strengthening screening procedures; researching and developing more effective and efficient screening technologies; and strengthening procedures to ensure the security of air cargo. TSA has also begun efforts to evaluate the effectiveness of security-related technologies, such as biometric identification systems, to secure access to restricted areas at airports.

¹ See GAO, *Department of Homeland Security: Progress Report on Implementation of Mission and Management Functions*, GAO-07-454 (Washington, DC: Aug. 17, 2007); GAO, *Department of Homeland Security: Progress Report on Implementation of Mission and Management Functions*, GAO-07-1081T (Washington, DC: Sept. 6, 2007); and GAO, *Department of Homeland Security: Progress Report on Implementation of Mission and Management Functions*, GAO-07-1240T (Washington, DC: Sept. 18, 2007).

DHS's U.S. Customs and Border Protection (CBP) has also taken steps to strengthen passenger prescreening for passengers on international flights operating to or from the United States, as well as inspecting inbound air cargo upon its arrival in the United States. DHS's Science and Technology (S&T) Directorate has also taken actions to research and develop aviation security technologies. With regard to surface transportation modes, TSA has developed a strategic approach for securing these systems; established security standards for certain transportation modes; and conducted threat, criticality, and vulnerability assessments of surface transportation assets, particularly related to passenger and freight rail. TSA has also hired and deployed compliance inspectors and conducted inspections of passenger and freight rail systems. Finally, DHS has developed and administered grant programs for various surface transportation modes.

While these efforts have helped to strengthen the security of the transportation network, DHS still faces a number of key challenges that should be addressed to meet the goals and requirements set out for them by Congress, the administration, and the Department itself. For example, regarding commercial aviation, although TSA has made much progress in developing Secure Flight—a government-run passenger prescreening system—in February 2008, we reported that it can further strengthen its efforts by developing more-sound cost and schedule estimates, and strengthening security controls. In addition, while TSA has taken actions to enhance perimeter security and restrict access to secure areas at airports, it can further strengthen its efforts to reduce the risks posed by airport employees. TSA has also not developed a plan to guide and support individual airports and the commercial airport system as a whole with respect to future technology enhancements for perimeter security and access controls. Further, TSA is only recently beginning to deploy new checkpoint technologies to address key existing vulnerabilities, and has not yet developed and implemented technologies needed to screen air cargo. With regard to surface transportation security, while TSA has initiated efforts to develop security standards for surface transportation modes, these efforts have been limited to passenger and freight rail. Moreover, although TSA has made progress in conducting compliance inspections of some surface transportation systems, inspectors' roles and missions have not been fully defined.

A variety of crosscutting issues have affected DHS's and, as they relate to transportation security, TSA's efforts in implementing its mission and management functions. These key issues include strategic planning and results management, risk management, and stakeholder coordination. For example, TSA has not always implemented effective strategic planning efforts, fully developed performance measures, or put into place structures to help ensure that it is managing for results. In addition, DHS and its components can more fully adopt and apply a risk-management approach in implementing its security mission and core management functions,² and more fully coordinate their activities with key stakeholders. DHS and TSA have strengthened their efforts in these areas, but more work remains.

BACKGROUND

The Aviation and Transportation Security Act (ATSA), enacted in November 2001, created TSA and gave it responsibility for securing all modes of transportation.³ TSA's aviation security mission includes strengthening the security of airport perimeters and restricted airport areas; hiring and training a screening work force; prescreening passengers against terrorist watch lists; and screening passengers, baggage, and cargo at the over 400 commercial airports nationwide, among other responsibilities. While TSA has operational responsibility for physically screening passengers and their baggage at most airports, TSA exercises regulatory, or oversight, responsibility for the security of airports and air cargo. Specifically, airports, air carriers, and other entities are required to implement security measures in accordance with TSA security requirements, against which TSA evaluates their compliance efforts.

TSA also oversees air carriers' efforts to prescreen passengers—in general, the matching of passenger information against terrorist watch lists prior to an aircraft's departure—and plans to take over operational responsibility for this function with the implementation of its Secure Flight program. CBP, which currently has responsibility for prescreening airline passengers on international flights departing from and bound for the United States, will continue to perform this function until TSA

²A risk management approach entails a continuous process of managing risk through a series of actions, including setting strategic goals and objectives, assessing risk, evaluating alternatives, selecting initiatives to undertake, and implementing and monitoring those initiatives.

³Pub. L. No. 107–71, 115 Stat. 597 (2001).

assumes this function under Secure Flight. DHS's S&T is responsible for researching and developing technologies to secure the transportation sector.

TSA shares responsibility for securing surface transportation modes with Federal, State, and local governments and the private sector. TSA's security mission includes establishing security standards and conducting assessments and inspections of surface transportation modes, including passenger and freight rail; mass transit; highways and commercial vehicles; and pipelines. The Federal Emergency Management Agency's Grant Programs Directorate provides grant funding to surface transportation operators and State and local governments, and in conjunction with certain grants, the National Protection and Programs Directorate conducts risk assessments of surface transportation facilities. Within the Department of Transportation (DOT), the Federal Transit Administration (FTA) and Federal Railroad Administration (FRA) have responsibilities for passenger rail safety and security. In addition, public and private sector transportation operators are responsible for implementing security measures for their systems.

DHS HAS MADE PROGRESS IN SECURING THE NATION'S AVIATION AND SURFACE TRANSPORTATION SYSTEMS, BUT MORE WORK REMAINS

DHS, primarily through TSA, has undertaken numerous initiatives to strengthen the security of the Nation's aviation and surface transportation systems. In large part, these efforts have been guided by legislative mandates designed to strengthen the security of commercial aviation following the September 11, 2001, terrorist attacks. These efforts have also been affected by events external to the Department, including the alleged August 2006 terrorist plot to blow up commercial aircraft bound from London to the United States, and the 2004 Madrid and 2005 London train bombings. While progress has been made in many areas with respect to securing the transportation network, we found that the Department can strengthen its efforts in some key areas outlined by Congress, the administration, and the Department itself, as discussed below.

Aviation Security

Airport Perimeter Security and Access Controls. TSA has taken action to strengthen the security of airport perimeters and access to restricted airport areas. However, as we reported in June 2004, the agency can further strengthen its efforts to evaluate the effectiveness of security-related technologies and reduce the risks posed by airport employees, among other things.⁴ In 2006, TSA completed the last project in an access control pilot program that included 20 airports, and which was designed to test and evaluate new and emerging technologies in an airport setting. TSA is also conducting an airport perimeter security pilot at six airports, to test technologies such as vehicle inspection systems. However, TSA has not developed a plan to guide and support individual airports and the commercial airport system as a whole with respect to future technology enhancements for perimeter security and access controls. Without such a plan, TSA could be limited in assessing and improving the effectiveness of its efforts to provide technical support for enhancing security. In addition, we reported in September 2006 and October 2007 on the status of the development and testing of the Transportation Worker Identification Credential program—DHS's effort to develop biometric access control systems to verify the identity of individuals accessing secure transportation areas.⁵ However, DHS has not yet determined how and when it will implement a biometric identification system for access controls at commercial airports. In June 2004, we reported that while background checks were not required for all airport workers, TSA required most airport workers who perform duties in selected areas to undergo a fingerprint-based criminal history records check. TSA further required airport operators to compare applicants' names against TSA's security watch lists. In July 2004, consistent with our previous recommendation to determine the need for additional security requirements to reduce the risks posed by airport employees, TSA enhanced requirements for background checks for employees working in restricted airport areas. Also consistent with our recommendation, in 2007, TSA further expanded the Security Threat Assessment—which determines, among other things, whether an employee has any terrorist affiliations—to require airport employees who receive an airport-

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

⁵ GAO, *Transportation Security: DHS Should Address Key Challenges Before Implementing the Transportation Worker Identification Credential Program*, GAO-06-982 (Washington, DC: September 2006) and *Transportation Security: TSA Has Made Progress in Implementing the Transportation Worker Identification Credential Program, but Challenges Remain*, GAO-08-133T (Washington, DC: October 31, 2007).

issued identification badge to undergo a review of citizenship status.⁶ Further, in March 2007, TSA implemented a random employee screening initiative—the Aviation Direct Access Screening Program—that uses TSOs to randomly screen airport workers and their property for explosives and other threat items. TSA has allocated about 900 full-time equivalent positions to the program and has requested \$36 million for fiscal year 2009 for an additional 750 full-time equivalent positions. As directed by Congress in 2008, TSA plans to pilot test various employee screening methods at seven selected airports, including conducting 100 percent employee screening at three of these airports.⁷ TSA plans to begin pilot testing in May and report on the results of its efforts—as directed—by September 1, 2008. Finally, consistent with our previous recommendation to develop schedules and an analytical approach for completing vulnerability assessments, TSA has developed criteria for prioritizing vulnerability assessments at commercial airports. However, it has not compiled national baseline data to fully assess security vulnerabilities across airports. In 2004, TSA said an analysis of vulnerabilities on a nationwide basis was essential since it would allow the agency to assess the adequacy of security policies and help better direct limited resources. GAO is currently reviewing TSA’s efforts to enhance airport perimeter and access control security and will report on our results later this year.

Aviation Security Workforce. TSA has made progress in deploying, training, and assessing the performance of its Federal aviation security work force. For example, TSA has hired and deployed a Federal screening work force at over 400 commercial airports nationwide, and developed standards for determining TSO staffing levels at airports.⁸ These standards form the basis of TSA’s Staffing Allocation Model, which the agency uses to determine TSO staffing levels at airports. In response to our recommendation,⁹ in December 2007 TSA developed a Staffing Allocation Model Rates and Assumptions Validation Plan that identifies the process the agency plans to use to review and validate the model’s assumptions on a periodic basis. TSA also established numerous programs to train and test the performance of its screening work force. Among other efforts, TSA has provided enhanced explosives-detection training, and recently reported developing a monthly recurrent (ongoing) training plan for all TSOs. In addition, TSA has trained and deployed Federal air marshals on high-risk flights; established standards for training flight and cabin crews; and established a Federal Flight Deck Officer program to select, train, and allow authorized flight deck officers to use firearms to defend against any terrorist or criminal acts. In April 2006, TSA implemented a performance accountability and standards system to assess agency personnel at all levels on various competencies, including training and development, readiness for duty, management skills, and technical proficiency. Finally, in April 2007, TSA redesigned its local covert testing program conducted at individual airports. This new program, known as the Aviation Screening Assessment Program or ASAP, is intended to test the performance of the passenger and checked baggage screening systems, to include the TSO work force. During our ongoing review of TSA’s covert testing program, we identified that TSA has implemented risk-based national and local covert testing programs to identify vulnerabilities in and measure the performance of selected aspects of the aviation system. However, we found that TSA could strengthen its program by developing a more systematic process for: (1) Recording the causes of covert test failures; and, (2) evaluating the test results and developing approaches for mitigating vulnerabilities identified in the commercial aviation security system. We will report on the complete results of this review later this year.

Passenger Prescreening. Over the past several years, TSA has faced a number of challenges in developing and implementing an advanced prescreening system,

⁶TSA began conducting a name-based terrorist link analysis against selected terrorism databases in 2002 for workers who performed duties in selected airport areas.

⁷The Explanatory Statement accompanying Division E of the Consolidated Appropriations Act, 2008 (Pub. L. No. 110-161, Div. E, 121 Stat. 1844, 2042 (2007)), allocates \$15,000,000 in appropriated funds for TSA to pilot-test various forms of employee screening at seven commercial airports. Among other things, TSA is to collect data on the benefits, costs, and impacts of 100 percent airport employee screening as well as of the alternative screening approaches, and brief the committees on Appropriations on the progress and results of the pilot projects no later than September 1, 2008.

⁸TSA also oversees screening operations at airports utilizing private screeners under TSA’s Screening Partnership Program. See 49 U.S.C. § 44920.

⁹GAO, *Aviation Security: TSA’s Staffing Allocation Model Is Useful for Allocating Staff Among Airports, but Its Assumptions Should Be Systematically Reassessed*, GAO-07-299 (Washington, DC: Feb. 28, 2007).

known as Secure Flight,¹⁰ which will allow TSA to assume responsibility from air carriers for comparing domestic passenger information against the No Fly List and Selectee List.¹¹ In February 2008, we reported that TSA had made substantial progress in instilling more discipline and rigor into Secure Flight's development and implementation, including preparing key systems development documentation and strengthening privacy protections.¹² However, challenges remain that may hinder the program's progress moving forward. Specifically, TSA had not: (1) Developed program cost and schedule estimates consistent with best practices; (2) fully implemented its risk management plan; (3) planned for system end-to-end testing in test plans; and (4) ensured that information-security requirements are fully implemented. To address these challenges, we made several recommendations to DHS and TSA to incorporate best practices in Secure Flight's cost and schedule estimates and to fully implement the program's risk-management, testing, and information-security requirements. DHS and TSA officials generally agreed with these recommendations. We are continuing to assess TSA's efforts in developing and implementing Secure Flight—which, according to TSA's planned schedule, will allow the agency to fully assume the watch list matching function from air carriers in fiscal year 2010. TSA has also taken steps to integrate the domestic watch-list matching function with the international watch-list matching function currently operated by CBP, consistent with our past recommendations. Specifically, TSA and CBP have coordinated to develop a strategy called the One DHS Solution, which is to align the two agencies' domestic and international watch-list matching processes, information technology systems, and regulatory procedures to provide a seamless interface between DHS and the airline industry. TSA and CBP also agreed that TSA will take over the screening of passengers against the watch list for international flights from CBP, though CBP will continue to match passenger information to the watch list in fulfillment of its border-related functions. Full implementation of an integrated system is not planned to take place until after Secure Flight acquires the watch-list matching function for domestic flights.

Checkpoint Screening. TSA has taken steps to strengthen passenger checkpoint screening procedures to enhance the detection of prohibited items and strengthen security; however, TSA could improve its evaluation and documentation of proposed procedures. In April 2007, we reported that modifications to checkpoint screening standard operating procedures (SOP) were proposed based on the professional judgment of TSA senior-level officials and program-level staff, as well as threat information and the results of covert testing.¹³ We also reported on steps TSA had taken to address new and emerging threats, such as establishing the Screening Passengers by Observation Technique (SPOT) program, which provides TSOs with a nonintrusive, behavior-based means of identifying potentially high-risk individuals. For proposed screening modifications deemed significant, such as SPOT, TSA operationally tested these proposed modifications at selected airports before determining whether they should be implemented nationwide. However, we reported that TSA's data collection and analysis of proposed SOP modifications could be improved, and recommended that TSA develop sound evaluation methods, when possible, to assess whether proposed screening changes would achieve their intended purpose. TSA has since reported taking steps to work with subject-matter experts to ensure that the agency's operational testing of proposed screening modifications are well designed and executed, and produce results that are scientifically valid and reliable. With regard to checkpoint screening technologies, TSA and S&T have researched, developed, tested, and initiated procurements of various technologies to address security vulnerabilities that may be exploited; however, limited progress has been made in fielding emerging technologies. For example, of the various emerging checkpoint

¹⁰GAO, *Aviation Security: Management Challenges Remain for the Transportation Security Administration's Secure Flight Program*, GAO-06-864T (Washington, DC: June 14, 2006) and GAO, *Aviation Security: Progress Made in Systematic Planning to Guide Key Investment Decisions, but More Work Remains*, GAO-07-448T (Washington, DC: Feb. 13, 2007).

¹¹Passengers identified as being on the No Fly List must be denied boarding passes and must not be permitted to fly unless cleared in accordance with TSA security requirements. Passengers on the Selectee List are to be issued boarding passes, but they and their baggage are to undergo additional security measures.

¹²GAO, *Aviation Security: Transportation Security Administration Has Strengthened Planning to Guide Investments in Key Aviation Security Programs, but More Work Remains*, GAO-08-456T (Washington, DC: Feb. 28, 2008).

¹³GAO, *Aviation Security: Risk, Experience, and Customer Concerns Drive Changes to Airline Passenger Screening Procedures, but Evaluation and Documentation of Proposed Changes Could Be Improved*, GAO-07-634 (Washington, DC: Apr. 16, 2007).

screening projects funded by TSA and S&T,¹⁴ only the explosives trace portal and a bottled liquids scanning device have been deployed for use in day-to-day operations. However, due to performance and maintenance issues, TSA halted the acquisition and deployment of the portals in June 2006. Also, in February 2008, we testified that TSA lacked a strategic plan to guide its efforts to acquire and deploy screening technologies, which could limit its ability to deploy emerging technologies to airports deemed at highest risk.¹⁵ According to TSA officials, the agency plans to submit a strategic plan to Congress by June 2008. We have ongoing work reviewing S&T and TSA checkpoint screening technologies efforts and will report on our results later this year.

Checked Baggage Screening. TSA has made significant progress in installing explosive detection systems to provide the capability to screen checked baggage at the Nation's commercial airports, as mandated by law. From November 2001 through June 2006, TSA procured and installed about 1,600 Explosive Detection Systems (EDS) and about 7,200 Explosive Trace Detection (ETD) machines to screen checked baggage for explosives at over 400 commercial airports.¹⁶ In addition, based in part on recommendations we made, TSA moved stand-alone EDS machines that were located at airports that received new in-line EDS baggage screening systems to 32 airports that did not previously have them from May 2004 through December 2007. TSA also replaced ETD machines at 53 airports with 158 new EDS machines from March 2005 through December 2007. In response to mandates to field the equipment quickly and to account for limitations in airport design that made it difficult to quickly install in-line EDS systems, TSA generally placed baggage screening equipment in a stand-alone mode—usually in airport lobbies—to conduct the primary screening of checked baggage for explosives.¹⁷ Based, in part, on our recommendations, TSA later developed a plan to integrate EDS and ETD machines in-line with airport baggage conveyor systems. The installation of in-line systems can result in considerable savings to TSA through the reduction of personnel needed to operate the equipment, as well as increased security. In addition, according to TSA estimates, the number of checked bags screened per hour can more than double when EDS machines are placed in-line versus being placed in the stand alone mode. Despite delays in the widespread deployment of in-line systems due to the high upfront capital investment required, TSA is pursuing the installation of these systems and is seeking creative financing solutions to fund their deployment. In February 2008, TSA submitted a legislative proposal to increase the Aviation Security Capital Fund (ASCF) through a new surcharge on the passenger security fee. According to TSA, this proposal, if adopted, would accelerate the deployment of optimal checked baggage screening systems and address the need to re-capitalize existing equipment deployed immediately after September, 2001. The Implementing Recommendations of the 9/11 Commission Act reiterates a requirement that DHS submit a cost-sharing study for the installation of in-line baggage screening systems, along with a plan and schedule for implementing provisions of the study, and requires TSA to establish a prioritization schedule for airport improvement projects related to the installation of in-line or other optimal baggage screening systems.¹⁸ As of April 3, 2008, TSA had not completed the prioritization schedule, corresponding timeline, and description of the funding allocation for these projects.

Air Cargo Security. TSA has taken steps to secure air cargo, including initializing efforts to provide the capability to screen 100 percent of air cargo transported on passenger aircraft by 2010, but its efforts are not yet complete. In April 2007, we reported that TSA's Air Cargo strategic plan contained a strategy for securing domestic air cargo but did not include goals and objectives for addressing inbound air cargo, or cargo transported into the United States from a foreign country.¹⁹ We rec-

¹⁴ Examples of projects currently in research and development include the checkpoint explosives detection system and the whole body imager. Projects that have undergone initiated procurements include the cast and prosthesis scanner and the advanced technology systems.

¹⁵ GAO-07-448T.

¹⁶ Explosive detection systems (EDS) use specialized X-rays to detect characteristics of explosives that may be contained in baggage as it moves along a conveyor belt. Explosive trace detection (ETD) works by detecting vapors and residues of explosives. Human operators collect samples by rubbing swabs along the interior and exterior of an object that TSOs determine to be suspicious, and place the swabs in the ETD machine, which then chemically analyzes the swabs to identify any traces of explosive materials.

¹⁷ See GAO, *Aviation Security: TSA Oversight of Checked Baggage Screening Procedures Could Be Strengthened*, GAO-06-869 (Washington, DC: July 2006), GAO, *Aviation Security: Enhancements Made in Passenger and Checked Baggage Screening, but Challenges Remain*, GAO-06-371T (Washington, DC: April 4, 2006), and GAO-07-448T.

¹⁸ See Pub. L. No. 110-53, §§ 1603-04, 121 Stat. 266, 480-81 (2007).

¹⁹ GAO, *Aviation Security: Federal Efforts to Secure U.S.-Bound Air Cargo Are in the Early Stages and Could Be Strengthened*, GAO-07-660 (Washington, DC: Apr. 30, 2007).

ommended that DHS develop a risk-based strategy for securing inbound air cargo including defining TSA's and CBP's inbound air cargo security responsibilities. CBP subsequently issued its International Air Cargo Security strategic plan in June 2007, and TSA plans to revise its Air Cargo strategic plan during the third quarter of fiscal year 2008 to incorporate a strategy for addressing inbound air cargo security, including how the agency will partner with CBP. We also reported that TSA had not conducted vulnerability assessments to identify the range of air cargo security weaknesses that could be exploited by terrorists, and recommended that TSA develop a methodology and schedule for completing these assessments.²⁰ In response in part to our recommendation, TSA implemented an Air Cargo Vulnerability Assessment program in November 2006 and, as of April 2008, had completed vulnerability assessments at five domestic airports. TSA plans to complete assessments of all high-risk airports by 2009. In addition, although TSA has established requirements for air carriers to randomly screen air cargo, the agency had exempted some domestic and inbound cargo from these requirements. While TSA has since revised its screening exemptions for domestic air cargo, it has not done so for inbound air cargo. TSA is also working with DHS S&T to develop and pilot test a number of technologies to assess their applicability to screening and securing air cargo.²¹ However, as of February 2008, TSA had provided a completion date for only one of its five air cargo technology pilot programs. According to TSA officials, the agency will determine whether it will require the use of these technologies once it has completed its assessments and analyzed the results. We also reported in April 2007 that TSA did not systematically compile and analyze information on air cargo security practices used abroad to identify those that may strengthen the Department's overall air cargo security program, and we recommended that it do so.²² TSA has since begun development of a certified cargo screening program based in part on its review of screening models used in two foreign countries that rely on government-certified screeners to screen air cargo early in the supply chain.²³ According to TSA, the agency plans to deploy this program to assist it in meeting the statutory requirement to screen 100 percent of air cargo transported on passenger aircraft by August 2010 (and to screen 50 percent of such cargo by February 2009), as mandated by the Implementing Recommendations of the 9/11 Commission Act.²⁴ In January 2008, TSA began phase one of the program's pilot tests, and as of April 2008, had completed tests at six airports. TSA plans to conduct tests at three additional airports by June 2008.

Surface Transportation Security

Strategic Approach for Implementing Security Functions. In September 2005, DHS completed the National Strategy for Transportation Security. This strategy identified and evaluated transportation assets in the United States that could be at risk of a terrorist attack and addressed transportation sector security needs. Further, in May 2007, DHS issued a strategic plan for securing the transportation sector and supporting annexes for each of the surface transportation modes, and reported taking actions to adopt the strategic approach outlined by the plan. The Transportation Systems Sector-Specific Plan describes the security framework that is intended to enable sector stakeholders to make effective and appropriate risk-based security and resource allocation decisions within the transportation network. TSA has begun to implement some of the security initiatives outlined in the sector-specific plan and supporting modal plans. Additionally, the Implementing Recommendations of the 9/11 Commission Act imposes a deadline of May 2008, for the Secretary of DHS to develop and implement the National Strategy for Public Transportation Security. Our work assessing DHS's efforts in implementing its strategy for securing surface transportation modes is being conducted as part of our ongoing reviews of mass transit, passenger and freight rail, commercial vehicle, and highway infrastructure security. We will report on the results of this work later this year.

Threat, Criticality, and Vulnerability Assessments. TSA has taken actions to assess risk by conducting threat, criticality, and vulnerability assessments of surface transportation assets, particularly for mass transit, passenger rail, and freight rail,

²⁰ GAO, *Aviation Security: Federal Action Needed to Strengthen Domestic Air Cargo Security*, GAO-06-76 (Washington, DC: Oct. 17, 2005) and GAO-07-660.

²¹ TSA's air cargo pilot programs include an air cargo explosives detection program; an EDS pilot program; an air cargo security seals pilot; the testing of hardened unit-loading devices; and the testing of pulsed fast neutron analysis technology.

²² GAO-07-660.

²³ According to TSA, the program will allow TSA-certified shipper and manufacturers to screen air cargo before it leaves the factory. The screened cargo would then be secured with a tamper-resistant seal and transported to the airport for shipment.

²⁴ Pub. L. No. 110-53, § 1602(a), 121 Stat. at 477-480 (2007) (codified at 49 U.S.C. § 44901(g)).

but its efforts related to commercial vehicles and highway infrastructure are in the early stages. For example, TSA had conducted threat assessments of all surface modes of transportation. TSA has also conducted assessments of the vulnerabilities associated with some surface transportation assets. For example, regarding freight rail, TSA has conducted vulnerability assessments of rail corridors in eight High Threat Urban Areas where toxic-inhalation-hazard shipments are transported. With respect to commercial vehicles and highway infrastructure, TSA's vulnerability assessment efforts are ongoing. According to TSA, the agency performed 113 corporate security reviews on highway transportation organizations through fiscal year 2007, such as trucking companies, State Departments of Transportation, and motorcoach companies.²⁵ However, TSA does not have a plan or a timeframe for conducting these reviews on a nationwide basis. Furthermore, DHS's National Protection and Programs Directorate's Office of Infrastructure Protection conducts vulnerability assessments of surface transportation assets to identify protective measures to reduce or mitigate asset vulnerability. With regard to criticality assessments, TSA reported in April 2008 that the agency had conducted 1,345 assessments of passenger rail stations.²⁶ Additionally, the Implementing Recommendations of the 9/11 Commission Act has several provisions related to security assessments. For instance, the act requires DHS to review existing security assessments for public transportation systems as well as conduct additional assessments as necessary to ensure that all high-risk public transportation agencies have security assessments. Moreover, the act also requires DHS to establish a Federal task force to complete a nationwide risk assessment of a terrorist attack on rail carriers. We will continue to review threat, vulnerability, and criticality assessments conducted by TSA related to securing surface modes of transportation during our ongoing work.²⁷

Issuance of Security Standards. TSA has taken actions to develop and issue security standards for mass transit, passenger rail, and freight rail transportation modes. However, TSA has not yet developed or issued security standards for all surface transportation modes, such as commercial vehicle and highway infrastructure, or determined whether standards are necessary for these modes of transportation. Specifically, TSA has developed and issued both mandatory rail security directives and recommended voluntary best practices—known as Security Action Items—for transit agencies and passenger rail operators to implement as part of their security programs to enhance both security and emergency-management preparedness. TSA also issued a notice of proposed rulemaking in December 2006, which if finalized as proposed, would include additional security requirements for passenger and freight rail transportation operators.²⁸ For example, the rule would include additional security requirements designed to ensure that freight railroads have protocols for the secure custody transfers of toxic-inhalation-hazard rail cars in High Threat Urban Areas. DHS and other Federal partners have also been collaborating with the American Public Transportation Association (APTA) and public and private security professionals to develop industry wide security standards for mass transit systems. APTA officials reported that they expect several of the voluntary standards to be released in mid-2008. Additionally, the Implementing Recommendations of the 9/11 Commission Act requires DHS to issue regulations establishing standards and guidelines for developing and implementing vulnerability assessments and security plans for high-risk railroad carriers and over-the-road bus operators.²⁹ The deadlines for the regulations are August 2008 and February 2009, respectively. With respect to freight rail, TSA is developing a notice of proposed rulemaking proposing that high-risk rail carriers conduct vulnerability assessments and develop and implement security plans. We will continue to assess TSA's efforts to issue security standards for other surface transportation modes during our ongoing reviews.

Compliance Inspections. TSA has hired and deployed surface transportation security inspectors who conduct compliance inspections for both passenger and freight rail modes of transportation; however, questions exist regarding how TSA will employ the inspectors to enforce new regulations proposed in its December 2006 Notice of Proposed Rulemaking and regulations to be developed in accordance with the Im-

²⁵ TSA conducts corporate security reviews in multiple modes of transportation to establish baseline data against which to evaluate minimum-security standards and identify coverage gaps in reviewed systems.

²⁶ According to TSA, the agency completed 945 criticality assessments in fiscal year 2007 and 400 assessments in fiscal year 2008. TSA officials stated that some of these assessments may have been conducted to update previously completed ones.

²⁷ For more information, see GAO, *Passenger Rail Security: Enhanced Federal Leadership Needed to Prioritize and Guide Security Efforts*, GAO-07-225T (Washington, DC: Jan. 18, 2007).

²⁸ See 71 Fed. Reg. 76,852 (Dec. 21, 2006).

²⁹ See Pub. L. No. 110-53, §§ 1512, 1531, 121 Stat. at 429-33, 454-57.

plementing Recommendations of the 9/11 Commission Act.³⁰ TSA officials reported having 100 surface transportation inspectors during fiscal year 2005 and, as of December 2007, were maintaining an inspector work force of about the same number. The agency's budget request for fiscal year 2009 includes \$11.6 million to fund 100 surface transportation security inspectors—which would maintain its current staffing level. Inspectors' responsibilities include conducting on-site inspections of key facilities for freight rail, passenger rail, and transit systems; assessing transit systems' implementation of core transit security fundamentals and comprehensive security action items; conducting examinations of stakeholder operations, including compliance with security directives; identifying security gaps; and developing effective practices. To meet these compliance responsibilities, TSA reported in December 2007 that it had conducted voluntary assessments of 50 of the 100 largest transit agencies, including 34 passenger rail and 16 bus-only agencies, and has plans to continue these assessments with the next 50 largest transit agencies during fiscal year 2008. With respect to freight rail, TSA reported visiting, during 2007, almost 300 railroad facilities including terminal and railroad yards to assess the railroads' implementation of 17 DHS-recommended Security Action Items associated with the transportation of toxic-inhalation-hazard materials.

TSA has raised concerns about the agency's ability to continue to meet anticipated inspection responsibilities given the new regulations proposed in its December 2006 Notice of Proposed Rulemaking and requirements of the Implementing Recommendations of the 9/11 Commission Act. For example, the act mandates that high-risk over-the-road bus operators, railroad carriers, and public transportation agencies develop and implement security plans which must include, among other requirements, procedures to be implemented in response to a terrorist attack.³¹ The act further requires the Secretary of DHS to review each plan within 6 months of receiving it. TSA officials stated that they believe TSA inspectors will likely be tasked to conduct these reviews. The act also requires that the Secretary of DHS develop and issue interim final regulations by November 2007, for a public transportation security training program.³² As of April 2008, these interim regulations have not been issued. According to TSA officials, TSA inspectors will likely be involved in ensuring compliance with these regulations as well. To help address these additional requirements, the Implementing Recommendations of the 9/11 Commission Act authorizes funds to be appropriated for TSA to employ additional surface transportation inspectors, and requires that surface transportation inspectors have relevant transportation experience and appropriate security and inspection qualifications.³³ However, it is not clear how TSA will meet these new requirements since the agency has not requested funding for additional surface transportation security inspectors for fiscal year 2009. We will continue to assess TSA's inspection efforts during our ongoing work.³⁴

Grant Programs. DHS has developed and administered grant programs for various surface transportation modes, although stakeholders have raised concerns regarding the current grant process. For example, the DHS Office of Grants and Training, now called the Grant Programs Directorate, has used various programs to fund passenger rail security since 2003. Through the Urban Areas Security Initiative grant program, the Grant Programs Directorate has provided grants to urban areas to help enhance their overall security and preparedness level to prevent, respond to, and recover from acts of terrorism. The Grant Programs Directorate used fiscal year 2005, 2006, and 2007 appropriations to build on the work under way through the Urban Areas Security Initiative program, and create and administer new programs focused specifically on transportation security, including the Transit Security Grant Program, Intercity Passenger Rail Security Grant Program, and the Freight Rail Security Grant Program. However, some industry stakeholders have raised concerns regarding DHS's current grant process, including the shifting of funding priorities, the lack of program flexibility, and other barriers to the provision of grant funding. For example, transit agencies have reported that the lack of predictability in how TSA will assess grant projects against funding priorities makes it difficult to engage in long-term planning of security initiatives. Specifically, transit agencies have reported receiving funding to begin projects—such as retrofitting their transit fleet with security cameras or installing digital video recording sys-

³⁰ See, e.g., Pub. L. No. 110-53, § 1534, 121 Stat. at 461-62.

³¹ See Pub. L. No. 110-53, §§ 1405, 1512, 1531, 121 Stat. at 402-05, 429-33, 454-57.

³² See Pub. L. No. 110-53, § 1408, 121 Stat. at 409-11 (requiring that the Secretary develop and issue final regulations for the training program by August 2008).

³³ See Pub. L. No. 110-53, § 1304, 121 Stat. at 393-94.

³⁴ For more information, see GAO, *Passenger Rail Security: Enhanced Federal Leadership Needed to Prioritize and Guide Security Efforts*, GAO-06-181T (Washington, DC: Oct. 20, 2005).

tems—but not being able to finish these projects in subsequent years because TSA had changed its funding priorities. The Implementing Recommendations of the 9/11 Commission Act codifies surface transportation grant programs and imposes statutory requirements on the administration of the programs.³⁵ For example, the act lists authorized uses of these grant funds and requires DHS to award the grants based on risk.³⁶ It also requires that DHS and DOT determine the most effective and efficient way to distribute grant funds, authorizing DHS to transfer funds to DOT for the purpose of disbursement.³⁷ According to the TSA fiscal year 2009 budget justification, to ensure that the selected projects are focused on increasing security, DHS grants are to be awarded based on risk. We will continue assessing surface transportation related grant programs as part of our ongoing work.³⁸

CROSSCUTTING ISSUES HAVE HINDERED DHS'S EFFORTS IN IMPLEMENTING ITS MISSION AND MANAGEMENT FUNCTIONS

Our work has identified homeland security challenges that cut across DHS's mission and core management functions. These issues have impeded the Department's progress since its inception and will continue to confront DHS as it moves forward. These issues include: (1) Establishing baseline performance goals and measures and engaging in effective strategic planning efforts; (2) applying and strengthening a risk-management approach for implementing missions and making resource allocation decisions; and, (3) coordinating and partnering with Federal, State, and local agencies, and the private sector. We have made numerous recommendations to DHS and its components, including TSA, to strengthen these efforts, and the Department has made progress in implementing some of these recommendations.

DHS has not always implemented effective strategic planning efforts and has not yet fully developed performance measures or put into place structures to help ensure that the agency is managing for results. For example, with regard to TSA's efforts to secure air cargo, we reported in October 2005 and April 2007 that TSA completed an Air Cargo Strategic Plan in November 2003 that outlined a threat-based risk-management approach to securing the Nation's domestic air cargo system, and that this plan identified strategic objectives and priority actions for enhancing air cargo security based on risk, cost, and deadlines.³⁹ However, TSA had not developed a similar strategy for addressing the security of inbound air cargo—cargo transported into the United States from foreign countries—including how best to partner with CBP and international air cargo stakeholders. In another example, we reported in April 2007 that TSA had not yet developed outcome-based performance measures for its foreign airport assessment and air carrier inspection programs, such as the percentage of security deficiencies that were addressed as a result of TSA's on-site assistance and recommendations, to identify any aspects of these programs that may need attention. We recommended that DHS direct TSA and CBP to develop a risk-based strategy, including specific goals and objectives, for securing air cargo;⁴⁰ and develop outcome-based performance measures for its foreign airport assessment and air carrier inspection programs.⁴¹ DHS generally concurred with GAO's recommendations with regard to air cargo, and is taking steps to strengthen its efforts in this area.

Although DHS and TSA have made risk-based decisionmaking a cornerstone of departmental and agency policy, DHS and TSA could strengthen their application of risk management in implementing their mission functions. Several DHS component agencies and TSA have worked toward integrating risk-based decisionmaking into their security efforts, but we reported that these efforts can be strengthened. For example, TSA has incorporated certain risk-management principles into securing air cargo, but has not completed assessments of air cargo vulnerabilities or critical assets—two crucial elements of a risk-based approach. TSA has also incorporated risk-based decisionmaking when making modifications to airport checkpoint screening procedures, to include modifying procedures based on intelligence information and vulnerabilities identified through covert testing at airport checkpoints. However, in April 2007, we reported that TSA's analyses that supported screening procedural changes could be strengthened. For example, TSA officials based their

³⁵ See Pub. L. No. 110-53, § 1406, 1513, 1532, 121 Stat. 405-08, 433-35, 457-60.

³⁶ See, e.g., Pub. L. No. 110-53, § 1406(b), (c)(2), 121 Stat. at 405-07.

³⁷ See Pub. L. No. 110-53, §§ 1406(d), 1532(e), 121 Stat. at 407, 459.

³⁸ For more information see GAO-06-181T.

³⁹ GAO-07-660.

⁴⁰ GAO-07-660.

⁴¹ GAO, *Aviation Security: Foreign Airport Assessments and Air Carrier Inspections Help Enhance Security, but Oversight of These Efforts Can Be Strengthened*, GAO-07-729 (Washington, DC: May 11, 2007).

decision to revise the prohibited items list to allow passengers to carry small scissors and tools onto aircraft based on their review of threat information—which indicated that these items do not pose a high risk to the aviation system—so that TSOs could concentrate on higher threat items.⁴² However, TSA officials did not conduct the analysis necessary to help them determine whether this screening change would affect TSO’s ability to focus on higher-risk threats.⁴³ As noted earlier in this statement, TSA is taking steps to strengthen its efforts in both of these areas.

In addition to providing Federal leadership with respect to homeland security, DHS also plays a large role in coordinating the activities of key stakeholders, but has faced challenges in this regard. Although improvements are being made, we have found that the appropriate homeland security roles and responsibilities within and between the levels of government, and with the private sector, are evolving and need to be clarified. For example, we reported that opportunities exist for TSA to work with foreign governments and industry to identify best practices for securing passenger rail and air cargo, and recommended that TSA systematically compile and analyze information on practices used abroad to identify those that may strengthen the Department’s overall security efforts.⁴⁴ With regard to air cargo, TSA has subsequently reviewed the models used in two foreign countries that rely on government-certified screeners to screen air cargo to facilitate the design of the agency’s proposed certified-cargo screening program. Further, in September 2005, we reported that TSA did not effectively involve private sector stakeholders in its decisionmaking process for developing security standards for passenger rail assets.⁴⁵ We recommended that DHS develop security standards that reflect industry best practices and can be measured, monitored, and enforced by TSA rail inspectors and, if appropriate, rail asset owners. DHS agreed with these recommendations. Regarding efforts to respond to in-flight security threats, which, depending on the nature of the threat, could involve more than 15 Federal agencies and agency components, in July 2007 we also recommended that DHS and other departments document and share their respective coordination and communication strategies and response procedures, to which DHS agreed.⁴⁶ The Implementing Recommendations of the 9/11 Commission Act includes provisions designed to improve coordination with stakeholders. For example, the act requires DHS and DOT to develop an annex to the Memorandum of Understanding between the two departments governing the specific roles, responsibilities, resources, and commitments in addressing motor carrier transportation security matters, including the processes the departments will follow to promote communications and efficiency, and avoid duplication of effort.⁴⁷ The act also requires DHS, in consultation with DOT, to establish a program to provide appropriate information that DHS has gathered or developed on the performance, use, and testing of technologies that may be used to enhance surface transportation security to surface transportation entities.⁴⁸ According to TSA, the agency has begun to provide transit agencies with information on recommended available security technologies through security roundtables for the top 50 transit agencies; the posting of an authorized equipment list on the Homeland Security Information Network Web site; and periodic briefings to other Federal agencies.

CONCLUDING OBSERVATIONS

The magnitude of DHS’s and TSA’s responsibilities in securing the Nation’s transportation system is significant, and we commend the Department on the work it has done and is currently doing to secure this network. Nevertheless, given the dominant role that TSA plays in securing the homeland, it is critical that the agency continually strive to strengthen its programs and initiatives to counter emerging threats and improve security. In the almost 6½ years since its creation, TSA has had to undertake its critical mission while also establishing and forming a new agency. At the same time, a variety of factors, including threats to and attacks on transportation systems around the world, as well as new legislative requirements, have led the agency to reassess its priorities and reallocate resources to address key events, and to respond to emerging threats. Although TSA has made considerable progress in addressing key aspects of commercial aviation security, more work re-

⁴² GAO-07-634.

⁴³ GAO-07-634.

⁴⁴ See GAO-07-660 and GAO-05-851.

⁴⁵ See GAO-05-851.

⁴⁶ GAO, *Aviation Security: Federal Coordination for Responding to In-flight Security Threats Has Matured, but Procedures Can Be Strengthened*, GAO-07-891R (Washington, DC: July 31, 2007).

⁴⁷ See Pub. L. No. 110-53, § 1541, 121 Stat. at 469.

⁴⁸ See Pub. L. No. 110-53, § 1305, 121 Stat. at 394-95.

mains in some key areas, such as the deployment of technologies to detect explosives at checkpoints and in air cargo. Further, although TSA has more recently taken action in a number of areas to help secure surface modes of transportation, its efforts are still largely in the early stage, and the nature of its regulatory role and relationship with transportation operators is still being defined. As DHS and TSA move forward, it will be important for the Department to address the challenges that have affected its operations thus far, while continuing to adapt to new threats and needs, and well as increase the effectiveness and efficiency of existing programs and operations. We will continue to review DHS's and TSA's progress in securing the transportation network, and will provide information to Congress and the public on these efforts.

Madam Chairwoman this concludes my statement. I would be pleased to answer any questions that you or other members of the subcommittee may have at this time.

Ms. JACKSON LEE. Thank you for your testimony.

It is my pleasure now to recognize Mr. Ervin to summarize his statement for 5 minutes.

Welcome.

STATEMENT OF CLARK KENT ERVIN, DIRECTOR, HOMELAND SECURITY INITIATIVE, ASPEN INSTITUTE

Mr. ERVIN. Thank you very much, Madam Chairwoman and Mr. Bilirakis. Thank you very much for inviting me to testify today on this important topic. Let me start with the positives.

I think that Secretary Hawley is to be commended for the more open and collaborative spirit he brings to the job. Under his leadership, TSA has been more willing to listen to, respond to and benefit from constructive criticism.

Operationally, I commend the move toward introducing more randomness into the system so as to keep terrorists off guard as much as possible. I think the behavior detection program is, in theory, at least, very much to be applauded. A variant of it has worked for many years, in fact, in Israel. It led just recently, here in this country, in Orlando, as we have all noticed and spoken about, to the detection of a passenger carrying bomb parts.

As important as it is to spot guns, knives, bombs and other potential weapons before they are used to deadly effect, it is at least as important, if not more so, to try to identify people whose behavior suggests that they might use such weapons.

My concern is whether transportation security officers are being trained long enough and comprehensively enough to truly distinguish between people whose movements, mannerisms or demeanor suggest deadly intent and people who merely look different from the norm. What to a behavior detection officer is behavior detection may to a given subject be racial or ethnic profiling.

TSA is to be commended also for the initiative to redesign the checkpoint to make it more aesthetically and psychologically appealing, and, likewise, the effort to create separate lines for experienced business travelers and harried parents and others who need more time to go through the checkpoint is commendable. But I remain troubled by several things.

First of all, undercover government and media investigations continue to the present day to show what they have shown since 9/11: screeners far too often fail to spot concealed guns, knives and bombs. TSA's response to such results is always the same: screener performance is only one of several, 19 layers, at airports. A con-

centrated effort to defeat any one layer can succeed, certainly, but each layer is linked such that the whole is greater than the sum of its parts. Of course, screeners fail test nowadays. They are much harder than they used to be, and they get harder all the time.

But to take these arguments in turn, the whole chain is only as strong as its weakest link. As links go, the checkpoint is the most important in terms of keeping weapons off airplanes.

As a general rule, the one and only time that passengers and their carry-on luggage are checked for guns, knives and bombs is at the checkpoint. Of course we want the test to be as hard as possible. It is not as if terrorists will make it easy to spot their concealed weapons.

TSA seems to be saying implicitly and illogically the worse we do on these tests, the better. The good news is that we have heard today from Secretary Hawley that still more technology, which is the ultimate key to this, will be deployed. I hope that this effort will be accelerated and that additional moneys will be provided to TSA to ensure and to further expedite the deployment of these technologies.

My second concern relates to air cargo. It is good news that TSA is now required by law to screen 100 percent of cargo on passenger planes for explosives by 2010, so I was initially heartened to read last week's "USA Today" story that TSA was launching this effort this summer in major cities, suggesting that the deadline will be met sooner, rather than later.

As I read further, though, I grew disheartened, as I learned that, much like the C-TPAT program that CBP employs, TSA will allow shippers of air cargo to volunteer to screen their own cargo. There is no reason to believe that shippers in any great numbers will be willing to pay for the necessary personnel and equipment.

Further, as to any shipper that would be willing to pay for the necessary personnel and equipment and conduct its own self screening, we simply cannot afford to outsource a critical security function like this in the post-9/11 world. Businesses are concerned about security, certainly, but understandably their first concern is their bottom line. When the two conflict, security loses out.

My third concern relates to air marshals. I was concerned by the CNN story just last week that only about 1 percent of the 28,000 commercial flights flown in an average day are covered by air marshals, according to some half-dozen air marshals and pilots interviewed by the network. If this is true, this is particularly troubling, and that is especially the case against the backdrop of the poor results on these undercover tests that was just mentioned. I hope we will probe that today during the course of the hearing.

Then, finally, I am concerned that while pilots and flight attendants are screened, like passengers, every time they go through checkpoints, other airport workers, some 900,000 of them nationwide, are not. The background check process is not sufficient, it seems to me, when we learned that on occasion workers are caught with thefts and drug smuggling, other crimes. If these background tests are not sufficient in that circumstance, they are not sufficient to protect against terrorism.

This summarizes my testimony, Madam Chairwoman, and I am looking forward very much to your questions.

[The statement of Mr. Ervin follows:]

PREPARED STATEMENT OF CLARK KENT ERVIN

APRIL 15, 2008

Thank you very much, Mr. Chairman and members, for inviting me to testify today on the topic, "Moving Beyond the First Five Years: How the Transportation Security Administration will Continue to Enhance Security for all Modes of Transportation."

Let me start with the positive. I think that Secretary Hawley is to be commended for the more open and collaborative spirit he brings to the job. Under his leadership, TSA has been more willing to listen to, respond to, and benefit from constructive criticism. The new blog, for example, provides an easy way for TSA leaders to communicate with and hear from the public, and it provides a way for travelers to vent their frustrations and to get things off their chest.

Operationally, I commend the move toward introducing more randomness into the system, so as to keep terrorists off guard as much as possible.

I think the Behavior Detection Program is, in theory at least, very much to be applauded. It has worked, in fact, in Israel very effectively for many years. And, it led just recently in Orlando to the detection of a passenger carrying bomb parts. As important as it is to spot guns, knives, bombs, and other potential weapons before they are used to deadly effect (about which more later), it is at least as important, if not more so, to try to identify people whose behavior suggests that they might use such weapons.

My concern is whether Transportation Security Officers are being trained long enough and comprehensively enough truly to distinguish between people whose movements, mannerisms or demeanor suggest deadly intent and people who merely look different from the norm. What to a Behavior Detection Officer is "behavior detection" may, to a given subject, be racial or ethnic profiling. I hope that the subcommittee will probe into this issue today.

TSA is to be commended also for the initiative to redesign the checkpoint to make it more aesthetically and psychologically appealing through the use of music, lighting, and such. It is easy to make fun of such moves, but anything that makes the traveling experience more pleasant without sacrificing security is a very good thing, indeed. Likewise, the effort to create separate lines for experienced business travelers and harried parents struggling with children, luggage, and toys (and other travelers who, for one reason or another, need more time to navigate the checkpoint) is commendable. I travel in both incarnations—sometimes alone, as a business traveler, and other times with my wife and 2-year-old—and I would very much appreciate being in a separate line with like travelers under each circumstance.

But, I remain troubled by several things. First, government and media investigations continue to the present day to show what they have shown since 9/11—screeners far too often fail to spot concealed guns, knives, and bombs. This was the case in 2001, in the immediate aftermath of 9/11, when the Department of Transportation's Inspector General was responsible for conducting such tests. It was the case in 2003–2004 during my time as the Department of Homeland Inspector General. It was the case in a followup DHS IG report in 2005 after I left. In the spring of 2006, GAO reported that they were able to sneak potential bomb components through checkpoints at 21 different airports undetected. In October 2006, it was reported that screeners at Newark International Airport, not incidentally one of the airports transited by 9/11 hijackers, failed 20 out of 22 undercover tests. USA Today reported a year later, last October, that screeners failed TSA's own undercover tests 75 percent of the time at LAX, and 60 percent of the time at Chicago O'Hare. And, just a couple of months ago, the DHS Inspector General released its latest report on covert testing of screeners. Only an unclassified summary was released, and it is impossible to tell what the results were. But, I note that the IG made six recommendations. It is certainly possible that the results showed dramatic improvement in screener performance and the IG still found it necessary to make six recommendations. Given the foregoing background, I think it more likely that six recommendations were made because there is still considerable room for improvement. In any event, I hope the subcommittee has or promptly will obtain the classified version of the report and learn for yourselves what the results are and how they stack up against the foregoing ones.

TSA's response to such results is always the same. Screener performance is only one of 19 security layers at airports. A concentrated effort to defeat any one layer can succeed, certainly, but, each layer is linked such that the whole is greater than the sum of the parts.

And, of course, screeners fail tests nowadays. They are much harder than they used to be, and they get harder all the time.

But, to take these arguments in turn, the whole chain is only as strong as its weakest link. And, as links go, the checkpoint is the most important, in terms of keeping weapons off airplanes. As a general rule, the one and only time that passengers and their carry-on luggage are checked for guns, knives, and bombs is at the checkpoint. At the boarding gate, an agent or flight attendant merely checks whether each passenger has a boarding pass that appears to be in order. So, if weapons are missed at the checkpoint, chances are that they will make it onto airplanes.

And, of course, we want the tests to be as hard as possible. It is not as if terrorists will make it easy to spot their concealed weapons. TSA seems to be saying, implicitly and illogically, the worse we do on these tests the better.

The good news is that TSA grasps that, in addition to more and better training, and consequences for screeners who consistently fail such tests, the key to better screener performance are technologies like backscatter and multi-view X-ray machines. The problem is that, almost 7 years after 9/11, and 5 years after my office recommended such technologies, they are still only in the pilot or testing phase. These technologies, and others like them, should have been tested and piloted long ago. By now, they should be widely deployed throughout the country, ideally at every airport and checkpoint, and certainly at every checkpoint at the highest risk airports in the country. That takes money, of course, and that is something that DHS/TSA has been short of since its inception, and, all too often, the dollars it has been given have been poorly managed. I hope that the next administration, Republican or Democrat, will make it a priority to get TSA the resources it needs to move beyond the drawing board to the field with these technologies that can make the difference between terrorists' or DHS' winning the next time aviation is targeted for attack.

Another problem is that, on occasion, covert tests have been compromised by tip-offs to screeners that they are being tested. It is unclear how widespread this is, but one time is one time too many. And, of course, TSA management itself should never be involved in tipping off screeners, as was suggested by the now infamous April 2006 email that was the subject of a full committee hearing last November. I hope that the Inspector General is investigating this matter and, if so, the investigation concludes soon.

My second concern relates to air cargo. It is good news that TSA is now required by law to screen 100 percent of cargo on passenger planes for explosives by 2010. I was initially heartened to read last week's USA Today story that TSA was launching the effort this summer in major cities, suggesting that the deadline would be met sooner rather than later. As I read further, I grew disheartened as I learned that, much like Customs and Border Protection relies on shippers of oceangoing freight to police themselves through the Customs Trade Partnership Against Terrorism Program (C-TPAT), TSA will allow shippers of air cargo to volunteer to screen their own cargo. There is no reason to believe that shippers in any great numbers will be willing to pay for the necessary personnel and equipment. Further, as to any shipper that would be willing to pay for the necessary personnel and equipment and conduct its own self screenings, we simply cannot afford to outsource a critical security function like this in the post-9/11 world. Businesses are concerned about security, certainly. But, understandably, their first concern is their bottom line. When the two conflict, security loses out. We should have learned the lesson the hard way on 9/11, since airlines were in charge of screening passengers and baggage at that time. The whole point of creating TSA was the recognition that, left to its own devices, the private sector will put profit ahead of security when the two conflict every time. One hundred percent of the screening should be done by TSA personnel. And, if, TSA needs more resources to accomplish this, TSA should forthwith be given those additional resources.

My third concern relates to air marshals. I had been under the impression that our problems with air marshals (the number of them, their anonymity, etc.) were behind us. So, I was aghast to see the recent CNN story to the effect that less than 1 percent of the 28,000 commercial flights flown on an average day are covered by air marshals, according to more than a dozen air marshals and pilots interviewed by the network. Of course, if true, this is even more troubling against the backdrop of continued poor results on undercover tests of screeners' ability to spot concealed weapons. If terrorists can smuggle weapons on board aircraft, and there is no air marshal to defend the plane and its passengers against attack, a given plane can be an open target. We need to increase the budget for this vital program sufficiently to enable TSA to cover 100 percent of at least the highest risk flights, namely those into and out of the Nation's largest cities and busiest airports, and as high a per-

centage of all other flights as practicable. The air marshal force should be supplemented by trained and deputized current and former law enforcement personnel from other Federal, State, and local agencies, military personnel, and perhaps, even, veterans. And, the Federal Flight Deck Officers Program, whereby pilots are trained and authorized to carry a gun to protect the cockpit should be expanded. At present, my understanding is that there's still only one training facility, in a remote town in a remote state. And, according to this just mentioned CNN report, pilots have to pay as much as \$3,000 of their own money for lodging and meals when they take the course. And, Federal Flight Deck Officers do not get additional pay for being willing to perform this additional, vital service. They should, as a further incentive to encourage still more pilots (and other authorized flight crew personnel) to sign up.

My fourth concern is that, while pilots and flight attendants are screened, like passengers, every time they go through checkpoints, other airport workers, some 900,000 of them nationwide, are not. There have been numerous instances during recent years of airport personnel being involved in thefts, drug smuggling, and other crimes. So, if background checks are no panacea against the threat of crime, they are likewise no panacea against the threat of terrorism. I hope that the bill that Ms. Lowey of New York has introduced on this issue will ultimately, and sooner rather than later, become law.

Finally, the title of this hearing refers to "all modes of transportation." TSA has devoted its resources, personnel, and attention almost entirely to aviation related matters since its creation in 2001. Now is past time for TSA to devote considerably more resources, personnel, and attention to securing other modes of travel, especially mass transit. Given that terrorists aim to maximize the number of people killed and injured and damage to the U.S. economy, it is curious that we have yet to see an attack on mass transit here in the United States, especially since such attacks have happened since 9/11 elsewhere in the world. Major cities like New York are taking appropriate steps like increased armed police presence; a greater use of bomb sniffing dogs and bomb detection technology; the wide deployment of surveillance cameras; random bag searches, and public awareness "see something/say something" campaigns. But, all these measures are extraordinarily costly, and, given the deteriorating economy, cities are increasingly strapped for funds. The Federal Government has an obligation to help at least the highest risk cities shoulder the burden of these costs, because these are the cities that are likeliest to be targeted by terrorists and an attack on any one of them would be an attack on the Nation as a whole.

Thank you very much, again, for the invitation to testify today, and I look forward to your questions.

Ms. JACKSON LEE. Thank you very much for your testimony.

Mr. Verdery, if you would summarize your statement in 5 minutes.

**STATEMENT OF C. STEWART VERDERY, JR., PARTNER,
MONUMENT POLICY GROUP, LLC**

Mr. VERDERY. Madam Chairwoman Jackson Lee, Congressman Bilirakis, thank you for having me back to the committee today. It is nice to be back.

It is an interesting challenge, deploying policy, technology and resources to secure transportation. Over the past several years, TSA deserves great credit for making strides in this arena.

I would ask the Congress to stick with what has worked—risk management has worked—and not load on additional layers on TSA that cannot be funded and cannot be properly implemented. Some level of risk is inherent in transportation systems, especially non-aviation systems, as we will talk about later.

As you mentioned, I served as Assistant Secretary for Policy the first 2 years of the Department. The 2 years I oversaw TSA from a policy perspective were a tumultuous time, as TSA moved from the Department of Transportation to DHS. Unfortunately, it was a

time when TSA's every misstep seemed to show up on the late-night comics and led to congressional oversight.

People had not yet grasped what it means to try to secure aviation systems or transportation more broadly. What these comics and critics missed was the success that was being built and it was mentioned by both of you in your opening statements, the fact that there has not been a successful incident in this country, and that is largely because of the investments that have been made.

Other agencies now have a public awareness of what a real level of performance is. When a drug boat makes it past the Coast Guard, when an illegal migrant makes it past CBP into the country, when the IRS, on tax day, of all days, fails to find a tax cheat, people say that is just what happens. We are not going to be perfect. But, somehow, TSA is held to a standard, and every time somebody sneaks a knife past security or every time there is a breach in the sterile zone, it ends up on CNN.

We have to understand the risk in the system. I think the American public would be very surprised to learn that in fiscal year 2007, the last full year, the TSA's budget was 99.8 percent as large as the FBI's, and the FBI has a heck of a lot broader portfolio than the TSA, everything from counterterrorism to public corruption. But that is what happens when you go and you hire 45,000 well-trained, well-compensated, well-supported employees. You have gotten a good bang for the buck.

But as you build out more and more mandates and add on more and more equipment, there are trailing costs that may not be worth the investment when there are so many other needs in the Homeland Security arena.

People have to remember that each layer of the 20 layers that have been mentioned are not meant to be perfect. The goal of checking IDs is not to find the fake ID. The goal of the liquids check is not to find the liquid. It is to identify individuals who have a serious intent of doing harm to passengers or to a transportation mechanism.

In my written testimony, I mention several successes of Administrator Hawley over the last couple of years, and I particularly want to mention the traveler redress program that was launched last year with help of the DHS Screening and Coordination Office. This has been a great success, and I encourage people who have watch list problems to try to use it.

I had one individual that I work with said he had a watch list problem and I will just read what he wrote me yesterday. "I am a frequent traveler who regularly checked in online, at home or at the airport kiosk. In preparation for a recent trip, I tried to check in the night before and was told I had to see an agent. I went to the desk and was told I had to check in because I was on a security list. Apparently, there was someone with my same name, even the middle initial.

"I went to the DHS Web site, read the TRIP process, submitted the required forms and documents. Within 2 weeks, it was resolved. I received a letter from DHS that reviewed my case and fixed the issue. I thought the process was clear, quick and responsive. I was impressed."

So this is working well, but I ask the committee to go one step further, take advantage of H.R. 4719, Congresswoman Clarke's bill. Take it up, move it. It will codify the program and expand it to non-transportation modes. It is an excellent bill.

In my few minutes remaining, I want to take a couple of programs where I think TSA has missed opportunities to work with the private sector in ways that would be most productive. First is the Registered Traveler program.

I know the committee had an oversight hearing on this recently, but the basic program still—and I am a member of the program—while you provide fingerprints as part of the application process, they are not used. They are not run against criminal databases. They are not run against terrorist databases, the logic being, well, we are not changing the checkpoint no matter what the background check says.

I think this is a missed opportunity. We have to look at risk management, and the idea that we are going to make somebody take off their shoes who is going through a full background check, has volunteered every piece of information that they will to the government and take up screener time to check millions of would-be travelers and take off their shoes I think is a poor use of resources that could be used for other purposes.

Moreover, Customs and Border Protection, the sister agency of TSA, promisingly announced yesterday that Global Entry, International Registered Traveler program for arrivals in the United States, these individuals will go through a full interview, full criminal check, full background check, fingerprint check. They ought to be cross-enrolled in the domestic program and I understand talks are underway to make that happen.

Again, that is moving people into a streamlined process and allowing screeners to focus on individuals they haven't seen before.

We need to move forward on the Travel Document Checker program. It is part of the promising program that the administrator announced. We are now checking IDs instead of having it be handled by a rent-a-cop in an inconvenient, easy-to-avoid fashion. But there is technology in the works in driver's licenses with watermarks that can easily be read and this will be able to find licenses that will be of increasing value as REAL ID is finalized.

A true REAL ID-compliant license will be quite valuable if it is stolen or forged, and we need to be able to detect those.

Madam Chairwoman, my 5 minutes is up. I hope during the question-and-answer period, we will have a chance to talk about Secure Flight, a program I worked on at DHS which remains in the works, unfortunately. It is a difficult program, but a priority and also how we can move forward in some of the other modes of transportation.

Thank you.

[The statement of Mr. Verdery follows:]

PREPARED STATEMENT OF C. STEWART VERDERY, JR.

APRIL 15, 2008

INTRODUCTION

Chairman Jackson Lee, Ranking Member Lungren and Members of the committee, thank you for the opportunity to return to the House Committee on Homeland Security to discuss the challenges that the country faces in developing and deploying an effective mix of policy, technology, and resources to secure our transportation systems. I am currently a partner and founder of the consulting firm Monument Policy Group, LLC and an Adjunct Fellow at the Center for Strategic and International Studies.¹

Not only must these programs deter and detect those who would commit acts of terrorism or crime, they must also facilitate the flow of travelers and goods essential to our economic livelihood and social fabric. Over the last several years, the Transportation Security Administration (TSA) has made great strides in striking this balance, securing our transportation systems and using its significant but ultimately limited resources to implement effective risk-management. I would ask the Congress, and this committee in particular, to resist the urge to hold TSA to the standard of perfection—instead, I hope that you will understand that some level of risk is inherent in the security arena, particularly if we want to balance security with the freedom of movement of goods and people. Furthermore, I urge TSA and those who fund and oversee the agency to rededicate themselves to working with the private sector to find solutions that utilize private sector expertise without requiring massive new Federal bureaucracies to secure our transportation systems.

BACKGROUND

As you know, I served as Assistant Secretary for Border and Transportation Security (BTS) Policy and Planning at DHS from 2003 through 2005. I was responsible for policy development within the BTS Directorate, working closely with Under Secretary Asa Hutchinson and Secretary Tom Ridge, in the areas of immigration and visas, transportation security, law enforcement, and cargo security. These policies largely were carried out in the field by BTS agencies such as U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and TSA. BTS's functions have been subsumed and enhanced under the new DHS structure, most notably the new DHS Office of Policy.

I worked closely with TSA during my 2 years at DHS, serving as its advocate within the administration and with the Congress, foreign governments, and private sector stakeholders, and coordinating its activities with other DHS entities such as CBP. This was a tumultuous period of transition for TSA as it moved from the Department of Transportation to DHS. During this time, nearly misstep seemingly appeared on the front page of USA Today and any progress—or lack thereof—in key areas was often caricatured by late night comedians and critics in Congress and elsewhere. Unfortunately, this sort of criticism did not take into account the broader fact that the Executive branch deployed a new agency from scratch seemingly overnight. Furthermore, these critics failed to note that TSA has succeeded in its broad mission to deter transportation-based acts of terrorism in the United States.

DISCUSSION

For most Federal agencies, the public has a general idea of an acceptable level of performance. And it is generally not 100 percent success. The public does not expect the Coast Guard to stop each speedboat carrying drugs to our shores; the public does not expect CBP's Border Patrol to catch every family of illegal migrants crossing the border; nor, noting today is April 15, does the public expect the IRS to recognize every tax cheat. Generally, it seems, we are as a people familiar enough with these government entities to understand that they will not succeed each and every time in their mission. Unfortunately, TSA suffers from the expectation that all efforts must reach 100 percent success or else they are a failure: hearings must be held and someone must be held accountable.

Partially this is a result of TSA's own well intended effort to create metrics for success. TSA's Web site prominently notes exactly how many weapons were detected during the past week, the number of security breaches resolved, and similar statis-

¹As disclosed in filings with the House and U.S. Senate, Monument Policy Group represents several clients with a variety of interests related to transportation security. Also, CSIS does not take policy positions. Thus, this testimony is submitted in my personal capacity and not on behalf of any third party.

tics. This mindset, however, is also a function of the constant search for perfection in each of TSA's security layers. TSA now describes some 20 layers of security deployed to protect aviation, from government intelligence activity to passengers trying to protect themselves and their fellow citizens.

While serious observers of homeland security view and value each layer for its multiplier effect on security, oftentimes the focus tends to be on whether a single layer is being executed to perfection. For example, the real goal of a travel document checker is not to find fake ID's. The goal of TSA's liquids detection efforts is not to confiscate expensive perfume from those who accidentally have more than three ounces at the checkpoint. The goal of these and other layers is to alert TSA to an individual whose intent is to kill or injure passengers or use the plane itself as a weapon. That is the goal we should all be holding TSA to, and that is the way performance should be measured.

However, far too few of us take that approach, and as a result TSA has been stuck in a spiral of creating more and more programs, consuming more and more of the Federal security budget. In fact, I would argue that the TSA already consumes far too large a portion of our scarce security resources. The average American would be shocked to learn that in fiscal year 2007, according to the President's fiscal year 2009 proposed budget, government spending for TSA (\$6,028,000,000) was 99.8 percent as large as that of the entire Federal Bureau of Investigation (\$6,040,000,000), with its massive responsibilities, ranging from investigating acts of terrorism to combating public corruption. Clearly, hiring more than 45,000 Federal employees and supporting their activities with technology, equipment, training and benefits is extraordinarily expensive. The committee should be very wary of giving more mandates to TSA. These new mandates will not only impose new costs, in terms of employing people, buying technology and initiating training, but also in terms of maintaining that equipment, retraining those people, and replacing that equipment when it becomes obsolete. We should instead stop and think which security issues remain unaddressed yet pose significant risks to the American public, and what resources are necessary to close those gaps, even at the expense of slightly higher but acceptable risks in other areas.

Interestingly, TSA's budget has remained relatively flat for several years as an increasing percentage of the broader DHS budget has been devoted to immigration enforcement. The proposed increases for fiscal year 2009 are relatively small dollar programs aimed at fixing holes in aviation vetting, rather than large new initiatives in aviation or non-aviation transportation security.

At the same time, these slowing budget numbers may create an increasing disconnect with TSA's growing list of authorized mandates. For example, we have seen in the past year legislation to insist on 100 percent inspections of cargo carried on aircraft and ocean carriers bound for the United States. Obviously, not all 100 percent mandates are foolish: I was proud to help implement the US-VISIT biometric entry program which now enrolls essentially 100 percent of foreign guests arriving by air and sea.

But in general, 100 percent mandates should be viewed with great skepticism because they essentially mean that no level of risk management is acceptable. They fly in the face of efforts like TSA's recently unveiled air cargo plan, which focuses on increased screening by freight forwarders and via canine units. This may, in fact may spread the pain of cargo screening enough to be effective as a deterrent, and also be significantly more cost-effective. Unfortunately, many people only believe 100 percent solutions are acceptable, and therefore will force TSA to undertake some sophisticated analysis and likely require a major increase in budget authority, to push TSA beyond the 50 percent screening goal for fiscal year 2009 to the elusive mark of 100 percent in 2010.

TSA PROGRESS

Assistant Secretary Hawley, his team at TSA and the broader DHS department deserve great credit for stabilizing TSA's mission over the past 3 years. They have restored public confidence in aviation security and are using finite but limited resources to enhance the security of other modes of transportation. I would like to highlight several programs that I think are the hallmark of Assistant Secretary Hawley's tenure at TSA:

SPOT.—Building on pilots begun in 2004, the use of specialized training to alert transportation security officers to suspicious behavior at or around the checkpoint is an effective security program that provides a tremendous return on investment. Allowing TSO's to use their eyes and ears as part of the Screening Passengers by Observation Techniques (SPOT) program to detect threats amid the noise of the

checkpoint strikes me as the best possible use of screener time by transitioning the TSA checkpoint into a law enforcement opportunity.

Checkpoint Evolution.—Shoehorning the TSA security checkpoint process into the wide variety of airport configurations has been a tremendous challenge for TSA, its airport and airline partners, and the public at large. The recently unveiled “checkpoint evolution” or “checkpoint of the future” will take time to implement across the spectrum of airport terminals, but represents enlightened thinking about how to maximize passenger flow, minimize passenger stress, and elevate the likelihood nefarious actors will be identified.

Passenger Redress.—Working with the DHS Office of Screening Coordination, TSA launched the Traveler Redress Inquiry Program (TRIP) last year. While not flawless, TRIP has assisted tens of thousands of individuals unlucky enough to have similar to those on terrorist watch lists. In fact, I know first-hand of successes in this program, having recently directed a colleague to use the TRIP program. Several weeks later, he wrote me a note which said the following: “I am a frequent traveler who regularly checked in online at home or at the airport kiosk. In preparation for a recent trip, I tried to check in the night before and was told I had to see an agent. I went to the desk the next morning and was told that I had to check in at the desk because I was on a security list. Apparently there was someone with the same name, including middle initial. I went to the DHS website and read the TRIP process, submitted the required forms and documents and within 2 weeks was able to check in online or at the kiosk again. I also received a letter that DHS had reviewed my case and fixed the issue. I thought that the process was clear, quick and responsive. I was impressed.”

To that end, I would encourage this committee to schedule a vote on H.R. 4179, which will codify and improve TRIP, especially as redress issues are encountered outside of TSA and CBP.

TSA AREAS FOR IMPROVEMENT

However, as with many glasses filled to the mid-point, the empty half must be evaluated as well. Amidst all of the progress outlined above, I am concerned that TSA has missed opportunities to utilize risk management in key areas.

Registered Traveler.—TSA has made no secret of its position that RT is not a priority program. In fact, Administrator Hawley and others have argued that it is too risky to provide any changes in the checkpoint process for RT enrollees without private sector development of technology that is tested and meets some criteria for enhancing the security process. I believe that there is a better approach. TSA can and should use the RT framework to improve the checkpoint process for travelers in ways that will set up risk management principles far beyond the aviation space. For example:

- Despite the fact that RT applicants provide fingerprints during the application process, TSA does not actually compare them to databases of known or suspected criminals or terrorists. That is a missed opportunity, and I would encourage this committee to push for this process to change. While such a background check will not eliminate 100 percent of the risk posed by a passenger, nor does the background check on government employees access eliminate possible breaches of classified material or inappropriate access to government buildings. The question we must face is whether the risk of, for instance, allowing a person who has passed a biographic and fingerprint review to keep his shoes on through security is significant enough to spend scarce screener resources X-raying shoes of millions of people willing to place their full identity before the government for review.
- This week CBP launched the Global Entry international registered traveler program for inbound U.S. citizens and legal permanent residents able to pass a full background check. The program will likely be opened to citizens of select foreign nations who enter into information-sharing and reciprocity agreements with the United States. Common sense would dictate that Global Entry enrollees should automatically be approved for the domestic RT program if they are willing to help pay for the operation of the RT lanes. While discussions are underway between CBP and TSA on this issue, they do not appear likely to conclude before Global Entry begins enrollment next month. A missed opportunity, for now, that should be fixed.
- Integrating the RT card standards and looming REAL ID driver’s license requirement is essential. While I understand discussions are underway to have TSA provide RT vendors more specificity for their card architecture to meet REAL ID mandates, they need to produce results before new document requirements hit the checkpoint.

- In addition to Global Entry members, TSA should consider whether other low-risk populations—such as individuals with security clearances or other Federal credentials, law enforcement personnel, active duty military and certain government employees—should be pre-approved for the RT program, subject to their enrollment fee. This proposal has long been called for by a range of groups supporting RT: it is time for the government to step in and make this happen.

Travel Document Checker.—The TDC program is a solid achievement, making the review of an identity document a real security layer as opposed to an easy-to-defeat inconvenience. However, as TSA builds a new checkpoint design, it would be remiss if it did not build into the TDC program the ability to confirm whether a driver's license is legitimate by reading imbedded watermarks now baked into most of these documents. This capability will become more important once REAL ID is fully in place and the value of a forged or altered driver's license will skyrocket.

Secure Flight.—The Secure Flight program also represents a missed opportunity to date to improve our transportation security. Almost 8 years after 9/11, and over 3 years since Secure Flight was scaled back to a relatively simple watchlist review of passenger manifests, the program appears to be far from implementation. Air carriers have watched as CBP's need to collect pre-departure biographical information, now known as the Automated Quick Query program, caught up to and now appears to be likely to be implemented while Secure Flight remains non-operational for domestic flights. It is reasonable for the government to request that air carriers redesign their data collection and transmission mechanisms one time for DHS needs, and it is unfortunate that the two agencies in this space have not been able to provide such a roadmap to date.

Black Diamond.—We have also seen considerable press about the new “Black Diamond” screening checkpoint self-selection program. As a parent, I can understand the attractiveness of a screening line that gives families and others slow to move through the checkpoint needed time, and a more relaxed pace to do so. To date, however, I have not seen any hard data on the actual effects of the program on throughput at the checkpoint. We would be suspicious of a highway “EZ-Pass” program that asked drivers to pick their lane based on the 0–60 speed of their vehicle leaving the booth, and the program simply appears too new to evaluate effectively. In most locations, Black Diamond will be a poor substitute for a true RT program that is designed to generate additional throughput by having conducted a security review beforehand, not just based on a traveler's perceived dexterity at the checkpoint.

Biometrics.—TSA also needs to place new emphasis on the power of biometrics, especially when deployed in a mobile environment. The issue of controlling access to sensitive parts of transportation systems remains a difficult issue, especially in facilities never designed with today's stringent access control regimes in mind. The rapid improvement in mobile biometrics capabilities offers an increasingly cost-effective way to verify identity with or without card architectures. I am particularly interested in how TSA will learn from the access control pilot underway at Denver International Airport and whether mobile biometrics may play a role in the exit portion of the US-VISIT program.

General Aviation.—DHS is rightfully concerned that the relatively unregulated nature of general aviation aircraft represents a weakness in an otherwise impressive security array. GA flight activity represents a growing market, including from overseas. Luckily, the nature of the market has created opportunities for TSA and CBP to piggy-back on reservation services to understand who is boarding aircraft operating in the United States. TSA should move quickly on the Secure Fixed Base Operator Program (SFBOP) pilots and seek funds to expand the program quickly.

NON-AVIATION MODES OF TRANSPORTATION

Over the last 2 years, Congress has pushed for significant new funding in other modes of transportation beyond aviation. This reaction is perhaps understandable in light of vicious terrorist attacks on mass transit and rail systems in Europe.

I would caution the committee against trying to compare modes and especially against trying to replicate the TSA aviation model for subway, rail, bus, or highway systems. By its very nature, aviation lends itself to security processes due to its natural series of chokepoints. Mass transit, on the other hand, is meant to be diffuse and easy to access. Physical screening of passengers and luggage would require a tremendously invasive deployment of equipment and personnel in environments not designed for delays and chokepoints. Therefore, I would encourage this committee to work with TSA on new ways to effectively manage risk in non-aviation modes of transportation.

Additionally, I would encourage this committee to support TSA's use of behavioral analysis via SPOT and VIPR teams. This is a valuable use of TSA resources, and new ways to grow this effort would be worthwhile. TSA should leverage the experience it has gained in these programs by offering training to localities and transit authorities interested in developing their own or similar capabilities.

DHS should also encourage the use of risk management in trusted traveler programs in other transportation modes. The nature of mass transit means government is seeing tremendous volumes of unknown individuals. RT programs bring more information to the table for review and should be adopted in environments beyond aviation.

Lastly, according to DHS figures, there is approximately \$13 billion in unspent Federal assistance to State and local governments for homeland security needs. Recognizing that much of that money has already been spoken for in State-specific spending roadmaps and that States and local governments utilize that assistance for a wide variety of equipment and training needs, there still is room for transportation-focused spending where it is truly needed.

Ms. JACKSON LEE. I thank the witnesses for their testimony and I remind each member that he or she will have 5 minutes to question the panel, and I now recognize myself for questions.

Certainly the witnesses have given us a broad perspective of the success stories, but yet recognizing that our oversight is crucial. I think that we should spend our time recognizing the work that the vast numbers of employees of TSA have done and never let any question that may come forward diminish that.

At the same time, we have precious little time to engage with the administration and to ensure that our concerns are sufficiently heard.

So let me start first with Assistant Secretary Hawley, and tell me, how expanded, or how expansive, is the behavioral assessment program? What kind of funding resources have you invested in it? How many of your overall employees—and I think Mr. Verdery said 45,000, and as he is looking, he is saying give or take a few—really had the opportunity to have this training?

Mr. HAWLEY. In terms of budget support we have gotten that, and the President sent up a budget amendment in the fall for fiscal year 2007 that has helped us, along with the 2008 appropriation, go from approximately 1,200 behavior detection officers that we have now, and we expect to have about 2,000 by the end of the year.

As you know, this is a separate category in terms of rank, because one comes in as a TSO and then the behavior detection officer is an opportunity for career progression. It is a promotion and it is a full-time behavior detection capability. So we have 2,000 out of the total workforce, or will have 2,000.

Ms. JACKSON LEE. I think you have just made a point, will have 2,000, and that is out of 45,000. What would that generally allow per airport, or major airport?

Mr. HAWLEY. Well, our goal is to cover all of the hours that are open at the checkpoints and we will be able to get through the large cat X, so to speak, and the cat ones, and I am not sure how deep into all of the airports. However, we do have roving patrols that move around from place to place.

I have to just correct one thing on a factual basis. On the CNN report about air marshals covering 1 percent, that number is absolutely wrong by an order of magnitude. It was a guess by the folks there, and I just have to say that number is completely false.

No disrespect to Clark Kent Ervin who was quoting what he heard on CNN, but just that number is not correct.

Ms. JACKSON LEE. Now, would you venture to say that it is sizably larger than that?

Mr. HAWLEY. Yes.

Ms. JACKSON LEE. I will give Mr. Ervin a chance to respond.

Let me proceed and ask further on how much progress is being made on the watch list, the Secure Flight. It is a constant, if you will—raises continued concerns with the traveling public and the airlines trying to balance the necessity of security with competence, because it is a question of competence. We can't seem to get an integrated and concise list.

Mr. Hawley.

Mr. HAWLEY. As Mr. Verdery mentioned it, it has had a stop-and-start history, but it really is back on track and I think Ms. Berrick noted some steps yet to take. But we expect the final rule to be out in the summer, and the development of the program is going along and we are now doing benchmark testing, actually operating the system with benchmark data.

So our expectation is that it will be ready to go, assuming the rule is out, in the very beginning of 2009.

Ms. JACKSON LEE. Let me ask Ms. Berrick, what is the premier issue that TSA has to address if we are to move forward in our security in the transportation system?

Ms. BERRICK. I think there are probably three areas. One is really that the airport perimeter security and access controls, and there is really two aspects of this. One is the implementation of a biometric identification system to control access to restricted airport areas.

TSA has issued guidelines. They have done some pilot efforts to get this off of the ground, but this program has not been implemented nationwide.

Another area related to airport security is the screening of airport employees, and TSA also has some efforts underway through random screening. They also have a pilot effort underway that was actually mandated by Congress to explore different options for employee screening, but they haven't yet made final decisions, so that is one area.

Another area is air cargo. As was mentioned, TSA is mandated to begin 100 percent of screening of air cargo on passenger aircraft by 2010. That is going to be a huge effort. It is going to be a big change in how they do things right now.

They have got a plan to do that. GAO has been requested by this committee and others to look at their strategy for doing that and, as they roll this out, we will be looking at their efforts, but that is going to be a challenge moving forward.

Then, finally, Secure Flight, as you just asked about. GAO has been reviewing this program for the past 4 years and I have to agree that Secure Flight has made significant progress the past year-and-a-half. There is a lot more discipline and rigor and the development of Secure Flight.

There are a few areas that we think TSA should still focus on related to the program. One is cost and schedule estimates. We don't think that TSA's estimates on the cost and the schedule of

Secure Flight were developed based on best practices, and we had some recommendations to TSA to strengthen that.

Another area is testing. The draft test plans that we have seen identify testing, but not end-to-end testing. As you are aware, Secure Flight is going to screen both domestic and international passengers, so TSA will have to coordinate with CBP in getting data to do matching.

Ms. JACKSON LEE. How do you portend to improve the testing?

Ms. BERRICK. We think that in the test plans it should reflect the end-to-end system testing from start to stop. So instead of doing individual tests at different locations within TSA, within CBP, it needs to be end-to-end.

We highlighted this to TSA. TSA agreed that that is important and said that they do plan on doing it. We just haven't seen it in the testing.

Ms. JACKSON LEE. The air cargo, do you see a present and future plan that TSA is now engaged in to lay out the road map as to how they meet the requirements of the deadline that Congress has set?

Ms. BERRICK. Yes, they do have a strategy that they have rolled out that is moving security further down the supply chain where they will certify manufacturers and shippers, maintain a chain of custody of cargo. That practice, in fact, has been successful in some foreign countries that we have highlighted in past reports.

We haven't independently assessed that. We have been asked by this committee and others to do that, and we will be reviewing that over the next year.

Ms. JACKSON LEE. Mr. Ervin, I will hold my questions for you, because I will now yield 5 minutes to the distinguished gentlemen from Florida, Mr. Bilirakis.

Mr. BILIRAKIS. Thank you, Madam Chair. Thank you so much for holding this hearing, as well.

One of my concerns has to do with the security and safety of our Nation's pipelines. There was an incident near my congressional district several months ago in which a pipeline carrying dangerous gas was breached, resulting in an evacuation of the area.

This incident and the Federal response raised question about the role of TSA in pipeline security and industry compliance with the Federal safety and security guidance. I have a couple of questions for Mr. Hawley.

Would you please explain to us how TSA assesses pipeline security threats and monitors industry compliance with Federal security standards and guidance. As well, how would you characterize industry compliance with those standards?

Mr. HAWLEY. In the how do we keep them posted and how do we develop threat information and share that, that is something that we do on a daily basis and, as we identify threat information anywhere in the world, we share it with the industry. We do not, unlike some of the other areas that we regulate, have a fleet of inspectors for pipelines.

So what we do is we work with best practices with industry associations and industry companies that the pipeline is a network and having security measures that keep the network operating is the No. 1 priority. Then individual security plans all along the way are things that we work with them on best practices and then go out

and do audits of whether or not they are complying with them. In the audits that we have done, we have found very good compliance and a willingness to change, as need be.

Mr. BILIRAKIS. Okay, again for Mr. Hawley.

In your written testimony, you mention that the TSA has reviewed company adoptions of pipeline security guidelines and developed a best security practices document based on the observations throughout the industry. Are these guidelines voluntary and, if yes, does TSA have the authority to require industry compliance with these guidelines and standards?

Mr. HAWLEY. They are voluntary and they are, from the point of view of we have overall authority if there were to be a particularly compelling need for public health and safety to get at compliance.

However, it is an interesting area and, again, in terms of authorization legislation coming out of this committee, I think it could be clarified to some extent.

Mr. BILIRAKIS. Thank you. Do you agree with me that an act of vandalism against a pipeline, such as the one in my congressional district, carrying hazardous substances, can threaten the public in the same manner in which a deliberate act of terrorism against them? Do you believe the Federal pipeline security guidance adequate to stop acts of vandalism against pipelines like the incident, again, in my district, or something worse, a deliberate act of terrorism?

Mr. HAWLEY. Vandalism is something that is pretty hard to prevent, but we look at the networks, so first of all there are controls within the network that would limit damage to one area. Then, frankly, as individual punctures, perhaps, are made, there are safeguards in place to limit the damage that could be done there. There are prudent security measures that go to the hardening and the physical security of it.

But given the length of the pipelines in this country, preventing the vandalism opportunity is extremely, extremely difficult.

Mr. BILIRAKIS. Are there clear roles and responsibility for TSA and DOT regarding preparing for and responding to pipeline safety and security incidents?

Mr. HAWLEY. Yes, we have an MOU between us and that is written down and signed.

Mr. BILIRAKIS. Okay, how does TSA differentiate between a security-related pipeline breach and a safety-related pipeline incident?

Mr. HAWLEY. We have those issues across the board with DOT and we have agreements that define them. But, essentially, it is on a security threat, we have to share equally back and forth because first you may not know. But it is principally at the intel level at the kinds of regulatory things that we come out with or recommended practices that we come out with that would get at a security breach that may not be addressed by a safety breach, in other words, willful intent versus an act of God.

Mr. BILIRAKIS. Thank you.

Madam Chairwoman, one more question.

The 9/11 bill included a requirement for TSA to visit the top 100 most critical pipeline facilities in the United States, six of which are in Florida. Does the fiscal year 2009 budget request provide sufficient funding to develop and implement the required strategy

to review the security plans of pipeline operators and actually carry out inspections to ensure their adherence to existing Federal security guidance?

Mr. HAWLEY. I don't know, but I will have to get back to you on that.

Mr. BILIRAKIS. Okay, thank you very much. Thank you.

Ms. JACKSON LEE. The gentleman's time has expired.

Let me acknowledge the presence of the distinguished gentlelady from New York, Ms. Clarke, and Mr. Perlmutter, the distinguished gentleman from Colorado.

I now yield 5 minutes to the distinguished gentlelady from New York.

Ms. CLARKE. Thank you very much, Madam Chair, Ranking Member Lungren.

Over the past several years, as DHS and other security-related agencies have implemented new procedures, one of the biggest changes has been the combining of several watch lists into a single database, I suppose in an effort to be efficient. The use of that database was to screen the public.

In the years since this began, we have found that while it is a great idea in concept, there have been problems putting it into practice, as many innocent people have been mistakenly swept up, most commonly while traveling.

Although the long-awaited Secure Flight program should help reduce the number of misidentifications, it will not nearly solve the problem by itself. It must be supported by an actual redress program.

In February 2007, TSA, which scans more people against the database than any other government entity, implemented the DHS TRIP program, which has since been reclassified as the Department's Office of Appeals and Redress, to provide such a program that should allow passengers the opportunity to clear their names and to avoid misidentification.

Assistant Secretary, would you give us sort of a sense of where we are with that process, how accessible it is to the public and what your assessment of its effectiveness has been when you look at the mis-IDs in the data base?

Mr. HAWLEY. Yes, Secure Flight, I believe, will virtually solve the problem in that there won't be misidentifications because we will be getting the data, specifically date of birth and the other data elements, that will allow us to resolve whether or not that is the person.

So in terms of people who are misidentified, I think that problem will virtually go away.

Secretary Chertoff has as one of his top personal initiatives with TSA putting in place whatever we can do immediately, given the problems that it causes for regular travelers. And is a function of the airlines' reservation systems, where some airlines have a very good way of matching people. Others do not, so it really does depend on what is going on in the airline reservation system.

So, working with the airlines and making some process changes with how we handle it, we are working actually in advance of Secure Flight to try to meaningfully address that problem so people don't have to wait until Secure Flight.

Ms. CLARKE. I mean, is this real time? We have a global event coming up in the Olympics, where a lot of people with a lot of different types of names are going to be moving around the world, some coming through U.S. airports. Do you believe that we are in a position by the time that the Olympics start, to be able to screen people efficiently and effectively.

Mr. HAWLEY. I do. I think another part of this, the Terrorist Screening Center, has announced, and we have supported and helped with reducing the actual names on the watch list, to scrub it and re-scrub it to have it be the smallest possible, which obviously gets at the root cause.

I am highly confident that anybody who should be caught by the filter is going to be caught by the filter. The consequence of course is, as you note, with many configurations of names, it is possible to misidentify people. So that is a challenge, and I am not sure that that effort that I just described, to get ready before Secure Flight, will be ready in fact for the Olympics. But, clearly, we have a lot of plans across the U.S. Government for the Olympics to make them successful.

Ms. CLARKE. Thank you, Assistant Secretary.

Mr. Verdery, you represent the National Business Travelers Association, which has extensive experience with the transportation system. To what extent have they been impacted by problems with the use of screening programs?

Mr. VERDERY. I have seen increasing cases of misidentification. Most of the times, it is just the fact that people have the same names, common names, and that the TSA and other screening agencies just don't have enough information to differentiate the people on the spot.

We did a survey earlier this year and found that there was a large number of people, of companies, that had had employees in this situation. Many of them had used the DHS TRIP program. Those that had used it found it successful, but not enough people knew about it.

In addition to Secure Flight, which I support and hope will move quickly, Customs and Border Protection sees lots of people every day at land borders and air borders and people are screened for other purposes, whether it is buying guns or other purposes you can imagine coming down the pike for registered traveler programs and registered other programs.

So that is why we have been very supportive of your bills, to codify TRIP and expand it and provide it the resources. We think a program of this magnitude deserves an authorization, and so we have been happy to work with your office and hope that the committee will move forward on it.

Ms. CLARKE. Thank you, Madam Chair.

Ms. JACKSON LEE. The gentlelady's time has expired.

It is now my pleasure to yield 5 minutes to the ranking member, Mr. Lungren.

Mr. LUNGREN. Thank you very much, Madam Chair, and I was glad that I could get back while we are still going on and before we have a vote.

Let me ask the four of you, one of the controversial programs that was started a number of years ago was the Federal Flight

Deck Officers Program, which allows officers, that is, pilots and copilots, when properly trained, to carry weapons onboard in the cockpit. Do any of you have any problems with the continuation of that program?

Mr. HAWLEY. No, sir, I find it very effective security.

Ms. BERRICK. GAO hasn't reviewed this program. DHS IG has. They identified some positives and then also some areas for improvement.

Mr. ERVIN. I am supportive of the program, sir. If anything, I think it should be expanded. My understanding is that there is still only one training facility in New Mexico.

I think the number of training facilities should be expanded. I think more pilots ought to be allowed to participate in this program. Furthermore, my understanding is that they have to pay their own lodging and food expenses, so anything to increase the ranks, with proper training, of course, is something that I would very much support.

Mr. LUNGREN. Mr. Verdery.

Mr. VERDERY. I support it, although I get worried with all the tarmac delays of what kind of mood the pilots are in.

Mr. LUNGREN. I would ask all four of you, then, we are now taking a retrospective of the first 5 years of TSA. We are looking forward. What would be your one or two top priorities going forward with TSA?

Mr. HAWLEY. To work with the Congress to have the imagination and courage to step beyond the got-you mentality, to go at proactive security and I think support our officers in the training and their ability to act nimbly. I think that would be No. 1.

Mr. LUNGREN. Ms. Berrick.

Ms. BERRICK. A few. Implementing a biometric identification system for airports nationwide to restrict access to restricted areas within airports. Then also TSA making final decisions about what to do in terms of screening airport employees—they have a pilot right now—having made a final decision on how they are going to address that vulnerability. Then, finally, moving forward on their strategy for doing 100 percent screening of air cargo, making sure that their plans are solid and that they have controls in place to make sure that it is working properly.

Mr. LUNGREN. Mr. Ervin.

Mr. ERVIN. I would largely agree with Ms. Berrick, sir. I think it is absolutely critical, and I am pleased by what Secretary Hawley said today about expanding the deployment of technologies like multi-view X-ray technology and backscatter. I would like ideally to see that deployed at every checkpoint, at least at our major airports in the country as quickly as possible. I would support further appropriations to TSA to facilitate that. That is the only way, ultimately, that we can increase these performances on these undercover tests.

Second, as Ms. Berrick said, air cargo, I think it is essential that we move forward on 100 percent screening and that all that screening be done by TSA personnel. Then, third and finally, as she said, I am very concerned about the fact that we are not routinely screening all airport workers other than pilots and flight attendants.

Mr. LUNGREN. Mr. Verdery.

Mr. VERDERY. Three quick ones. One is making sure to align your authorizing requirements with the appropriators. We are getting a little bit out of whack with authorizing language coming down that can't be funded or isn't being funded. That leaves Mr. Hawley and his successors in the impossible position of mandates that they just don't have money to go fulfill.

Second, your jurisdictional argument you made, I think I have personally appeared before 22 of the subcommittees out of the 86 that have some jurisdiction over DHS. It is unconscionable, even the hearings that you see is just the tip of the iceberg of oversight that just swallows up so much time by the secretary on down. It has to be streamlined.

Third is use of biometrics, mobile biometric equipment, especially, in a range of applications, whether it is access controls, employee screening or the construction of an exit program for US-VISIT.

Mr. LUNGREN. Mr. Hawley, if I could switch gears a moment, we talked a lot about aviation but surface transportation and rail, there is a responsibility in your TSA to come up with rules with respect to HAZMAT, and I know you share that with DOT. I know DOT's rulemaking, I believe their work that they have done is I think before OMB right now. I wonder, where is TSA with respect to it? As I understand it, you focus on where the highly HAZMAT cars are attended and where they are handed off between railroads or between a railroad and a shipper, as opposed to DOT's responsibility. Can you give us an update as to where you are with rule-making on that?

Mr. HAWLEY. I believe it is undergoing administration clearance. We have a very—it is the same things we talked about pipelines—a very close relationship with the Federal Rail Administration, and we do in fact look at particularly the HAZMAT cars, wherever they may be. Our particular focus is to get them out of areas, standing still and, particularly, unattended. So that is the center of our target area that we want to keep them out of there.

But we have to be able to identify where they are if indeed there is, particularly a terrorist threat, we need to know where the cars that might be targets are. That is something that we share with DOT.

Mr. LUNGREN. Thank you very much, and thank you.

Ms. JACKSON LEE. Thank the ranking member.

The gentleman's time has expired. I yield 5 minutes to the distinguished gentleman from Colorado, Mr. Perlmutter.

Mr. PERLMUTTER. Thanks, Madam Chair.

Secretary Hawley, a couple months ago you and I attended a conference out in Denver about the employee screening and I think under the 9/11 bill there are seven airports that are selected as models or pilots, thank you, for this employee screening.

Can you tell us where we are on that?

Mr. HAWLEY. Yes, I believe they will start next month, in May, including in Denver. We will have an answer for the Congress by the end of the year.

Mr. PERLMUTTER. The chairwoman and I and a couple of others visited Colorado last summer, where we were at the Transportation

Technology Center and, as part of that 9/11 bill, we also authorized Pueblo, Colorado, Transportation Technology Center, to be one of the centers of learning for transportation security.

Are you familiar with that at all? Do you know where we are on that?

Mr. HAWLEY. I am familiar with the center. I am not exactly sure what aspect of that we are driving at. I can certainly check—

Mr. PERLMUTTER. The goal was to put together some training facilities there that not only focused on safety, which was more the transportation side of it, but also to develop some security measures as, for instance, subways or trains that might be subject to sabotage in some fashion or another. I know that that is now part of our whole six or seven training centers. What is it called, consortium? The national consortium.

I can't spell, either. I guess I can spell national. I can't spell consortium. I can. I really can.

Ms. JACKSON LEE. We won't test you today.

Mr. PERLMUTTER. Would you check on that for us?

Mr. HAWLEY. Yes, sir.

Mr. PERLMUTTER. Last question, or I guess I can have a couple more, Congress has appropriated a significant amount of funding to DHS and TSA for research, development, test and evaluation and deployment of checkpoint screening technology since 9/11, yet when I read your papers, I think that only two new technologies have been deployed.

Is there anything in particular blocking the development of the new technologies? Maybe other members of the panel have some comments on this.

Mr. HAWLEY. I think if I got a couple extra on Mr. Lungren's question about things for the future, I think the way the capital markets deal with security technology is a massive problem in that we get an appropriation from Congress to buy certain things and there are companies that step forward and say, yes, I have got those and we will take your money.

However, there is a vast scientific community in the world, and certainly in the United States, who, if we could get them engaged earlier in the process to present new ideas and new technology to us, we would be able to move a whole lot faster.

So I think there is an acquisition-based mentality about purchasing security equipment that does hold us back. Having said that, I did say we are rolling out the A.T. now at an additional 580 machines this year, 30 new millimeter wave, 200 new of the liquid bottle scanner. We will have by the end of the year over 900 handheld new explosive detection devices.

So we are moving it out, but I think it could move faster.

Ms. BERRICK. The GAO has reported on checkpoint technologies and we have reported that the deployment of these has been slow, I think slower than TSA anticipated. The explosive trace portals were deployed. There were maintenance and performance issues with those. The deployment was halted. The liquid bottle scanners were also deployed.

Now, in the coming year, there is going to be a lot more deployments. Some of those technologies have also been delayed due to performance and maintenance issues. Some of the causes we identi-

fied were coordination problems between DHS S&T. They do have a memorandum of understanding that they have been signed and I think coordination has improved.

Also, Congress mandated that TSA develop a strategic plan for their strategy for deploying technologies. TSA hasn't yet delivered that, although they can articulate, obviously, a strategy for moving forward on checkpoint technologies. We are going to be issuing a comprehensive report on how to improve the process of fielding technologies in a couple of months.

Mr. PERLMUTTER. Madam Chair, I yield back.

Ms. JACKSON LEE. I thank the gentleman. His time has expired.

I have a few more questions. I yield myself 5 minutes. I note the ranking member does.

But let me try to be very pointed with this line of questioning and also rapid-fire. Some of the answers, I may ask for you to put them in writing and I may also abbreviate your answers, and I apologize for that.

As we indicated, we are grateful for the employees, and we should not be questioned about our commitment to the duty of the employees and the leadership because we are asking questions that will further enhance the security of this Nation.

So I am concerned, Assistant Secretary Hawley, about the GAO's high-risk list that some of the aspects of your Department are engaged in. My question is, just quickly, are steps being taken to remove the TSA from high-risk areas, according to GAO?

Mr. HAWLEY. Yes, a number of the recommendations made from the GAO reports we agree and have taken action on. I think Ms. Berrick mentioned air cargo, a study that they did in recommending that we evaluate an international air cargo regime and we have in fact done that, and in fact that is the direction that we are headed.

Ms. JACKSON LEE. But, in your tenure, do you believe that you can answer all the questions that placed in these aspects of your Department on the at-risk list? Is that something that you are looking to achieve?

Mr. HAWLEY. We are addressing all the issues on the programs we have. We cannot get them all solved in this immediate time, because very many of the recommendations have to do with building long-term, sustainable processes that take time and actually taking the time to do it right. But I think that is the way to go.

Ms. JACKSON LEE. Would you please give me maybe your resolutions and your status in writing—I would appreciate that—to the committee?

I also would like to just hear a yes or no answer. There is a transition, there are Presidential elections coming up. Is TSA in particular looking at the transition and preparing a road map so that there is no gap in leadership from the time of transition from one administration to the next.

Mr. HAWLEY. Yes, can I give a short—

Ms. JACKSON LEE. Short.

Mr. HAWLEY. The deputy administrator is a career official who has been in the business 30 years, one of the founders of TSA. Our senior leadership team has been meeting for over a year without

me to prepare for this and there are three political appointees at TSA, so I view our preparations as complete.

Ms. JACKSON LEE. Would you provide that to this committee in writing, as well? I think it is a very serious issue.

I believe that we should look at all aspects of information askance, but I do believe that information in the media provides an important opportunity for information that we should have. As you well know, and you indicated, that we may have not had all of the accurate facts regarding the CNN story on the U.S. air marshals, the Federal Air Marshal Service, but can we not at least admit or concede that there have been discussions about morale and discussions about work conditions that need to be improved?

My question to you is does any of that impact the security of this Nation and, as the person who has oversight over that service, the air marshals, what unique changes are being made to ensure, one, that there is an expanded coverage of our airlines, particularly when we see airlines getting larger and larger, by merger, and that we improve the work conditions.

I would like Mr. Ervin, if he is in any sense aware, even from the time he was at the Department of Homeland Security, how we can fix some of the factors that are in the Air Marshal Service.

Secretary Hawley.

Mr. HAWLEY. When I came into the job, one of my top priorities was people of the Federal air marshals, that the agency was stood up quickly. Dana Brown, who is the director, has that as his top priority. He has been in the job 2 years now and they have had extensive outreach, extensive changes. I think if you were to visit widely with the Federal Air Marshal Service, as I do, as you know. I do these town halls, and there is definitely an uptick in opening and opening communication and their mission importance is unbelievable and I think that raises morale, as one of the most important tools the secretary has across the board for counterterrorism.

So the VIPERs, some of these things are addressing issues such as I don't want to be stuck in a plane my entire career. Give me some additional things where I can use my brain and keep fresh. We have done that and I think the results show it.

Ms. JACKSON LEE. Well, I want to publicly say on the record that I would like to have a meeting with a number of the front-line air marshals that are actually flying. I hope that you would give them the privilege of speaking clearly and openly. I do think that is a concern.

They are law enforcement officers and they have attention to order. We have not been able to get directly the actual impressions of many of them, and I would hope maybe to invite you and have them feel free to be able to express their concerns, which deal with ours, which deal with transfers, time off, but more importantly, all of that impacts the security of this Nation.

Would you, Mr. Ervin, comment? You were enthusiastic about the Flight Deck Officers Program, but I must raise the question that there was an unfortunate accident that occurred by a gun going off by one of the pilots, one of the major airlines. There is some suggestion that the equipment is not appropriate. Did you see any need for changes or oversight that we can do better?

I happen to believe training, the right kind of equipment, it may not be the best kind of equipment, and the training process may be fractured or may be failing, and we can't afford those kinds of accidents any time it is used. We hope it is not used, but we certainly hope it is used both in need, but also that it is used successfully, a weapon that a pilot may carry. Can you speak to the air marshals, as well as the issue dealing with the flight deck officers carrying guns?

Mr. ERVIN. Certainly, Madam Chair. Thank you for the opportunity to do that. Certainly, I deplore that accident, and there is no question but that with regard to the Federal Flight Deck Officers Program there has got to be adequate training. That is why I mentioned there is still only one training facility, as I understand it. That has got to be expanded. Training has got to be——

Ms. JACKSON LEE. So you would suggest that one of our investments should be another training facility.

Mr. ERVIN. Absolutely. In theory, the program is a great one and it can serve to supplement the air marshal program, so to segue into that——

Ms. JACKSON LEE. Should we also look at the equipment that they use? It may not be well-suited for the flight deck.

Mr. ERVIN. Absolutely. There is no question but that we need to do that. I am simply saying that in theory the program is a good one and it can amplify the air marshal workforce. With regard to air marshals, I was very careful in my testimony to say that this was a CNN report.

I hope Secretary Hawley is right that the overall coverage is more than 1 percent, but obviously we can't talk about that in any detail in open session. I just urge the subcommittee to verify what Mr. Hawley has said. I hope he is right. I expect that he is right, but to verify that by calling on either GAO or the inspector general to do a classified investigation of the matter.

We have to have 100 percent coverage of at least the highest-risk flights into and out of our largest cities and as much coverage as possible of the other flights in the country. If we need to supplement the workforce with additional current and retired law enforcement personnel, military personnel, we ought to do that.

Ms. JACKSON LEE. Would you hold to the fact that morale, work conditions, is certainly a key responsibility of this committee in terms of oversight, but, more importantly, plays very keenly into the security of our Nation in terms of how air marshals either are staffed and/or what their conditions are, what the level of their performance is at the time that they are on the job? All these elements, I think, have to be improved.

Mr. ERVIN. Absolutely. Morale is a huge issue, not just with regard to pilots and with regard to air marshals, but also with regard to transportation security officers. Morale is a security issue in the post-9/11 world.

Ms. JACKSON LEE. I have one more question and it goes to this continuing challenge that we have on the 100 percent inspection of cargo. You know the 9/11 Commission Act of 2007 wants or dictates to screen 50 percent of air cargo transported on passenger aircraft within 18 months and 100 percent within 3 years.

Here is my dilemma, and this is to Assistant Secretary Hawley, I understand that you have been aggressively moving a program to screen all major airport activities. I understand the program is relying heavily on the use of X-ray technologies.

I think you know there has been significant concern by passenger cargo carriers and their customers that the current screening process, and to some degree the use of X-ray technology has been ineffective, may cause some delays. I am committed to 100 percent screening. Our ranking member has indicated we may need to look at this and how we move it, but I am committed to technology. I am interested in what technologies TSA is considering.

What is the internal process used to test and certify such technologies, given the rapidly approaching 2010 deadline for 100 percent cargo screening? What is TSA's timeline to implement new cargo screening methods? Are you looking at the vast array of technology?

For example, I had the opportunity to visit a major passenger cargo carrier facility and I personally witnessed the loading and unloading of cargo. But, during that visit, I saw not only the carrier's current cargo screening process, I was able to see new technology on the premises that were being demonstrated by a small, minority-owned company, and you know that this committee, the large committee, is focused on these opportunities for looking for good technology, efficient and effective.

I later discovered that it was the carrier that expressed an interest in this new technology, not TSA, that the technology has either been reviewed by TSA but certainly has not been approved by TSA because of the layered and complex approval process.

Is TSA relying on carriers to source new technologies and set standards for treating cargo? If so, what direction, if any, is TSA giving the carriers? It seems TSA has placed the responsibility squarely on the carriers. What efforts are you making to move internally technology through the process, so that if it is good, if it does work, it can be implemented and be a partner with TSA to meet our goal of 2010 for 100 percent screening?

Mr. Hawley.

Mr. HAWLEY. Yes, before giving the detailed answer, I think both you and the ranking member talked about being part of the solution and cooperatively working together, and I think air cargo is a perfect example, where I remember contentious hearings on this topic in the past. We worked very hard together to arrive at a solution where now our conversations, we agree on the goal. Now it is on the oversight of how we are to implementing it, so I think that is a very positive thing.

As to the technology, last week, we put out to the airlines the list of technologies that they can go ahead and buy now and start screening with. We have worked with some of the cargo intermediaries, 60 of them, I think, and we have got about \$12 million, where we are going to help to use that as seed money to get them to—it answers the question Mr. Ervin raised in his testimony about getting the intermediaries to step up and start screening.

Ms. JACKSON LEE. We can see that X-ray is not always the best technology for this.

Mr. HAWLEY. That is correct, and we are looking at ways. The biggest problem is getting palletized freight, once it is already built up into a pallet, to do effective screening of that. If we could do that at palletized, it would open up more opportunities at the airport, whereas today what we are trying to do is get them while they are still in boxes screened before they are put into pallets and then secure it before it gets to checkpoint.

Ms. JACKSON LEE. Does that mean the idea of this new technology that I was able to visit, or to see, rather, and it might be occurring in airports or cargo areas around the Nation, is there a streamlined and expedited process that you can then expedite the review and assessment of whether these are credible new technologies and get them out there, working?

Mr. HAWLEY. Yes, this is probably the area I am most personally involved with on the air cargo program is the opening up of the accessible technologies to get at it. So it is something very, very high priority for me.

Ms. JACKSON LEE. Well, I would like to direct these individuals that are scattered across the Nation to a system that really works. I would ask for, again, in writing for the committee, what the process is for streamlining assessment of technologies, what is the array of technologies that you are using beyond X-ray and, I guess, your assessment of the ability to reach our goal by 2010.

I think asking the question on December 31, 2009, is not going to be helpful to whether or not we get 100 percent screening. It is in the law now and it is certainly something that we should try to establish. So I would ask for a full, if you will, reporting on that and that assessment.

Let me indicate that the ranking member have additional questions, and at this time I will yield to him.

Mr. LUNGREN. Thank you very much. First of all, just a comment on the episode with the one flight deck officer. That is one out of many.

Now, we have been briefed on how many there are and how many flights and so forth, but we can't say that in public. All I can say is that was one out of very many, and that is not a bad record.

Mr. HAWLEY. I can say for that holster, which has been in use for a little under 2 years, there have been over a million flights with that holster without a problem. I think the problem is not the holster.

Mr. LUNGREN. That is not bad, one out of a million. That is kind of the record we set around here in Congress. We make one mistake out of a million. We kind of like that.

Then, for the Federal air marshals, let us be honest, that is a tough job from the standpoint of morale. You are flying on airplanes and there is no trouble, you go on another airplane, there is no trouble. You go on another airplane, there is no trouble.

I mean, any of us who have any family members who have ever been in law enforcement know about law enforcement. I mean, you can go through boring times and then you have some exciting times. Then you go through some boring times. Thank God, in most cases, our Federal air marshals get no exciting times.

So, I know, Mr. Hawley, you have tried to do some other things which allowed them, perhaps, to take on some other responsibilities.

ities on a rotating basis, and I know you have gotten some criticism for that, as well. But I understand that is an immediate challenge.

Let me ask you a question that was brought up by the written testimony of Mr. Ervin, and he was talking about the behavior detection program and concern that there is adequate training such that we don't have a problem of either racial profiling or ethnic profiling. The reason why I think it would be good for you to make some observations on that is just this weekend I was with some people who have nothing to do with law enforcement, nothing to do with TSA, not in politics and they were talking about that one incident, which they thought was very positive. But they say, how do you make sure there isn't that kind of profiling? I tried to explain it to them, but maybe you could, for the record.

Mr. HAWLEY. I think it is a very legitimate question, because it is one of the best pieces of security we have, and we need to make sure that it withstands all of the tests so that we can keep using it. We have a very disciplined program at TSA for how we do it and measure it and track it.

However, I have asked for a full civil rights, civil liberties review of the program, independent review, to lay out, so that people will have some confidence in this question, so that it is not just me answering the question that we have disciplines in it, that we will have an outside look. I think it is very important that the credibility of the program be strong, because it is so much more effective than trying to find little scraps of metal on an X-ray image 2 million times a day.

So having that behavior-detection layer is a critical piece of the total security package.

Mr. LUNGREN. Is it not true that the Israelis have used that for years as an effective means of their screening program, particularly at the airports?

Mr. HAWLEY. Yes, and ours is different in some respects from theirs, and certainly law enforcement has used it over many, many years in different forms. Our approach is that we have it constrained very tightly and disciplined, so that we are able to explain why this spot intervention was made and why that one wasn't, so that it is clear it is not based on race or any other thing.

Mr. LUNGREN. Now, I presume that you are—well, I hope you are constantly updating it such that you are taking information from the intelligence community and other episodes around the world that would give you up-to-date information on kinds of things people would be attempting to do, and therefore behavioral responses to those duties, terrorist duties, that they might be embarking on.

Mr. HAWLEY. We are indeed. There are two parts of it. One is this training I mentioned in my opening statement, that we are doing 12 hours' worth of training for everybody, and a large part of that are things that we have learned on the behavioral side and then how terrorists approach and try to do distractions, et cetera.

The other is locking in the document checker with the behavior detection, so that that is a way, because you are going to be able to talk to the individual at the document checker. So the behavior person will identify somebody they want a little extra attention to and then the document checker can check the documents and have a conversation, so locking all that together.

Mr. LUNGREN. Well, that is why they took so much time with me at Dulles Airport just 2 weeks ago.

Let me just ask all four of you, very quickly, are we doing a good enough job—and I will start with Mr. Verdery and move in reverse order. Are we doing a good enough job in leveraging the private sector in this? In other words, are we doing a good enough job of making sure that the private sector is part and parcel of our effort?

We spend a lot of money on budget and everything else. Of course, I keep thinking of registered travelers being one possibility where the private sector works to complement what the public sector is doing. I am not talking about the bells and whistles, but I am talking about some additional information and so forth that they might have. If we are not, do you have any suggestions about how we could do a better job of leveraging the private sector's participation in this overall effort?

Mr. Verdery.

Mr. VERDERY. Well, on the equipment procurement side, as Mr. Hawley mentioned, it is a problem that the budgetary ways of Congress of allocating money year to year doesn't match up with kind of the buying equipment that is very expensive and takes many years to recoup that investment, so that is a problem on how things are purchased, especially in an era when TSA's budget is essentially flat.

Over the last couple of years, more and more money, more and more DHS money is being sucked up by CBP and ICE on immigration enforcement. I won't argue about the relative merits of it, but it is a fact.

I do think, with working on the private sector, we are going to see two big things come together as what we are going to do with Registered Traveler, and I spoke to that in my statement. I am supportive of it and would like to see it expand. Then what we are going to do on the exit program for US-VISIT, which we understand the rule that is going to be promulgated imminently. The question is are you going to ask the airlines to do this? Are you going to allow Registered Traveler providers to take care of this, or is TSA going to take responsibility?

We know what the administration wants to do is to have the airlines do it, but they are an unwilling recipient of the football here, and so it is going to be a rulemaking, we will have to fight it out. But those two issues are going to come together at the checkpoint, where you have private sector equities in play and it is going to require some tough decisions as to who has the responsibility and who can do things the most efficiently.

Ms. JACKSON LEE. I just want to remind the witnesses, we are going to have votes in 5 minutes, and if your answers could be concise, thank you.

Mr. ERVIN. I will be very brief. Mr. Lungren, it is really difficult to give a short answer to that question. It is a very big question. I would agree with what Mr. Verdery said about Registered Traveler. I am a supporter of that program. It is a very good example of a partnership between TSA and the private sector.

As he said, I think that the contracting procedures are too cumbersome, in that they ought to be streamlined so that smaller businesses in particular can bring to the fore technologies that they

have developed. On the flip side of it, though, I would stress that I don't think we should outsource security to the private sector, and so that is why, as I highlighted in my testimony, I have been concerned about this notion that airlines should be allowed to police themselves with regard to this 100 percent cargo requirement. I think that is going in the wrong direction.

The whole point of creating TSA after 9/11 was the recognition that, left to their own devices, airlines won't police themselves.

Ms. BERRICK. I think partnerships have significantly improved since GAO started looking at aviation security 5 years ago, both in aviation and surface modes of transportation. Some quick examples on aviation: I think TSA is putting a lot more focus on coordinating with international partners in other countries. I think that is a great success story.

Also, passenger pre-screen, matching passenger information against terrorist watch lists, TSA is doing a much better job coordinating with air carriers. On the surface modes of transportation, TSA has really reached out this past year-and-a-half to work with stakeholders on surface modes of transportation and work collaboratively with them, which wasn't always the case prior to that.

One area to focus on, I think, related to partnerships is in surface modes of transportation. I mentioned in my opening statement that the 9/11 Act has a lot of requirements for TSA to implement and also the transportation operators to implement for security.

TSA has about 100 inspectors to do a lot of work. We have heard from TSA and also from transportation operators that they are concerned these inspectors are really going to be taxed. It is going to be hard for them to implement all of these requirements to check security programs, to check training programs. So I think that is one area of focus that TSA should focus on moving forward.

Mr. HAWLEY. In 280 days, I shall be returning to the private sector, going back to California. I know from my previous experience in the private sector, I would not even consider doing business with the government, because it was just too complicated, too slow, too many requirements. I think that is a problem that the business community, the private sector outside of the Beltway, be brought into the game a little bit more in terms of thinking about the marketplace for the public through the government. I think that is a very important thing we need to do.

I would disagree with Mr. Ervin's comment in terms of I think we have to work with our private sector partners. They are part and parcel of security, and you don't want TSA officers everywhere, but we need to have every airline employee, every airport employee, mass transit—all private sector, public sector, and even passengers, actively engaged in the security process.

Whether or not it is natural, it has to be a part of the security package of this country.

Ms. JACKSON LEE. Let me thank all the witnesses.

Ranking Member, I was going to interrupt Secretary Hawley and rule him out of order when he said that he would be departing in 280 days. But we thank the witnesses. In conclusion, let me just simply say, Mr. Hawley, I hope you will go back. We appreciate the private sector involvement, but it is my view that the cargo process

needs technology approved by TSA and utilized by TSA and to have the oversight that Mr. Ervin has spoken about.

I also want to take note that I believe that we have made great strides with the U.S. Federal air marshals, but there is more work to be done. We appreciate an accident and one shot, but we would like to think that we would want to ensure that those kinds of accidents are diminished, because any suggestion that we must not be worried leaves us vulnerable to what could happen in flight.

So I would ask for your response to the committee's questions on the oversight of this Flight Deck Officer Training Program and the U.S. marshals program and, as well, I think one of the issues Ms. Berrick has mentioned that is very important, the perimeters of the airport and the IDing of the employees coming on, working with the employees and unions.

Let me also say that this committee will have a field hearing on the issue of mass transportation and so we are concerned about those issues. We thank the ranking member and the members who are here.

I thank the witnesses for their valuable testimony and the members for their questions. The members of the subcommittee have additional questions for the witnesses.

We will ask you to respond expeditiously in writing to those questions.

Hearing no further business, thanking the ranking member and the committee members, the subcommittee stands now adjourned.

[Whereupon, at 3:45 p.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS FROM CHAIRWOMAN SHEILA JACKSON LEE FOR KIP HAWLEY, ASSISTANT SECRETARY, TRANSPORTATION SECURITY ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY

GAO'S HIGH RISK LIST

Question 1. Please provide a written response to TSA's resolutions and status on the steps being taken to remove the TSA from high-risk areas, as outlined in the GAO report. In your response, please include a thorough assessment on how the recommendations sighted in this report will be incorporated into a plan of action toward "building long-term, sustainable processes" as the Assistant Secretary had described.

Answer. Although the Transportation Security Administration (TSA) does not have any individual items on the Government Accountability Office's (GAO) high-risk list, TSA is participating in the Department of Homeland Security's (DHS) efforts to address Department-wide high-risk items. TSA is an active participant in the newly formed DHS Performance Improvement Council which will provide input into the DHS *Transformation and Integration Corrective Action Plan* through the DHS/GAO Performance Improvement Initiative.

Component contributions to this Initiative are still in the initial stages and each component will meet with GAO to receive feedback on current Government Performance Results Act performance measures and milestones. Steps will be formulated to address performance improvement processes and measures. TSA is scheduled to have its initial meeting with GAO in mid-June and as a follow-up will develop or revise processes and specific measures based on GAO recommendations.

TSA is committed to adhering to DHS/GAO guidance on submitting timely reports on progress under this Initiative to building long-term sustainable processes for the future.

CHECKPOINT TECHNOLOGIES

Question 2. Given the significant investments DHS and TSA have made in research, development, and deployment in new screening technologies to detect explosives and other threat items on passengers and their carry-on items, how effectively are the new technologies working in the airports? To what extent has the government's ability to detect liquid explosives and other types of explosives at the checkpoint been improved by deployment of the explosives trace portal and the hand-held bottled liquid screeners?

Answer. The Explosives Trace Portal (ETP), while improving the Transportation Security Administration's (TSA) capability to detect certain explosive substances that may be carried by passengers, has not been entirely successful in detecting the full range of explosive threats of interest to TSA. TSA has worked closely with the ETP vendors in order to improve detection sensitivity and product reliability; however, TSA is not sufficiently satisfied with the results to commence widespread deployment. In addition to the ETP, TSA has begun operational testing of Whole Body Imagers (WBI) to detect a broad range of explosives and other threat items on passengers. Utilizing backscatter X-ray and millimeter wave technologies, the WBI pilots show significant promise in detecting explosives and other non-metallic threat items that may be concealed on passengers, while the enhanced Walk Through Metal Detectors (WTMD) continue to provide weapons detection of knives, guns, and other metal threats, as well as improvised explosives device (IED) components (i.e. detonators & wiring) that would be used in conjunction with the explosives to create an IED. To detect liquid threats, prior to the deployment of hand-held Bottle Liquid Scanners (BLS), TSA relied on screeners utilizing X-ray images on the TRX systems to identify inconsistencies, such as detonators and wiring protruding from bottles that were present in passenger carry-on baggage. The BLS systems that have been

deployed enable screeners to screen “3–1–1” permitted liquid items and larger exemptible liquids (i.e. medications and baby formula) to detect the presence of one of the most readily available, liquid explosives threats, even at very low levels of concentration. In addition, TSA is currently beginning the replacement of aging TRX X-ray units with a new generation of Advanced Technology (AT) X-rays. The ATs have demonstrated a marked improvement in the detection of liquid explosives and other threat items contained in carry-on items.

BEHAVIORAL DETECTION OFFICER

Question 3. How expansive the Behavioral Assessment Program? What kind of funding resources have you invested in it? How many of your overall employees have had the opportunity to participate in the training? Additionally, what is the standard operating procedure for a Behavior Detection Officer, once he or she identifies a suspect at an airport? What paperwork is filed by the officer, who maintains those records, and what office at TSA is tasked with managing the records and identifying systemic problems that may surface?

Answer. The Transportation Security Administration (TSA) operates the Screening of Passengers by Observation Techniques (SPOT) Program at all CAT X and CAT I airports and a large number of CAT II airports nationwide. The specific number of airports using this program and the number of Behavior Detection Officers (BDO) deployed nationwide, however, is Sensitive Security Information (SSI) and would need to be provided in a secure setting.

The BDO Standard Operating Procedure document is also SSI in its entirety, but generally speaking, the program includes the identification of specific types of behavior that trigger specific responses. Once someone manifests a cluster of these identified types of behavior, he or she may be referred to secondary screening or a law enforcement officer.

The SPOT Program was officially launched in fiscal year 2007. Funding for fiscal year 2007 for Non-Personnel Costs & Benefits (non-PC&B) was \$1.5 million, and the program was funded \$41.5 million for PC&B. For fiscal year 2008, non-PC&B costs to date are \$1.2 million and end of year estimates are \$3.2 million. For PC&B these costs are \$30.2 million and \$80.1 million, respectively.

BDO positions have been competitively offered at many airports across the country. All TSA employees who qualify at those airports have had the opportunity to apply for these positions, and those selected for the program receive the requisite training. We are still building this program and the number of employees trained in it changes weekly. The end-of-year goal is to have well over 2,000 employees trained, though the actual number is SSI and would have to be provided in a secure setting.

In addition to the specific behavior detection training that the BDOs receive under the SPOT Program, all Transportation Security Officers (TSO) receive general behavioral awareness training through the TSA On-line Learning Center program as do many Transportation Security Inspectors (TSI). This general behavior awareness training, though not directly associated with the SPOT Program, is intended to enhance the overall capability of the workforce in this area of security.

In reference to SPOT referrals, once a BDO identifies an individual manifesting suspicious behavior, he or she institutes what is known as “SPOT referral screening.” This referral screening is non-invasive and includes a bag search and engaging the passenger in casual conversation in order to identify the origin of the passenger’s suspicious behavior. As a result of this process, there are two types of reporting that can occur: (1) The completion of a *SPOT Score Sheet* and (2) completion of an *Incident Report* (produced only in the event that Law Enforcement Officer assistance is requested).

The *SPOT Score Sheet* is a document that the BDO completes following each incident of SPOT referral screening. The BDO uses this document to record and outline the specific behavior he or she identified that led to the referral as well as the action taken as a result of the subsequent referral screening (if any action was deemed necessary, which does not occur in every case). No personally identifiable information is included on the SPOT Score Sheet. This includes name, physical characteristics, and ethnicity. A section on the SPOT Score Sheet is checked off only if the passenger is assessed an initial point if they qualify based on intel-driven specific age and gender information. The only other passenger information included on the Score Sheet is the flight data and the person’s immigration status, if applicable (illegal alien or self-deporting.) The Score Sheet also includes a section for the BDO’s professional analysis and comments on the event, and a section for the resulting action taken (if any). This score sheet is completed by the BDO at the end of the shift and is not done in the presence of the passenger.

Information from the completed *SPOT Score Sheets* is entered into a national database on a daily—but not less than weekly—basis, and the paper copy is filed in a locked cabinet at the respective airport. The SPOT Program Office at TSA Headquarters has full oversight of this database. The airports also have the ability to monitor the score sheets at their airports to maintain full visibility of their program. The *Incident Reports* are provided to the appropriate chain of command at each airport for appropriate processing/follow-up activity.

The SPOT Program is responsible for the overall management of the SPOT database electronic records and for establishing an appropriate record retention process. The record retention process includes the establishment of a record disposition schedule for approval by the National Archives and Records Administration to develop a formal policy and procedures for SPOT paperwork. This process is currently in the coordination and approval phase. The only physical paperwork produced is appropriately maintained at the airport level.

While BDO Transportation Security Managers at each airport are tasked with reviewing the referrals made at their airport for trends, the SPOT Program Office also provides oversight on a national level through its weekly review and analysis of the electronic data captured in the national database, utilization of a standardization team, and relationship management with the airports' SPOT points of contact. The airport SPOT POC is the individual responsible for having local oversight of the SPOT program at his or her respective airport. This role may be filled by the Assistant Federal Security Director or another TSA management representative at the airport.

SECURE FLIGHT—WATCH LISTS

Question 4a. What critical activities are included in the \$82 million request for fiscal year 2009 funding for Secure Flight?

Answer.

FISCAL YEAR 2009 SECURE FLIGHT

Critical Spend Activities	Proposed Amount (in Millions)
Personnel Compensation & Benefits (PC&B) for Program Full Time Equivalents (FTEs) and Facilities Costs	\$16
Business Operations, Program Management Office (PMO), Privacy and Implementation Support	12
Iterative Secure Flight System Development and post-production application support	15
Operations and Maintenance of the Secure Flight System and associated hardware/software	12
Secure Flight Resolution Service Center Operations	12
New IT hardware purchases and technology refresh	4
Airline Employee Vetting activities	5
DHS Router Costs	6
TOTAL	82

Question 4b. When will the system be fully operational for domestic watch list matching? For international watch list matching functions? Do you believe your schedule is realistic, given the program's past history?

Answer. The Transportation Security Administration anticipates that it will assume full watch list matching for all domestic aircraft operators by July 2009 and for all international aircraft operators in early 2010, pending congressional approval of recommended funding levels and the publication of a final rule.

TSA believes this schedule is realistic. As TSA works aggressively to implement the program, Secure Flight remains on track for acceleration. In December 2007, the Department of Homeland Security (DHS) delivered a Report to Congress on Secure Flight's implementation plan, outlining a schedule for achieving key program milestones. Table 1 below highlights the program schedule.

Key Milestones	Estimated Completion
Program planning complete after: • Governance infrastructure implemented, in accordance with industry and government best practices; • Integrated Master Schedule defined; • Life-Cycle Cost Estimates completed; and • Privacy and security woven into the program.	Q1 FY07 Completed
Benchmark Testing begins after: • Interim Authority to Operate (IATO) has been granted; • Secure Flight Exemption Rule is effective.	Q1 FY08 Completed
System complete after (release 2): • Design phase complete; • Development phase complete; and • System testing complete.	Q2 FY08
Parallel testing begins after: • Implementation support provided to aircraft operators; • Network interface engineering complete; and • Operational testing with first groups of domestic aircraft operators conducted.	Q3 FY08
Service Center staffing, training, and operational testing begins.	Q3 FY08
DHS Certification complete	Q4 FY08
Parallel testing complete; Secure Flight will begin full watch list matching responsibility for domestic flights after: • Operational testing with subsequent groups of domestic aircraft operators conducted.	Q2 FY09
Parallel testing with first group of aircraft operators complete. Domestic cutovers begin and Secure Flight assumes full watch list matching responsibility for initial group of domestic aircraft operators.	Q2 FY09

Secure Flight is moving quickly toward full implementation. The program is executing a comprehensive test approach, and TSA plans to begin parallel testing with the first groups of domestic aircraft operators in 2008, and to take over full responsibility for watch list matching for both domestic and international aircraft operators in fiscal year 2010, pending funding and the publication of the final rule.

Secretary Chertoff has been clear that acceleration of the Secure Flight program remains a priority and TSA remains committed to meeting this key recommendation of the 9/11 Commission Report and requirement of the Intelligence Reform and Terrorism Prevention Act of 2004.

Question 4c. What are TSA's key challenges in meeting Secure Flight scheduled completion dates?

Answer. If Secure Flight does not receive approval for transfer of \$24 million in fiscal year 2008 and the President's request of \$82 million in fiscal year 2009, the program will have to delay key work scheduled for the current fiscal year and will not be able to continue on an accelerated implementation timeline to assume full watch list matching for all domestic aircraft operators by July 2009 and for all foreign aircraft operators by early 2010. Further, the timely publication and effective date of the Final Rule will ensure that TSA is able to assume full watch list matching for all domestic aircraft operators by July 2009 and by early 2010 for all foreign aircraft operators.

Question 4d. What is the status of the Secure Flight rulemaking?

Answer. The Secure Flight Final Rule is still in the deliberative process and should be promulgated in a timely manner.

100% CARGO SCREENING

Question 5a. In October 2005, GAO reported that TSA had taken a number of actions intended to strengthen domestic air cargo security, but factors existed that may have limited their effectiveness. In April 2007, GAO reported that DHS (TSA and CBP) have taken a number of actions to secure air cargo entering the United States, but many of these efforts are still in the early stages and could be strengthened. Since GAO's reports were released, Congress enacted 9/11 Act, which mandates 100 percent screening of air cargo transported on passenger aircraft. Specifically, this act calls for a system to be developed and implemented to provide a level of security commensurate with the level of security for the screening of passenger

checked baggage to screen 100 percent of air cargo on passenger aircraft within 3 years of the date of enactment.

What is the status of TSA's efforts to meet the requirement set forth in the Implementing the Recommendations of the 9/11 Commission Act of 2007 to screen 50 percent of air cargo transported on passenger aircraft within 18 months of the enactment of the act and 100 percent of air cargo within 3 years of its enactment?

Answer. The Transportation Security Administration (TSA) is in the process of developing and implementing the Certified Cargo Screening Program (CCSP), a regulatory program that will enable industry to meet the screening requirements contained in the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act).

At this time, air carriers perform the screening of all cargo to be transported on passenger aircraft. However, due to the large volume of such cargo (approximately 6,000 tons per day), air carriers alone will not be able to screen cargo in the volume required to meet the 50 percent and 100 percent requirements of the 9/11 Act.

The CCSP is intended to enable the entire industry (original manufacturers, shippers, and indirect air carriers) to perform screening in order for cargo to arrive at the air carrier fully screened and ready to load onto aircraft. CCSP participants will use either physical search or non-intrusive screening methods such as X-ray and explosive trace detection systems to screen cargo destined for passenger aircraft.

To date, the TSA Air Cargo Division has briefed over 1,000 corporate representatives on the CCSP, and the response from industry has been positive. Additionally, TSA is currently coordinating an aggressive screening technology pilot program in support of the Certified Cargo Screening Program at almost 60 Indirect Air Carrier locations owned by 14 different companies. These locations are high-volume cargo processing centers which build consolidated loads for air carriers. None of the individual sites are operational to date, but TSA anticipates that most will be operational prior to fall 2008.

TSA is also operating a similar pilot with approximately 80 shipper locations in nine cities. However, these are all in preliminary development but TSA plans to have the majority of these locations validated, certified, and operational in fall 2008.

Question 5b. What is the status of TSA's report to Congress assessing each exemption granted under 49 U.S.C. 44901(i)(1) for the screening of cargo transported on passenger aircraft, required by the Implementing Recommendations of the 9/11 Commission Act of 2007?

Answer. In response to Section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007, on February 25, 2008, the Department of Homeland Security delivered a document entitled *Report to Congress on Air Cargo Subject to Alternate Screening* to the Chairmen and Ranking Members of the House Committee on Homeland Security, the Senate Committee on Commerce, Science, and Transportation, and the Senate Committee on Homeland Security and Governmental Affairs, as well as the Government Accountability Office.

Question 5c. What progress has TSA made in implementing its targeting system for elevated risk domestic air cargo transported on passenger aircraft, referred to as Freight Assessment?

Answer. The Freight Assessment System has completed its pre-system pilot test and has received authority to operate from the Transportation Security Administration Information Technology office. The system will be deployed to industry in conjunction with the Certified Cargo Screening Program.

Question 5d. What progress has TSA made in coordinating with the U.S. Customs and Border Protection (CBP) to enhance the security of air cargo transported into the United States?

Answer. The Transportation Security Administration (TSA) is currently collaborating with the U.S. Customs and Border Protection (CBP) on a key component of its risk-based approach for securing inbound air cargo. As part of this approach, TSA has engaged CBP to leverage its Automated Targeting System (ATS) and in a joint CBP/TSA international inbound air cargo targeting pilot. The pilot will evaluate the use of existing ATS trade data and its automated risk assessment program to identify elevated-risk air cargo.

CBP has given TSA an initial briefing on the capabilities of ATS, and TSA has likewise briefed CBP on its authority and policy vehicles in the international environment. In addition, TSA has provided to CBP its risk assessment of inbound cargo on passenger planes. Included in this assessment is an analysis of threats, vulnerabilities, and consequences. Going forward, the agencies will collaborate on how to implement changes that address these potential risks via ATS.

As such changes are successfully tested, the goal for both TSA and CBP will be to jointly consider how such integrated risk-assessment efforts could be accom-

plished prior to departure of an aircraft from an international last point of departure.

Question 5e. What is the status of TSA's efforts to develop and implement technology to inspect air cargo?

Answer. The Transportation Security Administration's (TSA) Office of Security Technology is supporting air cargo security goals and objectives by testing, evaluating, and qualifying technology to detect explosives and stowaways as well as ensure the integrity of the air cargo supply chain. TSA plans to both optimize currently available technologies and provide cargo specific screening procedures coupled with protocols to support these technologies in the operational environment.

The Department of Homeland Security's Office of Science and Technology (S&T) Directorate is about to conclude the congressionally directed Air Cargo Explosives Detection Pilot Program and provide the report on the results of that effort later this year. TSA will be conducting an operational test at some airports, domestic and international, to develop requirements, specifications, and testing protocols to qualify carbon dioxide (CO₂) monitors. The CO₂ monitor is expected to be qualified in fiscal year 2009. Heartbeat Monitors are susceptible to environmental factors at the airports that will be addressed in future research efforts before they are qualified by TSA for use by the cargo freighters. TSA has deployed certified checked baggage screening technologies into actual air cargo screening operations, at about twelve different sites, to determine all the integration, training, and operational issues. TSA has also initiated pilot tests to study ways to integrate counter-to-counter air cargo into the existing airport checked baggage screening infrastructure using Explosives Detection System (EDS) and Explosive Trace Detection (ETD) screening equipment.

The technologies showing promise in the near-term are existing or slightly modified explosives detection screening technologies such as EDS, Cargo Optimized EDS, ETD, and dual energy, multi-view Advanced Technology X-ray (AT-X-ray) technologies, and some CO₂ monitors for detecting stowaways.

TSA will have screening technologies qualified to core air cargo screening requirements by January–March 2009. To get on the qualified products list (QPL) means: (a) That the technology has successfully completed commodity based integration test and evaluation (IT&E) qualification testing; (b) that the technology has successfully completed the subsequent operational test to ensure the product is operationally suitable and effective in an operational environment; (c) that the air cargo screening procedures and alarm resolution protocols for the technology have been developed and incorporated into Standing Operating Procedures for Transportation Security Officers and incorporated into TSA Security Directives and Aircraft Operators and Indirect Air Carrier Standard Security Programs; and (d) that the screener training curriculum and course materials have been developed and validated.

Candidate Air Cargo Screening Technologies for Use by Indirect Air Carriers in Screening Break Bulk Cargo

Explosives Detection Systems (EDS)

- GE CTX 2500
- GE CTX 5500
- GE CTX 9000/9400
- L3 6000/6600
- Reveal CT-80/80DR

Explosives Trace Detectors (ETD)

- GE Itemiser 2
- Smiths Ionscan 400B
- Smiths Ionscan 500DT
- Smiths Sabre 4000 (Particle Mode Only)

Advanced Technology (AT) X-ray

- AT X-ray/Small
- L3 ACX 6.4
- Rapiscan 620DV
- Smiths 6040 aTiX

Advanced Technology (AT) X-ray/Medium

- L3 MVT HR
- L3 VIS HR
- Rapiscan MVXR5000
- Smiths 10080 EDtS
- Smiths 10080 EDtS + +

1. The Transportation Security Administration (TSA) is in the process of evaluating and testing the technologies on this list for screening air cargo. Future testing may result in modifications to this list.

2. ETDs must be present for use in either alarm resolution (EDS) or for use IN CONJUNCTION with AT X-Ray (directed search).
3. ETDs can be used as primary detection technology.
4. Protocols for use in screening air cargo with these technologies are being finalized and will be provided later.
5. Not all technologies are appropriate for all commodities.
6. The TSA would encourage Indirect Air Carriers to propose screening processes and procedures based on their unique operational needs.

Candidate Air Cargo Screening Technologies for Use by Air Carriers in Screening Break Bulk Cargo

Explosive Detection System (EDS)

- GE CTX 2500
- GE CTX 5500
- GE CTX 9000/9400
- L3 6000/6600
- Reveal CT-80/80DR

Explosive Trace Detectors (ETD)

- GE Itemiser 2
- Smiths Ionscan 400B
- Smiths Ionscan 500DT
- Smiths Sabre 4000 (Particle Mode Only)

Advanced Technology (AT) X-ray

- AT X-ray/Small
- L3 ACX 6.4
- Rapiscan 620DV
- Smiths 6040 aTiX

Advanced Technology (AT) X-ray/Medium

- L3 MVT HR
- L3 VIS HR
- Rapiscan MVXR5000
- Smiths 10080 EDtS
- Smiths 10080 EDtS + +

1. The Transportation Security Administration (TSA) is in the process of evaluating and testing the technologies on this list for screening air cargo. Future testing may result in modifications to this list.
2. ETDs must be present for use in either alarm resolution (EDS) or for use IN CONJUNCTION with AT X-Ray (directed search).
3. ETDs can be used as primary detection technology.
4. Protocols for use in screening air cargo with these technologies are being finalized and will be provided later.
5. Not all technologies are appropriate for all commodities.

TRANSITION

Question 6. Please provide a written response as to how TSA is preparing a transition blueprint in the upcoming months. Do you have a Senior Leadership Team in place to assist with this transition blueprint? If so, who is a member of the Senior Leadership Team? In your response, please carefully and with as much detail as possible include TSA's plan of action to provide incoming leadership team with identified best practices and lessons learned; standard communication forums/mechanism through which incoming leadership can discuss ongoing policy transition issues throughout their first year in office; and reports outlining lessons learned within critical components at TSA and program success and failures within specific offices, as well as objective recommendations on how the incoming leadership should move forward.

Answer. The Transportation Security Administration (TSA) is closely working under the umbrella of the Department of Homeland Security (DHS) and the Office of the Under Secretary for Management (USM) to ensure a smooth transition process. The Under Secretary for Management Paul Schneider and Deputy Under Secretary for Management Elaine Duke provide the overall leadership for the Department's, and TSA's, transition efforts. In June, RADM John Acton of the United States Coast Guard (USCG) will be detailed to USM to serve as DHS Transition Director where he will lead the USM core team that is currently in place. TSA has designated a senior career executive as its Senior Transition Officer to support the Department's transition team. He is assisted by a career Deputy Transition Officer and each office within TSA has a designated Point of Contact to ensure that complete and timely information is provided to incoming appointees of the new administration.

TSA also has a longstanding Senior Leadership Team (SLT) comprised of the Deputy Administrator, all Assistant Deputy Administrators, and other office heads. The SLT was created in 2005 and is a forum for the career leadership of the agency to make key policy decisions and recommendations to the Assistant Secretary. The SLT meets weekly. We anticipate that the SLT will continue its critical role during the transition. TSA's SLT will be able to provide the new political leadership of the next administration with professional advice on the programs they administer.

TSA is well placed to respond to the demands to ensure that its core functions of providing security throughout the transportation networks continues during and beyond the transition period. TSA's Deputy Administrator is a career civil servant as are all of the Assistant Administrators with the exception of Legislative Affairs and Strategic Communications and Public Affairs, and in each instance we have career professionals to lead those offices during the transition. Furthermore, TSA has been diligently working on succession planning to make certain that as some of our senior leaders either retire or move to other positions, there is a deep bench in place to continue the agency's mission. In fact for the past 2 years a major focus of the SLT has been on leadership and management development programs for the next generation of TSA leaders to head a rapidly maturing agency that is still less than 7 years old.

GRANT FUNDING

Question 7a. Please describe the procedures and differences that are used in determining grant funding decisions for Tier 1 and Tier 2 transit agencies.

Answer. Projects that have the highest efficacy in reducing our Nation's transit risk are funded with transit security grants. All projects for fiscal year 2008 were scored using a formula as described in the grant guidance. The formula is a function of risk, project effectiveness, quality, and regional collaboration. All transit agencies had the opportunity to be provided their agency specific risk score. The project effectiveness values were laid out clearly in the grant guidance and were based on the type of project proposed in the application. The methodology and the formula were explained in detail during the stakeholder conferences. Transit agencies also had opportunities to ask questions either via email or during the weekly conference calls.

There were differences in the procedures for how Tier 1 and Tier 2 were scored for "quality" and "regional collaboration." For Tier 2, the quality and regional collaboration factors were scored by the National Review Panel composed of subject matter experts. Since the process for Tier 2 is competitive, applications were evaluated solely on the information submitted with the application. For Tier 1, the projects are awarded the maximum quality score since they are arrived at through a collaborative process at the Regional Transit Security Working Groups, working with the Transportation Security Administration (TSA) to ensure high quality projects.

Tier 1 and Tier 2 scores were then ranked separately. The recommended funding for Tier 2 was under the target allocation, so all projects recommended for funding were funded. For Tier 1, a minimum score threshold was determined based on the national slate of projects submitted, and funded projects generally exceeded that score. In Tier 1, due to excess funds in Tier 2 and the Freight Rail Security Grant Program, several regions received more than their target allocation announced on February 1, 2008, with the release of the grant guidance. These funds were allocated to regional projects that were "next in line" and able to be fully funded on the project lists submitted by regions.

Question 7b. What are some of the barriers that TSA is experiencing to releasing grant funding in a timely manner?

Answer. The Federal Emergency Management Agency (FEMA) is responsible for administering the transportation security grants for intercity bus, AMTRAK, freight rail, transit, and trucking. The Transportation Security Administration (TSA) has the programmatic lead for these grant programs. TSA is responsible for coordinating and leading the development of recommended funding for all submitted investments. TSA does not release grant funding for any of the transportation security grant programs. FEMA is responsible for releasing grant funds based on those recommended funding levels. There are several factors that in the past have caused delays in the release of funding from FEMA including lack of detailed budget submissions by agencies, and environmental historical preservation reviews. In an effort to mitigate such delays this year, TSA engaged in extensive outreach activities that included nationwide workshops, weekly teleconferences with both Tier I and II security partners, and regular, recurring meetings with Tier I groups in such cities as Philadelphia, San Francisco, New York, and Los Angeles. As TSA's partner and a full participant in all outreach activities, FEMA provided prospective grantees

with detailed information regarding requirements for budget submissions and environmental historical preservation reviews.

Question 7c. Please discuss how TSA determines the grant funding priorities for the transit security grant program and discuss whether these priorities are risk-based.

Answer. The Transportation Security Administration (TSA) developed six risk-based Transit Security Fundamentals (TSFs) for implementation by transit agencies as a means of enhancing the security posture of individual agencies and establishing a security baseline throughout the transit mode. The TSFs consist of protection of high-risk/high consequence underwater and underground rail assets; protection of other high-risk/high consequence assets and systems that have been identified through system-wide risk assessments; use of visible, unpredictable deterrence; targeted counter-terrorism training for key front-line staff; emergency preparedness drills and exercises; and public awareness and preparedness campaigns. Each of these fundamentals supports the achievement of the National Preparedness Goal, as well as other national and regional strategies to mitigate risk. The TSFs, developed in coordination with transit security partners, have been the basis of project priorities under the Transit Security Grant Program. TSA security assessments focus particular attention on posture in the TSFs and the overall assessment results advance the development of risk mitigation priorities, security enhancement programs, and resource allocations.

In partnership with the Federal Transit Administration (FTA) and the mass transit and passenger rail community, TSA developed and implemented the Baseline Assessment for Security Enhancement (BASE) program. The BASE program aims to expand TSA's awareness and understanding of the current security posture in the passenger rail and mass transit mode, enable more effective targeting of security programs and technical assistance to elevate security, and facilitate sharing of best security practices. TSA's Transportation Security Inspectors (TSIs) complete these comprehensive assessments by thoroughly reviewing and rating mass transit and passenger rail agencies in 17 Security and Emergency Management Action Items. Updated in 2006 in a collaborative effort by TSA and FTA in coordination with representatives of the mass transit and passenger rail community, the Action Items encompass security and emergency management plans, security program accountability, terrorism prevention and response training and exercises, public awareness campaigns, physical security, personnel security, information security, procedures to elevate security measures as the threat level increases, internal security audits, and operational security measures. As of May 15, 2008, TSA had completed 64 BASE assessments of mass transit and passenger rail agencies. The detailed reports TSIs produce of results of BASE assessments provide the data for analysis of areas and trends requiring improvement, both in individual mass transit and passenger rail agencies and nationally based on a consolidation of results.

As one example, well-trained employees are a force multiplier for security efforts implemented by mass transit and passenger rail agencies. When the BASE results demonstrated the need for significant improvement in continuing security training of employees, TSA developed and published the Mass Transit Security Training Program in February 2007. Produced in coordination with the Department of Homeland Security's Federal Emergency Management Agency (DHS/FEMA), FTA, the Sector Coordinating Council, and the Transit Security and Policing Peer Advisory Group, this program provides detailed guidelines on implementing an effective security training program, citing the subject areas in which particular categories of employees should receive training. Identified course options include programs funded by FTA/TSA (transit specific terrorism prevention and response) and FEMA (general terrorism prevention and response). Supported by the Transit Security Grant Program, this initiative expanded significantly the volume and quality of training for transit employees.

TSO WORKFORCE STAFFING

Question 8a. A few weeks ago TSA announced changes to the pay for performance system, known as PASS, for your transportation security officer (TSO) workforce. While some of the changes are welcomed by the workforce there are a number of questions, particularly on training and testing for TSOs. As part of the PASS changes there will be reduction in required training in 2009.

How do you expect to refine and reduce the training requirements for 2009, and still ensure that TSOs are properly prepared for the duties of the job?

Answer. The Transportation Security Administration's Office of Human Capital and the Office of Security Operations (OSO) have been working with the National Advisory Council (NAC) Training and Performance Accountability and Standards

System (PASS) subcommittees, to review the mandatory training plan. The amount of training being considered for reduction will solely reflect those items not directly related to core security screening functions and federally mandated courses. Non-essential training will still be available as elective courses. The NAC subcommittee will submit recommendations for consideration in June 2008.

Question 8b. Will TSA increase its TSO workforce so that employees can have time to properly train?

Answer. The Transportation Security Administration (TSA) Office of Operational Performance/Workforce Utilization stated that funding for Full-Time Equivalency (FTE) positions increased from 651 to 1,473 for the fiscal year 2008 Staffing Allocation Model. TSA has changed its weekly training requirement to a quarterly requirement. This factor alone has allowed the Transportation Security Officer workforce time to complete training requirements and complete the daily security mission. Additionally, Federal Security Directors are scheduling training hours into the daily duty schedules.

Question 8c. What is the percentage of workplace injury cases for the TSO workforce? How does this compare to the average across the Federal Government?

Answer. The Total Case Rate (TCR) is the rate of injury per 100 employees. The TCR for the Transportation Security Administration (TSA) Transportation Security Officer (TSO) workforce is 10.96. The Federal Government does not provide a TCR for specific workforces, such as the TSO, however, the Federal Government overall TCR is 4.26. In comparison, all TSA workplace injury cases resulted in a TCR of 9.99. Although TSA's TCR is higher than the Federal Government's overall TCR, it is important to note that for fiscal year 2008 the TSO TCR has been reduced by 21.71 percent over the same period in fiscal year 2007.

Question 8d. How is TSA working to ensure that your employees are aware of preventative measures for injuries and if injured, can take the time the need to heal properly before returning to work?

Answer. The Transportation Security Administration (TSA) has implemented cross-functional teams that facilitate and expedite programs or projects designed to improve checked baggage and checkpoint screening efficiency by reviewing airport/office space ergonomics, work environments, and health/safety risks. Additionally, the TSA Optimization and Safety section secures funding and support for activities such as workspace configuration and redesign and equipment purchase. Each of these initiatives is aimed at reducing TSA losses associated with Transportation Security Officer on-the-job injury claims.

The TSA Occupational Safety, Health, and Environment program has placed Occupational Safety and Health specialists at the TSA Mission Support Centers that are responsible for working with each airport to ensure that there is a viable and effective occupational safety and health program in place which includes outreach and communication to TSA employees. These specialists also conduct formal safety inspections of each airport and ensure that incidents are investigated promptly, and that any corrective actions are implemented.

Further, TSA's Office of Human Capital has implemented a national nurse case management program to provide focus and direction for early medical intervention for injured employees. When an employee is injured, a contracted nurse contacts the employee within 24 hours of the injury to provide support and assistance. Through on-going contacts, the nurse monitors the employee's medical condition to ensure quality medical care to facilitate their medical progress and return to duty when medically feasible. The nurse case managers ensure that the medical documentation received from the treating physician is clear and complete, so that limited duty assignments are appropriate and consistent with the employee's medical restrictions.

WHISTLEBLOWER PROTECTION FOR TSOS

Question 9a. Our transportation security officers are the frontline at our Nation's airports and these employees do not enjoy the same rights and protections as other Federal employees, including whistleblower protections. TSA took steps to remedy this in late February by signing a Memorandum of Agreement (MOA) between TSA and the Merit System Protection Board (MSPB). As I understand it, based on the MOA, MSPB will now be able to hear whistleblower cases from TSA employees.

Have the cost details of this agreement been reconciled between TSA and MSPB. If not, when can we expect them to be?

Answer. The Transportation Security Administration (TSA) and the Merit Systems Protection Board (MSPB) have agreed to the terms of TSA reimbursement for MSPB's direct costs incurred to adjudicate transportation security screeners' whistleblower retaliation appeals. The agencies are in the process of finalizing an Inter-agency Agreement addressing this issue.

Question 9b. The MOA outlines that either party upon 30 days of written notice to the other party may terminate the MOA—is there a contingency plan in place should this happen?

Answer. The Transportation Security Administration (TSA) and Merit Systems Protection Board (MSPB) anticipate that the Memorandum of Agreement (MOA) will be continued and will not be terminated by either party. In the event that termination becomes foreseeable, TSA and MSPB will work together to ensure that transportation security officers' whistleblower retaliation appeals receive timely, fair resolution.

Question 9c. What are the biggest challenges to staffing up TSA—is it finding qualified candidates necessary for the vacant positions? Is it competitiveness pay issues in some localities? How can these challenges be best addressed?

Answer. The challenges the Transportation Security Administration (TSA) faces today for staffing Transportation Security Officer (TSO) positions nationwide vary from airport to airport. For several airports the starting pay scale is not competitive for their labor market, such as competing with the oil industry in Wyoming, the hotel industry in tourist locations such as the Hawaiian Islands, and the fishing industry in remote Alaska locations. In other locations, the challenge is competition with other Federal employers in the same region. Higher attrition rates are experienced in these positions because many of the available work schedules are for part-time or split-shift positions, and many employees transfer to other Federal agencies after passing the probationary period. Additionally, the hiring process itself can be lengthy and candidates applying for part-time positions have accepted other jobs prior to our offer being made.

To address these current challenges, TSA offers incentive pay for hard-to-fill areas to be competitive with starting pay scales. To attract long-term employees and reduce attrition, TSA continues to provide more extensive information to prospective candidates depicting a realistic job preview so that future employees understand the job they are accepting and the career path available within TSA. TSA is also offering incentives to current employees who recruit future employees with the hope that these future employees will understand the job and career path and be looking for long-term employment. Increased benefits are available for part-time employees, which not only draws candidates into applying but gives them incentive to stay. TSA is continually looking at the hiring process to decrease the time to hire and ensure candidates understand where they are in this multi-step process.

Question 9d. A challenge across the Department is keeping qualified and committed individuals on staff. Can you please provide to us the attrition rates for TSOs and if exit interviews have been conducted, what have been the top three reasons for employee departures?

Answer. The Transportation Security Administration (TSA) utilizes the National Exit Survey to collect information regarding reasons for leaving from those employees who voluntarily depart TSA. Completion of the survey is voluntary. The National Exit Survey was revised in July 2007 to provide departing employees with the ability to rank the top three reasons for leaving TSA. From July 2007 to March 2008, the top three reasons why employees leave TSA are as follows:

Reasons for Leaving	Response Rate in Percent *
Pay	54
Career Advancement	53
Personal Reasons	50

*Percentages will not equal 100 percent because participants may have selected more than one "most important" reason for leaving.

The response rate for Transportation Security Officers (TSO) employees who completed the National Exit Survey during this time period is 16 percent. The national average response rate for employees completing an exit survey is 20 percent.

Transportation Security Officer (TSO) attrition statistics are in the table below.

TRANSPORTATION SECURITY OFFICER (TSO) ATTRITION SUMMARY AS OF
05/10/08 (PAY PERIOD 0809)

Data as of 5/24/2008 (PP 0810)	*—FY08 YTD Includes Attrition Through 3/1/ 2008 (Percent)				
TSO Attrition Type	FY04	FY05	FY06	FY07	FY08 YTD*
Full-Time (all paybands/reasons)	18.9	18.9	16.5	14.4	14.3
Part-Time (all paybands/reasons)	72.4	55.9	45.8	44.6	42.5
TOTAL (all paybands/reasons)	24.2	23.7	20.9	21.2	21.0

SURFACE TRANSPORTATION SECURITY INSPECTION PROGRAM

Question 10a. Since 2005, TSA has deployed Surface Transportation Security Inspectors at field offices across the country to identify and reduce vulnerabilities and gaps in passenger and freight rail and to enforce existing security requirements.

In fiscal year 2007, was TSA's Surface Transportation Security Inspection Program sufficiently staffed to fulfill all of its responsibilities? If not, please explain?

Answer. In fiscal year 2007, the Surface Transportation Security Inspection Program (STSIP) was sufficiently staffed with 100 Full-Time Equivalent (FTE) to achieve agency performance goals related to Baseline Assessment for Security Enhancement (BASE) reviews in mass transit, Security Action Item (SAI) reviews in freight rail (Toxic Inhalation Hazard risk reduction), and Station Profile development in passenger and mass transit rail. Additionally, during this time the STSIP was able to sufficiently support numerous Visual Intermodal Protection and Response (VIPR) operations nationwide, conduct extensive security partner outreach, and provide ongoing incident response to enhance information sharing capabilities in the surface modes. The STSIP was authorized to hire an additional 75 FTE in a supplemental appropriation in fiscal year 2008 to facilitate enhancement of and help offset the resource requirements of the VIPR program, for a total of 175 FTE. This staffing level was sufficient for fiscal year 2008 as well.

Question 10b. The Baseline Assessment for Security Enhancement (BASE) is TSA's primary tool for assessing mass transit agencies. Has TSA conducted any assessments of the BASE's effectiveness in identifying and reducing vulnerability gaps? If yes, what were the results?

Answer. The Transportation Security Administration (TSA) continuously assesses the effectiveness of the Baseline Assessment for Security Enhancement (BASE) program in identifying and reducing security vulnerabilities. This approach is reflected in the development of the program, its implementation, the application of assessment results, and quality control efforts.

The BASE program, which commenced fully in November 2006, assesses the security posture of mass transit and passenger rail agencies in the Security and Emergency Management Action Items. Developed in a joint effort of TSA, the Department of Homeland Security (DHS), the Department of Transportation (DOT), and mass transit and passenger rail operating and security officials engaged through the Mass Transit Sector Coordinating Council (SCC) and Transit Policing and Security Peer Advisory Group (PAG), the Action Items cover a range of areas that are foundational to an effective security program. Components include security program management and accountability, security and emergency response training, drills and exercises, public awareness, protective measures for Homeland Security Advisory System (HSAS) threat levels, physical security, personnel security, and information sharing and security. Particular emphasis is placed on posture in the six Transit Security Fundamentals (protection of underground/underwater infrastructure; protection of other high consequence systems and assets; random, unpredictable deterrence; training; exercises; and public awareness).

TSA's Surface Transportation Security Inspectors (STSI) conduct the BASE assessments in partnership with the mass transit and passenger rail agencies' security chiefs and directors. To date, 64 BASE assessments have been completed in total, covering 47 of the largest 50 agencies, 2 second assessments on top 50 agencies, 9 ranked in the 51–100 range in size, and 6 smaller agencies. The results of the assessments inform development of risk mitigation priorities, security enhancement programs, and resource allocations, notably transit security grants. Three representative examples illustrate these points.

- Well-trained employees are a force multiplier for security efforts implemented by mass transit and passenger rail agencies. When the BASE results dem-

onstrated the need for significant improvement in continuing security training of employees and provided insights on the cause of this situation, TSA acted expeditiously to develop and implement solutions. In February 2007, TSA published the Mass Transit Security Training Program and revamped the Transit Security Grant Program (TSGP) to expand the scope and quality of security training of mass transit and passenger rail employees. Produced in coordination with the Department of Homeland Security's Federal Emergency Management Agency (DHS/FEMA), the Federal Transit Administration (FTA), the SCC, and the PAG, this program provides detailed guidelines on implementing an effective security training program, citing the subject areas in which particular categories of employees should receive training. Identified course options include programs funded by FTA/TSA (transit specific terrorism prevention and response) and FEMA (general terrorism prevention and response). Acting on the indications that restrictions on appropriate uses of TSGP funds inhibited investment in training, TSA and FEMA, assisted with coordination by the SCC and PAG, adjusted the TSGP guidance to permit use of grant funds to cover backfill and overtime costs incurred to maintain operations when employees leave their normal duties to attend training courses. Additionally, a streamlined application and review process eased preparation of training project proposals for eligible mass transit and passenger rail agencies and expedited delivery of funding. As an example of this effort's effectiveness, the proportion of grant awards for security training among eligible mass transit and passenger rail agencies in Tier 2 under the TSGP rose from 3 percent of the total funding allocation in fiscal year 2006 to 68 percent in fiscal year 2007.

- As a strategic priority, TSA emphasizes the expansion of random, unpredictable security activities to enhance deterrence. The BASE results indicated the need for greater effort to assist mass transit and passenger rail agencies in higher risk areas to implement these types of measures. Through the operational package option for eligible Tier 1 mass transit and passenger rail agencies under the TSGP, during fiscal year 2007 DHS commenced funding of projects to assemble, train, and equip dedicated anti-terrorism teams to operate in a mass transit and passenger rail systems. The specialized expertise these teams develop enhances security through implementation of operational activities focused on terrorism prevention and by creating a specially trained and experienced cadre to provide training to and to share their experience with other law enforcement officers and employees in their organizations.
- Building on the BASE assessment results, which show mass transit and passenger rail agencies conduct and participate regularly in drills and exercises, TSA enhances the focus of these activities on terrorism prevention and immediate response for threats and incidents within the systems. In partnership with agencies in the National Capital Region, TSA is developing a multi-phased, multi-jurisdictional, and cross-functional anti-terrorism exercise program. STSIs in the region are directly involved in this effort. The objective is to produce a package to facilitate planning, preparation, and execution of terrorism prevention and immediate response exercises that can be adapted and implemented by mass transit and passenger rail agencies nationally. This effort will produce the national exercise program required under the *Implementing Recommendations of the 9/11 Commission Act of 2007* (Public Law 110-53). Drills and exercises remain among the priorities for funding in the TSGP.

Of note, the 2-second assessments conducted on transit agencies ranked among the top 50 in passenger volume do reflect improvement in performance, in one case dramatic improvement, producing risk mitigation. We anticipate similar results as second assessments occur later in fiscal year 2008 and throughout fiscal year 2009. Additionally, the process of preparing for a BASE assessment mitigates risk as the agency reviews its security plans, programs, and procedures and initiated enhancements. The BASE results report, a copy of which the assessed agency received, details the agency's status in each of the Action Items, summarizing effectiveness in implementation and noting weaknesses and needed improvements. The report, therefore, provides the assessed agency a comprehensive guide for security enhancement efforts and, for an eligible agency, informs the development of project proposals under the TSGP.

Finally, TSA continuously reviews the data received through the BASE assessments, including the analytical reports on each agency's assessment, in a quality control process to assure completeness, accuracy, and consistency in approach. Revisions of the BASE checklist templates have tailored the assessments to specific types of public transportation—long-distance and commuter rail, rail transit, and bus transit. Future phases of BASE will adjust areas of emphasis in light of devel-

opments in the nature of the threat and to maintain a dynamic approach that thoroughly assesses an agency's operational and programmatic effectiveness.

Question 10c. Public Law 110-53—the implementing 9/11 Recommendations Act—required DHS to hire an additional 50 surface transportation security inspectors in fiscal year 2008, up from 100. What progress has TSA made on hiring, training and deploying these additional inspectors? What will be the primary focus for these inspectors?

Answer. The Consolidated Appropriations Act, 2008, (Pub. L. 110-161, December 26, 2007), funds an additional 75 Surface Transportation Security Inspectors in an effort to offset the impact of Visible Intermodal Protection and Response (VIPR) activities on the Surface Transportation Security Inspection Program (STSIP). The hiring process for the additional 75 is on-going.

The 9/11 Act also contains new requirements which may impact the surface transportation inspectors such as reviewing security plans and reviewing training programs for transit agencies.

Question 11a. Public Law 110-53 also contains new requirements which may impact the surface transportation inspectors such as reviewing security plans and reviewing training programs for transit agencies.

Does TSA believe it has the inspector workforce necessary to meet all of the planned inspection activities for fiscal year 2008, including the additional requirements contained in the 9/11 legislation? If not, what is your plan for prioritizing inspector responsibilities?

Answer. The Transportation Security Administration's (TSA) Surface Transportation Security Inspection Program (STSIP) has the inspector workforce necessary to meet all of the planned inspection activities in freight and passenger rail industries for fiscal year 2008. The STSIP originally planned to conduct 1,344 freight rail toxic inhalation hazard (TIH) Security Action Item inspections in fiscal year 2008. Currently, we are on target to conduct 2,020 freight rail TIH inspections in fiscal year 2008. Additionally, the STSIP planned to conduct 50 Baseline Assessment for Security Enhancement (BASE) assessments on the Top 51-100 transit agencies in fiscal year 2008. Forty-five transit agencies agreed to allow TSA to conduct these voluntary BASE reviews in 2008. Regulations required by the Implementing Recommendations of the 9/11 Commission Act of 2007 are under development. Therefore, we envision compliance inspections for these additional security requirements to commence in fiscal year 2009.

Question 11b. In December 2006, TSA issued a Notice of Proposed Rulemaking that proposed giving TSA regulatory authority for conducting security inspections of passenger rail systems, as well as additional security requirements on passenger and freight rail operators. When does TSA expect to issue the final rule and how closely will it align with the proposed rule? What process was followed to incorporate industry comments?

Answer. The Transportation Security Administration (TSA) final rule on rail transportation security is undergoing review at the Department of Homeland Security (DHS). Following DHS approval, the rule will go to the Office of Management and Budget (OMB) for review under Executive Order 12866. We believe the final rule will achieve the security objectives identified in the Notice of Proposed Rulemaking (NPRM). TSA obtained the views of our security partners by holding a public meeting and through the public comment process initiated by the NPRM. TSA received over 70 public comments on the NPRM from trade associations, affected companies, labor unions, States and localities, and private individuals. TSA reviewed and evaluated each comment and will respond to all the issues raised in the preamble to the final rule.

Question 11c. TSA has previously issued security directives for passenger rail as well as a proposed regulation that would place security requirements on passenger rail systems. However, TSA has not issued security requirements for other mass transit systems, such as bus systems? What are TSA's plans to do so, if any?

Answer. In the absence of a substantial security threat or incident warranting expedited action to require specific enhancement activities, the Transportation Security Administration (TSA) does not anticipate issuing new security directives in the mass transit and passenger rail mode. Rather, TSA is working to meet the requirements of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53) for promulgation of regulations concerning security plans, assessments, and training programs for designated passenger rail and mass transit agencies, including bus systems. TSA is doing this in consultation with Federal security partners and the mass transit and passenger rail community as represented by the Mass Transit Sector Coordinating Council and the Transit Policing and Security Peer Advisory Group. TSA anticipates the security plan regulation, when it

takes effect, will formally supersede the security directives applicable to passenger rail carriers.

SURFACE TRANSPORTATION—PERFORMANCE MEASURES

Question 12a. What are the key performance measures TSA uses to track performance of its surface transportation initiatives?

Answer. The Transportation Security Administration's (TSA) Surface Transportation Security Program uses the following six performance measures to track performance:

1. The percent reduction in risk from Toxic Inhalation Hazard bulk cargoes in rail transportation;
2. Percent of mass transit and passenger rail agencies that are in full compliance with industry agreed upon Security and Emergency Management Action items to improve security;
3. Number of rail inspections conducted per 1,000 inspector hours;
4. Percentage of applicable passenger and mass transit rail systems having undergone a Security Directive review;
5. Number of high-risk Pipeline corporate systems on which Pipeline Corporate Security Reviews have been conducted; and
6. Percent of highway infrastructure systems that have undergone a Corporate Security Review.

These performance measures are included in the Program Assessment Rating Tool (PART), and results for TSA's Surface Transportation Security Program can be found at the Office of Management and Budget's Web site at www.whitehouse.gov/omb/expectmore.

Question 12b. What percentage of nationally critical surface transportation assets or systems by mode have been assessed and have mitigation strategies developed based on those assessments?

Answer. The percentage of nationally critical surface transportation assets or systems by mode that have been assessed and have mitigation strategies developed based on those assessments is as follows:

- *Pipeline Mode.*—As of May 2008, 84 percent of the high-risk corporate pipeline systems have undergone a Corporate Security Review.
- *Mass Transit Mode.*—As of October 2007, 72 percent of the applicable passenger and mass transit rail systems have undergone a Security Directive review.
- *Freight Rail Mode.*—The independently owned and operated Freight Railroads have identified their critical infrastructure and developed security plans that provide for protective measures during heightened states of alert.
- *Highway Motor Carrier Mode.*—As of March 2008, 80 percent of highway infrastructure systems have undergone a Corporate Security Review.

Question 12c. How does DHS track the surface transportation assets or systems by mode have been assessed and have mitigation strategies developed based on those assessments?

Answer. The Transportation Security Administration uses the Office of Management and Budget's Program Assessment Rating Tool to track the surface transportation assets or systems that have been assessed and then have mitigation strategies developed, based on those assessments.

SURFACE TRANSPORTATION—TRANSPORTATION SYSTEMS SECTOR-SPECIFIC PLAN (TS SP)

Question 13a. The Transportation Systems Sector-Specific Plan (TS SP) and its supporting modal implementation plans and appendixes establish a strategic approach for securing surface transportation modes based on the National Infrastructure Protection Plan and Executive Order 13416, Strengthening Surface Transportation Security. The Transportation Systems Sector-Specific Plan describes the security framework that is intended to enable sector stakeholders to make effective and appropriate risk-based security and resource allocation decisions.

In your opinion, do these plans include the necessary specific actions and milestones, quantitatively define the costs and benefits of securing the surface transportation system, and outline the specific roles and resources each partner will contribute?

Answer. The Transportation Systems Sector-Specific Plan (TS SP) includes, as appendices, plans for each of the six transportation modes. These modal plans have varying degrees of specificity regarding actions and milestones to secure the mode. The Transportation Security Administration (TSA) reports implementation of the TS SP to the Secretary of the Department of Homeland Security on a monthly basis. A list of specific actions with milestones was developed using the TS SP as a basis.

The specific roles and responsibilities for the security partners are adequately delineated.

While TSA does not have an aggregate accounting of the costs and benefits of securing the surface transportation system, TSA quantitatively evaluates the economic impacts of regulatory actions, security directives, major guidelines, and recommended security action items to determine if the benefits are sufficient to justify the costs.

Question 13b. What has been the effect of having the TSSP and strategy for surface transportation?

Answer. The Transportation Systems Sector-Specific Plan (TS SSP) provided the sector's partners with a definitive approach to evaluating security gaps, setting security priorities, and reaching consensus on a path forward to reduce security risks. It provided the mechanism for improved industry and government information exchange, increased understanding of shared responsibilities, and established enhanced cooperation for common security objectives. Improved coordination among the sector's partners led to greater efficiency in identifying and implementing risk-reduction initiatives, ultimately benefiting the transportation system users and taxpayers.

Question 13c. To what extent has the development of the Transportation Sector Specific Plan (TSSP) and supporting modal annexes been coordinated with or adopted by industry stakeholders?

Answer. Each mode has active Government Coordinating Councils and Sector Coordinating Councils. While each mode is unique in the state of engagement of its security partners, all use these mechanisms to exchange information and to coordinate security initiatives. These councils were used extensively during the Transportation Systems Sector-Specific Plan (TS SSP) drafting process and signed the published plan. They have been used increasingly for drafting the Sector Annual Reports, and as the partnership relationships are better understood and the member rosters stabilize, we anticipate even more effective participation during the upcoming revision of the TS SSP. TSA anticipates that as the sense of joint ownership of the sector plans improves, the extent of our security partners' contributions will improve with a corresponding increase in the use of the TS SSP as the sector's primary planning document.

Question 13d. How does TSA assess the degree to which Federal and industry surface transportation security efforts are achieving the transportation security goals and objectives outlined in the Transportation Systems Sector-Specific Plan (TSSP)?

Answer. The Transportation Security Administration (TSA) assesses the achievement of the sector's goals in the TS SSP through several means. First, monthly reports of the accomplishment of the specific milestones in the TS SSP implementation plan sent to the Secretary of the Department of Homeland Security (DHS). Second, periodic metrics are reported to DHS's Office of Infrastructure Protection through the National Infrastructure Protection Plan Metrics Portal. Third, TSA submits, on behalf of the Sector, an annual report to DHS that assesses the progress made implementing the TSSP and its goals. Fourth, progress implementing specific tasks is reported quarterly to the Office of Management and Budget, as identified in the Performance Assessment Rating Tool and in the Future Year Homeland Security Plan.

SURFACE TRANSPORTATION—RISK ASSESSMENTS

Question 14. TSA is responsible for coordinating and ensuring the security of the entire surface transportation system. Other DHS components, including the Coast Guard and the National Programs and Protection Directorate also have responsibilities which cover surface transportation related assets and systems. For example, bridges and tunnels: How does TSA ensure Federal risk assessments of surface transportation assets are coordinated and not redundant?

As required by Public Law 110–53, what is TSA progress in fulfilling the following requirements:

- Complete, within 6 months after enactment (Feb. 3, 2008), a nationwide risk assessment of a terrorist attack on railroad carriers;
- Require each railroad carrier assigned to a high-risk tier to conduct a vulnerability assessment and prepare, submit to the Secretary for approval, and implement a security plan;
- Assign railroad carriers to a risk-based tier and establish standards and guidelines for developing and implementing the vulnerability assessments and security plans for railroad carriers assigned to high-risk tiers?

Answer. In both freight and passenger rail, Transportation Security Administration (TSA) has implemented comprehensive security assessment programs evalu-

ating carriers' posture in Security Action Items developed in coordination with the respective communities. The Action Items encompass areas foundational to effective security programs. The results of the assessments drive risk mitigation priorities and inform development of security enhancement programs and resources allocations, including Federal security grants.

The Department of Homeland Security (DHS) has already completed much of the groundwork that will serve as a basis for the National Rail Risk Assessment. Prior to the 9/11 Act, the TSA began a national risk assessment of the rail network. TSA concluded that the greatest threat to the security of the freight rail network is the transportation of toxic inhalation hazard (TIH) materials. This finding led to the development of nationwide programs to reduce the risk associated with the rail transportation of TIH materials including the significant risk of standing, unattended TIH railcars. The Security Action Items are a component of this effort, enhancing freight rail security generally and mitigating the risk of rail TIH transport in particular.

In passenger rail, systems operating in the Nation's sizable metropolitan areas are among the most thoroughly assessed of all transportation modes. Since 9/11, they have undergone security assessments by the Federal Transit Administration (FTA), the former Office of Grants and Training at DHS (for grant funding eligibility), the American Public Transportation Association, private sector security consultants (often funded by DHS grants), and now under the Baseline Assessment for Security Enhancement (BASE) program conducted by TSA Surface Transportation Security Inspectors (STSIs). Through the BASE program, fully implemented as of November 2006, TSA assesses a transit system's security posture on the 17 Security and Emergency Preparedness Action Items. The Actions Items cover a range of areas that are foundational to an effective security program, including security program management and accountability, security and emergency response training, drills and exercises, public awareness, protective measures for Homeland Security Advisory System (HSAS) threat levels, physical security, personnel security, and information sharing and security. Particular emphasis is placed on posture in the six Transit Security Fundamentals (protection of underground/underwater infrastructure; protection of other high consequence systems and assets; random, unpredictable deterrence; training; exercises; and public awareness).

Risk-based tiering of rail carriers has effectively been implemented through these collective efforts. In freight rail, TSA's security enhancement and assessment efforts focus on rail carriers operating in and through designated High Threat Urban Areas. In passenger rail, DHS has effected risk-based tiering through the Transit Security Grant Program. Tier 1 consists of mass transit and passenger rail agencies operating in the Nation's largest metropolitan areas—New York, Boston, Philadelphia, Washington, DC, Atlanta, Chicago, Los Angeles, and San Francisco. Tier 2 includes numerous agencies in other metropolitan areas, such as Buffalo, Cleveland, Dallas, Houston, Milwaukee, Minneapolis, Denver, San Diego, and Seattle. This list is not exhaustive. The entire list may be viewed in the fiscal year 2008 Transit Security Grant Program guidance at http://www.tsa.gov/assets/pdf/fy_2008_tsgp.pdf (see Table 4, pages 16–17).

SURFACE TRANSPORTATION—PIPELINE

Question 15a. Has TSA completed a pipeline infrastructure study to identify the highest risk systems of the Nation and outline the security mitigation initiatives TSA will undertake to address these risks?

Answer. The Transportation Security Administration's (TSA) Pipeline Security Division has identified the pipeline systems at highest risk in the United States. TSA is using its Corporate Security Review program to evaluate the security planning and implementation at these high-risk systems and to determine security deficiencies within the mode. Through this process, TSA has identified pipeline industry security gaps and outlined mitigation measures to implement over a 5-year period. These measures are delineated in the Pipeline Modal Annex of the Transportation Systems Sector Specific Plan.

Question 15b. When does TSA expect to develop a timeline and project plan for developing a long-term risk reduction outcome measure for the pipeline mode?

Answer. The Transportation Security Administration (TSA) is currently developing a risk gap analysis tool that identifies threat, vulnerability, and incident consequence to the Nation's highest risk pipeline systems. By the end of fiscal year 2008, TSA's Pipeline Security Division will utilize the risk gap analysis planning tool to establish a timeline and project plan for developing a long-term risk reduction outcome measure.

SURFACE TRANSPORTATION—COMMERCIAL VEHICLE

Question 16. The Implementing the Recommendations of the 9/11 Commission Act mandates, among other things, that the Secretary of Homeland Security develop a tracking program for motor carrier shipments of hazardous materials by February 2008 and complete a security risk assessment on the trucking industry by August 2008. What is the status of these efforts? Has the hazardous materials tracking program been completed? Will TSA be able to complete a risk assessment of the trucking industry by August 2008, and if so how is the agency planning to complete this assessment of 1.2 million trucking firms with the resources it has?

Answer. In December 2007 the Transportation Security Administration's Highway and Motor Carrier Office developed a high-level plan for implementing Section 1554 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act) that sets requirements for establishing a Hazardous Materials (HAZMAT) Truck Security program. To meet the agency mission, TSA started the HAZMAT Truck Security Pilot project in 2005. Seven tracking vendors and twelve HAZMAT carriers participated in the pilot project. The pilot project has concluded and the final report will be published in June 2008. The results of the pilot included the following:

- *Frequent or continuous communications.*—TSA has developed a set of tested protocols that are capable of interfacing with existing truck tracking systems, State/local law enforcement agencies and first responders, and with Federal intelligence and emergency management centers.
- *Vehicle position location and tracking capabilities.*—TSA has implemented a tested and functioning truck tracking center that allows TSA to monitor truck locations and track load types in the continental United States.
- *A feature that allows a driver of such vehicles to broadcast an emergency distress signal.*—TSA has developed and tested a concept that is being vetted by government and industry volunteers. This facilitates effective responses to drivers' emergency distress signals.

SURFACE TRANSPORTATION—HIGHWAY INFRASTRUCTURE

Question 17a. Why do the National Programs and Protection Directorate and the Federal Highway Administration have a greater presence with the highway infrastructure stakeholders than TSA, the lead Federal agency for transportation? What are the consequences?

Answer. The Federal Highway Administration (FHWA) is the highway infrastructure stakeholder community's primary Federal provider of funds, safety regulations, engineering expertise, and cooperative activity. FHWA has been in existence since 1938 and currently has a stronger presence in the highway environment than the Transportation Security Administration (TSA). TSA relies on the FHWA for engineering and safety subject matter expertise in highway infrastructure matters.

Question 17b. What benefits exist for establishing an annex to the existing MOU with DOT to address any underlying jurisdictional ambiguity and delineate respective roles and responsibilities, as it concerns securing highway infrastructure?

Answer. The Transportation Security Administration (TSA) and the Federal Highway Administration (FHWA) have not experienced significant jurisdictional disputes in this community. As TSA matures and assumes regulatory and compliance roles in the highway infrastructure element, an annex with FHWA can help to avoid overlap and conflict by clarifying the roles and responsibilities of each agency during this transition.

Question 17c. Has TSA completed a highway infrastructure study to identify the highest risk systems of the Nation and outline the security mitigation initiatives TSA will undertake to address these risks?

Answer. The Transportation Security Administration (TSA) has not, to date, completed such a study for highway infrastructure, nor is there yet a formally approved National Bridge/Tunnel Security Strategy. However, comprehensive risk studies are currently underway (trucks, motor-coaches, school buses). Infrastructure will be the subject of a comprehensive study when these other reports (some mandated by the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act)) are completed. The lack of a single comprehensive report, however, should not suggest that TSA has not engaged in comparative risk analysis for infrastructure assets. Using accepted threat, vulnerability, and consequence tools, TSA has identified critical infrastructure and has encouraged our security partners to take appropriate mitigation steps.

One aspect of this activity is our work within the Homeland Infrastructure Threat and Risk Analysis (HITRAC) program run by the Department of Homeland Security Office of Infrastructure Protection. This is a data call made to all States through

the regional Protective Security Advisors to nominate highway infrastructure for the Tier 1/Tier 2 critical infrastructure lists. Additionally, TSA has shared with its highway infrastructure security partners our report on results from infrastructure Corporate Security Reviews, which highlights the most common findings and recommends actions based on the best practices found in the field. TSA is in the process of reviewing the critical transportation infrastructure within certain major cities. This effort will be available to Federal Security Directors to ensure their awareness of critical infrastructure within their areas of responsibility. Finally, TSA is leading the creation of a multi-disciplinary National Highway Bridge Security Working Group to address highway bridge security through the following goals:

- Identify, assess, and prioritize risk to critical bridges from terrorist or criminal acts;
- Provide to bridge owners and operators standard means of risk assessment and risk mitigation based on threats, vulnerabilities, and consequences;
- Establish a means to prioritize available Federal security funding to address security gaps at the Nation's most critical bridge infrastructure;
- Establish priorities for research and development and security enhancement projects over the long-term; and
- Encourage and guide the incorporation of risk-reducing technologies and construction practices in improvements to existing bridges and future highway bridge design.

Question 17d. When does TSA expect to develop a timeline and project plan for developing a long-term risk reduction outcome measure for the highway infrastructure mode?

Answer. The Transportation Security Administration (TSA) anticipates initial outcome measures for long-term risk reduction to be developed in fiscal year 2008. TSA is currently completing initial baseline corporate security reviews of all State Departments of Transportation and will finish the initial assessments in fiscal year 2010. In addition, TSA has started revisiting sites that have had an initial baseline review. Comparing the results of the second review with the initial review will allow us to measure the impact of additional security measures as they are implemented by highway infrastructure owners and operators.

Question 17e. What does it cost to conduct a Corporate Security Review (CSR)?

Answer. The cost of conducting a Corporate Security Review, on average, is approximately \$1,900.00 (considering 1 subject matter expert for 1 night and 1 day). On average about \$1,400 for travel and \$500 for salaries.

Question 17f. What are the challenges related to implementing a risk management framework for highway infrastructure?

Answer. The challenges to implementing a risk management framework for highway infrastructure lie in determining the traditional elements of risk (threat, vulnerability, and consequence) and the development and implementation of subsequent countermeasures to address the risk.

- Although there has been a continuous stream of information concerning threats against the Nation's infrastructure, there have not been credible threats identified against the Nation's highway infrastructure.
- The type of infrastructure, as well as its geographic location, affects highway infrastructure risk. Additionally, the sheer size and diversity of the highway community magnifies the total vulnerability. "Highway infrastructure" encompasses more than 580,000 steel and concrete structures—bridges and tunnels of widely varied construction and durability—and more than 4 million miles of highway. It also includes traffic management centers and commercial vehicle terminals. Its owners are broadly distributed and represent a challenge in aligning their efforts to enhance security.

Question 18. Please describe the milestones for implementing the following highway risk mitigation priorities identified in the Transportation Sector-Specific Plan Annex D:

- Highway and Motor Carrier Modal Implementation Plan;
- Standardized risk assessment and risk mitigation approaches;
- Establish measurable security action items;
- Integrate security measures into the design on the Nation's transportation network;
- Explore the use of existing grant programs to support critical highway infrastructure security improvements.

Answer. The Transportation Security Administration (TSA) has developed standardized risk assessment procedures and currently uses them when conducting corporate security reviews of highway infrastructure systems through State Departments of Transportation and private operators, trucking operators, school bus districts and operators, and motor coach operators. TSA has developed standardized

risk mitigation approaches in the Hazardous Material (HAZMAT) Motor Carrier industry through the Security Action Items that have been developed and are in the TSA publication process. Additional standardized risk mitigation methods and approaches for the school bus transportation and the motor coach industries are in development.

TSA has developed standardized risk mitigation approaches in the HAZMAT Motor Carrier industry through draft Security Action Items that we expect to issue within the next few months. These have been developed in close collaboration with industry security partners. Additional standardized risk mitigation methods and approaches for the school bus transportation and the motor coach industries are also being prepared for publication.

TSA is working closely with the Federal Highway Administration, other government agencies and industry to develop a National Strategy for Bridge and Tunnel Security that includes specific security measures for the highway transportation network. This strategy document is currently in the review process within TSA and the Department of Homeland Security.

Currently, there are two security grants programs that pertain to the highway transportation mode: (1) the over-the-road bus security grants program; and, (2) the trucking security grants program. The over-the-road bus security grants program is designed to enable intercity bus operators to enhance security. The trucking security grants program helps to train commercial drivers to identify and report suspicious events. It also funds information sharing between the industry and the government.

TSA is exploring ways of developing a security grants program to help highway infrastructure owners and operators to enhance security. TSA has approved grant funding for projects involving security enhancements to bridges and other dual use infrastructure.

QUESTIONS FROM HON. MIKE ROGERS FOR KIP HAWLEY, ASSISTANT SECRETARY,
TRANSPORTATION SECURITY ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY

Question 1. What does the Department spend to acquire and maintain X-ray cargo scanning machinery? What is the range of prices for these machines?

Answer. With respect to the air cargo environment, the Transportation Security Administration (TSA) does not acquire and maintain X-ray screening equipment. However, TSA has piloted Explosives Detection System screening technologies, in an ongoing effort, at several airports in air carrier facilities, to assess performance to screen cargo.

X-ray machines vary in price from \$60K to \$3.3 million per machine.

Question 2. Do you expect that with the increased use of explosives detection dogs for screening, you will have a decreased need for X-ray technology? Or do you view these two systems as entirely complementary?

Answer. The Transportation Security Administration (TSA) views the use of screening technology and canines as complementary methods of screening cargo. TSA canines will primarily be used on-airport to complement screening performed by the airlines. The need still exists for X-ray, as well as other TSA-approved technologies, to enable industry to screen cargo further up the supply chain prior to its arrival at the airport and to ensure commerce is not impeded.

Question 3. Can you tell us how the President's fiscal year 2009 budget request for cargo screening breaks down for the canine program?

Answer. The President's fiscal year 2009 budget request includes a total of \$37.7 million for canine cargo screening that is split among two PPAs. The \$86.3 million Air Cargo PPA request includes \$19.9 million to support half of the 170 air cargo canine teams (85 teams) included in the fiscal year 2007 Supplemental Appropriation. These 85 teams are led by Transportation Security Inspectors (TSIs). Another \$17.8 million is contained within the proposed Law Enforcement PPA to fund non-Federal teams, including \$10.8 million to fund the remaining 85 teams included in the fiscal year 2007 Supplemental Appropriation and \$7 million to fund legacy non-Federal teams that are partially dedicated to cargo screening.

