

**THE TRANSPORTATION SECURITY
ADMINISTRATION'S NEW COMMERCIAL AVIATION
PASSENGER SCREENING PROCEDURES**

HEARING

BEFORE THE

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

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

DECEMBER 12, 2005

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

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**THE TRANSPORTATION SECURITY
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MONDAY, DECEMBER 12, 2005

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

The Committee met, pursuant to notice, at 2:35 p.m. in room SD-562, Dirksen Senate Office Building, Hon. Ted Stevens, Chairman of the Committee, presiding.

**OPENING STATEMENT OF HON. TED STEVENS,
U.S. SENATOR FROM ALASKA**

The CHAIRMAN. Good afternoon. First, we welcome the witnesses who will appear before the Committee today, and I want to thank you for your willingness to appear today.

Before proceeding further, I want to commend Assistant Secretary Hawley and TSA's Federal Air Marshal Service for their response to last week's incident at the Miami International Airport. The air marshals reacted exactly as they were trained and deployed to do, and the incident, while truly tragic, sends a strong message to all that such threatening conduct will not be tolerated on United States aircraft.

The purpose of today's hearing is to request that Mr. Hawley explain to the Committee their reasons for instituting new commercial aviation security procedures, including changes to TSA's list of items prohibited onboard commercial aircraft.

On December 2, Mr. Hawley announced that certain items, currently prohibited from being carried onboard commercial aircraft, will be permitted, effective December 22. Mr. Hawley indicated that other security measures implemented since September 11, such as hardened cockpit doors, render the prohibited-items list overly inclusive. In TSA's view, screeners spend significant time searching for items that TSA argues no longer pose a serious threat, to the detriment of the time that must be devoted to screening for other items that are more dangerous.

Now, some Senators and staff have been briefed by TSA since the agency's announcement. This hearing is for the purpose of making a record for the full Committee of the reasoning for TSA's decision.

Senator Inouye?

**STATEMENT OF HON. DANIEL K. INOUE,
U.S. SENATOR FROM HAWAII**

Senator INOUE. Mr. Chairman, I'm glad to join you in welcoming Secretary Hawley. I have a statement, and I ask that be made part of the record.

The CHAIRMAN. Without objection, so ordered.
[The prepared statement of Senator Inouye follows:]

PREPARED STATEMENT OF HON. DANIEL K. INOUE, U.S. SENATOR FROM HAWAII

The holiday travel season is upon us and with it comes the prospect of long airport lines and tiring journeys for many Americans. The need for security further complicates our journeys, but in today's world, it is a necessity.

The TSA recently announced changes to the screening process, eliminating the need to search for items that have forced the screener workforce to devote countless hours pulling out small items from people's bags.

These changes are a tangible example of the dilemma we will continue to face in transportation security. As passengers, we all want the TSA to speed up the security process and make it more efficient without jeopardizing the security of the system. This trade-off between efficiency and security is at the core of the TSA's new "risk-based strategy," and it is exactly what we need to examine today.

Interestingly, when we created the TSA, the Congress left it within the Department of Transportation so that the tension between security and efficiency could be resolved by the agency with expertise in transportation efficiency and safety. Ultimately, Congress later elected to create the Department of Homeland Security, and it is clear to all that the agency is having a difficult time grappling with this very question in all fields of transportation security.

The Congress recognized the potential implications of this tension, and chose to maintain jurisdiction over aviation security and efficiency within the jurisdiction of one authorizing committee—the Committee on Commerce, Science, and Transportation.

By changing the prohibited-items list, the TSA contends that it is eliminating the items it considers to be most burdensome to the screening process. The items are "less-than-lethal," in the TSA's view, and the agency suggests that screeners' time is better spent searching for explosives. While this may be the case, the trade-off is a cabin that may contain a variety of potentially dangerous items.

Fortified cockpit doors have done much to eliminate the threat of a plane being used as a weapon of mass destruction, but we must continue to do all that we can to ensure that the passengers and crew are safe in the cabin as well.

I am also concerned that funding pressures are making the "efficiency versus security" dilemma more difficult. Obviously, we expect our agencies to seek cost-effective solutions wherever possible, but I am curious to know if the TSA would still seek these kinds of changes if their budget was not as tight.

This peak travel season provides ample incentive for the TSA to attempt to streamline security procedures, and it has, no doubt, played a role in the timing. Perhaps, however, these notable changes should be instituted after the first of the year, when the peak traffic levels have subsided, and security personnel are able to adapt under less demanding circumstances.

Nonetheless, today's hearing is well-timed. This is neither the first time, nor the last, that we will be discussing the balance between efficiency and security, so it is vitally important that we understand the TSA's perspective on these particular changes.

The CHAIRMAN. Mr. Hawley, please proceed.

**STATEMENT OF HON. EDMUND "KIP" HAWLEY, ASSISTANT
SECRETARY, TRANSPORTATION SECURITY ADMINISTRATION**

Mr. HAWLEY. Thank you.

Good afternoon, Mr. Chairman, Co-Chairman Inouye, and Members of the Committee. I'm pleased to have the opportunity to discuss the TSA's strategies in aviation security and planned changes to implement them.

Let me preface my remarks today by expressing my deepest sympathy to the family of Rigoberto Alpizar. As you know, Mr. Alpizar was shot by Federal Air Marshals last week in Miami. His death is regrettable to all of us.

Our initial review of the facts indicates that TSA's Federal Air Marshals acted in a manner consistent with their training to protect the public. TSA, the Federal Air Marshal Service, and the marshals involved are working with, and cooperating fully with, the authorities as they complete their formal review. We will apply any lessons learned to future protocols and training.

Mr. Chairman, on 9/11, terrorists used the threat of explosives and sharp instruments to commandeer commercial jets and use those jets as weapons of mass destruction. To battle that enemy and that threat, a list of objects that could be brought onto a plane and used by terrorists to take over a plane were immediately put on a prohibited-items list. Since then, with ATSA as its statutory foundation, TSA worked with the airlines, airports, shipping industry, flight crews, law enforcement, and passengers to take aviation security orders of magnitude beyond where it stood on 9/11.

The reason is that we have many independent, interlocking layers of security that reinforce each other. Any one of them can be beaten, but, together, they are formidable. For instance, the subject of today's hearing is a very small piece of one of those layers. In order to evaluate the merits of our actions at the passenger checkpoint, it helps to see where they fit in the larger context. Here, then, are the layers in place today for protection of the cockpit and passenger cabin, specifically.

One, U.S. Government agencies work with others around the globe to identify and disrupt terrorist activities at their source.

Two, customs and border protection activities further identify potential terrorists and bar their entry into the United States.

Three, Federal, State, and local law enforcement work together with the FBI in Joint Terrorism Task Forces across the United States to identify and disrupt terrorist activities within the U.S.

Four, a no-fly system is used to prevent anyone known to an agency of the U.S. Government to be a threat to commit a terrorist act from flying into or within the United States.

Five, airline flight crews and airport employees who have access to an aircraft are subject to an even stricter vetting standard than the no-fly analysis.

These first five security layers mean that anyone known to U.S. intelligence or law enforcement agencies as a terrorist or a close terrorist associate never gets close to an airplane.

But there is more:

Six, an additional risk-based computer-assisted prescreening of passengers is conducted before a boarding pass can be issued.

Seven, hundreds of Canine teams and local law enforcement officers are working at airports around the country.

Eight, surveillance activities occur in and around the airport environment on a daily basis.

That's what happens before a passenger even shows up at a TSA checkpoint.

At the checkpoint:

Nine, a professional, well-trained, experienced team of transportation security officers, assisted by multiple technologies, screens passengers and their carry-on bags for weapons and explosives.

Then, on the aircraft:

Ten, thousands of Federal Air Marshals fly undercover on a very significant number of flights, both domestic and international.

Eleven, thousands of pilots who undergo special training and become Federal flight-deck officers are authorized and ready to protect the cockpit with firearms.

Twelve, other local, State, and Federal law enforcement officials travel armed as part of their normal duties.

Thirteen, hardened cockpit doors prevent unauthorized access to the flight deck.

Fourteen, and sitting quietly on every airplane are passengers who remember the courage and commitment of the men and women on United Flight 93. The way Americans think about hijackings changed on that flight. For decades, the accepted hijacking response was to avoid confrontation. That doctrine was in effect the early morning of September 11, 2001. By 11 o'clock a.m. on that day, the paradigm changed, and is gone forever. Americans will not sit still when threatened.

There is a changed battlefield, Mr. Chairman. We know it, and terrorists know it. After 4 years, we've built a multilayered system that makes another 9/11-style attack a losing bet for terrorists. It's time to take down some of the security scaffolding that we quickly put in place as a stopgap measure. The more permanent structure is in place, and it is better.

This discussion today is not about the number of resources, it is about the smart use of those resources. In today's world, with today's security system, the small objects we're talking about aren't going to enable a major terrorist attack.

I am sympathetic with the fears of some passengers and crew members who are worried about their personal safety. The fact is that scissors and tools can be used as weapons on aircraft, in shopping malls, and here in the Dirksen Senate Office Building, itself. It is also a fact that there are thousands of items that do not appear on our prohibited-items list that can also be used as a weapon by someone intent on causing injury: pens, pencils, belts, credit cards, soda cans, bare hands, and many more. Clearly, if someone is intent on causing personal injury, a prohibition on small scissors and tools will not stop them. It's not about scissors, it's about bombs.

The changes we're making to the prohibited-items list are important, but they are just one highly visible piece of a much larger effort to refresh our security strategy.

TSA initiated a reexamination of its activities last July, in conjunction with Secretary Chertoff's second-stage review, and his resulting direction. We systematically reviewed the full range of measures we currently employ to mitigate risk, as well as the additional measures now available to us, including new technologies and their deployment schedule.

We examined regularly collected data concerning items confiscated at TSA checkpoints, as well as data generated by special

studies that allowed us to focus more clearly on particular weaknesses. This decision was made based on data and metrics.

Our analysis considered a variety of potential changes, including a range of changes to the prohibited-items list and screening procedures at TSA checkpoints, as well as the deployment of both old and new explosives detection technology and different types of employee training. The changes reflect the new and evolving threat environment, as well as what we've done to narrow our vulnerabilities.

In addition to changing the prohibited-items list, TSA is implementing a number of changes specifically relating to explosives detection and screening. Our goal is to establish flexible protocols based on risk so that terrorists cannot use the predictability of our security measures to their advantage when planning an attack. We are piloting other activities as we move forward. Some will be visible, some will not be visible to passengers or to terrorists.

All of these changes in our explosives detection capability, TSA screening protocols, and the prohibited-items list are important to maintaining the vitality of our security process. TSA must be able to adapt quickly to changes in terrorists' tactics, deploy our resources effectively based on risk, and use unpredictability as a means to disrupt terrorist plots.

The flexibility to make changes quickly is vital to our mission. We need the ability to move away from measures that are no longer needed, and to move decisively when changes are required. Threat, vulnerability, and consequence, those are the three dimensions of terrorist risk, and they are our guide as to how we allocate our resources.

Small scissors and tools, versus bombs. If you do the analysis, it is not even close. Sorting through thousands of bags a day, at 2 or 3 minutes apiece, to pull out small scissors and tools does not help security, it hurts it.

TSA's changes to the checkpoint process—better training, more effective bag and passenger screening, and more and better use of technology—these are the steps that will improve security.

Mr. Chairman, I do not lightly say that, based on all I know. I believe that we need to strengthen our efforts against explosives at the passenger checkpoint, including the changes to the prohibited-items list. We have done the risk-based analysis. Now we need to implement it, without delay.

I'd be happy to answer any questions.

[The prepared statement of Mr. Hawley follows:]

PREPARED STATEMENT OF EDMUND "KIP" HAWLEY, ASSISTANT SECRETARY,
TRANSPORTATION SECURITY ADMINISTRATION

Good afternoon, Mr. Chairman, Co-Chairman Inouye, and Members of the Committee. I am pleased to have this opportunity to testify before this Committee to discuss the Transportation Security Administration's (TSA) strategies in aviation security and planned changes to implement those strategies.

Let me begin today by expressing my deepest sympathy to the family of Rigoberto Alpizar. As you know, Mr. Alpizar was shot and killed by Federal Air Marshals on the jet-way of an American Airlines plane in Miami. While his death is regrettable, our initial review of the facts indicates that the team of air marshals acted in a way that is consistent with the training they have received to protect other passengers, the flight crew, and the aircraft. This was an isolated incident, with no nexus to terrorism. As is routine for a law enforcement officer involved shooting, we are in-

vestigating the incident internally, and we will apply any lessons learned to future protocols and training.

I also want to acknowledge the understandable concern expressed by many thoughtful and serious people who worry that changes in TSA's prohibited-items list may signal a weakening of aviation security. Let me assure you, this is not the case. We have had the benefit of the advice and input of many people in the past few months, and we have known that the changes would stir deep emotions. But I would not have pursued these changes if I did not believe that they are a critical element of an integrated plan to improve the security of the aviation system.

In summary:

- The security of the aviation system will be strengthened by these changes. Shifting attention from low security risks to address markedly higher security risks is a plus, not a minus, to security. Keeping small tools and small scissors on the prohibited-items list might make people feel better, but it will not improve security or measurably reduce the risk that a terrorist will gain control of an airplane.
- These changes are motivated by security reasons, not concerns about resources or line speed. While I believe that we will see a more efficient system, that is a byproduct of these changes. This effort is directed only at real security weaknesses that we must address.
- The changes announced are part of a complex mix of visible and invisible components—some of which we can discuss in public and some that we cannot. The prohibited items changes are a public piece of the puzzle that fits in a larger context. The total security picture would be weakened without it.

This Committee has exerted strong leadership in shaping today's aviation security system, moving rapidly following 9/11 to shape the Aviation and Transportation Security Act (ATSA), and passing the Vision 100 and Intelligence Reform and Terrorism Prevention Acts.

Today we are orders of magnitude beyond where we stood on 9/11 in securing aviation travel. With the ATSA as its statutory foundation, TSA has worked with the airlines, airports, shipping industry, flight crews, law enforcement, and passengers to establish a robust aviation security system. That system now includes:

- A superb, well-trained Transportation Security Officer workforce that screens passengers, baggage, and cargo traveling on passenger planes;
- Federal Air Marshal Service law enforcement officers who fly anonymously on commercial passenger planes to provide physical security should an incident occur;
- Thousands of pilots who voluntarily participate in the Federal Flight Deck Officer program, which permits pilots who are trained to support the security regime from the cockpit to carry firearms;
- Over 700 flight crew members, including flight attendants, who have voluntarily taken TSA's Advanced Flight Crew Self-Defense course.
- Other local, State, and Federal law enforcement officers who travel armed as part of their normal duties;
- Hardened cockpit doors to prevent unauthorized access to the flight deck;
- Enhanced explosives and threat detection technology deployed in hundreds of airports; and
- A cadre of approximately 360 canine explosives detection teams screening baggage, cargo and, increasingly, carry-on items.

The public itself has added its own significant layer of security by its vigilance in looking for and reporting suspicious behavior, and the high likelihood that passengers will take action if an event occurs on an aircraft with or without an Air Marshal on board.

TSA has recently concluded a strategic assessment of our aviation security activities, and we are in the process of making changes that align with and reflect the principles that Secretary Chertoff introduced in the Department of Homeland Security Second Stage Review. To that end—

- Our work and our decisions are driven by risk;
- Our strategies are intended to promote Americans' freedom, privacy, prosperity, and mobility;
- We strive to be effective stewards of public resources; and

- We are building partnerships across every level of government, and with the private sector, our international counterparts, and with the American traveling public across all modes of transportation.

On December 2, 2005, I announced three changes in the way TSA operates in airports in conjunction with passengers. These changes reflect what we have learned from airlines, airports, law enforcement, and passengers, as well as our view of the current security risk environment. The changes include:

- Improvements in explosives detection training and technology;
- Modifications to the prohibited-items list; and
- Changes to TSA security screening protocols.

The changes reflect not only a new and evolving threat environment, but also our determination to make smart decisions based on data and metrics, a practice that TSA will continue to employ.

Many of the improvements in our explosives detection capability are already in place; the remaining changes will take effect in airports throughout the country on December 22, 2005. This will give TSA Security Officers and the public time to understand and prepare for the changes. We expect the net effect of these changes to be improved security, as we direct resources toward higher risk areas and make our security protocols less transparent to potential terrorists. We do not expect that implementing these changes will result in significantly shorter passenger wait times, nor do we expect to see significantly longer passenger wait times.

An Enhanced Focus on Explosives Detection

While changes to the prohibited-items list have attracted a great deal of attention, they are not the most important component of our changing strategy. The most significant element is the fact that we have evaluated our risk environment throughout the transportation sector, and based on a broad analysis of threat, vulnerability and consequence, we are focusing more on higher threat areas, such as explosives.

As I indicated earlier, since 9/11, TSA has implemented multiple layers of security to reduce the risk that terrorists could hijack and take control of an airplane. As terrorists adapt to the measures we have taken, we too, are adapting, and have put increased focus on the threats posed by improvised explosive devices (IEDs), a frequent weapon of choice for terrorists. To more effectively counter this threat, TSA continues to implement changes related to explosives detection and screening.

First, we have significantly increased the number of canine explosives detection teams. Canine teams can be used to search aircraft, cargo, vehicles, terminals, warehouses, passengers, and baggage. They move easily throughout the airport system and can post at multiple points during time periods that vary by shift and by day. Today, approximately 360 canine teams work at airports across the Nation. We will continue to grow the canine program—it is highly effective, flexible, and economically reasonable, as we demonstrated during the Thanksgiving period when they were deployed in passenger areas.

Second, we have recently completed enhanced explosives detection training for over 18,000 TSOs. This training includes both classroom and hands-on experiences, and focuses particularly on identifying X-ray images of IED component parts, not just a completely assembled bomb. Within days of completing training, TSA security officers in St. Louis found a hidden explosive detonation device in a carry-on bag. Our performance in this area will continue to improve, as the rest of our screening workforce receives enhanced explosive detection training over the next six months and refresher training is incorporated into our regular weekly training programs.

Third, to reinforce this training, we have updated our database of threat images to include many more new IED images of all types. These images are randomly projected onto X-ray screens at checkpoints to help our security officers hone their detection skills and identify remedial training needs. Additionally, new standard operating procedures will encourage TSA Security Officers to work together more than ever before to find items that may pose a security threat.

Finally, just as we have invested in our people to help reduce the risk that explosives will be taken aboard a plane, we are also investing in technology for this purpose. Already, 43 explosives trace portal machines have been installed at 20 airports, and we will complete installation of an additional 16 machines at 6 airports by mid-December. This new technology uses puffs of air to help detect the presence of explosives on individuals. Site surveys, which will encompass between 80 and 100 of the Nation's larger airports, are ongoing for placement of the remaining portals that TSA will be installing. By the end of 2006, about 350 trace portal machines will be in operation throughout the country.

As deployment of this new technology moves ahead, we continue to use explosives trace detection units to accomplish screening of carry-on items for explosives res-

idue. At passenger checkpoints, these devices are used to analyze residue from sample swabs of carry-on bags during random screening and selectee screening, as well as for resolution of suspect bags, shoes, and electronic items identified by an X-ray operator. Explosives trace detection units—nearly 1,300 devices—are used at passenger checkpoints in every airport that TSA serves.

Applying Screening Resources to the Greatest Risk

As part of our continuing effort to review TSA practices in light of changing threats and the array of security measures now in place, we have also re-assessed the list of items that passengers are prohibited from taking with them onboard a plane.

As you know, an image of every carry-on bag is evaluated by a TSA Security Officer, who is responsible for identifying any items on the prohibited-items list. If a prohibited item is suspected, the bag must be searched by hand. In the last two quarters of Fiscal Year 2005, TSA security officers found almost 9.4 million prohibited items in carry-on bags.

The reality is, we are opening a lot of bags to take away objects that do not pose a great risk. We found that a disproportionate amount of our resources go to bag searches directed at objects that do not pose a real threat of taking control of an aircraft.

Although we understand that some passengers and crew members would prefer a cabin environment in which no potential weapons exist, it is clear that goal is impossible to achieve. Pens, keys, belts and even bare hands can be used as weapons. The list of items that are now permitted on planes that could be turned into weapons is almost limitless, but we judge their threat to taking control of an aircraft as extremely limited. Similarly, our judgment is that removing small tools and small scissors from the prohibited-items list does not measurably add to the vulnerability of our aviation system.

By carefully tracking the types of items that trigger secondary bag searches, we determined that small scissors and tools account for almost one-fourth of the prohibited items found in passenger carry-on bags. During the third and fourth quarters of Fiscal Year 2005, an estimated 1.7 million scissors were found at screening checkpoints. With these high numbers of scissors it is clear that TSOs are spending a very large amount of their time and attention focused on finding small scissors. In addition, TSOs found almost 500,000 tools in the third and fourth quarters of Fiscal Year 2005. Small screwdrivers, wrenches, and pliers made up a large majority of these tools.

It is these items—scissors with blades less than 4 inches long and tools like screwdrivers, wrenches, and pliers that are less than 7 inches long—that we will remove from the prohibited-items list on December 22. Tools with cutting edges, bludgeons, crowbars, hammers and saws will continue to be prohibited, along with any tool that is more than 7 inches in length. I want to emphasize that ice picks or box cutters, and knives of any kind remain on the prohibited-items list and are not allowed past the checkpoint.

Based on our research and analysis, I am convinced that the time now spent searching passengers' bags for small scissors and tools does not add to our security. These are not the tools of the terrorists. We must focus our attention on the far more dangerous threat of explosives.

Improving Security by Eliminating Predictability

The third set of changes we are implementing involve the protocols we use at screening checkpoints and other areas of the airports.

Our goal is to establish flexible protocols based on risk, so that terrorists cannot use the predictability of our security measures to their advantage when planning an attack. In the past, security measures at every airport were much the same. Whether you were a frequent flyer or a potential terrorist, you knew what to expect at the airport. With the changes we are implementing, that predictability will be gone.

Of course, the basics will not change: every passenger will still walk through a metal detector; and carry-on bags will be screened for weapons and explosives using X-ray equipment operated by TSOs. Suspect items will be referred for explosives screening using Explosives Trace Detection technology. All checked bags will continue to be screened for explosives using automated technology. But we will test and implement additional unpredictable screening techniques and procedures that will be easy for passengers to navigate, but difficult for terrorists to manipulate.

As I noted earlier, passengers may see more canine explosives detection teams circulating through the ticket counter and screening checkpoint areas. With our new protocols, some passengers may be randomly selected at the checkpoint, rather than

the ticket counter, to undergo additional screening or have their shoes or carry-on bags tested for explosive materials.

In addition to these random screening techniques, those passengers who are subject to additional screening may notice a change in our pat-down procedure. In the past, TSA procedures called for a pat-down of the entire back and the front of the torso around the abdomen. In order to improve our ability to detect non-metal weapons and explosive devices that may be carried on the body, we will be extending our pat-down search to include the arms and the legs.

As with current procedures, only female security officers will conduct pat-downs of female passengers, and only male security officers will conduct pat-downs of male passengers. Security officers will continue the practice of communicating exactly what to expect before each step of the search procedure. Additionally, passengers may continue to request that additional screening be conducted in private.

We will pilot other activities as we move forward. Some will be visible, such as having one of our TSOs with special document verification training or equipment assist in checking passenger credentials. Some will not be visible.

Again, the prohibited-items list and screening protocol changes I have outlined will go into effect on Thursday, December 22. All of the changes—in our explosives detection capability, the prohibited-items list, and TSA screening protocols—are important to maintaining the effectiveness of our security process. We must be able to adapt quickly to changes in terrorist tactics, deploy resources effectively based on risk, and use unpredictability as a means to disrupt terrorist plots.

Finally, I want to emphasize that we continue to appreciate the help of industry employees, passengers, and local law enforcement officers in reporting suspicious behavior and suspicious incidents.

The traveling public helped to make the Thanksgiving travel weekend one of the smoothest in recent years. This was truly a team effort. The airports, airlines, law enforcement, and TSA worked closely together to manage a tremendous volume of passengers. And passengers contributed by preparing in advance with their travel plans and did a great job of helping each other by minimizing unnecessary alarms at the checkpoints. All of this contributed to short wait times and strengthened the system's overall security. Our continued security depends upon these important partnerships, and we hope that by giving the public advance notice of the coming changes, Americans will all have a similarly smooth travel experience during the coming holiday season.

Mr. Chairman, there is, unfortunately, no prohibited-items list for terrorists conceiving an attack on the United States. Terrorists have at their disposal an almost limitless array of items to use in an attack on the world's most open and wide-ranging transportation system. We will never be able to create a perfectly sterile environment on airplanes or other modes of passenger transportation. That is why we rely on a multi-layered approach to security. With our partners in the intelligence community, law enforcement, government, and industry, TSA is committed to protecting the freedoms, privacy, prosperity and mobility that we, as Americans, all hold dear.

Thank you again for this important opportunity to report to you on our planned security changes, and I will be happy to respond to the Committee's questions.

The CHAIRMAN. Thank you very much.

It does seem that you're saying that passengers must accept an increased risk. Is that what you're really saying?

Mr. HAWLEY. No. I think passengers will have a far-reduced risk, considering that the risk of explosives on an aircraft is a catastrophic risk, and that our ability to reliably detect and prevent explosive devices, or components of explosive devices, for getting on airplanes is measurably enhanced by focusing our efforts on the training, on better screening, and on more followthrough with—more examinations using our advanced technology—specifically, the trace detectors.

The CHAIRMAN. I find it difficult to follow some of the reasoning, Mr. Secretary. A pair of scissors in a knitting basket of a grandmother is one thing.

Mr. HAWLEY. Yes.

The CHAIRMAN. A pair of scissors in the pocket of a 19 or 20-year-old obvious thug—

Mr. HAWLEY. Yes.

The CHAIRMAN.—is another thing. Now, what's your answer to that?

Mr. HAWLEY. Well, the risk that a terrorist thug would take over an aircraft using any of those devices—as you know, scissors or belts or credit cards or—there is a limitless number of items that are perfectly legal to bring on, that can be a lethal weapon. And the fact that we're opening a quarter of all bags that we open, pulling out what are essentially not threats to the aircraft, is not a good use of resources, in our opinion.

The CHAIRMAN. Well, why the 4-inch scissors?

Mr. HAWLEY. Well—

The CHAIRMAN. You know, I've seen scissors—matter of fact, I have a pair—you just pull them out, and you pull them apart, and then there are two knives.

Mr. HAWLEY. Yes. The reason is that we wanted to—in order to be—to get the advantages we want, in terms of not opening excessive bags, the transportation security officer has to be able to see readily, on the screen, whether it is a prohibited item or not, and that the scissors and tools, at that length, are at the very bottom end of the spectrum, and they can reliably make the decision, prohibited or not, based on the—on the screen itself.

The CHAIRMAN. I think the two of us fly more, and probably have flown more, than any Senators in history. Now, we go through a lot of lines. I've seen those screeners.

Mr. HAWLEY. Yes.

The CHAIRMAN. How is that screener going to tell the difference between a 4-inch set of scissors and one that's 4½, or 4¾—

Mr. HAWLEY. Yes.

The CHAIRMAN.—or 5 inches?

Mr. HAWLEY. Well, most—we've done the analysis, and virtually all the scissors are right around the 4 inches or less. And we took it out and did focus groups with screeners to establish whether or not that was the case. And it turns out it is the case.

The CHAIRMAN. Well, have you left it to the discretion of the screeners who are looking at that screen to search a bag?

Mr. HAWLEY. Yes.

The CHAIRMAN. If they see something, in view of the person they're looking at—people say we—that there shouldn't be this—what do they call it?

Mr. HAWLEY. Profiling, right.

The CHAIRMAN. Yes.

Mr. HAWLEY. Yes.

The CHAIRMAN. Profiling.

Mr. HAWLEY. Right.

The CHAIRMAN. But we all profile as we go through life. Now, suppose one of them sees a thug standing in front of them, and he's got one of these things in the bag. Is he supposed to search the bag?

Mr. HAWLEY. Well, we'll pick up the thug part elsewhere, and then what we ask our screener to do, at that point, with the—with the X-ray screen is identify what's in the bag as to whether that represents a threat, according to the prohibited-items list. And the risk of having too many things on that prohibited-items list is that

it becomes a clutter in the mind of the screener, who is trying to determine where is the detonator. And what we—what we really want is to be able to identify the relatively small pieces, or the components, of a potential explosive device.

The CHAIRMAN. Well, let me put it this way. I get on the plane, and I'm seated, and along comes the guy, and he's got an enormous toolkit. And he opens up the thing above my head, and shoves it in there. And he can barely lift it and put it in. He's also got a carry-on bag that he puts under the seat. Now, am I to feel, you know, assured that those things have been examined, or not?

Mr. HAWLEY. They have been examined. And the fact of the matter is that somebody trying to hijack an aircraft with one of the—the tools or implements is, I view, a very small risk. We had a situation, as you may know, in—on the way to Hawaii, this last weekend, where an individual, using a belt as a weapon, approached the cockpit. And a flight attendant was able to grab hold of him from behind, and then four passengers from up front came and took the gentleman down until he was subdued for handcuffs. So, the—that's before even getting to the cockpit door.

The CHAIRMAN. All right, we had previous discussions about this, and about some concept of finding a way to reduce the number of things that people search for.

Mr. HAWLEY. Right.

The CHAIRMAN. But in the backroom here, you've got a list of things that are permissible, and ones that are not. Are you going to train your people to use their own judgment and not follow some strict limit that, "Oh, that's a pair of scissors, I don't need to look"?

Mr. HAWLEY. We feel we need to give them a measure by which they're judged, and then we can test on it. And what we do is, we have images of what a prohibited item would look like, and we test them. So, we feel we do need to give them the specific guidance on what is, and what is not, allowed, but clearly one of the things we're moving toward is what you say, of using more judgment in the process, particularly as the individual goes through the checkpoint, and look at the totality of the individual, what the person's carrying, and what the individual has on—has in the bag.

The CHAIRMAN. I've got to tell you, this commercial passenger would be much happier if you found some way to limit the carry-on bags and tell people they can only take one thing on that—inside that cabin, and that you put that through the screen, and then tell me that you've not found anything in it that looks like it's threatening, as compared to the person that's carrying it. What's wrong with that paradigm?

Mr. HAWLEY. Well, we've looked at that, and one of the—one of the issues that we find is that a—an individual with two bags, one larger than the other, takes the second bag, puts it inside the first bag, and then it is one bag, but it only increases the clutter on the—on the screen for the official. And it really comes down to the risk-based priority of, Where should we—as the Federal Government, where should we be applying our resources, toward what end? And with all the other things in place, particularly the things in place for screening out terrorists before they get to the airport, the things that are in place ahead of that point, and actually on the aircraft itself, sharply limit the risk of a hijacking with one of

these objects. And the explosives capability, though, we have to have zero tolerance on that, and it is—that is our highest priority right now.

The CHAIRMAN. Well, I've got to tell you, as I said, a frequent flyer, and then some, I'd be happier if you locked those cargo things above my head. I'd be happier if you permitted passengers to only take one thing on. Now I see people with one wheel thing that's 6 feet long, another one that's 3 feet long, supposedly a briefcase, and you say they've gone through screening because of the automatic screener, right?

Mr. HAWLEY. They've all been through the screening process. Had they checked them, they would be completely out of the way.

The CHAIRMAN. Well, I've got to tell you, Mr. Secretary, I'm not happy with this.

Senator Inouye?

Senator INOUE. I get searched all the time; bodily searched, about one-third of the time. I don't mind that. I'm happy to go through that. And I'm also happy to note that the pilots and copilots go through the same process. And the flight attendants do the same. I gather that all personnel onboard aircraft are required to go through the screening process.

Can you say the same for the personnel on the ground? Because I've been told that they don't have to go through that process.

Mr. HAWLEY. Well, to—there are airport workers who are—who work around the airport, on the tarmac and in the operations area, that have to go through a background check. And those that pass that hurdle are allowed to use—are issued a badge that entitles them to get onto the airport property without additional screening at a TSA checkpoint.

Senator INOUE. They're the ones that handle our baggage?

Mr. HAWLEY. Yes. And they are—we have recently increased the checking on that to check, virtually every day, the currency of that list to make sure that nothing has changed in our background information that would allow someone who is currently a badgeholder to continue to have access if a problem develops.

Senator INOUE. So, once you pass the background check, and you get your tag, you're on the tarmac.

Mr. HAWLEY. That's correct.

Senator INOUE. Do you apply that to the regular screening process?

Mr. HAWLEY. No, actually we have our—when our TSA officials come, they have to go through the screening, themselves. But the—it's the multilayer aspect that we take a very careful look at who's got the SIDA-badge access, and it's something that we—as I mentioned, we are constantly rerunning those lists, versus our information, to make sure that they are, in fact, up-to-the-minute.

Senator INOUE. Do we maintain the same security procedure at ports?

Mr. HAWLEY. For maritime? Well, it is a different construct, in that the aviation environment is the only one in which we have TSA-paid-for people doing the screening. The—as I understand, with the cruise lines, they do their own screening of passengers coming onboard.

Senator INOUE. What was the reason for lowering the requirements, such as permitting scissors to get onboard?

Mr. HAWLEY. It—

Senator INOUE. Was it the—

Mr. HAWLEY.—it was—

Senator INOUE.—workload of the screeners?

Mr. HAWLEY. Well, we first looked to see where we feel we might be vulnerable. We do not feel that we have vulnerability inside the aircraft cabin for taking over—for a hijacking. We do feel we have vulnerability in, and the opportunity to do a better job of, detecting explosives that could be brought onboard the passenger cabin, and that—as part of that, we looked at the things on the prohibited-items list and were comfortable that the objects mentioned here do not measurably increase risk in that regard. And the fact is that we're spending, for—you know, a quarter of the bags that are opened, are opened for those, and if they're not a major threat to take over the aircraft, we felt it was better to use that time—reallocate that time toward training and better screening, versus explosives, rather than tying them up going through bags, rooting around looking for small scissors and tools. It's—it really is the embodiment of risk-based. If we say we're going to make decisions based on risk, this is an example of putting that to practice and actually making a hard call that says we are going to make a risk-based tradeoff. And I'm willing to take the responsibility to say it's more important, for the security of the aviation system, that we spend that Federal time looking for explosives, rather than rooting through bags for scissors and small tools.

Senator INOUE. Will you get to the stage where certain passes may be given to certain people?

Mr. HAWLEY. Yes. We've talked about the registered traveler program, and that that is a way of further defining the risk basis. And, say, for people who have gone through thorough background checks—passengers—that there are expedited ways that we'd be willing to consider to get them through. And, again, take the resources that we're now essentially not using very effectively to screen people who are no threat at all, and move those to ones we don't know. So, that is definitely where we're heading. And we've announced a program that—in January, we're going to hear from the industry what their proposals are, and we're working with them to see how we might change the screening process to recognize the lesser threat of those passengers.

Senator INOUE. Are they able to manipulate the metal detector so that it might be high on you and low on him?

Mr. HAWLEY. Yes. But not—but not so much as a toggle that you could—you can just quickly flip the switch. They are capable of being tuned to the level of sensitivity that you want.

Senator INOUE. I ask this because there are times when I see passengers go zipping through, and there are times when almost 50 percent are stopped.

Mr. HAWLEY. Today, they're tuned, essentially, to the same standard. And what we hope is that travelers with enough experience know to get rid of their metal before going through the metal detector, and that's really what we hope for. And that speeds things up for everybody. It's what happened over Thanksgiving. We

had tremendous teamwork with the passengers, who came to the checkpoints prepared, and we did not have the lines that we've had in the past.

Senator INOUE. Is there any special process for people with metallic objects in their body?

Mr. HAWLEY. Yes. We have a very robust process of working with people with disabilities of all types, and it is—we—it's a success story, really, in terms of working with the makers of prosthetic devices, so that the TSA people actually go in the factory and see how they're designed and made, and make suggestions, and understand how—all of the details, including assistive animals. It is—there's quite a bit of training on that.

Senator INOUE. And how does a passenger get that treatment?

Mr. HAWLEY. Just indicate that they have a special need, and then we take care of it. We do private screening, as appropriate.

Senator INOUE. I ask this, because my wife has two knee replacements, I've got a shoulder replacement, and somehow the bells love to ring.

Mr. HAWLEY. Yes, sir.

Senator INOUE. Thank you very much.

The CHAIRMAN. Mr. Hawley, it appears to me that the result of this is to make it easier for people to carry more things in those big, big bags that have wheels. And what we're doing is slowing down the amount of checked baggage, rather than the amount of hand-carried baggage on the plane. Now, it's been my judgment that the risk is in those bags, it's not in where you're waiting for baggage that's checked. Why don't we give an incentive to people not to carry stuff onboard planes?

Mr. HAWLEY. That's, I think, an excellent idea, and it's something that we're exploring and interested to pilot. The question is how we can do that with—to come up with the right incentive so that it works for enough passengers to make it worthwhile. But—

The CHAIRMAN. Some of those bags are occupying more space in a plane than I do.

Mr. HAWLEY. Yes, sir.

The CHAIRMAN. And they're heavier than I am—almost, anyway. I really think we've misjudged the problem, is what I'm telling you. The problem is more stuff going into the cabin. And I don't see that this is going to decrease it at all.

Having said that, I remember, once, I was taking some instruction on self-defense. And the instructor showed me a sharpened credit card.

Mr. HAWLEY. Yes, sir.

The CHAIRMAN. And he told me that's the most lethal thing that you can think of, in terms of personal combat.

Mr. HAWLEY. That's allowed on the aircraft today, and that is—you could use that as a lethal weapon.

The CHAIRMAN. That is—you don't inspect people's wallets or pocketbooks for these, do you?

Mr. HAWLEY. No, sir.

The CHAIRMAN. Well, I think you need to do another risk assessment. I really do. I'm worried about the fact that people are going

to look at this and say, you know, you can carry on any tool you want. It just says any tool. I could carry on a hammer, right—

Mr. HAWLEY. No.

The CHAIRMAN.—as long as it's not 7 inches in length?

Mr. HAWLEY. No. We prohibit tools—drills, hammers, crowbars, anything that could be used to open the—you know, smash in the cockpit door, potentially, or used as a bludgeon. And the reason that we came to the 7 inches on the—on the small tools is that that doesn't allow enough so-called “bat speed” to provide a good bludgeoning—

The CHAIRMAN. All right. I'm going—

Mr. HAWLEY.—instrument.

The CHAIRMAN.—to let up on, but you—I could take a pair of pliers—

Mr. HAWLEY. Correct.

The CHAIRMAN.—those really strong pair that are about 6 inches long that open up wide enough to get around my neck, almost. I can take those onboard, can't I?

Mr. HAWLEY. Under this proposal, absolutely. And our view is that that is not going to be an element of a successful terrorist attack against the United States, that we'd rather use that resource to prevent a bomb getting onboard.

The CHAIRMAN. Well, it's—I thank you. And I think you're trying very hard, Mr. Hawley, but I do think we have to go back to the limitation. I'm going to think about legislation to limit what a person can carry on a commercial aircraft.

Thank you very much.

Mr. HAWLEY. Thank you.

The CHAIRMAN. Mr. May? Chief Executive Officer, Air Transport Association of America. He has a face that looks like a good poker player.

Mr. MAY. Once in a while, Mr. Chairman.

The CHAIRMAN. Please.

STATEMENT OF JAMES C. MAY, PRESIDENT AND CHIEF EXECUTIVE OFFICER, AIR TRANSPORT ASSOCIATION OF AMERICA, INC.

Mr. MAY. Thank you. Mr. Chairman, Co-Chairman Inouye, it's a pleasure to appear before you. As always, I appreciate the opportunity to testify today on TSA's recently announced changes to the screening procedures and prohibited-items list.

The significance of TSA's action, in our minds, lies not so much in the specific screening and prohibited-list changes announced, but in the fact that they resulted from a deliberate and careful risk analysis, as Secretary Hawley has talked about.

According to him, TSA has done precisely what the 9/11 Commission, Members of Congress, and the industry have urged TSA to do, which is make rational judgments about security measures, based on the best threat intelligence available, the state of security measures to protect vulnerabilities, potential consequences, and cost-effective use of valuable, but limited, resources.

The 9/11 Commission stated in its final report, and I quote, “The U.S. Government should identify and evaluate the transportation assets that need to be protected, set risk-based priorities for de-

fending them, select the most practical and cost-effective ways of doing so, and then develop a plan, budget, and funding to implement that effort.”

Assistant Secretary Hawley’s December 2nd announcement makes it clear that that’s exactly what TSA has done, and what they did in going through the decision to adjust the screening process.

I think it’s noteworthy that risk analysis and risk-based decision-making have also been embraced by Congress. TSA’s use of risk analysis to determine appropriate modifications to the screening process is consistent with the responsibilities set out in the Homeland Security Act.

More recently, the 2006 DHS Appropriations Act directed the Secretary to develop a threat-and-risk methodology to use when allocating discretionary grants to State and local programs.

And, finally, TSA’s announcement is also consistent with legislation recently introduced on the House side, the Transportation Security Administration Reorganization Act of 2005. That bill would formalize the process TSA used, requiring a risk-management system to, “dynamically assess and measure potential threats,” and to then develop policies consistent with that system.

The airline industry firmly supports the methodology for determining appropriate responses to terrorist threats. There are too many possible threats, too few Government and industry resources, to respond to every conceivable threat. The example of credit cards, the Chairman mentioned a few minutes ago, illustrates this policy well. Attempting to do so would simply diminish our ability to defend against the most serious threats.

As we have testified, on previous occasions, a deliberate, methodical approach to security that analyzes the spectrum of threats, likelihood of success of attacks, and their consequences, is critical to effectively defending aviation.

Another 9/11 Commission recommendation is to give, “priority attention to improving the ability of screening checkpoints to detect explosives on passengers.” The changes announced by Secretary Hawley respond to that recommendation. They respond to intelligence gathered regarding threats to aviation, and they are consistent with security measures put in place to protect against another 9/11-type attack. Those measures—we already talked about them today—include hardened cockpit doors, the presence of Federal air marshals, armed pilots, under the FFDO program, enhanced crew security training, available self-defense training for crew members, and a new response to inflight security situations, which is to get the plane on the ground immediately. In short, aviation security, especially onboard security, is very much improved since 9/11, as the recent incident in Miami, sadly, illustrated. In light of these improvements, TSA has acted responsibly to focus attention on the next threat, rather than on the last threat.

Secretary Chertoff recently testified that our national-security strategy must promote freedom, prosperity, mobility, and individual privacy. The measures needed to achieve these goals have a significant economic and operational impact on the U.S. airline industry, and there’s much work to be done to reduce that impact.

Let me give this Committee three recommendations in areas needing improvement.

First, consolidate U.S. Government passenger data-collection requirements. Several agencies—Customs, Border Patrol, Center for Disease Control, and TSA—currently have, or are proposing to implement, overlapping passenger data-collection requirements. What we need is agreement on a single governmentwide standard for passenger data, collected in a single collection point, to reduce the duplication and inconsistent technical requirements.

Second, establish one government agency to be responsible for resolving passenger data-privacy issues that arise with foreign governments.

And, third, clean up the so-called watch lists, and get the Secure Flight Program up and running. We have long said that aviation security should focus on people, not on things. And the first step to improve that capability is to get Secure Flight off the ground.

In conclusion, Mr. Chairman, Congress established TSA to secure all modes of transportation against terrorist threats. It's given TSA both the tools to analyze those threats and the authority to implement appropriate security measures. Let them do their job.

Thank you.

[The prepared statement of Mr. May follows:]

PREPARED STATEMENT OF JAMES C. MAY, PRESIDENT AND CHIEF EXECUTIVE OFFICER, AIR TRANSPORT ASSOCIATION OF AMERICA, INC.

Thank you Mr. Chairman, Senator Inouye and Members of the Committee. I am Jim May, President and CEO of the Air Transport Association of America, Inc. On behalf of our members, I appreciate the opportunity to testify today on TSA's recently announced changes to its screening procedures and prohibited-items list.

Driving Priorities By Risk Analysis

The significance of TSA's action lies not so much in the specific screening and prohibited list changes announced, but in the fact that they result from a deliberate and careful risk analysis. According to Assistant Secretary Hawley, TSA has done precisely what the 9/11 Commission, members of Congress and industry have urged TSA to do: make rational judgments about security measures based on the best threat intelligence available, the state of security measures to protect vulnerabilities, potential consequences and cost-effective use of valuable—and limited—resources.

The 9/11 Commission stated in its Final Report: "The U.S. Government should identify and evaluate the transportation assets that need to be protected, set risk-based priorities for defending them, select the most practical and cost-effective ways of doing so, and then develop a plan, budget, and funding to implement the effort." Assistant Secretary Hawley's December 2nd announcement makes it clear that this is precisely the exercise TSA went through in deciding to adjust the screening process. Indeed, Secretary Chertoff identified this process as a core principle when he testified before this Committee in July of this year.

It is noteworthy that risk analysis and risk-based decision-making has been embraced by Congress. TSA's use of risk analysis to determine appropriate modifications to the screening process is consistent with the responsibilities of the DHS Under Secretary for Information Analysis and Infrastructure Protection, set out in the Homeland Security Act, to analyze intelligence data and conduct terrorist attack risk assessments, including the probability of success and the efficacy of countermeasures. More recently, the 2006 DHS Appropriations Act directed the Secretary to develop a threat and risk methodology to use when allocating discretionary grants to state and local programs. TSA's announcement is also consistent with the recently introduced Transportation Security Administration Reorganization Act of 2005. That bill would formalize the process TSA used, requiring a risk management system "to dynamically assess and measure potential threats," and then develop policies consistent with that system.

The airline industry firmly supports this methodology for determining appropriate responses to terrorist threats. There are too many possible threats, and too few government and industry resources, to respond to every conceivable threat. Attempting to do so would simply diminish our ability to defend against the most serious threats. As we have testified on previous occasions, a deliberate, methodical approach to security that analyzes the spectrum of threats, likelihood of success of attacks and their consequences, is critical to effectively defending aviation.

Another 9/11 Commission recommendation is to give “priority attention to improving the ability of screening checkpoints to detect explosives on passengers.” The changes announced by Assistant Secretary Hawley respond to this recommendation, we are told they respond to intelligence gathered regarding threats to aviation, and they account for the security measures put in place to protect against another 9/11 type attack. Those measures include hardened cockpit doors, the presence of Federal Air Marshalls, armed pilots under the Federal Flight Deck Officer program, enhanced crew security training, available self-defense training for crewmembers, and a new response to in-flight security situations—get the plane on the ground immediately. In short, aviation security—especially onboard security—is much improved since 9/11, as the recent incident in Miami sadly illustrated. In light of these improvements, TSA has acted responsibly to focus attention on the *next* threat rather than the last one.

Further Improvements

Secretary Chertoff also has testified that our national security strategy must promote freedom, prosperity, mobility and individual privacy. The measures needed to achieve these goals have a significant economic and operational impact on the U.S. airline industry, and there is much work to be done to reduce that impact. I share here three recommendations in areas needing improvement:

- Consolidate U.S. Government passenger data collection requirements. Several agencies—Customs and Border Protection, Centers for Disease Control, and TSA—currently have, or are proposing to implement, overlapping passenger data collection requirements. What we need is agreement on a single, government-wide standard for airline passenger data collected and a single collection point to reduce duplication and inconsistent technical requirements.
- Establish one U.S. Government agency to be responsible for resolving passenger data privacy issues that arise with foreign governments. Failure to resolve these serious differences puts U.S. airlines in the untenable situation of complying with U.S. security-related information demands while running the risk of violating the data protection laws of foreign countries.
- Clean up the so-called “watch lists” and get the Secure Flight program up and running. We have long said that aviation security should focus on people, not things. The first step to improve this capability is to get the Secure Flight program off the ground. DHS needs to work collaboratively with industry to develop an integrated prescreening system for both domestic and international passengers.

Conclusion

Congress established TSA to secure *all* modes of transportation against terrorist threats; it has given TSA both the tools to analyze those threats and the authority to implement appropriate security measures. It is time to move beyond determining security measures based on personal opinion and popular belief, and let TSA use these tools to do its job.

The CHAIRMAN. I may be being a little unfair, but your—the industry seems to be saying, “We’d like to have a thorough search, and the real threats are explosives.” I think that’s true. That’s really primarily on checked baggage, isn’t it?

Mr. MAY. Yes, sir, it—what we’re focusing on today certainly is the checked baggage—is—it’s—I’m sorry, the carry-on baggage component, because the decisions that TSA made affect the prohibited-items list for checked—for carry-on baggage, excuse me. So, what we’re talking about is a threat level that’s being responded to, quite frankly, Mr. Chairman, for explosives carried onboard aircraft. And that is the threat that I think TSA is addressing. That is not to minimize the threat from explosives for other forms—

cargo, for example, or checked baggage—but I think the response, specifically, that TSA was addressing—and I know a lot of the very—most recent training that the TSA screening officials have gone through involves explosives that might be carried onboard a plane in carry-on baggage.

The CHAIRMAN. Well, it's not so long ago when you got on an airplane, there was a little thing right beside the door, and it said, "What you carry on must fit into this," right?

Mr. MAY. That is correct. And they still exist in virtually every check-in counter in the country. I've had my bags put through them as recently as a week ago.

The CHAIRMAN. Well, they don't put those things on wheels in there now. They wheel behind passengers, and they're full, full suitcases. They're bigger than anything I've ever carried onboard, but I've seen them.

Mr. MAY. We share your concerns, Mr. Chairman. It's one of the points we made in trying to get passengers ready for Thanksgiving holiday travel, for example, because so many people try and take their entire lives with them onboard the airplane, and it creates all sorts of difficulties. In particular, it creates a major headache and hassle for the flight attendants that are trying to accommodate all this baggage.

The CHAIRMAN. Well, why don't you support the idea, then, that we limit people to one bag, getting on a plane, and of a certain size.

Mr. MAY. Well—

The CHAIRMAN. And then it would be easy—very easy to inspect it.

Mr. MAY. I think—I think one of the issues is whether or not TSA can accurately inspect, and quickly inspect, the baggage that's currently being taken on. It's my understanding that they're down to about—under 2 minutes per person, even with two bags going through the security process. I'm all in favor of not taking your entire life with you on an airplane. By the same token, I fully appreciate a tremendous number of business travelers that like to be able to carry on a single bag, well-packed, plus a laptop computer, a purse, in the case of the ladies, et cetera. That is the current rule. And I think it's—I think it's perfectly appropriate.

The CHAIRMAN. Well, it—

Mr. MAY. It's when they break that rule, and try and take on oversized bags and extra bags that I think we need to have stronger enforcement.

The CHAIRMAN. Well, you said that you think we should focus on people, right?

Mr. MAY. We should focus on individuals, not on things. That is a longstanding mantra.

The CHAIRMAN. Explosives are things, aren't they?

Mr. MAY. They are. And that is part of the equation. Behavior is also a part of the equation. I think we need to have a very broad-based screening process that involves behavior, that involves things, that involves people. What we're worried about when we focus on things—and, specifically, explosives—is that we focus on those things that could bring down, or jeopardize, an entire airplane, an entire group of passengers and crew, as opposed to things

that, while posing a threat, are not likely to pose a threat to an actual hijacking.

The CHAIRMAN. I want to ask you two questions, and then I'll finish.

Mr. MAY. Yes, sir.

The CHAIRMAN. One, this person that was subdued, for instance, as Mr. Hawley just said, on the plane going to Hawaii—

Mr. MAY. On the Northwest flight?

The CHAIRMAN. Yes.

Mr. MAY. Right.

The CHAIRMAN. Why should he ever again be allowed to get on a commercial airline?

Mr. MAY. I can't answer that question from the Government's perspective. Mr. Hawley would have to answer that. But it seems to me that if there is a sufficient threat, based on prior behavior, that action could be taken.

The CHAIRMAN. Second, you recommend consolidation of information. What ever happened to the picture watch list that we had, a photographic watch list? Is that still being used by your people?

Mr. MAY. No, it is not.

The CHAIRMAN. Thank you very much.

Senator Inouye?

Senator INOUE. Are you satisfied that the security process for the ground crew is sufficient, as compared to the flight crew?

Mr. MAY. We are, Senator Inouye, satisfied, at this time. Those individual ground employees are run against the watch list on an almost daily basis. And I think that the process that we're using for them is appropriate.

Senator INOUE. When the food truck comes in, do they search the contents?

Mr. MAY. It's my understanding that they do. There is a—we, as airlines, are responsible for catering-security, very specifically, and that is part of the protocol that we go through.

Senator INOUE. And you're—

Mr. MAY. There is a transportation-workers' program that we engage in with TSA. They're checked at the gate, and then monitored again, coming in.

Senator INOUE. And you're satisfied that this new risk assessment is correct?

Mr. MAY. Senator, we think that risk assessment and risk management are fundamental to the overall success of TSA and to airline security. We know that the threats are—continue to change. We know that TSA has to change according to the threats that are presented. We know that it was appropriate, immediately following 9/11, to come up with a list of prohibited items. We have to continue to manage that list. We know now, based on intelligence and other avenues of information, that explosives are probably the single-greatest threat, in terms of airplanes. We know we have to do things to address that. TSA is addressing the explosives. They are addressing it through training, they're addressing it through spending more time to carefully manage what's being carried aboard airplanes, they're addressing it through a widely increased use of canines. It's interesting that the lowest form of technology,

in some respects, is the most effective, when it comes to determining explosives.

So, I think that risk management is a tool, risk assessment are tools, that are critical to the success of TSA/DHS efforts across the board. It's not just us. It's the subways in New York. It's port security. It's everywhere. And we have to continue to change. We have to continue to not be predictable. We have to continue to adjust our response to different threats in different forms.

Senator INOUE. You mentioned economy as one of the considerations in determining risk assessment.

Mr. MAY. Yes, sir.

Senator INOUE. Are you suggesting that the delay caused by the process—inspection process, security process—has cost the industry money?

Mr. MAY. I don't think there's any question, Senator. We've long talked about the so-called "hassle factor" involved in airport security, and we are well aware that, on short-haul flights in particular, a number of individuals prefer to drive, as opposed to fly, because it's a—it's less bothersome to them, because of the security. So, we work with TSA on a regular basis to assure that, while we maintain the level of security aboard the airplane, that we also improve the efficiency of TSA. And I think the Thanksgiving example is the best one I can mention, because we moved a record number of people through that process without any significant delays, countrywide. And I think that's a testament to the work that's being done by TSA and by the carriers and their employees.

Senator INOUE. I've been on many, many flights, like the Chairman, and I very, very seldom see an empty seat. In other words, most of us have become accustomed to waiting, an hour and a half, 2 hours. And I've stood at Dulles and elsewhere for over an hour, just going through the cordon. And apparently, it doesn't affect the income of the airlines.

Mr. MAY. Oh, Senator, I think it very much affects the income of the airlines. It affects it—

Senator INOUE. I've been on many short—

Mr. MAY.—principally on short-haul people, who aren't—

Senator INOUE.—short-haul flights to New York City and Chicago, and they all seem to be filled—

Mr. MAY. We're—

Senator INOUE.—unless I'm flying at the wrong time.

Mr. MAY. We're at, probably, about 76 or 77 percent of capacity right now, as an industry, domestically. Our break-even number is about 83 percent. We're full. But we tend to be full of inexpensive fares and very high-cost fuel.

Senator INOUE. Well, I'd like to hear my favorite human beings, flight attendants. I spend just as much time with the flight attendant as I do with my wife. So—

[Laughter.]

The CHAIRMAN. As a matter of fact, some months, more, I think. One question.

Mr. MAY. Yes, sir.

The CHAIRMAN. Has the airline industry made recommendations to TSA for security?

Mr. MAY. Yes, sir, we have. We have continuing conversations with TSA. Some of it is on a SSI basis, other is more open. I meet with Secretary Hawley on a regular basis. I find him to be very accommodating of our views and interested in what we have to say. He doesn't buy into everything we recommend to him, but I think we've got a good—

The CHAIRMAN. That was—

Mr. MAY.—working relationship.

The CHAIRMAN.—my last question. What haven't they agreed with you on?

Mr. MAY. Well, I think that, you know, we're—we've got an issue of how quickly they're going to adopt some of the recommendations we've got on Secure Flight—for example, how quickly we can get past—I made three recommendations today; they're not, any of them, new to TSA—how quickly we can get past the idea that we have different agencies of the Department of Homeland Security all working for the same boss, all trying to collect different forms of data from the carriers, all for the same essential purpose, which is to run it against watch lists. And so, we've made those recommendations. We'd like them to, sort of, expedite getting rid of the cross-purpose activity.

The CHAIRMAN. Well, God willing, we're going to go home for Christmas. But, in any event, we've scheduled hearings on February 9th on Secure Flight, a registered-traveler concept, a screener workforce, baggage screening, and new technology. So, we're going to continue to pursue this to try and see if we can have some impact on coming together as a nation on what we need, in terms of airline security and, really, who should bear the burden. Should it be the people that are frequent flyers, or should it be the people who get onboard and are moving all of their belongings from one place to another?

Mr. MAY. Your staff have already put us on notice for that date, Senator.

The CHAIRMAN. Thank you very much. Thank you. Appreciate it, Mr.—

Mr. MAY. Thank you, sir.

Ms. Friend?

STATEMENT OF PATRICIA FRIEND, INTERNATIONAL PRESIDENT, ASSOCIATION OF FLIGHT ATTENDANTS-CWA, AFL-CIO

Ms. FRIEND. Thank you, Chairman Stevens. Thank you for holding this hearing. Oh, it's not on. Thank you.

Thank you for holding this hearing, and for allowing us to comment on the TSA's proposed changes to the prohibited-items list.

Although I am the international president of the Association of Flight Attendants, I know that today I speak for all flight attendants, and I welcome the support today from my fellow flight-attendant representatives, the APFA, from American Airlines, and the Transport Workers Union, representing the Southwest flight attendants.

We are the front-line safety and security personnel onboard every commercial passenger aircraft in this country—a front-line safety and security personnel, I might add, who have still not received

adequate or meaningful security training. We believe, unequivocally, that these proposed changes will further endanger the lives of all flight attendants and the passengers that we work so hard to keep safe and secure.

I brought along some examples for you today of what would be allowed under the TSA's proposed changes. Now, I was questioned by security in this building about my purpose in bringing these items into this building. However, if the—under the TSA's proposal, anyone will be able to bring any or all of these items into our workplace without any justification.

It's been more than 4 years since the terrible events of September 11th. On that day, 25 of our fellow flight attendants perished on those four deadly flights. Some of these individuals were the first victims to be killed by the terrorists. Since then, we have worked diligently as a key industry stakeholder to assure that all flight attendants and passengers have the best possible chance of survival for the next time they find themselves face to face with a terrorist, or even confronted by an abusive or unruly passenger.

My written testimony to the Committee outlines in detail the concerns that we have with recent statements by TSA and Assistant Secretary Hawley. I ask that our written comments be accepted into the record.

Let me be clear that we do not disagree with the TSA's decision to put additional resources into detection of explosives and potential suicide bombers. That threat exists, and it has always existed. But shifting resources should not be done at the expense of allowing items that could be used as deadly weapons back onboard the aircraft, items similar and larger than those already used as weapons on September 11th. In this case, we believe that TSA is proposing to take two steps backward for one step forward.

The vast majority of the traveling public is already trained not to bring these and other items onboard with them. They know that if there's any doubt about whether or not an item is allowed, they should place it in their checked baggage and not attempt to bring it on the aircraft. Why should we create, again, confusion in their minds as to what is allowed and what is not? Such confusion will only result in longer lines at screening checkpoints, as individuals attempt to bring on all type of items that are still on the prohibited list, but they are items which they assumed were now allowed.

If the concern of the TSA is to reduce the amount of time spent on screening bags, and to focus on detection of explosives, we believe that a better use of the TSA's authority would be to uniformly and strictly enforce current carry-on baggage limitations. We share the concerns of the Chairman on the need for enforcing these limitations. Strictly enforcing the carry-on bag limitations at screener checkpoints would cut down on the size and number of items that screeners must check, and would free up their time to focus on explosive detection.

Further, we do not believe that allowing these currently prohibited items onboard the aircraft will, in fact, save any screener time. It is counterintuitive to accept that it takes more time to identify these prohibited items than it does to identify them and then evaluate their size in order to determine if they are allowable. Can the average person adequately judge with their eye if some scissors

are 3¾ inches or 4¼ inches? It would seem to us that most screeners will need to stop the belt repeatedly to determine if these items are allowable.

We believe it would be a mistake to once again allow currently prohibited items back onboard the aircraft. Quite frankly, why does anyone need to bring scissors or screwdrivers onboard, except, potentially, to cause harm or mischief? And it is not just flight attendants that see this as a mistake. Since the TSA's announcement, the Federal Air Marshals, members of the 9/11 families, pilots, and the general public have joined us in our outcry.

The prohibited-items list was an important policy in making our aviation system secure, and it must remain in place. I encourage the Members of this Committee to cosponsor the Senate companion bill to H.R. 4452, which will be introduced this week by Senator Clinton. This bill would freeze the current list of prohibited items. Under this legislation, TSA would not be allowed to remove potentially dangerous items from the prohibited list, but they could add items in the future. We urge you to cosponsor this legislation and keep this vital and commonsense security measure in place.

Thank you, again, for hearing us out and having this hearing. And I'm happy to answer any questions.

[The prepared statement of Ms. Friend follows:]

PREPARED STATEMENT OF PATRICIA FRIEND, INTERNATIONAL PRESIDENT,
ASSOCIATION OF FLIGHT ATTENDANTS-CWA, AFL-CIO

Mr. Chairman and Committee Members:

Thank you for holding this hearing and allowing us to comment on the Transportation Security Administration's (TSA) proposed changes to the current prohibited-items list. We believe unequivocally that these proposed changes will further endanger the lives of all flight attendants and the passengers we work so hard to keep safe and secure. We remain perplexed why these items should be onboard the aircraft cabin and why the Federal Government will take a big step back in the post-September 11th efforts to make our aviation system the most secure in the world.

It has been more than 4 years since the terrible events of September 11, 2001, when 25 of our fellow flight attendants perished on those four deadly flights. Some of these fine individuals, all proudly wearing the uniforms of their respective carriers, were the first victims to be killed by the ruthless tactics of terrorists. Since then the Association of Flight Attendants-CWA, AFL-CIO, which represents 46,000 flight attendants at 22 U.S. airlines, has worked diligently as a key industry stakeholder to assure that all flight attendants and passengers have the best possible chance for survival the next time they find themselves face to face with a terrorist. For this reason I will take this opportunity to set the record straight by examining the TSA "Fact Sheet" listed on the agency's official website as well as both the press release and Assistant Secretary Kip Hawley's prepared remarks at the National Press Club on December 2, 2005.

As per the website Fact Sheet, *"TSA is updating the prohibited-items list to more effectively confront current threats to aviation. Changing the prohibited-items list to allow certain high volume items that do not pose a threat enables TSOs [Transportation Security Officers formerly known as Screeners] to focus on identifying explosives."*

FACT: In the 9/11 Commission Staff Monograph released September 12, 2005, Former FAA Administrator Jane Garvey testified:

"On September 10, we were not a nation at war. On September 10, we were a nation bedeviled by delays, concerned about congestion, and impatient to keep moving. And on September 10, based on intelligence reporting, we saw explosive devices on aircraft as the most dangerous threat."

Have we come so far that we find ourselves right back where we started from, facing the same regulatory culture of complacency and distraction, that today Assistant Secretary Hawley and TSA are thinking the same way that Administrator Garvey and the FAA were on September 10, 2001?

- *Small Scissors Are Now Permitted*

Metal scissors with pointed tips and a cutting edge four inches or less, as measured from the fulcrum, are now allowed.

FACT: On the four flights of 9/11, several individuals including flight attendants, pilots and passengers lost their lives to edged weapons, i.e. knives and box cutters with cutting edges that were less than four inches long. All of these items were taken on the plane legally by each of the terrorists, who used them to cause enough fear in all of the remaining pilots, flight attendants, and passengers, that control of each of the flights was lost. If these items are taken off the prohibited list, “random checks” of every would-be hijacker, be they trained terrorists or unruly passengers, will not save the lives of crewmembers or passengers 35,000 feet in the air.

Experts on edged weapons and aviation self-defense training were presented by TSA on June 9, 10, and 11, 2003 and they demonstrated that “improvised edged weapons” such as scissors can be used to stab or slice the throats of innocent flight attendants and passengers inside the cabin. Additionally, for this very reason, TSA’s own Federal Air Marshals are opposed to these items being taken off the prohibited list. Even trained law enforcement officers would prefer not to fight against an edged weapon in the close quarters of a commercial aircraft.

From Mr. Hawley’s characterization of these items as “low-threat” during his press release of December 2, 2005, it is clear that he must be listening to the wrong people inside his organization.

- *Tools*

Screwdrivers, wrenches, pliers and other tools (except crowbars, drills, hammers, and saws) seven inches or less in length are now permitted

FACT: Like scissors, a screwdriver seven inches or less in length in the hands of a trained terrorist or an angry passenger can be improvised as a stabbing instrument similar to an ice pick. Furthermore, all of these tools can be used as torture devices potentially utilized on flight attendants and even passengers such as children in an effort to get the pilots to open the cockpit door and allow access by committed and ruthless hijackers. And if that weren’t enough, all of these tools could be used inside the forward lavatories to attempt access to the cockpit through the bulkheads, which are not reinforced like the doors themselves.

Since 9/11 significant advancements have been made in aviation security, including the installation of hardened cockpit doors, a substantial increase in the number of Federal Air Marshals, the establishment of the Federal Flight Deck Officer program, the 100 percent screening of all passengers and baggage and other measures. These initiatives have raised the bar in aviation security and shifted the threat.

FACT: Every passenger, including terrorists testing the system, knows that cockpit doors are opened for legitimate operations during many flights. Although these doors are a considerable improvement they, like every other layer of aviation security, are not 100 percent foolproof. There are no silver bullets. Thus, since neither Federal Air Marshals nor Federal Flight Deck Officers are on every flight, we must recognize that flight attendants and pilots are the only true professional first responders onboard every commercial airline flight.

Please don’t misunderstand me; this is not to minimize the importance of the Federal Air Marshal program or the voluntary Federal Flight Deck Officer program. On the contrary, all crewmembers must be trained in the appropriate manner in which to interact with both these programs. Unfortunately, it is clear that these programs cover only a very small percentage of domestic flights and an even smaller number of international flights. We know this and we must assume the terrorists do too.

Again in his remarks at the National Press Club, Assistant Secretary Hawley stated “*These changes are consistent with and depend upon the teamwork that I just mentioned.*” He later reiterates “*Since 9/11, TSA has implemented multiple layers of security to reduce the risk that terrorists could hijack and take control of an airplane. These measures include hardened cockpit doors, a greatly expanded Federal Air Marshall Program, the Federal Flight Deck Officer Program which permits trained pilots to carry firearms, provided additional security training to flight attendants, and increased screening of passengers and baggage. The public itself has added its own significant layer of security by its vigilance and the high likelihood that in the event of terrorist activity on an aircraft without an Air Marshal, passengers will take action.*”

FACT: Neither flight attendants nor pilots have received what aviation self-defense experts would consider appropriate and effective self-defense training at even a basic level let alone any advanced levels that would train them in techniques that will allow them to defend themselves against the threat that these improvised weapons represent.

Furthermore, based on the research, analysis and design thus far completed by tactical, medical, legal, and psychological subject matter experts working in conjunction with instructional systems design specialists, such training must be mandatory for all commercial flight attendants and pilots. We strongly believe that flight attendants and pilots are capable of learning and applying appropriate basic self-defense strategies, tactics, and techniques if the program is mandatory. However, they must all receive the same training, and work together as a team to immediately counter any apparent or potential threat.

AFA believes strongly that teamwork like that suggested by Mr. Hawley needs to occur both in the airports and on the aircraft. For this reason the law requires crewmember training to include clear teaching on communication and coordination. Crew communication and coordination is considered absolutely critical, as it relates to the survival of all crewmembers and passengers and the overall control of the aircraft. Even with hardened cockpit doors, the Federal Flight Deck Officers program, and the Federal Air Marshal program, all crewmembers must be prepared to immediately respond during a terrorist attack. In these situations a lag in response time due to poor communications and coordination can prove just as fatal as it did on September 11, 2001. Even with the heroic efforts of those involved with Flight 93, this lag time proved fatal to all persons onboard the aircraft. To facilitate this, AFA strongly believes that a wireless communication system for flight attendants, air marshals and pilots is of the utmost urgency. As Operation Atlas demonstrated in a simulated hijacking on June 4th this year in Boston involving more than 50 emergency response law enforcement and aviation organizations, one of the first things the mock hijackers did was disable the lines on the aircraft interphones in order to prevent communication between the cabin and the cockpit. These are items that the TSA and the FAA continue to drag their feet on, despite repeated calls by Congress to study and provide for such a communication system.

Lastly, regarding this point, Mr. Hawley's expectations that "passengers will take action" if Federal Air Marshals are not onboard, is a very big and risky assumption on behalf of flight attendants and other passengers. Let us not pretend for a moment that untrained passengers can immediately overcome the fear and horror caused by seeing other individuals ruthlessly murdered before their very eyes. Overcoming a random actor or unruly passenger is one thing, but overcoming a well-planned and trained team of 5 or possibly even 12 terrorists in the close confines of a commercial airliner is a dangerous assumption indeed. It is well-trained flight attendants leading the resistance against these terrorists that is the greatest hope of mobilizing able-bodied passengers to protect the aircraft from being taken over and minimizing the loss of life in the cabin. Giving the terrorists scissors and tools will only make this effort harder and more dangerous. Also, anecdotal evidence from our members suggests that the number of abusive passenger incidents continue to increase to levels experienced prior to 9/11, many times the exact passengers Mr. Hawley expects to help, are in some cases those that we have the most to fear in terms of being under the influence of alcohol and other controlled substances. These items in their hands could wreak further havoc in the aircraft.

Assistant Secretary Hawley makes many other assertions as he attempts to justify these proposed changes. For instance, he says: *"The most important part of this announcement is the fact that we have evaluated our risk environment throughout the transportation sector, and based on a broad analysis of threat, vulnerability and consequence, we are devoting more focus on higher threat areas, like explosives,"* and *"The changes reflect not only a new and evolving threat environment, but also our determination to make good decisions based on data and metrics."*

FACT: DHS readily admits that history and current intelligence tell us that the terrorists will eventually once again choose the aviation industry as a method of attack. As before the 9/11 attacks, the threat of terrorists and unruly passengers using allowable items against flight attendants and passengers in an effort to gain access to the cockpit or to cause serious bodily harm to crewmembers and passengers in the cabin is still very real. In fact, although much has happened, many efforts have been made and a great deal of money has been spent, I must sadly inform you that it is our sincere and professional opinion, that as I sit here today in front of this distinguished Committee, that once a commercial aircraft is airborne, we are still not substantially better prepared to protect ourselves, our crew mates, or our passengers. Hence, our vulnerability is great and the consequences would be catastrophic to an aviation industry and a national economy still trying to fully recover from the events of September 11, 2001.

Moreover, the 9-11 Commission Aviation and Transportation Staff Recommendations given to Congress September 1, 2004 made the following recommendation:

RECOMMENDATION 2.2: In assessing risk among and within the various modes, DHS should take into account not only the threats to transportation as identified and assessed by the intelligence community but also the system's vulnerabilities, and the negative consequences of a successful attack.

(Note: Pre 9/11 the FAA's security system was primarily a threat-based system. Security measures were based mainly on the government's assessment of how terrorists might attack. This assessment was based generally on two factors: whether terrorists had used the tactic before and whether "specific and credible" evidence indicated that a particular kind of attack was in the offing. Because the United States can't always count on forewarning, risk assessment should factor in both our security vulnerabilities and the consequences of each type of possible attack, even in the absence of information that terrorists are planning to conduct a particular kind of attack.)

Simply put, the threat and vulnerabilities are still there and the consequences are just too high to risk putting legal items back in the hands of terrorists, which may lead to the same results. What metrics does TSA possess that change this fact?

Let me make clear that we do not disagree with the TSA's decision to put additional resources into detection of explosives and potential suicide bombers. What we disagree with is the decision to allow potentially deadly weapons in the hands of terrorists and disruptive passengers back onboard the aircraft. These items simply do not deserve to be in the cabin of the aircraft in the first place. In this case, the TSA is proposing to take two big steps backwards for one small step forward.

The vast majority of the American public is already trained to not bring these and other items onboard with them. They know that if there is any doubt about whether or not an item is allowed, they simply place it in their checked baggage and do not bring it along with them. Why should we again create confusion in the minds of the traveling public as to what is allowed and what is not? Implementation of this policy will take us back to the months immediately following 9/11 when people were not clear on what was allowed onboard. Such confusion will only result in longer lines as individuals attempt to bring on items still on the prohibited-items list which they assumed had been removed.

Further, if the concern of the TSA is to reduce the amount of time spent on screening bags and to focus on detection of explosives, we believe that a better use of the TSA's authority would be to uniformly and strictly enforce current carry-on baggage limitations. I know that carry-on bag limitations have been a concern for the distinguished Ranking Member of this Committee for a number of years primarily for safety reasons. We believe that 9/11 highlighted the further need for enforcement of strict limitations due to security concerns. Strictly enforcing the carry-on bag limitations at screener checkpoints would potentially cut down on the size and number of items that screeners must check and would free up their time to focus on explosive detection. As we have said before, it is easier to find the needle in the haystack when you have a much smaller haystack, not to mention a lot fewer of them. Uniform and strict enforcement of carry-on bag limitations is a win-win for everyone involved, as many U.S. airlines have long supported carry-on bag limitations for the reason it decreases the amount of time needed for boarding and deplaning of an aircraft.

Also, we believe that allowing these currently prohibited items onboard the aircraft as long as they are under a certain size limit could lead to even further delay at the security checkpoints as screeners have to stop the belt and measure an item to determine if it is under the allowable size or is too large. Can someone adequately judge with their eye if some scissors are 3¾ inches or 4¼ inches? It would seem to us that most screeners would need to stop the belt repeatedly to determine if these items are allowable or not.

I leave you with some excerpts from a chilling letter sent to former FAA Administrator Jane Garvey and 18 Members of Congress on April 12, 2001 after flight attendant Ginny Cavins went through an eerily similar set of circumstances.

Dear Jane Garvey,

I am writing you on the growing and very disturbing issue of air rage. I am a flight attendant for Alaska Airlines and was involved in a major air rage incident on March 16th 2000. Two other flight attendants, the Captain, First Officer and myself were victims of assault by a 250-lb. passenger named Peter Bradley. A two and one half inch knife was pulled on another passenger who tried to calm the assailant. I was violently shoved out of the way of the cockpit door as I attempted to calm the passenger and return him to his seat. With two easy quick pulls, Peter Bradley broke into the cockpit . . . He socked the Captain in the chest, struggled with the First Officer who held him back with the

crash ax and lunged for the controls yelling he was going to kill us all! Seven passengers came to our aid by pulling him out of the cockpit and bringing him to the ground . . .

My first major concern is that stronger cockpit doors be required . . .

My second major concern is restricting knives onboard all aircraft and inside secured areas. Presently a four and one half inch blade and under is allowed. Our assailant had a two and one half inch blade and it could have killed any one of us . . .

We need your help . . . You have the opportunity to make a difference. It could be you or your loved one onboard a flight next time an air rage or even a hijacking incident occurs . . .

Sincerely,
Ginny Cavins

Had Ginny's request been heeded perhaps 9/11 could have been avoided. Please don't ignore us this time. We still need your help. I strongly encourage you to cosponsor the Senate companion bill to H.R. 4452, being introduced by Senator Clinton, which would freeze the current list of prohibited items into place. Under this legislation TSA would not be allowed to remove potentially dangerous items from the prohibited list but could add items in the future. Please take a stand in helping to make flight attendants and passengers as safe as possible—cosponsor this vital and common sense security measure in place.

Thank you again for the opportunity to testify today.

The CHAIRMAN. Well, thank you. As Senator Inouye said, we spend more time with you than you do with your husbands, as a matter of fact. A flight to Alaska or to Hawaii—

Ms. FRIEND. Yes.

The CHAIRMAN.—very long. And we have a great many friends in your organization.

As far as cosponsoring that bill, I'll cosponsor it if she'll put in the bill a limitation of only one bag per passenger.

Ms. FRIEND. We'll ask her to do that.

The CHAIRMAN. The other thing is—I asked my staff to find out—we have, now, programs for air carriers. As a matter of fact, we've required, by law, that they offer basic training and self-defense training to flight crews. Of the 220,000, approximately, flight attendants and pilots, only 727 have, so far, been willing to take that training. Why?

Ms. FRIEND. Well, first of all, it's not offered in enough locations. In fact, we have just requested, at the request of our three airlines—United, Hawaiian, and Aloha—that it be offered in Hawaii. It's never been offered to those flight attendants in Hawaii. And then, the—the primary reason is that it is not mandatory training, it is voluntary training. It must be done on the flight attendant's day off. And it is multiple days of training. And it is becoming increasingly difficult for flight attendants to string enough days off together to have time to take this training.

The CHAIRMAN. Well, we'll look into that. That should not be. But, very clearly, I don't think you should be allowed to be a member of a flight crew unless you've taken this training.

Ms. FRIEND. Well, we think it should be—

The CHAIRMAN. It's time now that they understand they're a part of the passengers' defense force, as well as the attendants.

Ms. FRIEND. We understand that very well, and we have been begging and pleading with the TSA, with our employer, to make this a part of all of the other training that is required, and that is provided us.

The CHAIRMAN. That'll be the first hearing we'll hold after the February 9th hearing. We'll hold a hearing on—

Ms. FRIEND. We—

The CHAIRMAN.—the success or failure of the program to provide onboard employees of air carriers self-defense and basic self-defense and, really, basic training for what they should do in the event of such a—

Ms. FRIEND. Exactly. We would welcome that.

The CHAIRMAN. What has your—what has your organization recommended to TSA that they have not done?

Ms. FRIEND. Well, we have a—the concern that the distinguished Co-Chairman has, that there are a number of people that have access, direct access to the aircraft, that are not required to go screen—to go through screening. Any lunch bags or any other items they bring with them to work are never screened. I find it very interesting that Secretary Hawley says they monitor their badges, their so-called SIDA badges, and that they've all had background checks. Well, so have we. We've all had background checks, and we all have SIDA badges, yet we also—we are required, every time we come to work or go into a different airport, to go through screening. And we are—we have always been disturbed that there are people with direct access to that aircraft, that are not actually going to get on that aircraft, that do—are not subject to the same screening.

The CHAIRMAN. What type of people?

Ms. FRIEND. People who service the aircraft, whether they be mechanics or catering personnel or people who service the lavatories or groom the cabin of the aircraft. There are all types of ground employees that help service that aircraft before it actually takes off.

The CHAIRMAN. Thank you.

Senator Inouye?

Senator INOUE. Ms. Friend, you've brought up a good point. And why should anyone want to bring a screwdriver onboard the plane, or 4-inch scissors? I can understand if some person, man or woman, wants to bring on a knitting needle, because I've seen a lot of ladies doing knitting. But I have yet to see someone cut paperdolls on a plane—

Ms. FRIEND. I absolutely agree.

Senator INOUE.—or unscrew something.

Ms. FRIEND. Right. We've had a lot of—I think there is a lot of misunderstanding about what is allowed, and is not allowed. And, in fact, the TSA has an extremely helpful document on their website with what is allowed. And things that people complain about not being allowed, in fact, are allowed, including knitting and crochet needles. They are not, today, prohibited. Neither are nail clippers or nail files prohibited. Scissors with a—with a blunt tip are allowed. So, as long as it—as it doesn't have this sharp tip—rather, a rounded tip—that's allowed. I can't think of anything that anyone would want—would need to cut onboard an aircraft that couldn't be cut with a pair of blunt-tipped scissors, which are currently allowed.

Senator INOUE. Where's the bill that you want us to cosponsor?

Ms. FRIEND. It is H.R. 4452. It will be the companion to that. And Senator Clinton is planning to introduce it this week.

Senator INOUE. Thank you very much.

Ms. FRIEND. Thank you.

The CHAIRMAN. I have one other question, and that is, what do you think about limiting the size of bags that come onboard?

Ms. FRIEND. Well, I think it's an excellent idea. Those size—so-called “sizers” that you referred to are mostly receptacles for trash. Most people are not required to put their bag in it. There was a device in place at Dulles, for some time, that it actually was a carry-on-bag sizer that fit over the—over the front of the X-ray machine, so that it could be clear, if it didn't fit, then it didn't go on. Under pressure from the airlines, that was removed. I mean, a simple thing would be to put those carry-on-bag sizers back—fit them back on the carry-on-bag X-ray machines at all screening points, and it's not an argument about whether or not it's too big. If it doesn't fit into the screening machine, then it's too big, and it doesn't go.

The CHAIRMAN. I'm afraid we're in a problem of finances. I think it costs more to the airlines and the airports to have more baggage handlers than it does to have people carry their own bags onboard the airplane.

Ms. FRIEND. Well—and I must say that I believe that this industry, the people who manage this industry, have not done as good a job as they should for ensuring or—the reliability of the delivery system for checked baggage, and that encourages people, then, to try to carry it on. So, I think there is definitely a responsibility there to improve that reliability, and the perception of reliability and—before you—and then—and then to strictly enforce it, as we've said.

I'm reminded that Senator Inouye had a bill, in 1999, that called specifically for a limitation of 45 linear inches for any carry-on baggage.

The CHAIRMAN. He's very generous.

[Laughter.]

The CHAIRMAN. Thank you very much.

Ms. FRIEND. Thank you.

The CHAIRMAN. The next hearing will be February 9th.

Thank you very much.

[Whereupon, at 3:40 p.m., the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF CARIE LEMACK, DAUGHTER OF JUDY LAROCQUE,
CO-FOUNDER, FAMILIES OF SEPTEMBER 11

On September 11, 2001, my mother, Judy Larocque, boarded American Airlines flight 11. She did so after going through a security screening checkpoint where her carry-on luggage and her person were checked for weapons. As do most commercial airline passengers, she believed that her fellow travelers were also screened for weapons and that she was safe from violence aboard the flight. She was wrong.

Hijackers were permitted on her flight armed with small sharp blades. They used these blades to commandeer her plane, crashing it, with Mom and 91 others aboard, into the North Tower of the World Trade Center.

Today this Committee is considering the Transportation Security Administration's new commercial aviation screening procedures. Kip Hawley, the Assistant Secretary of Transportation Security is proposing to allow sharp scissors (under four inches) and tools (under seven inches) back onto commercial aircraft.

I write to ask the Committee to seriously consider the signal such a change sends to travelers and the American public at large. Are we ready to say that we can ignore what happened that terrible day and allow weapons back on planes? Are we prepared to relax aviation security at a time when the terrorist threat our Nation faces remains as high as ever? What evidence does TSA have that these weapons (currently banned and considered unsafe) will somehow become less dangerous on December 22nd, the date TSA proposes to allow them onto commercial aircraft?

Proponents of the rule changes will argue that we need to focus our attention on explosive detection. They are correct. The use of explosives on an airplane would be catastrophic and must be prevented. Investment in explosive detection equipment and training is critical to aviation security.

However, such investment should not come at the cost of conventional weapon screening. Aviation security is not a zero-sum game, where attention to one type of weapon has to come at the expense of attention to another.

Proponents of the changes to the prohibited-items list will also say sharp blades are not a serious threat if the cockpit door is secure. This type of myopic thinking is what led to the relaxed security environment that allowed the 9/11 hijackers to carry out their attacks four years ago.

The 9/11 Commission warned against a lack of imagination, and these rule changes are a sad example of why that warning was necessary. Any thoughtful person can imagine a multitude of ways a determined terrorist can use sharp scissors and tools to commandeer a plane, even with reinforced cockpit doors. Let's not test the ingenuity of terrorists. They have already proven their "creativity" at a terrible cost in lives and suffering.

The American people rely on our elected leaders and appointed officials to do what's right to keep us safe. Some argue that ensuring citizens' safety is the primary duty of the government.

Today it is up to this Committee to evaluate the witness testimony and do what is necessary to maintain safety in our skies. Will you heed the advice of those who testify about what is financially preferable in checkpoint screening? Or will you listen to those whose loved ones and co-workers faced the unthinkable fate brought about by the weapons you are considering allowing back on planes?

As a daughter, and as a representative of families who know all too well the pain and suffering small, sharp blades can cause, I urge you to maintain the current commercial aviation prohibited-items list. Weapons, regardless of their size, have no place aboard America's commercial airliners.

Thank you for the opportunity to submit testimony to the Committee.

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