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ONE YEAR LATER: HAVE TSA AIRPORT SECURITY CHECKPOINTS IMPROVED?

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

NOVEMBER 15, 2007

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ONE YEAR LATER: HAVE TSA AIRPORT SECURITY CHECKPOINTS IMPROVED?

THURSDAY, NOVEMBER 15, 2007

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 10 a.m., in room 2154, Rayburn House Office Building, Hon. Henry A. Waxman (chairman of the committee) presiding.

Present: Representatives Waxman, Cummings, Tierney, Watson, Higgins, Yarmuth, Braley, Sarbanes, Davis of Virginia, Shays, Mica, Issa, Westmoreland, and Sali.

Staff present: Phil Schiliro, chief of staff; Phil Barnett, staff director and chief counsel; Kristin Amerling, general counsel; Karen Lightfoot, communications director and senior policy advisor; David Rapallo, chief investigative counsel; John Williams, deputy chief investigative counsel; Steve Glickman and Susanne Sachsman, counsels; Earley Green, chief clerk; Teresa Coufal, deputy clerk; Caren Auchman and Ella Hoffman, press assistants; Leneal Scott, information systems manager; Kerry Gutknecht and William Ragland, staff assistants; Sam Buffone, special assistant; David Marin, minority staff director; Jennifer Safavian, minority chief counsel for oversight and investigations; Keith Ausbrook, minority general counsel; Janice Spector and Christopher Bright, minority professional staff members; John Cuaderes, minority senior investigator and policy advisor; Patrick Lyden, minority parliamentarian and member services coordinator; Benjamin Chance, minority clerk; Meredith Liberty, minority staff assistant and correspondence coordinator; and Todd Greenwood, minority research assistant.

Chairman WAXMAN. The meeting of the committee will please come to order.

Today we are holding a hearing on airport security. Last year, the Government Accountability Office tested the effectiveness of airport security checkpoints by conducting undercover missions to bring explosives through airport screening security checkpoints at 21 locations. The Transportation Security Administration failed all 21 of those tests. The purpose of today's hearing is to determine whether TSA has improved over the last year. GAO is here again to tell us about the results of its most recent investigation.

This committee comes to this issue in a bipartisan manner. This investigation was jointly requested by our ranking member, Tom Davis, Benny Thompson, the Chair of the Homeland Security Committee and myself. A bipartisan approach is critical, because explosives on airplanes are a dangerous threat.

In August 2006, terrorists plotted to bring liquid explosives onto eight flights bound for the United States. The British thwarted that threat, but there are new ones on the horizon. The terrorist threat to our airlines is constantly evolving. The question is, is the Transportation Security Administration keeping up?

To help answer this question, we asked GAO to do another round of covert tests. Congress and the traveling public we represent have the right to know whether TSA is effectively addressing this threat. Unfortunately, the news is not good. GAO's undercover agents once again succeeded in getting dangerous materials through airport security checkpoints.

Last year, the co-chairman of the 9/11 Commission spoke publicly about the fact that TSA failed GAO's tests. Thomas Kane said he was dismayed because "I thought the Department of Homeland Security was making some progress on this, and evidently they are not." And Lee Hamilton stated that "The fact that so many airports failed this test is a hugely important story which the American traveler is entitled to know."

The Homeland Security Department promised to plug these holes. But what we will hear from GAO today is that the Department is not succeeding. The Transportation Security Administration has had 6 years and has spent billions of taxpayers' dollars, yet our airlines remain vulnerable. That is an embarrassing and dangerous record. I hope today's hearing will begin to point the way toward reforms that are urgently needed. We have to fix this problem.

I want to now recognize Ranking Member Tom Davis.

[The prepared statement of Chairman Henry A. Waxman follows:]

HENRY A. WAXMAN, CALIFORNIA
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Opening Statement of Rep. Henry A. Waxman
Chairman, Committee on Oversight and Government Reform
One Year Later: Have TSA Airport Security Checkpoints Improved?
November 15, 2007

Today we are holding a hearing on airport security.

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The terrorist threat to our airlines is constantly evolving. The question is: Is the Transportation Security Administration keeping up?

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That's an embarrassing — and dangerous — record.

I hope today's hearing will begin to point the way toward reforms that are urgently needed.

Mr. DAVIS OF VIRGINIA. Thank you, Mr. Chairman. Thank you very much for holding this hearing. It is indeed bipartisan; this is not about red or blue, it is about red, white and blue, and defending the homeland.

In several days, families in record numbers will begin their travels to celebrate Thanksgiving. For many who travel by plane, their journey will start with long lines to reach the airport and then to park. These will be followed by even longer, more agonizing lines to get boarding passes and check luggage. These will be followed by the most torturous line of all, the one that leads to the Transportation Security Agency checkpoint.

Since 9/11, people have become accustomed to the added security procedures associated with air travel. Although it takes longer to board an aircraft and there are more restrictions on what can be carried onto a plane, the public generally has been willing to endure these inconveniences for the benefit of safety. It is safe to say, though, that the flying public would not be so understanding if people came to believe these inconveniences do not assure security.

In August 2006, British authorities discovered a plot to blow up trans-Atlantic aircraft using explosives made from common liquids. In response to this new threat, TSA implemented what is known as the 3–1–1 or the 3–1–1 policy, which permits passengers to carry 3 ounces of liquids or gels aboard a plane in 1 quart-sized plastic bag. In theory, strict limits on the amount of liquids that passengers can carry will prevent a bomb from being constructed.

Today, we will hear testimony from the Government Accountability Office on how its agents successfully got past TSA checkpoints at several airports with common liquids that, when combined, could have constituted an explosive device large enough to bring down a commercial aircraft. That is obviously not what Congress or the public want to hear.

A little more than 2 years ago, I chaired a similar hearing on the adequacy of TSA's security at airports. Then TSA leaders testified the solution was more time, more resources and better technology. They have had all three. Unfortunately, as this latest GAO report shows, TSA still cannot consistently detect or prevent prohibited items from being carried onto aircraft. We have to do better.

I understand the threat evolves, as our enemies learn more about our improved security and take steps to react. TSA has to do the same. In fact, TSA just can't react, the agency has to be proactive and stay on offense.

I am pleased to see Administrator Hawley in his opening statement acknowledge what GAO was able to do and the need for TSA to do better. But his words need to trigger strong actions and tangible results.

Mr. Chairman, as we approach the beginning of the 2007 holiday season and the flying public begins to travel, it is important to remember the American people rely on TSA to do everything possible to ensure their safety. It is not enough to identify gaps. These gaps have to be addressed aggressively and consistently.

Flying these days is stressful enough. The commercial air travel industry is straining under serious cost and performance pressures. But no one can afford to let security challenges get lost in the shuffle. We need to understand how TSA proposes to strengthen the

system, increase vigilance and deter those who seek to exploit the vulnerabilities of so fragile a network. The next baggie of prohibited liquids may not be a test.

Thank you.

[The prepared statement of Hon. Tom Davis follows:]

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

TOM DAVIS, VIRGINIA
RANKING MINORITY MEMBER

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Statement of Rep. Tom Davis
Ranking Republican Member
Committee on Oversight and Government Reform
"One Year Later: Have TSA Airport Security Checkpoints Improved?"
November 15, 2007

Good morning. In several days, families, in record numbers, will begin their travels to celebrate Thanksgiving. For many who travel by plane, their journey will start with long lines – to reach the airport and then to park. These will be followed by even longer, more agonizing lines to get boarding passes and check luggage. These will be followed by the most tortuous line of all – the one that leads to the Transportation Security Agency checkpoint.

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We must do better. I understand the threat evolves as our enemies learn about our improved security and take steps to react. TSA has to do the same. In fact, TSA can't just react; the agency should be proactive and stay on the offensive.

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Flying these days is stressful enough. The commercial air travel industry is straining under serious cost and performance pressures, but no one can afford to let security challenges get lost in the shuffle. We need to understand how TSA proposes to strengthen the system, increase vigilance and deter those who seek to exploit the vulnerabilities of so fragile a network. The next baggie of prohibited liquids may not be a test.

Chairman WAXMAN. Thank you very much, Mr. Davis.

Ordinarily it would be just the two of us making opening statements. But we have had a request from Mr. Mica, who is the ranking member of the legislative committee on transportation issues, so I know he wants to give a statement. Let me invite any Member who wishes to make a statement to do so at this time.

Let me recognize Mr. Mica first.

Mr. MICA. First of all, Mr. Waxman, you are going to probably fall out of your chair, but I want to take this opportunity to publicly thank you. I think what you are doing today is probably one of the best hearings that we will do for the American public this entire year. Henry Waxman, I really appreciate your following up on one of the most important threats we face as a Nation. You have also done something that I was unable to do, make the public aware of the failure of our security screening system. I think that is very important.

In fact, I thought of even breaching security or classified information when I first asked GAO, when I was chairman. And your staff did an excellent job of detailing what has taken place in previous tests and previous failures. If this was just this failure, it would still be a problem. But this is unfortunately a record of failure, which you have detailed and you also have made public. This is an open society, and the public has a right to know.

Mr. Hawley is going to tell you about a layered security system with 19 levels of security. I read his testimony. The last one is the public. I am telling you, this is one of the most serious threats that we face as a Nation. Because these people are out to get us. This has been a cat and mouse game since before September 11, 2001. No one should let down their guard on this. If you just look at the history of what they have tried to do, they scoped the system in 2001, they found our vulnerabilities. We didn't have standards for screeners, we didn't ban box cutters, we didn't have rules in place to deal with a hijacking of a plane, the failure of government.

If you look at the sophistication of what they have done just of late, the Richard Reid shoe bomb was a very sophisticated effort to take down multiple aircraft. If you look at the liquid bombs in the London case, the same thing, an evolving sophistication to take down multiple aircraft. If you think 9/11 was something, folks, using non-traditional explosives like Mr. Cooney and GAO has used is the next step in this process. We have tried to put in place layers of security to deal with that.

I have some very specific questions, because I didn't feel that the hand-off to the Democrat side was well done. And I am going to go into the details of the meeting that took place when we really handed this off to the other team, who has the same interests that I had. I don't think that they got the full story, and today we are going to hear the full story due to what Mr. Waxman has been able to make public.

So finally, the good thing about what this is going to do is make the public aware that they are the last link in this. We have put other links in, and Mr. Hawley will describe them, not as fast and not as well with technology or training of personnel or placement of personnel to deal with this situation. But we do have a failure of a system. It needs to be publicly known, and the public can help

us, because they can be alert. Probably the best thing that they are going to deal with today is congested aircraft, which will mean that those planes are full. But they are full of Americans and people who can help us in an effort to detect this threat. You are going to hear more about it.

So Mr. Waxman, I thank you on behalf of the American people for what you are doing today and making them aware. They are going to have to be partners with us to make certain that we don't repeat a national catastrophe. Thank you.

Chairman WAXMAN. Thank you, Mr. Mica.

Let me call on any other Member—Mr. Cummings.

Mr. CUMMINGS. Mr. Chairman, I too thank you for holding this hearing. I am glad that it is truly a bipartisan hearing. I, like Mr. Mica, am a senior member of the Transportation Committee. I am chairman of the Coast Guard Subcommittee. We spend a phenomenal amount of time and resources trying to guard our ports. It seems that we had taken for granted, while we were trying to make sure our ports were safe, that our airports were very safe.

And the fact is that so many people, when I think about GAO testing 21 airports last year and getting through every single one of them, I didn't say 20 of them, I said every single one of them, it makes you wonder. The fact is that my constituents are paying more for airline tickets, and part of the increase in price is to cover the TSA. Then they of course stand in the long lines and they are very patient, everybody from the little children to senior citizens going through all kinds of procedures, only to find out that we could do better.

Mr. Chairman, a few years ago, many years ago when I visited Israel, I will never forget a statement that they said to me, and it is something that I have thought about a lot. What they said was, if we are not better, we will not be. If we are not better, we will not be. I think we have to be better. And I think we can do better. Americans across the country will be traveling next week for the Thanksgiving holiday. They are going to go through a lot. But they will be under the assumption that they are safe because they see what they go through.

So I am hoping that this hearing will shed some light, but most importantly, I am hoping that it will let us discover what the true problems may be. Are we mired in an atmosphere of mediocrity? Are we in need of better detection equipment? Are there human error issues here? I don't know. We need to find out all of these things, so that we can be the very best we can be. We must, by the way, have very, very high expectations.

It is in the DNA of every cell of my brain and probably every American's brain, seeing those planes on 9/11 fly into the World Trade Centers. We never want that to happen again. So Mr. Chairman, I think this hearing will go a long way toward making sure that we are better. Because if we are not better, we will not be. With that, I yield back.

Chairman WAXMAN. Thank you very much, Mr. Cummings.

Does any other Member wish to be recognized? Mr. Shays.

Mr. SHAYS. Thank you, Mr. Chairman. A 30 second intervention to thank you, Mr. Chairman, as well, in working with Mr. Davis and Mr. Thompson. The issue for me was heightened in the early

1980's when a plane was blown out of the sky because of drug terrorists who were involved. We were shown back in the early 1990's that just a bottle of gin with basically liquid explosives next to a radio next to a carton of cigarettes, and the radio was the detonator. And another one was just a mat on the bottom of a suitcase that was an explosive, non-detectable.

I will just end by saying what is extraordinarily alarming to me is this isn't 21 break-ins, in a sense, out of 100. This is 21 out of 21 and that to me is extraordinarily unsettling and makes me question whether we are going to see any success in the near future. Thank you, Mr. Chairman, again.

Chairman WAXMAN. Thank you, Mr. Shays. Do any other Members wish to be recognized? If not, I want to welcome our witnesses here today. We have with us Mr. Gregory D. Kutz, the Managing Director of Forensic Audits and Special Investigations, from the Government Accountability Office. He is accompanied by Mr. John Cooney, Assistant Director of Forensic Audits and Special Investigations, Government Accountability Office. And the Honorable Edmund "Kip" Hawley, the Administrator of the Transportation Security Administration.

We are grateful to you for being here today. It is the practice of this committee that all testimony is taken under oath, so I would like to ask you if you would please stand and raise your right hands.

[Witnesses sworn.]

Chairman WAXMAN. Let the record indicate that each of the witnesses answered in the affirmative.

Mr. Kutz, I want you to start off. Your prepared statements, all of you, will be in the record, and we would like to ask you to try to limit the oral presentation. We won't be strict about this, but we will have a clock that will indicate when the 5-minutes is up. Thank you.

STATEMENTS OF GREGORY D. KUTZ, MANAGING DIRECTOR, FORENSIC AUDITS AND SPECIAL INVESTIGATIONS, GOVERNMENT ACCOUNTABILITY OFFICE, ACCOMPANIED BY JOHN COONEY, ASSISTANT DIRECTOR, FORENSIC AUDITS AND SPECIAL INVESTIGATIONS, GOVERNMENT ACCOUNTABILITY OFFICE; AND EDMUND "KIP" HAWLEY, ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION

STATEMENT OF GREGORY D. KUTZ

Mr. KUTZ. Mr. Chairman and members of the committee, thank you for the opportunity to discuss airport security. In March 2006, we reported that investigators boarded commercial aircraft with explosive devices in their carry-on luggage. At the request of this committee, we performed additional covert testing of airport security in 2007. Today's testimony highlights the results of our testing.

It is important to note that we worked closely with TSA to make sure that my testimony does not have any classified or sensitive security information.

My testimony today has two parts. First, I will discuss what we did; and second, I will discuss the results of our covert tests. First, using information available on the Internet, we were able to iden-

tify devices that could severely damage an aircraft and jeopardize the safety of its passengers. The first device was an improvised explosive device [IED], containing two parts. The first part, a liquid explosive; the second part, a low-yield detonator.

Our 2006 work showed that the detonator itself could function as an IED. However, using this detonator to ignite the liquid explosive results in a more powerful device.

The second device was an improvised incendiary device, or IID. These types of devices do not explode, but instead create intense fire, heat and noxious fumes. Our incendiary device was created by combining products prohibited by TSA from carry-on luggage. The components for both our devices were purchased at local stores and on the Internet for less than $150.

We tested the effectiveness of our devices in partnership with a local law enforcement agency and at a national laboratory. As you requested, I will show a short video at the end of my presentation that shows the results of these tests. As the video will show, our devices could cause severe damage to an aircraft and threaten the safety of its passengers.

Using only publicly available information which we do for all of our covert testing, we devised methods to conceal the components for these devices in our carry-on luggage and on our persons. As with all FSI testing, this was a covert, or Red Team test. In other words, very few people at GAO knew what we were doing and nobody at TSA was aware in advance of our testing.

Moving on to our results, we successfully passed through TSA checkpoints with components for several explosive devices and an incendiary device. These prohibited items were concealed in our carry-on luggage and on our persons. Our testing was done at 19 airports across the country, including those that employ private screeners. We found no difference in the results for TSA employees and the privately contracted screening employees.

In most cases, security officers appeared to follow TSA procedures. However, we did identify several vulnerabilities. For example, most travelers are aware of the 3–1–1 rule, prohibiting certain liquids and gels aboard the aircraft. We were able to bring a liquid component of the incendiary device through checkpoints undetected by studying policies related to this process.

Also in two instances, our investigators were selected for a secondary inspection. However, in both cases, the security officer did not detect the prohibited items that our investigators carried on board the aircraft. One of our suggestions for TSA is to consider improved search techniques, including enhanced pat-downs.

In conclusion, our testing shows that a terrorist group using publicly available information could bring explosive and incendiary devices on board an aircraft undetected. TSA faces the monumental challenge of balancing security with the efficient movement of passengers. Our work clearly shows the increased security risk of the current policy of allowing substantial carry-on luggage aboard aircraft. Absent changes in the carry-on policy, we believe that risks can be reduced through improvements in human capital, process and technology.

As you requested, we will now show a short video. I want to just briefly discuss what the video will show. The first part of the video

is the IED detonator I described, which you will see used on an automobile. The second part of the video is the liquid explosive, which is ignited by the IED detonator. The third part will be the incendiary device that I mentioned.

So if we could show the video.

[Video shown.]

Mr. KUTZ. Mr. Chairman, this ends our statement. Special Agent Cooney and I look forward to your questions.

[The prepared statement of Mr. Kutz follows:]

United States Government Accountability Office

GAO

Testimony
Before the Committee on Oversight and Government Reform, House of Representatives

For Release on Delivery
Expected at 10:00 a.m. EST
Thursday, November 15, 2007

AVIATION SECURITY

Vulnerabilities Exposed Through Covert Testing of TSA's Passenger Screening Process

Statement of Gregory D. Kutz, Managing Director
Forensic Audits and Special Investigations

John W. Cooney, Assistant Director
Forensic Audits and Special Investigations

GAO-08-48T

November 15, 2007

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Highlights

Highlights of GAO-08-48T, a testimony before the Committee on Oversight and Government Reform, House of Representatives

AVIATION SECURITY

Vulnerabilities Exposed through Covert Testing of TSA's Passenger Screening Process

Why GAO Did This Study

In August 2006, the Transportation Security Administration (TSA) substantially modified its passenger screening policies based on the alleged transatlantic bomb plot uncovered by British authorities. With the aim of closing security gaps revealed by the alleged plot, the revised policies severely restricted the amount of liquids, gels, and aerosols TSA allowed passengers to bring through the checkpoint.

At the Committee's request, GAO tested whether security gaps exist in the passenger screening process. To perform this work, GAO attempted to (1) obtain the instructions and components needed to create devices that a terrorist might use to cause severe damage to an airplane and threaten the safety of passengers and (2) test whether GAO investigators could pass through airport security checkpoints undetected with all the components needed to create the devices.

GAO conducted covert testing at a nonrepresentative selection of 19 airports across the country. After concluding its tests, GAO provided TSA with two timely briefings to help it take corrective action. In these briefings, GAO suggested that TSA consider several actions to improve its passenger screening program, including aspects of human capital, processes, and technology. GAO is currently performing a more systematic review of these issues and expects to issue a comprehensive public report with recommendations for TSA in early 2008.

To view the full product, including the scope and methodology, click on GAO-08-48T. For more information, contact Gregory D. Kutz at (202) 512-6722 or kutzg@gao.gov.

What GAO Found

GAO investigators succeeded in passing through TSA security screening checkpoints undetected with components for several improvised explosive devices (IED) and an improvised incendiary device (IID) concealed in their carry-on luggage and on their persons. The components for these devices and the items used to conceal the components were commercially available. Specific details regarding the device components and the methods of concealment GAO used during its covert testing are classified by TSA; as such, they are not discussed in this testimony.

Using publicly available information, GAO investigators identified two types of devices that a terrorist could use to cause severe damage to an airplane and threaten the safety of passengers. The first device was an IED made up of two parts—a liquid explosive and a low-yield detonator. Although the detonator itself could function as an IED, investigators determined that it could also be used to set off a liquid explosive and cause even more damage. In addition, the second device was an IID created by combining commonly available products (one of which is a liquid) that TSA prohibits in carry-on luggage. Investigators obtained the components for these devices at local stores and over the Internet for less than $150. Tests that GAO performed at a national laboratory in July 2007, in addition to prior tests in February 2006 that GAO performed in partnership with a law enforcement organization in the Washington, D.C., metro area, clearly demonstrated that a terrorist using these devices could cause severe damage to an airplane and threaten the safety of passengers.

Investigators then devised methods to conceal the components for these devices from TSA transportation security officers, keeping in mind TSA policies related to liquids and other items, including prohibited items. By using concealment methods for the components, two GAO investigators demonstrated that it is possible to bring the components for several IEDs and one IID through TSA checkpoints and onto airline flights without being challenged by transportation security officers. In most cases, transportation security officers appeared to follow TSA procedures and used technology appropriately; however, GAO uncovered weaknesses in TSA screening procedures and other vulnerabilities as a result of these tests. For example, although transportation security officers generally enforced TSA's policies, investigators were able to bring a liquid component of the IID undetected through checkpoints by taking advantage of weaknesses identified in these policies. These weaknesses were identified based on a review of public information. TSA determined that specific details regarding these weaknesses are sensitive security information and are therefore not discussed in this testimony. GAO did not notice any difference between the performance of private screeners and transportation security officers during our tests.

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to discuss our latest test of airport security. In March 2006, we reported on the results of covert security vulnerability testing at 21 airports across the country. These tests clearly demonstrated that our nation's airlines were vulnerable to a suicide bomber using commercially available materials to detonate an explosive device onboard an airplane. During these covert tests, our investigators passed through airport security checkpoints carrying prohibited explosive components without being caught by Transportation Security Administration (TSA) security officers.[1] Later that year, in August 2006, British authorities uncovered the alleged transatlantic bomb plot. The discovery of this bomb plot, in which terrorists allegedly sought to detonate improvised explosive devices (IED)[2] in airplanes as they crossed the Atlantic Ocean, caused TSA to substantially modify its screening procedures—all liquids, gels, and aerosols with some exceptions were banned from being carried through passenger screening checkpoints and onto aircraft until the plot was further investigated. These restrictions were later relaxed to allow small amounts of liquids, gels, and aerosols through the checkpoint.

This report responds to your request that we test whether security vulnerabilities exist in the TSA passenger screening process. To perform this work, we attempted to (1) obtain the instructions and components needed to create devices that a terrorist might use to cause severe damage to an airplane and threaten the safety of passengers and (2) test whether investigators could pass through airport security checkpoints undetected with all the components needed to create the devices.

To obtain instructions on creating devices a terrorist might use, we reviewed publicly available information and performed Internet searches. We obtained components for these devices at local stores and over the Internet. We devised methods to conceal the prohibited components using public information about TSA policies and procedures and obtained items to conceal the components at local stores and over the Internet. We then conducted our covert tests at a nonrepresentative selection of 19 airports

[1]Our March 2006 report is classified, but TSA has authorized this limited discussion.

[2]An IED is an apparatus or contraption placed or fabricated without detailed manufacturing that incorporates destructive, lethal, noxious, pyrotechnic, or incendiary chemicals and is designed to destroy, incapacitate, or distract through high-speed projectiles and overpressure.

across the country. The criteria we used to select the airports resulted in our testing a variety of U.S. commercial airports, some of which employed private screeners.[3]

Our work was not intended to evaluate the overall design and effectiveness of TSA's airport security program, which contains multiple layers of security. Rather, our work was performed to test specific security vulnerabilities related to the three major elements of TSA's passenger screening process—human capital (i.e., people), processes, and technology employed at the checkpoint. We tested the effectiveness of our explosive device at a national laboratory in July 2007. We had previously tested the effectiveness of less powerful explosive and incendiary devices in the Washington, D.C., metro area with help of a local law enforcement organization. We conducted work for this investigation from March 2007 through July 2007 in accordance with quality standards for investigations as set forth by the President's Council on Integrity and Efficiency.

Summary

Our investigators succeeded in passing through TSA security screening checkpoints undetected with components for several IEDs and an improvised incendiary device (IID)[4] concealed in their carry-on luggage and on their persons. The components for these devices and the items used to conceal the components were commercially available. Specific details regarding the device components and the methods of concealment we used during our covert testing are classified by TSA; as such, they are not discussed in this testimony.

Using publicly available information, our investigators identified two types of devices that a terrorist could use to cause severe damage to an airplane and threaten the safety of passengers. The first device was an IED made up of two parts—a liquid explosive and a low-yield detonator. Although the detonator itself could function as an IED, investigators determined that it could also be used to set off a liquid explosive and cause even more

[3]Specific details about which airports employed private screeners as opposed to transportation security officers are considered sensitive security information and are not included in this testimony. Therefore, the term transportation security officer is used throughout this testimony, but may, in some cases, also refer to private screeners that we tested.

[4]A IID is an apparatus or contraption placed or fabricated without detailed manufacturing that incorporates destructive, lethal, noxious, pyrotechnic, or incendiary chemicals and is designed to destroy, incapacitate, or distract by creating intense heat or fire.

damage. In addition, the second device was an IID created by combining commonly available products (one of which is a liquid) that TSA prohibits in carry-on luggage. Investigators obtained the components for these devices at local stores and over the Internet for less than $150. Tests that we performed at a national laboratory in July 2007, in addition to prior tests in February 2006 that we performed in partnership with a law enforcement organization in the Washington, D.C., metro area, clearly demonstrated that a terrorist using these devices could cause severe damage to an airplane and threaten the safety of passengers.

Investigators then devised methods to conceal the components for these devices from TSA transportation security officers, keeping in mind TSA policies related to liquids and other items, including prohibited items. By using concealment methods for the components, two investigators demonstrated that it is possible to bring the components for several IEDs and one IID through TSA checkpoints and onto airline flights without being challenged by transportation security officers. In most cases, transportation security officers appeared to follow TSA procedures and used technology appropriately; however, we uncovered weaknesses in TSA screening procedures and other vulnerabilities as a result of these tests. For example, although transportation security officers generally enforced TSA's policies, investigators were able to bring a liquid component of the IID undetected through checkpoints by taking advantage of weaknesses identified in these policies. These weaknesses were identified based on a review of public information. TSA determined that specific details regarding these weaknesses are sensitive security information and are therefore not discussed in this testimony. We did not notice any difference between the performance of private screeners and transportation security officers during our tests.

We provided TSA officials with two timely briefings to help them take corrective action. While we understand that TSA faces a significant challenge in balancing security concerns with efficient passenger movement, we are recommending that the Secretary of Homeland Security consider several actions to improve aspects of TSA's passenger screening program, including elements of human capital, processes, and technology.

Background

TSA is responsible for securing all modes of transportation while facilitating commerce and freedom of movement for the traveling public. In performing its responsibilities, TSA is guided by risk-based planning, which generally involves a consideration of threats, vulnerabilities, and the criticality or consequence of an attack if it were to be carried out.

Specifically, in its approach to securing the domestic aviation sector, TSA maintains numerous programs that provide a layered approach to security, including intelligence gathering and analysis, checking passenger manifests against watch lists, and assigning undercover air marshals to certain flights. The general public associates TSA mainly with its security effort at airport passenger checkpoints. One primary goal of the passenger checkpoint screening program is to provide for the safety and security of persons and property on an aircraft against the introduction of an unauthorized weapon, explosive, or incendiary.[5] As we reported in April 2007, TSA continues to modify its checkpoint screening program based on a number of factors including passenger feedback, risk-based planning, and its own internal review and testing process.[6] TSA's well-publicized recent policy change in response to the alleged transatlantic bomb plot of August 2006 is an important example of risk-based planning. Known as the 3-1-1 rule, this procedural change prohibits liquid, gel, or aerosol items over 3.4 fluid ounces in carry-on luggage; in addition, all liquid and gels should be placed in a 1-quart bag, and only one 1-quart bag is allowed per passenger.

Passenger Screening Process

TSA focuses on the checkpoint screening process as a primary means of detecting prohibited items. Items that TSA has prohibited passengers from bringing aboard an aircraft include, among other things, firearms and knives; gasoline and lighter fluid; disabling chemicals, including chlorine and liquid bleach; and many additional items that may be seemingly harmless but could be used as weapons. During the passenger screening process, transportation security officers follow standard operating procedures and utilize technology such as walk-through metal detectors and X-ray machines to detect prohibited items either on a passenger's person or in his or her carry-on luggage. The passenger checkpoint screening process is composed of the following three elements:

- **Transportation security officers** (also known as TSOs) screen all passengers and their carry-on luggage prior to allowing passengers access to their departure gates. Among other responsibilities,

[5]49 C.F.R. §§ 1542.101, 1540.107, and 1540.111.

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

transportation security officers attempt to detect prohibited items that passengers may try to carry beyond the security checkpoint.

- **Technology** is used during the screening process, which primarily consists of walk-through metal detectors, X-ray machines, handheld metal detectors, and explosive trace detection (ETD) equipment.[7]

- **Standard operating procedures** establish the process and standards by which transportation security officers are to screen passengers and their carry-on items at screening checkpoints.

The process of screening a passenger who continues to alarm the walk-through metal detector provides an example of how these three elements intersect. According to TSA's Screening Checkpoint Standard Operating Procedures manual, a passenger who continues to alarm the walk-through metal detector must be screened using a hand-wand search. Passengers may alternatively request a full-body pat-down search. The manual describes the process that transportation security officers are to follow during the additional screening, which includes the use of ETD swabbing and a pat-down of the passenger to detect any irregularities in their body contour that could represent concealed items.

TSA Efforts to Improve the Passenger Screening Process

TSA faces a significant challenge in balancing security concerns with efficient passenger movement. In our April 2007 report, we described how TSA monitors transportation security officer compliance with passenger checkpoint screening procedures through its performance accountability and standards system and through testing.[8] Compliance assessments include quarterly observations of transportation security officers' ability to perform particular screening functions in the operating environment, quarterly quizzes to assess their knowledge of procedures, and an annual knowledge and skills assessment. TSA conducts tests to evaluate, in part, the extent to which transportation security officers are able to detect simulated threat items hidden in accessible property or concealed on a person. TSA modifies its standard operating procedures based on the

[7]ETD works by detecting explosive vapors and residue. Human operators collect samples by rubbing swabs along an object, such as a carry-on suitcase. They then place the swabs in an ETD machine. The ETD machine chemically analyzes the swab to identify traces of explosive materials.

[8]GAO-07-634.

professional judgment of TSA senior-level officials and program-level staff, daily experiences of airport staff, complaints and concerns raised by the traveling public, and an analysis of risks to the aviation system. For example, in December 2005, TSA modified its prohibited items list to allow passengers to carry certain scissors and tools as long as they did not exceed a certain length. TSA's stated purpose in removing certain scissors and tools from the prohibited items list was to shift the focus of transportation security officers from items considered by TSA to pose a low threat to items considered to pose a high threat.

Creating Functioning IED and IID Devices

Investigators found instructions on the Internet for creating both an IED and IID and purchased the components from the Internet and from a local store for approximately $150. The IED was conceived as a two-part device—a detonator component that, on its own, could function as an IED, and a mixture of fuel and oxidizer that would require the explosion of the detonator.[9] Although the detonator component could be considered an IED, for the purposes of this report, we are referring to the combination of the detonator and the liquid explosive as a single IED. Information about liquid explosives was publicly available on several Web sites and discussed in media articles related to various terror plots, including the failed London subway bombing of July 21, 2005, and the transatlantic bomb plot of August 2006. In addition, we obtained information about creating an IID from the Internet. We also found videos on the Internet of the intense fire resulting from an IID. One of the components for the IID is a liquid that TSA prohibits passengers from bringing through security checkpoints. Specific details regarding the device components and the methods of concealment we used during our covert testing are classified by TSA; as such, they are not discussed in this testimony.

A group of tests conducted in February 2006 and July 2007 show that the IED proposed for this investigation functions as intended. In 2006, within the scope of our original covert testing report, we worked with a law enforcement organization in the Washington, D.C., metro area to confirm that the detonator would function as an IED. A test performed by local law enforcement officials confirmed that the detonator would cause damage to an aircraft and threaten the safety of passengers. Because our proposed IED for this investigation was composed of two parts (the detonator and

[9]Many chemical explosives consist of a mixture of oxidizer and fuel. When heat is added to the mixture, an explosion occurs.

the liquid explosive), in July 2007 we sought assistance to confirm that this more complex IED would function as intended. Several tests conducted at a national laboratory demonstrated that this IED can function as intended, with the initial explosion by the detonator successfully causing the liquid explosive to detonate in several tests. Explosion data indicate that this device exploded with a force sufficient to cause severe damage to an aircraft. The IID is a far simpler device. Our work with a law enforcement organization in the Washington, D.C., metro area in February 2006 confirmed that the components of the IID (one of which is a liquid) could function as intended, causing damage to an aircraft and threatening the safety of passengers.

Testing at 19 Airport Security Checkpoints

Our investigators devised methods that would allow them to conceal the prohibited components for these devices from transportation security officers. During this planning phase, they considered publicly advertised TSA policies related to liquids and other items, including prohibited items. They also judged that some components could be hidden in either their carry-on luggage or on their persons. They developed covert test procedures to challenge TSA screening measures using these components and methods. Specific details regarding the methods of concealment we used are classified by TSA; as such, these details are not discussed in this testimony.

By using various concealment methods, our investigators demonstrated that it is possible to bring the components for several functioning IEDs and one functioning IID through checkpoints and onto airline flights without being challenged by transportation security officers. In most cases, transportation security officers appeared to follow TSA procedures and used technology appropriately; however, we uncovered weaknesses in TSA screening procedures and other vulnerabilities as a result of these tests. For example, although transportation security officers generally enforced TSA's 3-1-1 rule, we were able to bring a liquid component of the IID undetected through checkpoints by taking advantage of weaknesses we identified in TSA's policies based on a review of public information. TSA determined that specific details regarding these weaknesses are sensitive security information and are therefore not discussed in this testimony. We did not notice any difference between the performance of private screeners and transportation security officers during our tests.

Covert Test Series One

From March 19 through March 23, 2007, two investigators tested the TSA checkpoint screening process at a number of U.S. airports. Transportation

security officers did not interact with our investigators at every airport. Interactions that did occur included the following:

- On March 19 and March 20, 2007, transportation security officers advised our investigators to use a 1-quart clear plastic bag rather than the larger bags they were using, but did not require them to do so before passing through the checkpoint.
- Also at another airport, on March 23, 2007, a transportation security officer did not allow one investigator to bring a small, unlabeled bottle of medicated shampoo through the checkpoint. This was a legitimate toiletry item used by one of our investigators. The officer cited TSA policy and stated that since the bottle was not labeled, "it could contain acid." She did not allow our investigator to bring the unlabeled medicated shampoo bottle through the checkpoint. However, a liquid component of the IID—despite being prohibited by TSA—was allowed to pass undetected through the checkpoint. We had identified this weakness based on a review of public information before performing our tests.

Covert Test Series Two

From May 7 through May 9, 2007, two investigators tested the TSA checkpoint screening process at a number of U.S. airports. Transportation security officers did not interact with our investigators aside from the following:

- On May 8, 2007, one investigator deliberately placed coins in his pockets to ensure that he would receive a secondary inspection. The transportation security officer used a hand-wand and performed a pat-down search of our investigator. However, the transportation security officer did not detect any of the prohibited items our investigator brought through the checkpoint.

Covert Test Series Three

From June 5 through June 8, 2007, two investigators tested the TSA checkpoint screening process at a number of U.S. airports. Transportation security officers did not interact with our investigators at every airport. Interactions that did occur included the following:

- Inclement weather forced our investigators to change their flight plans at one airport. After changing their plans, they were selected for secondary inspection at the TSA security checkpoint. Transportation security officers performed pat-downs at the checkpoint. However, the

transportation security officers did not detect any of the prohibited items our investigators brought through the checkpoint.

Corrective Action Briefings

We briefed TSA officials on August 16, 2007, and September 5, 2007, to discuss our findings. Officials from TSA's Security Operations Office were present during our second briefing. At these briefings, we suggested that TSA consider how the results of our covert testing should affect its risk-based approach to airport security. This could include implementing one or more measures to reduce the likelihood that terrorists could successfully bring IED and IID components through checkpoints using a similar methodology to ours in the future.

The specific nature of our suggestions to TSA is considered sensitive security information. Put generally, we suggested that, among other things, TSA (1) establish, depending on airport capacity, one or more special passenger screening lines to screen individuals based on risk and individuals with special needs; (2) introduce more aggressive, visible, and unpredictable deterrent measures into the passenger screening process at airports nationwide, to potentially include the implementation of enhanced individual search procedures (e.g., pat-downs and hand-wand screening) to detect concealed components; and (3) continue to develop and deploy new technology to be used at passenger screening checkpoints that would be able to better detect concealed components.

TSA officials indicated that they did not disagree with our suggestions in principle and that they would examine them closely to determine whether and how they should be implemented. They acknowledged vulnerabilities in human capital, processes, and technology. They also indicated that they are deploying additional specialized personnel to enhance security at existing checkpoints and that they are exploring methods for enhancing transportation security officer training and transforming the culture of their workforce. Regarding standard operating procedures, officials said that they are continuously revisiting and revising their policies. They also indicated that they were moving forward to develop a "checkpoint of the future" that would incorporate new and emerging technology to address terror threats. Such technology could include innovative imaging techniques.

Conclusion

Our tests clearly demonstrate that a terrorist group, using publicly available information and few resources, could cause severe damage to an airplane and threaten the safety of passengers by bringing prohibited IED

and IID components through security checkpoints. Given our degree of success, we are confident that our investigators would have been able to evade transportation security officers at additional airports had we decided to test them. We understand the challenges TSA faces in balancing security risks with the efficient movement of passengers; however, from a strict security standpoint, current policies allowing substantial carry-on luggage and related items through TSA checkpoints increases the risk of a terrorist successfully bringing an IED, an IID, or both onto an aircraft undetected. Even if current carry-on luggage policies are left unchanged, our testing shows that risks can be reduced through improvements in human capital, improved processes, and continued advances in technology.

GAO is currently performing a more systematic review of these issues and expects to issue a comprehensive public report with recommendations for TSA in early 2008.

Mr. Chairman and Members of the committee, this concludes our statement. We would be pleased to answer any questions that you or other members of the committee may have at this time.

GAO Contacts

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Chairman WAXMAN. Thank you very much.

Mr. Cooney, did you have a statement?

Mr. COONEY. No, I don't, Mr. Chairman, but I will be able to answer your questions at the appropriate time.

Chairman WAXMAN. Very good. Thank you.

Mr. Hawley.

STATEMENT OF EDMUND "KIP" HAWLEY

Mr. HAWLEY. Thank you, Mr. Chairman, Ranking Member Davis, members of the committee. I also thank you for having this hearing and drawing attention to these issues. I particularly appreciate the work of the chairman and the ranking member and their staffs, along with my colleagues from the GAO, to protect sensitive information. I think this is, as Mr. Mica mentioned, an extraordinarily important issue that we deal with openly and transparently.

The videos that we saw a minute ago and the play on the television are noteworthy and certainly get your attention. I think the key point to it is, there are vulnerabilities in every system of security. What we are engaged in is risk management. As we look at risk management, it looks at an IED that would have the capacity of taking an airplane down. There are many, many, many steps, including making the bomb, getting components through, perhaps assembling them, all those various steps. And we look at the whole system.

And the 19 layers of security that Mr. Mica mentioned and I put in my opening statement are like numbers in a combination lock. If you find one number to a 19 number combination, you have one number. What we have done is identify and understand the vulnerabilities in our system, and there are vulnerabilities, and then put in place other layers to compensate for them.

I would like to just give a quick summary. In August 2005, we identified, I came on the job in July 2005. We looked at what are the vulnerabilities. We looked at the technology vulnerabilities, we looked at the people vulnerabilities and we looked at our strategy vulnerabilities. We identified that we had work to do in all three areas. We needed to dramatically upgrade the technology that we have at checkpoints for the point of eliminating the possibility of bringing on IED components, not the assembled bomb, but the components, a much, much more difficult task.

So we re-trained the entire TSA work force with professional bomb techs directed at that, and changed our protocols to require us to train and test to the standard of IED components. And to put these tests in context, and I appreciate the work, they are done for a good purpose, they yield valuable information, but it is important to stay focused, not get panicked by looking at one particular number in that combination lock and worrying about the whole system. There are issues that need to be addressed and I welcome discussing them.

But to put it in context, if the number of tests that the GAO did for this were measured in miles, there were 38 tests, that would be roughly from here to Baltimore. The Office of Inspector General has done roughly 300 tests, this is in a 3-month period of this year. That is approximately from here to Philadelphia. And in a 3-month period at TSA, we do 225,000 tests. These are physical tests with

actual bomb components going through, with real people smuggling through the checkpoint. That is the equivalent of going around the world eight times.

So I think the trip to Baltimore, one can learn interesting things. But what we do every day and the 225,000 over 3 months or over a million a year gives us very focused information on what we know terrorists work on. We know their capability. We focus our efforts on what will actually take down a plane as opposed to what might severely damage. My pen can do severe damage.

We look at what can take a plane down and work backward from there each one layer. So yes, there are vulnerabilities in technology. I will address what we are doing about those. So we have put aside a significant amount of money to buy new AT machines, new checkpoint carry-on machines. We have announced a purchase of 250 already in October. We expect to double that, using fiscal year 2008 funds, should the Congress appropriate that money and the bill be signed.

But 2008, we expect to move that number up to 500. To give you an idea, there are about 2,500 lanes in the United States, 500 and some checkpoints. So this is a very, very significant technology upgrade that we will be deploying in 2008 that will be the first significant technology upgrade since the 1970's on carry-on luggage. That is in progress. We identified it earlier, and now fortunately it is being deployed.

On the strategy we identified in 2005, we are too check-list oriented. If our TSOs are looking to find a certain number of prohibited items and pull them out of bags, they are not thinking ahead. I think as Mr. Davis mentioned, we have to go on offense. We can't sit back at the checkpoint looking through a prohibited items list and fishing out peoples' objects. We have to be aware that they change their technique. When we move one direction, they will find a way around it. We have to play offense, we have to be nimble. That is why we do so many of these other IED component tests at our checkpoints every day, every shift, every airport. It is the crux of what we do.

Then we said, in addition to being more flexible, better technology, we need to change up what we do. We can't be a sitting duck at the checkpoint with the same process. We have added layers. We have added the behavior observation layer, which is for people to identify suspicious behavior, such as you would find with surveillance or pre-attack planning. They are not bringing prohibited items. They are not breaking any laws. They are doing their surveillance feeling they are protected because we can't get them because they are not carrying prohibited items. Not true any more. Step into a U.S. airport, we have 600 behavior detection officers out there and they will pick you off in the public area.

Then on top of that, we have added the ticket document checker, with the support of the Congress, and I appreciate that, to take over the critical point at which somebody shows up and shows identification. Now we have Federal officers there checking identity who have much better briefing who can then tie in with the behavior piece. On top of that, we have added our VIPR teams, which bring our Federal air marshals who are not flying on aircraft, they are now able to move undercover and overtly to do unexpected pa-

trols everywhere in the airport environment. We also work, I should say, with our transit partners to help there, too.

On top of that, we have added a program in the back of airports, where we have the equivalent of 1,000 headcount now, that we have developed to spend their time in the backside of airports. We are not just sitting at the checkpoint. We are looking at what are employees doing in the back, what is happening at the fuel dump, we are looking at what is happening in the parking garage, we are looking at who is driving into the airport. All of those things are now added. Those are additional layers that have been added since 2005.

So we addressed, we identified the vulnerabilities in 2005. I told you on the technology we are after that with AT and the millimeter wave, I should say, and backscatter, whole body imaging, that gets us out of this pat-down issue. The GAO mentioned enhanced pat-downs. We know what that means. The TSA officers can do very enhanced pat-downs. It has not been acceptable to the public. If that is something that we have to do, we will do that. The better answer is millimeter wave or backscatter, which allow people to have privacy protections to go through and eliminate that possibility. So technology would fix that.

Now the most important, the people. Our TSOs, we have trained them, I mentioned that. We have career progression now where our employees can move up and enhance their skills. We have a pay for performance program. Our attrition is dramatically down. Our attendance is up. The people who flew on August 10th know that our TSOs stood up that day and changed the entire security process overnight. That is not an easy thing to do. It is nimble, it is fast, it shows a commitment by our security officers.

So we know our vulnerabilities, and we are addressing them, and we need one more thing. That is the support of the public. Mr. Mica mentioned this, and I think it is absolutely critical. We need the passengers back in the game. We are on the same side and we need your help. Our officers come to work at 4 a.m. They came to TSA, they are coming to the airport to protect you. We need your help. This is not something to be gamed. We need you to separate out when you pack your bag, be very clear. Here are the components of what I am bringing on and let the officer quickly assess that is not a problem. The more we give clean bags to our TSOs, the less places there are to hide if you are a terrorist.

So we ask for help on participating, we ask for help on the respect and appreciation of our officers who are doing a great job. I have to say, working with my international partners, that I believe the transportation security officers that we have are the best in the world. The layers of security that we have added are more than other countries. I have had many discussions with a lot of these countries. We work closely to align our security measures.

The last point on 3–1–1, it not only works for us, but it was adopted by 170 countries around the world. The EU announced it and followed our lead. We are working together with our partners. So we need to partner with our public, we need to partner with our international colleagues and we need to be very direct in saying yes, there are vulnerabilities. We can't be squeamish and say, oh, my goodness, they brought some firecrackers through and put it in

the trunk of a car. Well, you know what? That is something you have to face up to and say, we need to stop all things but we have to focus on what truly does us harm.

So I appreciate the committee's time and look forward to answering your questions.

[The prepared statement of Mr. Hawley follows:]

TESTIMONY OF

KIP HAWLEY
ASSISTANT SECRETARY

TRANSPORTATION SECURITY ADMINISTRATION
THE DEPARTMENT OF HOMELAND SECURITY

BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

November 15, 2007

Good morning Chairman Waxman, Ranking Member Davis, and distinguished members of the Committee. Thank you for this opportunity to discuss with you the overall strategy of airport security screening and to address the recommendations of the Government Accountability Office (GAO) in its testimony to this Committee on Transportation Security Administration (TSA) security screening checkpoints at commercial airports.

Before I address the specific issues and recommendations in the GAO testimony, I want to say that I am very appreciative of the frank and open communication that has been established between GAO and TSA. GAO has provided TSA with insightful and constructive information on a number of programs that has helped improve the transportation security for our nation. We look forward to continuing this cooperative approach.

Although GAO's stated intent in its testimony was to not evaluate the overall effectiveness of the multi-layered security framework protecting the aviation system, I believe one cannot adequately evaluate the effectiveness of any single layer of security, in this case the passenger screening checkpoint, without understanding the context of each layer within the risk-based and multi-layered approach to security.

Risk Management Based on Threat

TSA's security strategy requires a broad range of interlinked measures that are flexible, mobile, and unpredictable. To counter the evolving threat and adaptive capabilities of terrorists, we are updating the entire screening process and changing the legacy systems that originated in the 1970s. We are proactive and we must continue to anticipate the threats.

We recognize that we cannot protect every person or all property against every possible threat to the system. Given the nature of the threats to aviation, we must manage risk consistent with what we understand of the threats, vulnerabilities, and consequences. Risk-based security means that we share resources across all risks, both high and low, in

strategic proportions. The President's National Strategy for Homeland Security, updated last month, reaffirmed this approach:

> Recognizing that the future is uncertain and that we cannot envision or prepare for every potential threat, we must understand and accept a certain level of risk as a permanent condition. Managing homeland security risk requires a disciplined approach to resource prioritization and the diversification of protective responsibilities across the full spectrum of our Nation's homeland security partners.

Layers of Security

The discussion of aviation security almost always starts at the familiar TSA security checkpoint. For the two million travelers a day who fly, that is TSA to them. However, TSA looks at the checkpoint as but a piece – an important piece – of a much larger picture. Because of that larger picture, TSA looks at the entire aviation system in evaluating risk, including threat information. A large part of TSA's work involves working closely on a daily basis with the intelligence and law enforcement communities and our global partners to try to stay ahead of the current threat.

Aviation security begins well before a passenger arrives at the airport.

1. U.S. government agencies work with others around the globe to identify and disrupt terrorist activities at their source.

2. U.S. Customs and Border Protection activities further identify potential terrorists and bar their entry into the United States.

3. Federal, State, and local law enforcement work together with the Federal Bureau of Investigation in Joint Terrorism Task Forces across the United States to identify and disrupt terrorist activities within the United States.

4. A No-Fly system is used to prevent anyone known to an agency of the U.S. government to be a threat to aviation from flying into, within or out of the United States. The Secure Flight program, once fully implemented, will greatly increase the effectiveness of the passenger vetting process.

5. Airline flight crews and airport employees who have access to an aircraft are subject to additional vetting in addition to the No-Fly analysis.

These first five security elements mean that anybody known to U.S. intelligence or law enforcement agencies that are a threat to aviation never get close to an airplane.

6. An additional, risk-based computer-assisted pre-screening of passengers is conducted before a boarding pass is issued.

TSA continues to change what we do, how we do it, and where we do it. We have significantly increased the layers of security throughout the airport environment. Within airports themselves, TSA is focusing beyond the physical checkpoint—to push our borders out, so to speak—to look more at people and to identify those with hostile intent or those conducting surveillance even if they are not carrying a prohibited item. By spreading our layers of security throughout the airport environment and elsewhere, we have multiple opportunities to detect terrorists and leverage the capabilities of our workforce, our partners, and our technology.

7. Hundreds of canine teams and local law enforcement officers are working at airports across the country to identify suspicious articles or people.

8. In airports nationwide, specially trained Behavior Detection Officers look for suspicious behavior as part of the Screening Passengers by Observation Techniques (SPOT) program. Individuals exhibiting specific observable behaviors may be referred for additional screening at the checkpoint that can include questioning, handwanding, pat down, or physical inspection of their carry-on baggage. SPOT adds an element of unpredictability to the security screening process that is easy for passengers to navigate but difficult for terrorists to manipulate.

9. Visible Intermodal Prevention and Response (VIPR) teams have been more broadly deployed beginning this past summer. Comprised of Transportation Security Officers (TSO), Transportation Security Inspectors (TSI), and Federal Air Marshals (FAM), VIPR teams collaborate with local law enforcement agencies to intensify the visible presence of security personnel at various points throughout the transportation system. At airports, we use VIPR teams in locations away from the screening checkpoint.

All of this happens before a passenger even shows up at a TSA checkpoint.

10. At the checkpoint, we placed specially trained TSOs at the front of the checkpoint to review travel documents to search for fraudulent identification (IDs) and also to look at behavior. We are continuing to develop methods that will make it harder for dangerous people to use fraudulent documents and IDs by raising the standard of inspection and providing additional equipment for our TSOs to perform this function.

11. A professional, well-trained, experienced team of TSOs, assisted by multiple technologies, screens passengers and their carry-on bags for weapons and explosives. Well-trained and experienced law enforcement partners support TSA's checkpoint activities with deployments of officers as well as canine teams.

12. We hired and deployed over 100 Bomb Appraisal Officers (BAO) who provide advanced training for the workforce on explosives and improvised explosive devices (IED) and resolve alarms beyond the TSO capability. We plan to hire and deploy an additional 200 BAOs in 2008. BAOs have extensive backgrounds and

experience in IEDs as well as in Chemical, Biological, Radiological, and Nuclear threats. They work closely with local law enforcement, bomb squads, and military Explosive Ordnance Disposal personnel to satisfy TSA's explosives detection needs.

13. In the baggage area, similarly well-trained, experienced TSOs use a variety of technologies to screen baggage, and, when necessary, physically search baggage to resolve anomalies.

Then, on the aircraft:

14. Thousands of FAMs fly discreetly on a very significant number of flights, both domestic and international.

15. Thousands of pilots who undergo special training and become Federal Flight Deck Officers are authorized and ready to protect the cockpit with firearms.

16. All flight and cabin crewmembers receive mandatory security training, through their air carrier, on protecting the aircraft and addressing various threat conditions. TSA provides additional training, on a voluntary basis, for cabin crewmembers in self defense techniques.

17. Other local, State, and Federal law enforcement officers travel armed as part of their normal duties and are prepared to intervene.

18. Hardened cockpit doors prevent unauthorized access to the flight deck.

19. And sitting on every airplane are passengers who remember the courage and commitment of the men and women on United Flight 93, and who are prepared to act, if necessary.

Each and every one of these 19 security layers is important and strong in its own right; linked together, they are effective and daunting.

Relying solely on security at the checkpoint or focusing all of our resources to defeat one threat is counterproductive and detracts from our overall mission. The 9/11 Commission recommended a layered security system saying: "No single security measure is foolproof. Accordingly, the TSA must have multiple layers of security in place to defeat the more plausible and dangerous forms of attack against public transportation." (p.392).

We recognize that, despite our efforts to make each layer as strong as possible, a concerted effort may target any one layer. Our ongoing success is a result of the tremendous power in the reinforced, multiple layers. Truly, the whole is greater than the sum of the parts -- and, together, they are formidable.

This strategy of active, nimble, flexible security depends on the quality of the people involved. The success of all these programs in increasing the layers of security would not be possible without the incredible effort, professionalism, and dedication shown by TSA's workforce. Our highly trained and highly motivated workforce--TSOs, TSIs, FAMs, and other professionals--have proven to be an adaptable workforce that can quickly adjust to counter an emerging terrorist threat.

TSOs are required to complete at least 40 hours of classroom and 60 hours of on-the-job training prior to becoming a fully certified TSO. TSA has allocated over 3 million hours for TSO recurrent training in the 2008 fiscal year.

In August of 2006, TSOs employed new standard operating procedures within hours to deal with the threat identified as part of the United Kingdom (UK) plot to blow up commercial aircraft with liquid explosives. We are constantly reviewing and adjusting our procedures and strategies to ensure our personnel are ahead of the next threat.

The work of TSA's frontline workforce is also supported by our Explosives Operations Division, consisting of former bomb technicians to address terrorist explosives threats in all transportation modes. The Division consists of 33 seasoned Explosives Security Specialists providing a knowledgeable and robust source of explosives security expertise and training.

GAO Investigation Results and Recommendations

TSA's mission at screening checkpoints is to prevent items from entering sterile areas of airports and, ultimately, onto aircraft that pose a catastrophic risk to the passengers and crew. We know the threat facing our country and we execute our mission with the effort, expertise and resolve necessary to counter the threat. We screen over two million passengers and their carry-on bags every day. Despite the large volume, we know that an effective security system requires our screening to focus on every person and every bag, one at a time.

TSA originally prohibited liquids, gels, and aerosols (LGA) in August 2006 as a result of the threat identified in the UK plot. The immediate nature of the threat required TSA to impose a virtual ban on all LGAs, with very limited exceptions, to allow the airline industry to continue to operate. We implemented the new procedures, literally, in the middle of the night and within only a few hours. Approximately six weeks later, TSA was able to modify the ban on LGAs based on information learned from the UK investigation, testing of liquid explosives, and our ability to implement additional security measures at airports. The modified ban, which largely continues as our current policy, allows for LGAs in individual containers of 3.4 ounces or less that fit comfortably in a single one quart-sized clear plastic bag—commonly referred to as the "3-1-1" rule. The combination of all the layers of security and TSA's screening process provide effective security of the aviation system and allow passengers to bring minimal amounts of LGAs during their travel on aircraft.

We recognize that TSA needs to continue its ongoing efforts to improve passenger screening. We are treating very seriously the valuable results and information provided by the GAO from their investigation. We agree that TSA will need to continue to focus its attention on its overall screening process. The GAO results will help TSA formulate appropriate courses of action to improve this particular layer of security.

TSA concurs with the concept of the first suggestion that it establish special screening lines for persons with special needs and those carrying LGAs that are not subject to the "3-1-1" requirement. TSA will explore whether such a proposal is feasible without impairing our ability to perform our mission for other travelers. TSA always stands ready to assist any person with special needs through the screening process, as we do every day when such situations are presented.

TSA concurs with the second suggestion to introduce more aggressive, visible, and unpredictable security measures and has already begun to take such action. This suggestion is entirely consistent with our approach to security and we will continue to expand the unpredictable nature of our security measures.

TSA concurs with the final suggestion to continue to develop and deploy new technology. We are testing and deploying new technology that is greatly improving our effectiveness in detecting prohibited items. A lesson from 9/11 is that we must be proactive—we must anticipate threats that continue to grow in sophistication and complexity. This effort includes leveraging the skills of our TSOs with new technology. This next generation of technology will assist our TSOs in separating friend from foe, increasing efficiency, and helping minimize the impact to travelers and businesses:

- Whole Body Imagers. We are field testing whole body imagers, such as the backscatter and millimeter wave technologies, to quickly and safely screen passengers for prohibited items without the need for physical contact. Field testing is underway at Phoenix, and test sites will be expanded to two other major airports in early 2008.
- Bottled Liquids Scanners. After recently completing field testing at six major airports, we have purchased and are deploying over 200 bottled liquids scanning devices at checkpoints, and are now using a hand-held liquids scanner for non-checkpoint screening locations.
- Hand-Held Explosives Scanners. In the 3rd quarter of the 2007 fiscal year, we purchased 23 hand-held explosives scanners to supplement the over 50 devices now in use. These devices are mobile and can be used for explosives detection at non-checkpoint locations.
- Advanced Technology (AT) X-ray. We have recently completed field testing of AT X-ray equipment for carry-on baggage at four airports. This technology will provide TSOs with enhanced capability to identify and detect threats through improved imagery and analysis tools. We will begin deploying these systems in 2008.
- Checkpoint Automated Carry-On Explosives Detection Systems (Auto-EDS). We are field testing Auto-EDS for inspecting carry-on items at four additional

airports, and we have plans to test these systems' capabilities to inspect both carry-on and checked baggage at smaller airports. Auto-EDS supports enhanced threat detection through computed tomography x-ray, 3-D imagery and automated explosives and weapons detection. A limited quantity of these systems is expected to be deployed in 2008.

- Cast & Prosthesis Scanner. After completing field testing at three airports, we have purchased cast and prosthesis scanners to provide a safe, dignified, and non-invasive way to identify potential threats and clear passengers wearing casts, braces, and prosthetic devices. Deployment activities for these units are expected to begin in 2008.

Given the adaptive nature of terrorists, our pursuit of new technology is not limited to what I described today. We will continue to explore additional technologies to maintain our evolving ability to detect prohibited items at checkpoints.

Ensuring That Screening Effectiveness Continues to Improve

Since it assumed responsibility for the screening at airports, TSA has always recognized the value and importance of covert testing to measure TSA's screening performance and identify areas that require improvement. TSA's Office of Inspection conducts ongoing covert tests at every commercial airport nationwide to identify specific vulnerabilities in TSA screening operations.

Further, TSA recognized that we needed a more systematic framework to more accurately assess the effectiveness of our screening process and identify which aspects of the process that require improvement given the millions of passengers and carryon bags screened everyday across hundreds of airports. In April of this year, we therefore established the Aviation Screening Assessment Program (ASAP) to greatly expand our internal covert testing and provide statistically sound data to support operational decisions. This program has performed thousands of covert tests at hundreds of airports nationwide in just six months. We are testing virtually every aspect of the screening process, to include the detection of prohibited liquids. Under separate training programs, TSA additionally conducts over a thousand more focused covert tests for IEDs and almost 70,000 electronic image tests—*every day*. Our TSOs are among the most tested workforce in the country. TSOs are literally tested every day, on every shift, at every checkpoint in every lane across over 400 airports around the United States. The information produced collectively from these programs will enable TSA to make more informed decisions based on reliable data to better target our efforts to improve the screening process. ASAP will enhance our ability to identify which category of the screening process needs improvement: operations; procedures; technology; training; or management. We now have a formal process to conduct a thorough assessment of the screening process every six months and implement the appropriate courses of action to address any concerns revealed during the expansive covert testing.

Conclusion

The security of our homeland and the aviation system is based on a risk-based approach involving multiple layers of security. Although each individual layer may never be 100 percent impenetrable, the effectiveness afforded by the collective layers of security provides a formidable defense against those who wish to do us harm. TSA's passenger screening process must always continue to improve its ability to detect certain prohibited items. The nation's aviation system remains secure—but requires ongoing improvement and vigilance to stay ahead of the threat of terrorism.

Due to the public setting of this hearing, I am unable to provide the Committee, at this time, more specific explanations of TSA's security measures that involve sensitive or classified national security information; however, I would be glad to provide additional information to this Committee in the appropriate setting.

Mr. Chairman, this concludes my testimony, and I would be pleased to respond to any questions that you may have.

# #

Chairman WAXMAN. Thank you very much for the testimony, Mr. Hawley. We want you to be successful. The American people are willing to do whatever is necessary. You can see that every day at an airport where people wait patiently. When the change was made about liquids, people became attuned to it and wanted to cooperate. I appreciate your appeal to people to even cooperate further.

But while that all sounds very good, we still have this report, which is extremely troubling. And it follows another report a year ago where we found that in 21 out of 21 incidents where GAO sent people to get on the planes, they were able to get through. Mr. Kutz and Mr. Cooney, you heard Mr. Hawley's testimony. He said he has additional layers now. It is not just bringing in something that is not appropriate. They are looking for the most serious, the most serious thing that could be brought in that might lead to taking down an airplane.

Did you and your people that did this study, did they take something that was serious enough to take down an airplane?

Mr. KUTZ. Again, the only way to determine that is actually to have an airplane. But you saw the video, you saw some of the explosion. Certainly it would cause severe damage to an aircraft and potentially harm some of the passengers. Whether it would bring an aircraft down, we don't have an aircraft to actually prove that. But certainly people we have consulted with that there is a possibility, what is going to happen at that many feet in the air I don't really know. But I think it is serious enough and I think that they would agree that this is a serious threat. Mr. Hawley did mention that in his opening statement. So I think we are in agreement with that.

Chairman WAXMAN. Serious threat. Now, the airports, were they just at one airport or how many different airports were used for the GAO investigation?

Mr. KUTZ. Well, as you mentioned, last year we did 21, and this year we did 19. In each of the airports, two of our investigators went through and as we always have, we have cover teams. So there are follow investigators in case our investigators run into any trouble. So we did, I guess, double the number of airports, 80 tests over 2 years.

Chairman WAXMAN. Well, you did this first test last year in 2006. And it was requested by Congressman Mica. And in that investigation, GAO conducted undercover tests in 21 airports. After you delivered your report, it was leaked to the media and the results were broadcast on national television. I want to play a clip from NBC Nightly News, this was on March 16, 2006.

[Video shown.]

Chairman WAXMAN. Well, when that report came out, Mr. Hawley, you testified, and your response to last year's investigation was that TSA was implementing new training members that had not yet "burned in" to your transportation security officers. You promised that things were going to get better. Do our airports continue to have security vulnerabilities? I am pretty disturbed by the GAO report. Should the American people feel that you are going to be able to control this and protect the American public?

Mr. HAWLEY. Yes. Yes. The American public can be confident traveling with the security system in place. You mentioned my tes-

timony previously saying we were moving in that direction. We have accomplished that. Those were distributing the extra bombmaking kits, basically, the training devices to every airport, all the checkpoints. That is in place, that is operating today, and it is part of the training improvement effort. It works both ways, because you get the guy who is doing the test to figure out, how could I beat my own system, then they get somebody, another Federal agent unknown to bring it through, and then the TSO identifies it, in which case they congratulate them, or they don't, in which case they train them.

Chairman WAXMAN. Let me ask, since my time is up, Mr. Kutz and Mr. Cooney, should, based on your investigation, the public think that our airports are secure?

Mr. KUTZ. I think Mr. Hawley is correct, there is a broader picture to this, including the intelligence. The best prevention here is to keep the terrorists from getting to the airport in the first place. I firmly believe, I don't know if he necessarily agrees with that, but I think that is the solution to this. Once you are at the airport, there are a lot of other layers here.

But I would point out with respect to the 2006 and 2007 tests that the components that we brought through, and I am not allowed to say how often we got through, but the components we brought through both times were the same. Plus in 2007, as I mentioned in my opening statement, we had the liquid explosive in addition to those. So again, I don't know what processes were put in place between 2006 and 2007. But I don't think they were necessarily effective totally in looking at what we are talking about.

Chairman WAXMAN. Still, a discouraging result.

Mr. MICA. Mr. Chairman.

Chairman WAXMAN. Yes.

Mr. MICA. I would like to ask a unanimous consent request that a letter that I sent to then-Attorney General Alberto Gonzalez, March 28, 2006, in regard to the leaks, which took place, which you just showed there, and I have a partial response in September from the Department of Justice.

Chairman WAXMAN. Without objection, the document you wish to put into the record will be made part of the record.

[The information referred to follows:]

DON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

March 28, 2006

The Honorable Alberto Gonzales
Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Gonzales:

After a recent conversation with the Comptroller General of the General Accountability Office (GAO), Mr. David Walker, I am writing to request an investigation by the Federal Bureau of Investigation (FBI) regarding the apparent release of classified (Secret) information with respect to a GAO report on the testing of our Nation's airport security checkpoint screening system, which I had requested. I understand that Mr. Walker will also be recommending to you that an investigation into this matter be conducted.

As Chairman of the House Aviation Subcommittee, last year I requested GAO to conduct a test of our airport passenger screener's ability to detect explosives. I was briefed almost two months ago, February 1, 2006, on the results of that classified report.

Therefore, I was shocked when I began to receive calls from the press and to learn incredible details and specific information from NBC news only days after the actual report was delivered to my Subcommittee office just a few weeks ago. I have not had the opportunity to open and read the copy of the Secret document.

We cannot tolerate the leaking of classified information. I firmly believe that anyone involved in its disclosure should be held accountable.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me personally or Holly Woodruff Lyons of the Aviation Subcommittee at (202) 226-3220.

Sincerely,

John L. Mica
Chairman
Aviation Subcommittee

Cc: Comptroller General David M. Walker
General Accountability Office

Mr. MICA. Mr. Chairman, I am not trying to put in something to cover the administration. They never properly responded or investigated the leaks, which revealed national security information. Thank you.

Chairman WAXMAN. Thank you. Mr. Davis.

Mr. DAVIS OF VIRGINIA. Thank you.

Mr. Kutz and Mr. Cooney, let me just ask, a lot of the material we are talking about that came through, this was gels and liquids, is that correct?

Mr. KUTZ. Some.

Mr. COONEY. Some, yes, sir. Some. No gels.

Mr. DAVIS OF VIRGINIA. OK. And right now, if you go through metal detectors, there is no way really to detect liquids, is that fair to say?

Mr. COONEY. I can't go into the methods we used, but they were——

Mr. DAVIS OF VIRGINIA. I am not saying everything. I am just saying, if I were to walk through a metal detector today that you have at the airport, that doesn't necessarily get liquids, is that correct?

Mr. COONEY. No, it does not pick up liquids.

Mr. DAVIS OF VIRGINIA. So if I have a vial in my pocket with 4 ounces or 5 ounces of liquid it wouldn't be detected going through the detector, is that fair to say?

Mr. COONEY. It is fair to say depending on what material the vials are made up of.

Mr. DAVIS OF VIRGINIA. But in some cases, some of the things that could be used to assemble a bomb or an IED would not be detectable?

Mr. COONEY. Yes, sir.

Mr. KUTZ. Mr. Davis, as I mentioned in my opening statement, some of the things we brought through the checkpoints were carried on our persons.

Mr. DAVIS OF VIRGINIA. Right.

Mr. KUTZ. So I think that addresses your point.

Mr. DAVIS OF VIRGINIA. So Mr. Hawley, that is a hole right now, correct?

Mr. HAWLEY. Absolutely. An object on a person is something that needs mitigation.

But the question is overall, if there is a vulnerability one place, such as a magnetometer, what are you doing elsewhere to make up for it.

Mr. DAVIS OF VIRGINIA. I understand. And some people you do pull aside and pat down.

Mr. HAWLEY. Yes.

Mr. DAVIS OF VIRGINIA. I understand you have intelligence and you have everything combined. But it didn't work with the GAO, I guess that is my question.

Mr. HAWLEY. Well, there are two ways to improve what we do in the walk-through. One is the millimeter wave answer, or the backscatter, which is a technology answer. It has some privacy issues. Highly effective but very good. The other is the enhanced pat-down, as the GAO has suggested, which has had some very significant concerns in the American public. Our officers are capable

of doing it, but those would be the two directions to go for closing any vulnerability that specifically you mentioned. Obviously there are other ones in front and behind.

Mr. DAVIS OF VIRGINIA. I just want to focus on that, because I think that is understandable to, at least I understand it. Do we have any technology that can discern banned liquids and gels from those that are OK?

Mr. HAWLEY. Yes.

Mr. DAVIS OF VIRGINIA. And are we working on equipment and machinery that may be able to detect that?

Mr. HAWLEY. Yes. We have purchased 200 already and we are purchasing an additional 400 in fiscal year 2008 should the appropriations bill go through.

Mr. DAVIS OF VIRGINIA. Mr. Kutz, if that were to be in operation, that would really cut down on the vulnerability, would it not?

Mr. KUTZ. I don't know enough about those machines to tell you for sure. I would defer to Mr. Hawley, because he knows what we brought through, so he would be able to answer that question.

Mr. DAVIS OF VIRGINIA. OK. Do you feel that would significantly cut down on some of the——

Mr. HAWLEY. Very, very significantly add to the risk management.

Mr. DAVIS OF VIRGINIA. If the technology does not exist today, are we taking a chance by allowing liquids and gels even in limited amounts aboard a plane at this point, as we look at it today?

Mr. HAWLEY. It is a risk management process. And we did originally ban everything. That was before we understood in detail all aspects of what the terrorists were planning. We have shared that with our international partners and have come to the agreement of all of us, based on intelligence and science and security issues, that the 3–1–1 is effective. Because if you ban all liquids, then you are putting a lot more pressure on the checked baggage system. That can create its own problems in terms of just even the volume of checked bags.

Mr. DAVIS OF VIRGINIA. Getting at Diet Coke or something, if it is labeled and you buy it inside, it shouldn't be a problem. Since the limitations on gels and liquids came out of the U.K. threat last year, what does the U.K. do to address the threat in terms of screening passengers for liquids and gels?

Mr. HAWLEY. One of the things is allow one carry-on bag, not one plus one as we do in the United States. So that was one thing.

I should say we are in constant communication with the U.K. on all of these matters. We are of common mind and common strategy. In fact, we are both buying these advanced x-ray machines for checkpoint, both working on the millimeter wave and both developed the 3–1–1.

Mr. DAVIS OF VIRGINIA. In Israel, how do they handle this threat?

Mr. HAWLEY. They have a different security process, in that they have one major international airport. So they have a very aggressive, I think as you know, the questioning on the up-front, and if they are doing a pat-down, it is significantly different from what you get in the United States.

Mr. DAVIS OF VIRGINIA. Let me just ask finally, if mandatory pat-downs were in place, let me ask Mr. Kutz, if mandatory pat-downs were in place, would you have likely been caught, at least during the banned substances that were hidden on the bodies?

Mr. KUTZ. I think it depends on the person doing the pat-down, it depends on the aggressiveness and what parts of the body are patted down.

Mr. COONEY. With the pat-downs that they have in place right now, that TSA implements, I believe we would not have been caught. That has to be changed.

Mr. DAVIS OF VIRGINIA. I appreciate it. Thank you.

Chairman WAXMAN. Thank you, Mr. Davis.

Mr. Cummings.

Mr. CUMMINGS. This testimony is very troubling. I am wondering whether we have some low expectations here. Mr. Kutz, you are, I guess for you all to conduct these tests, you know what procedures are in place?

Mr. KUTZ. We use only publicly available information. So to the extent that it is something we have either observed going through an airport or see on the Internet, we try not to do our tests with any insider information.

Mr. CUMMINGS. OK, so you are just like Joe Citizen?

Mr. KUTZ. Yes, sir.

Mr. CUMMINGS. That might be even worse. What I am saying is, you were able to—what were your expectations? I guess that is what I am wondering. Because I hear Mr. Hawley talk about, and I still don't fully understand it, the combination lock and the 19 layers. But the bottom line is, this stuff still got on the plane. Duh. It got on the plane.

Mr. HAWLEY. It actually did not get on the plane.

Mr. CUMMINGS. It didn't?

Mr. HAWLEY. In theory, it might have. But in theory, I can dunk a basketball.

Mr. KUTZ. No, it got on the plane. I would disagree with that. It got on the plane——

Mr. HAWLEY. Not what you saw on the video.

Mr. CUMMINGS. Excuse me, excuse me, gentlemen. I will come back to you, Mr. Hawley, because I want to be fair. Did the items get on the plane that you, when you conducted some tests and you showed the results of the devices, the kinds of things that you were able to get on the plane, did those things get on the plane?

Mr. KUTZ. Yes.

Mr. CUMMINGS. OK. And Mr. Hawley, as I listen to your testimony, you talk about all of these layers. Can you explain that combination lock thing again to me, because I missed that one.

Mr. HAWLEY. You bet. What does it take to do a catastrophic terrorist act? You have to plan it, you have to procure the materials necessary to do it, you might communicate with other conspirators. All of those represent opportunities to stop the attack if you are tightly lined up with intelligence and law enforcement.

Then you might have to travel to go to a training camp or to come to the United States or travel in the United States. That is an opportunity. Then there is the surveillance. They are going to have to see what it is they want to do. That is an opportunity.

Mr. CUMMINGS. I got you. Now, let's fast forward to the checkpoints.

Mr. HAWLEY. You bet.

Mr. CUMMINGS. How important are the checkpoints?

Mr. HAWLEY. Very important.

Mr. CUMMINGS. And would you say that they are the most important?

Mr. HAWLEY. No.

Mr. CUMMINGS. OK. So if the security checkpoints, they are critical, though, is that right?

Mr. HAWLEY. No, I think that is one of the problems, is that Americans focus that the whole thing is the checkpoint. And the security system is a layered security system. Because if they say the checkpoint is all buttoned down, then the attack comes through the perimeter, the attack comes in front of the airport. There is a ManPad attack.

There are thousands of ways to attack. If you put all your resources at the checkpoint to make that bulletproof, they say thank you very much and go someplace else to get in. So you have to secure the entire environment at a basic level and then you have to upgrade in an unexpected, unpredictable way.

Mr. CUMMINGS. Let me ask you this. All these people are standing in these long lines, everybody in this room. They are standing in long lines, thinking that the checkpoints are critical. Are you telling me that they are not?

Mr. HAWLEY. I am telling you they are a piece of the puzzle. And the lines are not extraordinarily long. I would expect next week we are going to be tested by the largest load of passengers. I am looking forward to the challenge and our officers are looking forward to the challenge.

Mr. CUMMINGS. Now, the other layers of security you refer to deal mostly with intelligence gathering. And certain individuals making sure that certain individuals don't get to security checkpoints in the first place. Are you talking about racial profiling?

Mr. HAWLEY. No, no, no, no. No, because terrorists use people who specifically don't "look like" terrorists. If you rely on what you think a terrorist looks like, you are going to miss them.

Mr. CUMMINGS. Well, I can tell you, Mr. Hawley, it seems like at the rate we are going, and I really didn't expect the testimony that you provided us, because it sounds like we are almost, you are saying that, I think, that you know we can, you think we can do better, but we are just going to have to tread water until we get there.

Mr. HAWLEY. No, no, no. We have to do better every day. That is why we do all these tests. That is why every test every day, to improve. But we have to stay ahead of the threat, because if we just focus on what we saw in the video, yes, we can guarantee that won't happen.

Mr. CUMMINGS. But doesn't that upset you, that 19 of 19 or whatever it was could get through and get on the plane?

Mr. HAWLEY. No. I think that it is instructive and helpful and is a data point. But as I said, we do 2,500 a day every day. And we target it to our vulnerabilities. We know what they are. Those tests allow us then to close the gap. Frankly, some of the stuff we

saw here is not a concern, honestly. There is some of it that is a concern.

So we focus on the piece that could do serious, catastrophic damage, take an airplane down. That is what we go after. We know that if somebody goes up and puts on a flash in the plane, that is not a good thing, they will be arrested and other passengers will certainly take it out on them. But we are not going to put our resources against things that are scientific demonstrations. We are looking for the terrorists.

The terrorists are very smart. They know what takes a plane down. That is the enemy we have to stop. We like the coaching and the information we get from the GAO. Very helpful, good partner. But it doesn't get to the point of what the terrorists are doing.

Chairman WAXMAN. The gentleman's time has expired. Thank you, Mr. Cummings.

Mr. Mica.

Mr. MICA. Thank you. At the end of 2005, I asked GAO to conduct studies and tests of performance at TSA. There are three types of testing that have gone on. One is the Inspector General of Homeland Security, TSA test itself and then independent GAO. I asked GAO because I was made aware, and again, we are in a deadly, a very deadly game. But you don't have to be a rocket scientist to figure out that terrorists or folks who want to take us out are looking for the next level of vulnerability. We are always putting something in place that deals with the last incident.

What disturbed me about this 2006 leak, and I don't know who leaked this, but after you concluded your tests and before I even got a copy of the test, information was leaked. Mr. Waxman showed it here. Do you know anyone who leaked this, Mr. Cooney or Mr. Kutz?

Mr. KUTZ. No. No one is aware, and FBI did not do an investigation based upon yours and the Comptroller General's request.

Mr. MICA. OK. What disturbed me in that is because this information was given to me, was to be given to me and I did learn of the failure. This failure is not new that you just released in your report, is that correct? This failure is not new. It mirrors what took place in your last test a year ago, is that right?

Mr. KUTZ. It mirrors it plus the liquid explosive we mentioned.

Mr. MICA. OK. And one of the reasons I asked you to conduct a test is because TSA had not conducted those kinds of tests, is that correct, Mr. Hawley?

Mr. HAWLEY. We started doing liquid tests in 2006, before the liquid plot in the U.K.

Mr. MICA. When we met in April of this year, I asked you if you had done similar tests to what GAO had done. And you had said, yes. Then you came back and you told me you had to correct, with the meeting when we had the hand-off to Mr. Costello and the others, then you came back and you told me no. You corrected yourself. Which is the case?

Mr. HAWLEY. Well, the GAO has done a number of different types of testing. So it gets into the technical——

Mr. MICA. Well, again, the specific type of test that we saw displayed here. You had done that or you had not done that?

Mr. HAWLEY. If we are talking about chemicals, yes. If we are talking about the exact same chemicals, no.

Mr. MICA. You had not?

Mr. HAWLEY. No.

Mr. MICA. Sort of non-traditional explosives, which I consider our biggest threat at this time. You were at that meeting. The other thing that was at the meeting is that they sort of pooh-poohed, TSA sort of pooh-poohed the results of that explosion with that material. Is that correct?

Mr. COONEY. Yes, sir.

Mr. MICA. OK. Have you had that material tested to see if it would do catastrophic damage?

Mr. COONEY. Yes, sir.

Mr. MICA. And what were the results?

Mr. COONEY. We have had two independent opinions on that, and the results are that placed in the appropriate place on an aircraft, and I can't say where that is at this hearing, that it could possibly do catastrophic damage.

Mr. MICA. OK. See, I am not out to, Mr. Hawley, I just was disturbed by again not giving the other side as they took over all the information. I wish I could talk more about that.

OK, we failed. Now, of course, when I learned this, I would have been negligent, too, if we didn't do something or Mr. Hawley didn't do something. And he learned about this back a year ago. We know what can make up for problems at the checkpoint. One, we started putting behavior analysis people in place. We still don't have that done, do we, Mr. Hawley?

Mr. HAWLEY. Yes, we do, 2,000.

Mr. MICA. At every checkpoint?

Mr. HAWLEY. The President signed a budget amendment last week, so we will be able to——

Mr. MICA. But it is not done yet? I am not giving you a hard time. I just want to say that we learned that.

Mr. HAWLEY. 600 in place.

Mr. MICA. When you did your tests most recently at the 21 airports, Mr. Hawley, do you know how many of those had our new protocol?

Mr. HAWLEY. I do not. In terms of the BDOs? Are you talking about the BDOs or the 3–1–1?

Mr. MICA. The behavior analysis trained personnel that we started putting in place after we learned that the technology in place would not handle this.

Mr. HAWLEY. We do not know.

Mr. MICA. I want to know. I want to know how many of those people, that should have been the first thing we did is find out if what we put in place failed. That is just—I can't accept that. That is beyond belief that we would not know what we put in place.

Now, the technology is there also to deal with some of these non-traditional explosives, is that correct?

Mr. HAWLEY. That is correct.

Mr. MICA. OK. Could I have an additional minute by unanimous consent?

Chairman WAXMAN. Well, if you want to make one last question, do it. You said nice things about me, so I am going to give you 1 more minute. [Laughter.]

Mr. MICA. One of the last things, my last question, you test, Mr. Hawley, your personnel on performance. USA reported in October statistics that have been publicly made available, maybe they were classified but they are here. What concerns me even more, and I have the past performance levels, this seems to indicate that there is not improvement, in fact, it looks like we have lost ground in passenger screening.

Mr. HAWLEY. No. And let's be clear. If you want good scores, I will deliver you good scores. What we are saying is——

Mr. MICA. No, I know we——

Mr. HAWLEY [continuing]. We are going to take on the toughest assignment, which is they are bringing improvised explosive devices in component parts, and we are going to train and test against that. That is really, really hard. I would suggest there might be any number of facilities within 10 miles of here that would have a very difficult time to detect all these things. We are focused on the toughest, toughest part of it, we train and test on it. That article was something about training. There was not data in there about test results.

Chairman WAXMAN. Thank you, Mr. Mica.

I am confused about one point, just to clarify for the record. Mr. Cummings asked whether the materials got on the plane, and as I understand it, Mr. Kutz you said yes and then Mr. Hawley, you said no. What would be the basis for your saying that on GAO tests, it didn't get onto the plane?

Mr. HAWLEY. My understanding is that what was in the video was not what was brought through the checkpoint. The reason that is significant is that you would have had to assemble the bomb past the checkpoint. And there are measures in place between the checkpoint and the aircraft that would make it more difficult for somebody to therefore get there. So as I said, you can get through a piece of it, you can get a piece through the checkpoint, perhaps. But there are other barriers on the way. And I just wanted to make clear it was not a completed IED that went through and got on the aircraft.

Chairman WAXMAN. Well, we are talking about GAO's—what was the situation?

Mr. COONEY. Mr. Chairman, we did not, after we got through the checkpoint, we did not construct the device. We brought all the components onto the aircraft. That is to say that we could have constructed it on the aircraft. We could have simply gone into the lavatory on the aircraft once the plane was airborne and constructed the device there. So we did bring all the components onto the aircraft.

Chairman WAXMAN. It did get onto the plane.

Mr. Higgins.

Mr. HIGGINS. Thank you, Mr. Chairman. I just have a couple of observations. Mr. Hawley, you had indicated at the beginning that TSA officers have the best interests of the flying public in mind and that the flying public should be more, presumably tolerant of the work that TSA does to protect them. The thing that kind of

concerns me about this panel is that there seems to be an adversarial relationship TSA and the Government Accountability Office, where in fact my sense is you have the same primary objective, and that is to protect the public, and the flying public in this particular circumstance.

I understand that there are layers of security and that risk management is not a perfect science, that you have to not only take into consideration possibility, but also probability. So when I look over the testimony and this seemingly adversarial history that exists between TSA and GAO, that fundamentally raises some questions and concerns, because my sense is that GAO is not conducting this to embarrass anybody, but knowing that a security system in its many layers is an evolving process that takes into consideration information that may not have been presumed when originally security systems were put in place, that it has to be flexible, it has to be elastic, it has to be evolving.

Your thoughts?

Mr. HAWLEY. I would just like to say, although we definitely are sparring a little bit today, we have a surprisingly good relationship in that, the reason I have said certain things was to have the record be clear. Because I think it is a key point, the difference between catastrophic failure and something unsafe on the aircraft. I think we are absolutely in lockstep in terms where we end up. I think we agree strongly with GAO's suggestions as to what goes forward. The value they bring is in some other areas other than the ones that I am disputing.

So I take it as an indication of our respect and sort of professional relationship. But it actually is a very good relationship.

Mr. HIGGINS. On behalf of the flying public, we want to encourage you to work together and to continually improve the security system.

Mr. KUTZ. Yes, we do often spar over the facts. But I think the important part is, as you said, the suggestions we have, if they consider those seriously and where appropriate, implement them, that is the most important part at the end of the day and hopefully that is what they will walk away with from this.

Mr. HIGGINS. Great. Just a final question, Mr. Chairman. Mr. Kutz, you had said that one of the recommendations to TSA was increased pat-downs. I am just curious, is it a more comprehensive pat-down per incident, or is it more incidents of pat-downs that you are recommending?

Mr. KUTZ. No, it is actually the pat-down being, if I could say a little bit more thorough.

Mr. HIGGINS. Thorough, OK.

Mr. KUTZ. Yes.

Mr. HIGGINS. Thank you very much. That is all, Mr. Chairman.

Chairman WAXMAN. Thank you, Mr. Higgins.

We are being called to the House floor for a series of three votes, which ought to bring us back here in a half hour. So we are going to recess then reconvene to complete the hearing. So we stand in recess.

[Recess.]

Chairman WAXMAN. I want to call the hearing back to order. We will start with Mr. Yarmuth.

Mr. YARMUTH. Let me start by saying I am a little bit uncomfortable with conversations like these, as I am sure you are, recognizing on the one hand our obligation to provide oversight on airport security and also the security of striking that very delicate balance between trying to make the public confident that we are doing what we need to be doing, and also not scaring them to the point where they are afraid to fly.

I remember back in my journalist days, back right after the 9/11 crashes, and I was doing an interview with the director of the airport in Louisville, and asked him, going through a number of the measures they were taking, whether these measures in fact were designed to provide real security or the illusion, the perception of security. He was quite candid and said, this is basically to create the perception of security, because there is a limit to what we can do to provide real security. I probably won't get any serious disagreement out of you on that.

But with that premise, whether you accept it or not, I would like to ask a couple of questions, because we all go through security on a weekly basis. And by the way, I will say the TSA people in my airport in Louisville are terrific, they work hard, they are very considerate. I have no complaints about them. But it seems like a lot of the measures that are taken don't focus on what you talked about, focusing on the priorities of not bringing a plane down, but to again create some kind of an illusion which, when you get behind them, don't make any sense. This is going to sound a little trivial, but it is parochial and important to me.

We make Louisville Sluggers at Hillerich and Bradsby in Louisville. You can go on a tour of the museum there. They sell souvenir baseball bats. Souvenir baseball bats are about 15 inches long and probably not much bigger around than this pencil, and you can't take them on a plane.

Now, I will guarantee you, and there is a big display when you go through the TSA line that you can't bring these little bats on the plane. Now, I guarantee you, I am carrying, every time I am on the plane, things that I could do more damage with than those baseball bats. It seems to me that is one of those instances in which we focus on things that don't make any sense, don't provide any security and may in fact, if we are relying on people who are stressed and have to cover a lot of people and so forth, we are making them deal with things that don't make any difference in the final analysis. Would you care to comment on that, Mr. Hawley?

Mr. HAWLEY. I think you have raised a number of good points. Specifically on that one, we are looking right now at the prohibited items list, and we are doing it in conjunction with our partners in Canada and the European Union and other places, so that we can have a common framework. As you know, we made the decision on scissors and small tools, and recently the lighters, based on risk management.

So we specifically are looking at the baseball bats as well as the rest of the prohibited items list, because we have to stay flexible. Again, I want to get away from the checklist mentality, where we are just looking to take things away. We need to look for the person who is bringing a novel threat.

Mr. YARMUTH. And I guess the other question I would have is, you may have alluded to this earlier, but it seems to me that in most cases, the greatest protection you would have in terms of things that go on in the passenger cabin are the other passengers. And not necessarily things that you would do going in. Richard Reid was ultimately stopped because it was a passenger who pointed out that it was unusual that somebody would try to light his foot on the plane.

Mr. HAWLEY. I would like to address the charade issue, because I hear it a lot, I see it on the blogs. We directly address that in the IED component piece. We can get high scores on testing, etc. But our officers know in reality what is real and what is charade. In order to get them prepared and motivated and switched on to look for the difficult threat, they have to believe that what we are really doing is security.

So we have really worked hard in the last couple of years to openly communicate with our work force about the threats. What we do we do because we believe it is a security matter. And we do need the support of the Congress and the public when we do change a security measure, because you can always come up with a scenario that says I can use X to do Y. And all of it is risk management. It is very difficult. Any one issue you can fight over. But you have to fit the whole thing together. I think it is a pretty complex equation. It is important that we address these vulnerabilities publicly, so the public knows that is involved.

Mr. YARMUTH. Along those lines, I am not sure I have ever heard an announcement from a flight attendant inside a cabin about, and I know you don't want to make people so hypersensitive that they will report things that are just normal behavior, but when you get paranoid people, but that you need to be alert to what people are doing in the cabin and if you see any suspicious activity to report it. Has there ever been any thought to utilizing the crew to actually enlist the passengers in those precautions?

Mr. HAWLEY. Well, certainly the crews are enlisted. We don't make any announcements. Actually you would be surprised, we probably get two or three a day of disruptive passengers subdued by other passengers. So I think we all travel at a heightened state of alert. I am very confident, given the track record we have, that people doing suspicious activities are in fact reported.

Mr. YARMUTH. Good. My time is up. Thank you, Mr. Chairman.

Chairman WAXMAN. Mr. Westmoreland, I think you are next.

Mr. WESTMORELAND. Thank you, Mr. Chairman.

Mr. Hawley, I just want to go back to a couple of things. One was the point about whether this material that we saw on the video actually got on the plane or didn't get on the plane. I think it was Mr. Cooney that said it did get on the plane. And you said that it may have, but not in a form that could have caused the damage.

You mentioned that there were some other points, I guess, between the screening location and where it would have actually got on the plane. So are we to be under the assumption that these people would prepare this thing prior to boarding the plane or once they boarded the plane?

Mr. HAWLEY. Of course, they could attempt either. From the checkpoint to the boarding gate, there is a significant amount of se-

curity that is not seen. As you know, we have a significant number of Federal air marshals flying every day. They are undercover, they are in airport boarding gates. Part of their job is when they are not actually on the aircraft to be patrolling in those areas, on the lookout for this. We know exactly what can bring a plane down, we know the characteristics of that chemistry and what you have to do to mix it properly. So there are some tell-tales that you can pick up on that would make it very, very difficult for someone to get away with it.

I think the point Mr. Cooney raised, on the aircraft, in the restroom, is something that we pay attention to, and certainly flying air marshals and flying flight crews pay attention to it. But we look at, we really look across the board.

Mr. WESTMORELAND. OK. Let me ask you this. I think that you mentioned that there has been too much attention, or TSA agents are having to pay too much attention to carry-on baggage. Just from experience, in doing quite a bit of flying, there are some people that carry on everything but the kitchen sink. Supposedly, it is a one bag carry-on, one carry-on and one personal item. Would it help if we start enforcing that to where you could spend more time on the person, on the physical person, rather than having to go through all these bag checks? Some people get in line, they have five of the gray trays and then some other stuff going through. When can we have some enforcement of that, where you are kind of given a little more flexibility in looking at that individual?

Mr. HAWLEY. It is a shared responsibility with the airlines. We looked at this during the liquid plot with the U.K. They went to one bag, we did not. Our concern and my concern was, you get a duffel bag and toss your two or however many it is in there and zip it up and say, voila, here is my one bag. Then that gets, that is too congested for us really to give an easy look. So you have to do a bag check and then that is a nightmare.

So it really is, that is why I say partnering with the public, that we have to fight through 10 million images a day, and the extent to which the public can make them less cluttered, it gives terrorists less room to hide and it speeds the process.

Mr. WESTMORELAND. So you don't think that would be an alternative in trying to get the airlines to more enforce what they are doing?

Mr. HAWLEY. Yes, I would focus on the weight. I think the weight is a bigger problem than the number. Because we injure our folks sometimes when picking up a bag and it is way too heavy. But we have to operate in the world that exists and not unduly do commerce. Our challenge is it is our job to find the bomb part, no matter what is thrown at us. And that is what we hold our officers to.

Mr. WESTMORELAND. And I know that you are probably going through all the training and trying to get everybody through the training. I know that Mr. Mica had mentioned the behavioral interviewing or whatever. I am sure that is a much more difficult process or more training that you have to send somebody through, and they probably have to have a certain tendency to be able to do that.

But it does concern me that these tests were run in several airports, and you, or the TSA doesn't seem to know if this behavioral

part was there, and if it did any good or whatever. I don't know how much information you have shared back and forth about the test and the airports and who it was. But I would like for you to comment on that if you would.

Mr. HAWLEY. Yes, it is a key point. Part of the protocol, and I respect the protocol, is they don't give us advance notice. So we don't know when they are coming, and whether they know it, the BDOs or not. We in fact are working on tests of what we call the behavior detection officers. It is, we are finding it is difficult to simulate the actual stress of somebody with hostile intent. So we are working with other countries who have capability there, as well as with our research arm at the Department, to get the scientific data that will say how good our officers are, just on the behavior.

Mr. WESTMORELAND. Mr. Hawley, I want to thank you for the job that you are trying to do with TSA. I know it is a big, big undertaking. I appreciate your coming here today. I know it was probably similar to having a root canal. But I do want to thank you for that.

Chairman WAXMAN. Thank you, Mr. Westmoreland.

Mr. Shays.

Mr. SHAYS. Thank you, Mr. Chairman, again for holding this hearing.

Mr. Hawley, I wouldn't want your job. I want to say that up front. I think it is one of the most difficult jobs. I think it is a no-win job. But I was uncomfortable with the morning part of this hearing, because I felt like we were making, giving us the sense that we have 19 points, so they got through 1, and that is not good, but don't lose sleep over it. And I am losing sleep over it, and I don't have your job.

Mr. Kutz, my understanding is you attempted 21 times to bring in explosive devices. Is that correct?

Mr. KUTZ. It was 21 times in 2006 and 19 in 2007.

Mr. SHAYS. Now, of the 21 times, how many got through?

Mr. KUTZ. I can't discuss that specifically. That is considered sensitive security information.

Mr. SHAYS. Did a majority get in?

Mr. KUTZ. I am not supposed to—I can say we got through.

Chairman WAXMAN. If Mr. Shays would yield to me, Mr. Davis and I have had a briefing with the intel people and we didn't think it was productive to get into any kind of numbers.

Mr. HAWLEY. I could offer that the numbers are not necessary to get the learning from it. And I think we derive a significant amount of learning. So we would stipulate that there are learnings to be had regardless of the numbers.

Mr. SHAYS. OK. I am going to go under the assumption, then, because I don't know, that a majority got through. And given that, I would like to ask this question. Mr. Kutz, if you had attempted 19 times, 21 times and 19 times to get through and none of them got through, would you have still written the report and would we have been able to say to Mr. Hawley, this is pretty fantastic. Or if you had had a total failure, would there have been no report?

Mr. KUTZ. We always write the results of our work. That is part of our protocols. We always go through the same briefings. We gave

them all the details of where we went, what we did, several detailed briefings. We always report externally the results.

Mr. SHAYS. Mr. Hawley, I was troubled by your comment that none of the weapons grade material, or the bombs got in because they weren't assembled. It seems to me like that is a lawyer talking instead of the fact that GAO was able to get this weapon grade material through, they were able to get the detonation through. And is that not correct, they were able to get it through and get it on the plane, is that not correct, Mr. Hawley?

Mr. HAWLEY. You have to ask them as to what they actually did.

Mr. SHAYS. What got on the plane? Did you stop——

Mr. KUTZ. The devices we described, the detonator, the liquid explosive and the incendiary device components.

Mr. SHAYS. And everything you showed us on the film was what you got on? There is not two different examples? You didn't have a bigger explosive on the TV screen. What you got through was what you detonated or similar?

Mr. KUTZ. Similar, correct.

Mr. SHAYS. OK. What would have been involved with assembling the weapon, the bomb?

Mr. COONEY. We practiced assembling the weapon. It took approximately 12 to 15 minutes to put it together once.

Mr. SHAYS. So that is a pretty long time. If you were to take that, if someone was sitting next to you, that would be a pretty difficult thing to assemble in front of someone, correct?

Mr. COONEY. If we were on a plane, we wouldn't assemble it in our seats. We would assemble it in another area of the plane.

Mr. SHAYS. OK. Let's just say you went to the restroom. Would you have had to carry a case into the restroom?

Mr. COONEY. I can't go into that, Congressman, based on the confidentiality and the classification of the report. I will be happy to discuss that with you in a closed session.

Mr. SHAYS. I guess what I want to know is, would it have been noticeable to a flight attendant or someone else that someone was having to carry on something that was noticeable, or would it have been able to have been disguised?

Mr. COONEY. It would have been disguised.

Mr. SHAYS. So Mr. Hawley, why should I take any solace in the fact that you say, well, they weren't taken on the plane because they weren't assembled? Why is that meaningful?

Mr. HAWLEY. Thank you for asking the question. This is not an exact analogy, but it is like bringing the watch parts through and then saying, I am going to assemble it——

Mr. SHAYS. Bringing the what part through?

Mr. HAWLEY. A watch, you know, I have my watch and I bring watch parts through. It is very sophisticated chemistry to get the right everything, as well as certain matters of assembly. There are some telltale indicators when one is doing that, and it is not trivial to assemble one of these things so that they work. You have to ask yourself that, given the Richard Reid issue, there is a certain bar of effectiveness that they would want to do before they would expose themselves to discovery. And that bar is reasonably high.

Mr. SHAYS. OK. Well, I will just end by saying, it is unsettling to think that so much explosive device could get through. And I

make an assumption that a good amount did get through. I would like to have thought that maybe 1 out of 19 or 1 out of 21 would have been the number. So I wish you well and I hope that we are doing everything that we can to help you succeed, Mr. Hawley.

Chairman WAXMAN. Thank you, Mr. Shays.

Mr. Issa.

Mr. ISSA. Thank you, Mr. Chairman. And thank you for holding this bipartisan hearing. I think it is doing us a lot of good to at least make sure the American public understands the need for ongoing improvement.

I think maybe, Administrator, the kindest way to start this off is with something that will be good for the public. I had this shown to you earlier, and it is entitled deluxe 16-piece carry-on kit. For the record, if someone goes and buys one of these kits where they can get little teeny amounts of what they need to travel that may not otherwise be available or may cost a lot of money to buy, are they allowed to use that?

Mr. HAWLEY. Pretty much yes, assuming it has a zip top bag under there, which I believe it does.

Mr. ISSA. Right, but the individual bottles themselves?

Mr. HAWLEY. Yes.

Mr. ISSA. And I would hope that after today's hearing, universally, TSA people who don't get it, who routinely I have seen, because I travel every single week, twice a week, I have seen them turn people away with, oh, there is no marking on that. They do not seem to understand that, while these are being sold, and while in many cases the only way, and I don't want to sound sexist, but for a woman to have a multitude of different, small items, makeup needs, and carry it on, they need to have that, particularly if you look at what is often in a purse. I see a lot of grinning by the men and women behind you. But I think it is important that when we say we care about commerce and we care about the traveler, that there be a uniform understanding that this doesn't have to be the answer, which is everything I took from the last hotel I stayed in. [Laughter.]

It was 2 days worth, I didn't take any more than my share.

But I think it is important, because my line of questioning will not be on security. And it won't be on security because one, I spent time in the military, in EOD, and I am going to predict that 20 years from now you are still going to be playing cat and mouse. We were playing cat and mouse with the STFs in the 1970's. I don't think it is going to change.

Having said that, I am going to ask you a question, which is, given that we continue to fund you at the levels you request and that you continue to ask for bucks for Buck Rogers type innovation, do you believe that you will reasonably be able to stay ahead of these ever-moving and improving target characteristics?

Mr. HAWLEY. I do, but it won't be through Buck Rogers technology. I think we have to have technology that is reliable, that is sophisticated, that is affordable. But getting on the cutting edge of technology I think is expensive, not reliable, and can usually be engineered around. So we will always have the human factor, and I take your point about generational conflict and that this is a long-

term thing. When we do something, they are going to react to get around it.

Therefore, for our technology purchases, you will see fewer purchases of those big trace portals and more purchases of portable liquid explosive detectors, portable explosive detectors that we are in fact using even with some of our foreign partners. So the flexible mix of technology and the business process where our officers and all of our folks, including Federal air marshals, can continue to adapt and not give the enemy a stationary target, I think that is the critical thing and I don't think, we are not going to have a silver bullet.

Mr. ISSA. Because you kind of led into this, you are going to be a labor-intensive industry for a while, for the foreseeable future, that technology per se is not going to eliminate the need for the men and women in uniform who handle the luggage, look through it, or who, out of uniform, plain clothes, who observe after you go through the primary checkpoint. Then can I ask for something very straightforward in this hearing? Because this is the Oversight and Government Reform Committee. I travel throughout Europe and the Middle East, but usually go through Europe commercially on my way to the Middle East.

For some reason, the Europeans have figured out that to have a TSA-equivalent person shuttling little gray trays back and forth is a huge waste of a trained individual. I travel through Dulles, I travel through San Diego, Sacramento, a number of other airports. They all vary, but none of them reached level of moving the trays from where they get left off back to the other without human intervention, meaning that in every one of your airports, you have somebody like the uniformed person behind you who is doing a task that requires absolutely no training, absolutely no expertise, for which we are paying for training and expertise. I would hope that you would commit to us to make the dollars available to automate the trays or the equivalent, so that we not waste valuable Government employees on something that, quite frankly, anybody can do and no one should have to do in this automated day and age.

Mr. HAWLEY. Yes, that is the perfect use of technology to make it more efficient. I totally agree.

Mr. ISSA. Thank you . I will end on that high note, Mr. Chairman. Thank you.

Chairman WAXMAN. Thank you, Mr. Issa.

Mr. Kutz, last year, GAO conducted a similar undercover operation and managed to get liquid explosives past security checkpoints in all 21 airports you tested. In February 2006, when GAO completed its investigation, there wasn't a public hearing such as we are having today. Instead, GAO privately briefed TSA officials, including Mr. Hawley, on its results.

Mr. Kutz, in your February 2006 briefing with Mr. Hawley, did you warn him about the vulnerabilities your test had exposed?

Mr. KUTZ. The February 2006 briefing, we did not have liquid explosives on the 2006 testing. It was the other two devices, the incendiary and the IED detonator we showed today. The liquid explosives were on the work we did for your committee as part of the 2007. So we did not do that. They were certainly aware, as Mr.

Hawley said, that liquid explosives are a significant risk here. And that was one of the reasons, I think, that we attempted to do that as part of our second test for your committee.

Chairman WAXMAN. But you did brief him on what you had found in your investigation?

Mr. KUTZ. In 2006, that is correct. Yes.

Chairman WAXMAN. And following your briefing to TSA, did TSA change its policies or procedures to fix the gap in security that your tests highlighted?

Mr. KUTZ. I don't think any procedures were changed. What they represented to us, that people were alerted to what we did and there was additional training. That is what we understood happened after the last report.

Chairman WAXMAN. Instead, Homeland Security Department officials made statements to the press criticizing the GAO investigation, stating that they were a bit far-fetched. Mr. Hawley, you were quoted in an NBC story as saying, TSA wasn't interested in materials that would set off an interesting firework display in an aircraft but can't bring the plane down.

Mr. Kutz, do you think the substances that GAO smuggled in were nothing more than fireworks, as Mr. Hawley had suggested?

Mr. KUTZ. I would go back to the video that we showed, the first video of the automobile trunk and the floor of the automobile being blown out, that was the item we brought on in 2006. And the incendiary device that was the intense heat burning was the other device we brought on. Whether they would bring down an aircraft or not, I don't know. But they would certainly threaten the passengers and could cause serious damage.

Chairman WAXMAN. Do you think that they were minimizing the true dangers with that statement?

Mr. KUTZ. To call it a science experiment or something, I think that trivializes it, yes.

Chairman WAXMAN. Mr. Hawley, you appear to think that these GAO tests are insignificant. You say that you are only focused on the serious threats. We all just saw the video of the explosions and that is a serious threat.

In this morning's Washington Post, this is what TSA says: "There is nothing in the report that is news to us." Last year, you failed to prevent explosives from getting onto airplanes, you promised to improve your performance. But now we learn that GAO was again able to bring explosive materials onto planes.

The problem is that the news is the same, it is not getting better. And that is unacceptable, you are failing. Here is what else TSA said: "We don't change security procedures in knee-jerk fashion." GAO's first report was issued in February 2006. That was 19 months ago. I want to know what you are going to change now, so that we are not here next year facing exactly the same situation.

Mr. HAWLEY. I appreciate the question. The answer is that all this training I was talking about in terms of the checkpoint drills that we now do throughout the system every day, that is added. I believe that is probably the best thing that we can do at this point, is actually from our own covert testing, which drills down into the specifics of the vulnerability, that was identified and they

recommended this. We followed the recommendations of our covert testers.

I think the technical issues about what the GAO tested are a separate debate, and we probably don't completely agree on it. However, the results of it I take. I think it is a valuable lesson to learn, and the issue of explosives or homemade chemicals, whether they work or don't work. We have to be alert to it. I should also say, as I said in my opening, that I identified and TSA identified those vulnerabilities in 2005. So we know what the vulnerabilities are. As I laid out, we have put in place quite a few measures, and I think I have provided the committee with that, that are directed at improvement.

And have we closed the vulnerability? No. But we do 2 million passengers a day and 38 tests over 3 months is probably not statistically significant. It is directionally significant and I think we have to take it as valuable input. But it is not something on which the public should panic or should be concerned about the overall system. These are known vulnerabilities. The GAO is helping us in terms of addressing them and that is really what the story is.

Chairman WAXMAN. Last year, you said you were going to do more training of personnel as well. I guess the point I want to drive home is that we are going to ask for this GAO report again next year, and you are on notice. We don't want to have to hold a hearing where we get a report that GAO came in and gave us a very discouraging picture. We don't want TSA to minimize it, we don't want to scare people but I don't want you to minimize it. I think you should take this one seriously, and I didn't feel that you took the first one as seriously as you should.

So I hope that we can continue to talk about all the efforts that are going to be made to assure the public in reality that as many of the vulnerabilities as we face are going to be reduced and that we are going to get safer and safer in our transportation.

Mr. HAWLEY. I can assure you that everybody at TSA has no question about the seriousness of which I take IED penetration drills and the significance of this. So yes, sir.

Chairman WAXMAN. Thank you.

Mr. Davis, any further comments?

Mr. DAVIS OF VIRGINIA. I just have a couple. I want to clarify a point that was talked about earlier. Mr. Hawley, as you understand it, and then I will ask Mr. Cooney and Mr. Kutz to comment, was what the GAO got past security the same elements that were in the video played earlier? What is your understanding?

Mr. HAWLEY. My understanding was that they were in fact different.

Mr. DAVIS OF VIRGINIA. OK. Mr. Cooney, Mr. Kutz.

Mr. COONEY. They were the same as in the video.

Mr. KUTZ. Yes, Mr. Cooney is one of the ones that actually did the testing. So he has first-hand knowledge of what was brought onto the plane, because he is one of he ones that had it in his bags and on his person.

Mr. DAVIS OF VIRGINIA. OK.

Mr. HAWLEY. I think the issue, it is not a trivial issue that in the sense as we evaluate the layers of security, if in fact what you

brought to the checkpoint was able to blow up a plane, that is one thing. And if you have to——

Mr. DAVIS OF VIRGINIA. Well, they never said it was able to blow the plane up. They could obviously cause damage, right? But there is no allegation here that it would blow the plane up?

Mr. COONEY. That is correct, sir.

Mr. HAWLEY. So I think I would just stand with——

Mr. DAVIS OF VIRGINIA. You could open up the door, the emergency door of the plane and do damage as well. I think they were very careful not to make the allegation it would blow it up.

Mr. HAWLEY. The key point for the public is that we are in agreement on the need to continue to close down vulnerabilities everywhere in the system. I think the differentiation is, because of the distinctive nature of the video, people say, oh, my goodness, this could happen to my plane. And the situation, that is not what is actually portrayed in this data. The data points out and recognizes vulnerabilities that we recognize exist, they discover they exist. And we all agree they need to be closed.

Mr. DAVIS OF VIRGINIA. TSA has recognized the threat of explosive bomb components being brought on board in carry-on bags some time ago. You spent millions of dollars funding the development of a high quality auto explosive detection system to meet the threat, a technology that is successfully used to screen checked baggage, is that correct?

Mr. HAWLEY. And now recently carry-on baggage.

Mr. DAVIS OF VIRGINIA. OK. What has your agency done to advance this technology at a passenger screening checkpoint?

Mr. HAWLEY. The science and technology division of DHS does the R&D for the Department. My understanding is they put something close to $1 billion of investment into the IED research and development area. The key point for us is the R&D discoveries in the next short period of time aren't immediately deployable. Our job is to use what is available today to limit the gaps until future technology is developed.

Mr. DAVIS OF VIRGINIA. So you are using AT machines today as opposed to the EDS? Or could you use both?

Mr. HAWLEY. We use both. There is the old-fashioned x-ray, which is a single source——

Mr. DAVIS OF VIRGINIA. Right, AT machines, as I understand it, don't provide a 360 degree view.

Mr. HAWLEY. No, but they can get pretty close.

Mr. DAVIS OF VIRGINIA. And they don't provide a 3-D image for the screeners to view the baggage?

Mr. HAWLEY. That is correct as far as I know.

Mr. DAVIS OF VIRGINIA. But they do provide a cheaper price?

Mr. HAWLEY. Exactly. And we can deploy them extraordinarily widely. And they have very low maintenance. So that is a factor.

I think a mix is important. The auto EDS, as they call it, very excellent technology. We are buying 20 more, I hope, in 2008. But if we can get 500 of the ATs out, that covers a lot of ground and is upgradable over time with better software. So I think that is a good business decision.

Mr. DAVIS OF VIRGINIA. For 2007, the President initially requested $80.52 million for emerging technologies, is my under-

standing. In addition, he requested $25 million for checkpoint explosives detection equipment and pilot screening technologies in the emergency supplemental, for a total of $105 million for emerging technologies in 2007. Congress provided the requested funds, but the agency still only spent $50 million on the emerging technology, checkpoint technologies.

Mr. HAWLEY. Those numbers don't match what I have in my head. I clearly can go back and reconcile those.

Mr. DAVIS OF VIRGINIA. I guess the question is, we have provided close to $105 million, my understanding is it has not all been spent. I guess what we would like to know from a committee perspective is, what hasn't been spent, why not, what is in the pipeline, just so——

Mr. HAWLEY. I will have to get back to you on what has been spent. We have asked for $136 million in checkpoint technologies. It is perhaps a different category than what you are talking about. But we have significantly spent in that area. We used up to buy the 250 AT machines, I believe what we had in 2007. I will have to confirm those numbers. But we have continued to request significant additional funds in 2008.

Mr. DAVIS OF VIRGINIA. The last thing I would ask you is, how are we in coordination with other nations at this point? Some of them have, many of them are not as strict as we are. But they are subject to the same kind of vulnerabilities that we are.

Mr. HAWLEY. Yes.

Mr. DAVIS OF VIRGINIA. How is that coordination?

Mr. HAWLEY. I think that is absolutely critical. Because if we get our U.S. domestic secure and somebody is able to board a flight overseas and hijack it or blow it up, that is the same result. So we depend on our international partners. We have created a new group at TSA that does this global strategy. We moved our head of intel, intelligence, to the head of that, so that he would have the credibility with other nations in discussing security matters, for instance, on shoes. We feel very strongly about shoe screening and working with our partners to do shoe screening is something that is not popular, but we think is effective from a security point of view.

So I think over the next 5 years and beyond, the degree to which U.S. security measures tie in with our international partners is a big opportunity and important.

Mr. DAVIS OF VIRGINIA. Well, no question. But I guess my question is, how is that partnership?

Mr. HAWLEY. That is it.

Mr. DAVIS OF VIRGINIA. Are they all responding? Are we having some that are balking a little bit at it?

Mr. HAWLEY. We have extraordinary cooperation with our neighbors to the north and south, Canada and Mexico. The European Union, clearly the U.K. we are very close with. I have just returned from working with some of our Asian partners. I expect that closes the loop.

The big opportunities are in Africa and South America. There are a lot of governments there that want to do first-rate security. Our job is to give them the training in something that is accessible. We can't give them million dollar pieces of equipment and say we want

you to deploy this. We have to find things that are less expensive but do provide security value that can in fact be deployed around the world.

Mr. DAVIS OF VIRGINIA. Thank you.

Chairman WAXMAN. Thank you, Mr. Davis.

I want to thank the three of you for your presentations to us, and the GAO for your excellent work. We hope that next year, when we look at a GAO report we are going to see a lot of improvement and we will have better news. Because at this time of year, people want the good news and their anxieties eased. There are too many vulnerabilities. And we want those vulnerabilities fixed.

Thank you very much. The committee stands adjourned.

[Whereupon, at 12:33 p.m., the committee was adjourned.]

[The prepared statements of Hon. Diane E. Watson and Hon. Bill Sali follow:]

Opening Statement
Congresswoman Diane E. Watson
Oversight & Government Reform
Hearing: "One Year Later: Have TSA Airport Security Checkpoints Improved?"
November 15, 2007

Thank you Mr. Chairman for holding today's hearing concerning the safety of travel through our nation's airways. I am glad that this committee is examining the Transportation Security Administration, to determine if the department has made any progress since the 2006 G.A.O. report, which showed many problems with screeners detecting materials that can be used in an improvised explosive device on an aircraft.

From October 2005 to January 2006 the GAO conducted an undercover investigation on airport security checkpoints across the country. The purpose of the investigation was to test the effectiveness of

screeners by attempting to pass hazardous material through the checkpoints that could be combined to make an improvised explosive device.

In March 2006, portions of the investigation were deemed classified, because the content contained sensitive security information and not released to the public. Ironically, national media reported that undercover investigators were able to get hazardous materials through all of the 21 airports that they targeted.

T.S.A. Administrator Edmund Hawley did not deny the results, but highlighted that screeners were receiving new explosive detection training. Consequently, the GAO was asked by Chairman

Waxman and Ranking Member Davis to conduct a new undercover investigation to determine if security at the checkpoints has improved.

Most members of Congress rely on air transportation to get to and from their districts. Many Americans rely on air transportation to visit loved ones around the country and around the globe. I mention this because I would find it appalling if security conditions have not changed and hazardous materials were still getting through airport security checkpoints at an alarming rate.

I look forward to the testimony of today's panel and I hope that this committee receives a favorable report, because I would not feel comfortable, and I am

sure many Americans would not feel comfortable if we found out that terrorists or any individual seeking to cause havoc on our transportation system can do that with relative ease, especially since the September 11th attacks.

Thank you Mr. Chairman for the time and I yield back.

Statement of Representative Bill Sali
Idaho – 01
Committee on Oversight and Government Reform
"One Year Later: Have TSA Airport Security Checkpoints Improved?"
November 15, 2007

Mr. Chairman and Ranking Member Davis, thank you for holding this hearing. I'm looking forward to today's testimony.

As we near the busiest travel season of the year, many Americans and many Idahoans will face the long lines at TSA checkpoints in airports around the country. At times, these checkpoints will pose a substantial and time-consuming inconvenience.

Many of my constituents and those of each Member of this committee will go through TSA checkpoints because of the safety measures intended to ensure that another 9/11 or other act of terrorism does not occur on our commercial airplanes.

The recent report offered by the Government Accountability Office, and the testimony to be offered here today, are troubling. Apparently, GAO agents successfully got past TSA checkpoints with common liquids that, when combined, could have constituted an explosive device large enough to significantly damage or possibly even bring down a commercial aircraft.

That's not what any of us want to hear. Certainly not what my constituents who stand in long lines and have food items and common liquids like lotion,

shampoo, water or juice, taken from their carry-on luggage or spoiled as they go through TSA checkpoints.

Recently I received a letter from a constituent of mine regarding an incident they had at a TSA checkpoint in Boise, Idaho. Eric, from Eagle, Idaho, was flying earlier this year with his wife and one-year old child. As they made it through the TSA checkpoint with their baby, the baby food and formula were unsealed – defeating the purpose of taking baby food on the plane, because the then un-sealed food had to be consumed shortly thereafter. When he protested, Eric was treated with the utmost rudeness.

Mr. Chairman, all of us believe that security on commercial airline travel is paramount; but treating our fellow citizens as if they were little better than criminals plainly unnecessary to that goal. This kind of treatment is made all the more aggravating by the fact that TSA apparently has significant vulnerabilities when it comes to stopping explosive components from passing through its checkpoints.

Let me be quick to add that TSA agents have a tough job. They must combine courtesy with thoroughness, kindness with scrutiny. That's not easy. But it's also no excuse for professional or personal discourtesy while they do their job.

If Idahoans and people throughout the nation are subject to the kind of inconvenience, long lines, and outright rudeness associated with the TSA check-points, the very least our constituents deserve is having a system that works - not a system that keeps baby food off of airplanes for traveling Idaho families while allowing potential bomb materials to pass through those same kinds of checkpoints.

Americans are relying on TSA to ensure that as they travel this holiday season that everything possible is being done to ensure airport and airline safety. Identifying holes in the system, however, is only part of the equation. In our oversight, also we need to insist that unnecessary rude and overbearing actions toward the public by TSA officers are removed from all TSA processes.

Thank you again, Mr. Chairman, and with you I look forward to positive action stemming from today's hearing.

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