

**AVIATION SECURITY: REVIEWING THE
RECOMMENDATIONS OF THE 9/11 COMMISSION**

HEARING

BEFORE THE

**COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION**

UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

JANUARY 17, 2007

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



U.S. GOVERNMENT PRINTING OFFICE

35-812 PDF

WASHINGTON : 2007

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

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

DANIEL K. INOUE, Hawaii, *Chairman*

JOHN D. ROCKEFELLER IV, West Virginia	TED STEVENS, Alaska, <i>Vice Chairman</i>
JOHN F. KERRY, Massachusetts	JOHN McCain, Arizona
BYRON L. DORGAN, North Dakota	TRENT LOTT, Mississippi
BARBARA BOXER, California	KAY BAILEY HUTCHISON, Texas
BILL NELSON, Florida	OLYMPIA J. SNOWE, Maine
MARIA CANTWELL, Washington	GORDON H. SMITH, Oregon
FRANK R. LAUTENBERG, New Jersey	JOHN ENSIGN, Nevada
MARK PRYOR, Arkansas	JOHN E. SUNUNU, New Hampshire
THOMAS R. CARPER, Delaware	JIM DEMINT, South Carolina
CLAIRE McCASKILL, Missouri	DAVID VITTER, Louisiana
AMY KLOBUCHAR, Minnesota	JOHN THUNE, South Dakota

MARGARET L. CUMMISKY, *Democratic Staff Director and Chief Counsel*

LILA HARPER HELMS, *Democratic Deputy Staff Director and Policy Director*

MARGARET SPRING, *Democratic General Counsel*

LISA J. SUTHERLAND, *Republican Staff Director*

CHRISTINE D. KURTH, *Republican Deputy Staff Director*

KENNETH R. NAHIGIAN, *Republican Chief Counsel*

CONTENTS

	Page
Hearing held on January 17, 2007	1
Statement of Senator Carper	33
Statement of Senator Inouye	1
Prepared statement	2
Statement of Senator Klobuchar	15
Statement of Senator Lautenberg	19
Prepared statement	21
Statement of Senator Lott	26
Statement of Senator Pryor	17
Statement of Senator Rockefeller	1
Prepared statement	2
Statement of Senator Stevens	1
Prepared statement	14
Statement of Senator Thune	23
WITNESSES	
Hawley, Hon. Edmund S. "Kip", Assistant Secretary, Transportation Security Administration, Department of Homeland Security	4
Prepared statement	5
APPENDIX	
Coyne, James K., President, National Air Transportation Association (NATA), letter dated January 17, 2007, to Hon. Daniel K. Inouye and Hon. Ted Stevens	39
Response to written questions submitted to Hon. Edmund S. "Kip" Hawley by:	
Hon. Daniel K. Inouye	40
Hon. Frank R. Lautenberg	52

**AVIATION SECURITY: REVIEWING THE
RECOMMENDATIONS OF THE 9/11
COMMISSION**

WEDNESDAY, JANUARY 17, 2007

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

The Committee met, pursuant to notice, at 10:10 a.m. in room SR-253, Russell Senate Office Building. Hon. Daniel K. Inouye, Chairman of the Committee, presiding.

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

The CHAIRMAN. I apologize for my delay here, but this is our first meeting of the Commerce Committee and I think it is significant that we begin with the tragic moment of this decade, 9/11. And I'd like to welcome all of you here.

And I'd like to announce, now, that this committee has no Ranking Member, it has a Vice Chairman, with all the prerogatives of the Chairman.

Mr. Chairman, it's your show. Want to say something?

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

Senator STEVENS. Thank you very much. I guess we should go through the traditional handing of the gavel, but it makes no difference, as far as I'm concerned, who's Chairman.

[Laughter.]

Senator STEVENS. Thank you very much.

The CHAIRMAN. Thank you, thank you.

[Applause.]

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

Senator ROCKEFELLER. Mr. Chairman, if you wish me to proceed, what I'd like to start off by doing is recognizing that we are graced by the presence of three new people on our full Committee. And one is Senator Carper, who is not here, but who was born in West Virginia; the second is Senator Claire McCaskill, who is going to be an absolutely superb member of this committee, and I hope she enjoys it as much as we'll enjoy working with her; and the other

is Senator Amy Klobuchar, from Minnesota, and she's going to be a terrific member, too. So, I just wanted to say that.

I would also suggest, Mr. Full-Committee Chairman, that we not have statements—I won't make a statement, I'll just put it in the record—and that we go right to Mr. Hawley—Secretary Hawley, that we go to you and have you give your statement, and then we'll follow with questions, if that's all right.

[The prepared statements of Senators Rockefeller and Inouye follow:]

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

Mr. Chairman, thank you for calling this very important hearing, and for shining a light on the crucial legislation a number of us cosponsored and introduced earlier this month, S. 184, the Surface Transportation and Rail Security Act of 2007, or the STARS Act.

We know that we are a nation with enemies, and we know that because of our freedoms and our economy, we are a nation of targets. In the years since terrorists used one mode of transportation to wake us up to their sick motivations and evil designs, we have made strides to protect the people and assets associated with that mode, aviation. Despite the good, bipartisan work by this committee in the years since September 11th to address the vulnerabilities of our passenger and freight rails, our ports and waterway facilities, and other elements of our transportation infrastructure, I am afraid that some in Congress and in the Administration have not been as diligent in protecting these other modes.

If we are to take our responsibilities as Members of Congress seriously, we must make certain that the trucks, trains, pipelines, and barges carrying hazardous materials are made secure. We must demand action to protect our passenger rail and transit systems so that the tragedies we have witnessed in Madrid, London, and Mumbai are not replayed here. We must do what we can to protect our transportation systems from evil motives and opportunities that we would never have thought to imagine just a few years ago.

It is important for these witnesses to be heard before this committee, and it is even more important for the Committee to take quick action on the STARS Act. I look forward to voting it out of Committee, and anticipate its timely consideration by the full Senate.

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

As we embark on the first hearing of the Committee on Commerce, Science, and Transportation in the 110th Congress, I wish to welcome the new members to the Commerce Committee:

Senator Tom Carper of Delaware;
Senator Claire McCaskill of Missouri;
Senator Amy Klobuchar of Minnesota; and
Senator John Thune of South Dakota.

I would also like to recognize my Vice Chairman, Senator Ted Stevens. I look forward to our continued partnership to address issues of importance to our Nation.

The members of this committee have much work to accomplish over the coming weeks and months. I am confident this can be done in a bipartisan fashion.

Among other priorities, we need to ensure the security of all transportation modes. This Committee was instrumental in developing legislation to secure aviation and port infrastructure, but we must complete our work to secure the other modes of surface transportation including rail. In addition to tackling new transportation security threats through legislative initiatives, we have a duty to provide the necessary oversight on the implementation of security measures we mandated as long ago as 5 years and as recent as this past October.

In addition, this committee must effectively assert its jurisdiction to protect and improve both our energy and environmental security through technological innovation that will increase fuel efficiency and encourage the development of alternative, clean-burning fuels, and reduce the production of greenhouse gases.

Further, "science" is our middle name and we must ensure that the scientists who study the issues within this committee's jurisdiction receive the resources their work

deserves and the opportunity to communicate their results to the public so that Congress can make its decisions with the best information possible.

As the communications policy and technology committee, we must work to encourage innovation, competition, and competitiveness, and ensure that all Americans share in the benefits of technological advancements.

I look forward to working collaboratively with the members of this committee as we tackle these, and other important issues.

On a few matters of "housekeeping," for full Committee hearings which will be chaired by me, I would like to continue the procedure for opening statements and member questions that Senator Stevens and I adopted last year. Under this procedure, Senators will be allotted 7 minutes for the first round of questions, up to 2 minutes of which may be used for a brief opening statement.

If time permits, at the discretion of the chair, members may ask a second round of questions. This will ensure that all our witnesses have as much time to answer questions as we can provide them.

Subcommittee Chairs may establish their own opening statement and question procedures for subcommittee hearings as the circumstances warrant.

On another matter of "housekeeping," as the Chairman of the Committee with jurisdiction over technology and communications it may seem inappropriate, but I would be most appreciative if during hearings members would minimize the use of BlackBerry devices and cell phones, as a courtesy to the witnesses.

With respect to this morning's hearing, Senator Rockefeller, who will be chairing the Aviation Operations, Safety, and Security Subcommittee, has great expertise in this area with his background on this committee, the Intelligence Committee, and the Finance Committee. I appreciate his chairing this hearing today.

I will submit the remainder of my statement for the record so that we can quickly move to our witness and allow ample opportunity for members to ask questions.

I recognize my Vice Chairman, Senator Stevens, for any remarks he would like to make before I turn the gavel over to Senator Rockefeller.

Our nation has taken many important steps that have strengthened the security of our transportation system over the past 5 years. This is particularly true of the domestic aviation industry. Both the government and private sectors have made a tremendous investment to develop a layered security regime in which the vast majority of the traveling public has confidence.

In fact, more Americans flew last year than any other year in the history of commercial aviation, and as potential threats arise, the security system has proven to be flexible enough to keep passengers flowing while remaining responsive to security challenges.

Despite our efforts to ensure the security of the aviation system in the United States, more needs to be done to address ongoing threats. The bipartisan 9/11 Commission provided a valuable public service by making recommendations on how to ensure against a repeat of the events of September 11, 2001. They identified several key shortcomings in our aviation security system, including the process for cargo and baggage screening, checkpoint screening for explosives and passenger prescreening. Each of these weaknesses, if unaddressed, offers an opportunity for our enemies to launch a potentially devastating attack.

The development of an advanced passenger prescreening system, a vital component of our security system, has been delayed for several years. That is too long.

The Transportation Security Administration (TSA) needs to move forward with this system, to strengthen aviation security while protecting the civil rights of all Americans. The installation of integrated or "in-line" Explosive Detection Systems (EDS) will not be completed for more than a decade if deployment continues at its current pace. Again, this is too long given the economic and operational benefits this system provides. We must speed up this process.

In addition, the TSA must address the security of all cargo going on passenger aircraft. The TSA must work with Congress to make certain extensive screening becomes a reality in the near term.

This summer's foiled plot to target U.S. and British air carriers with liquid explosives has shown both the successes of our overall security efforts, as well as our remaining weaknesses. Intelligence was vital in stopping that attack at the planning stages, but we can only guess how the security regime would have responded if the plot had been put in motion. It was a stark reminder of the continual efforts of our enemies, and the continual resolve we must have to secure our citizens and our economy against their efforts.

It is critical that this committee work with the Administration, the public, and the aviation industry to improve the existing system of security and fix any remaining problems. We must both ensure the integrity of our security system, and keep the country's vital economic engine functioning efficiently.

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

Mr. HAWLEY. Thank you Mr. Chairman, Mr. Vice Chairman and members of the Committee.

When I last appeared before this committee, we had a very direct conversation about Secure Flight, TSA's watch-list matching program. I announced at that time that I directed a re-baselining of the program to assure that it meets our stringent privacy requirements. That work is now complete, and we are moving forward to start implementation of Secure Flight next year.

It is important to note that watch-list matching of known terrorists with passenger lists is not on hold while waiting for Secure Flight. That process works well today and will continue until we are sure that Secure Flight is fully ready.

To assure the accuracy of the No Fly List itself, we will shortly conclude a case-by-case review of every name on the No Fly List. Working with our partners at the Terrorist Screening Center and in the intelligence community and law enforcement, this effort will effectively cut the No Fly List in half.

Of course, TSA's most visible presence is at the airports. On the morning of August 10th, about a month short of the fifth anniversary of 9/11, we had an unscheduled, real-world test of TSA, in particular, and aviation security, overall.

TSA, in just a few hours—literally overnight—rolled out a new checkpoint security process for every passenger in America. Also, TSA put these changes into effect worldwide for every flight bound for the United States, and deployed Federal Air Marshal teams to saturate affected flights flown by U.S. carriers.

For TSA, August 10th represents both an affirmation of how far we've come in 5 years and gives us confidence in the path ahead. I'm proud of the way TSA men and women, including Federal Air Marshals, stepped up to this challenge, and of their commitment to our mission going forward.

August 10th also illustrates how some of the security layers that I have mentioned in previous testimony work in a live-fire situation.

The first layer I identified was working with our partners in the intelligence community, law enforcement, and the military, others at DHS, and elsewhere in the U.S. Government, to identify and act on the threat at its origin. That happened in August, and the coordinated actions across the Government gave us, at TSA, key, timely information that enabled us to stay ahead of the threat.

TSA does not act alone. Airports and airlines work alongside TSA every day. I cannot express, enough, my appreciation for the job they did this summer. We were all on the same page and acted together in a coordinated and sustained effort.

The same thing can be said for our international partners. We worked together to put in place what has become an ICAO-recommended practice worldwide, and is enforced today throughout the European Union, Canada, and Australia. Connecting with partners in the U.S. Government in the aviation industry, and with government entities around the world, is a vital part of our secu-

rity system and does not happen by accident. At TSA, building and practicing these connections is a core function of the agency.

I've testified before this committee on a number of occasions about the importance of taking full advantage of our existing workforce, and of recognizing that the human mind itself is the most advanced technology on Earth.

As you know, we've put a major focus on sophisticated and continued training of our Transportation Security Officers (TSOs) in detecting improvised explosion device (IED) components. Beyond IED training, we have developed advanced capabilities in behavior observation, bomb appraisal, and document verification. We have also made a major investment in our workforce to retain and motivate the best security officers. Our work over the last year has resulted in significant reductions in old problem areas, like attrition and injuries.

For the first time, TSOs have significant long-term career opportunities, as well as pay increases for excellent performance. The impact of this renewed focus on mission performance and our TSOs is that we have an engaged workforce that is well-trained and motivated. I think you can feel it at checkpoints around the country.

The challenge in August was unplanned, but it was not unexpected. We will continue to be challenged, and have to be prepared for the unknown new threat, as well as address all the known threats. This puts a priority on layers of security that are flexible, connected, and cannot be engineered around.

So, even as we continue to deploy technology, we must also continue to invest in our workforce and take advantage of the unique asset that it represents. Every day, all across the country, there are thousands of TSOs, inspectors, and Federal Air Marshals who, on a moment's notice, can and do deploy anywhere in an airport or the world.

Our mission is security, and we never forget that. To meet an adaptive enemy whom we cannot always predict, there is no substitute for alert and prepared people.

Thank you for the opportunity to appear today, and I'd be happy to answer your questions.

[The prepared statement of Mr. Hawley follows:]

PREPARED STATEMENT OF HON. EDMUND S. "KIP" HAWLEY, ASSISTANT SECRETARY, TRANSPORTATION SECURITY ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY

Good morning Chairman Inouye, Vice Chairman Stevens, and distinguished members of the Committee. Thank you for this opportunity to speak with you about the progress the Department of Homeland Security (DHS) has made in fulfilling the recommendations of the 9/11 Commission related to aviation security.

First, I would like to thank the Committee for the tremendous support given to DHS and the Transportation Security Administration (TSA) over the past year, especially as we have sharpened our focus on explosives at the passenger checkpoint. We look forward to continuing our partnership on these and other issues in the coming year.

2006 was a demanding year for TSA, and its partners in aviation security generally, but it ultimately has demonstrated how far we have come in securing our Nation's transportation systems since the 9/11 Commission issued its report and recommendations.

While last year is most notable for the activities related to the liquid explosives plot, I would like to highlight for the Committee several initiatives that helped us prepare to meet that and other security challenges as well as the challenge presented by increased passenger loads. Last year we discussed our need to focus more

on the threat of improvised explosive devices (IEDs) at the passenger checkpoint. We knew that, while technology is a key component of our security strategy, we had opportunities to increase security by better enabling our workforce, specifically our Transportation Security Officers (TSOs). I will discuss some examples later in my testimony, but the efforts were centered around training and retaining our best people, giving them financial and career progression incentives, and expanding opportunities for more advanced security skills like behavior observation.

While those efforts were underway, TSA, anticipating increased summer passenger loads, changed the way it hires new employees from a centrally operated headquarters model to one where the local airport team managed its own hiring. This transition was complete in time to staff the Memorial Day to Labor Day peak summer travel period.

In the weeks before Memorial Day, there was concern about TSA's new staffing model and the agency's readiness to handle the summer traffic. The liquids ban in August raised issues about large scale cancellation of flights due to security delays. Our "3-1-1" security procedures, which allow passengers to bring onto planes small quantities of liquids that do not represent a significant security risk, were controversial, and many felt that the Thanksgiving holidays would be affected by security delays. But TSA, airlines, airports, and passengers were ready for the summer, flights were not canceled as a result of the liquids ban, and all handled the holiday travel season without incident.

Similarly, TSA's Federal Air Marshals Service (FAMS) put forth major efforts at improving its operating procedures to better retain Federal Air Marshals (FAMs) and improve TSA's ability to quickly support emergent circumstances that might occur anywhere in the world. Examples of these efforts include the comprehensive listening and employee involvement initiatives that resulted in more flexible dress code and travel requirements, as well as the FAMS support of the emergency evacuation of U.S. citizens from Lebanon.

The value of a fully-staffed, fully-prepared, and actively engaged TSA front-line workforce, be they TSOs or FAMs, was made evident most dramatically in TSA's response to the discovery in the United Kingdom of a plot to use liquid explosives to take down passenger aircraft bound for the United States. TSA acted decisively and swiftly to protect the traveling public. Literally overnight, our dedicated TSOs implemented major new screening protocols to focus on and protect against the imminent threat. FAMs moved, in the hundreds, to conduct missions of unprecedented tempo and complexity to combat the threat and instill confidence in the security of commercial aviation. The support of our partners in the airports and airlines, as well as the cooperation of the traveling public, was invaluable in achieving this success. All of us can be proud of the fact that while this was enormous change, implemented on an emergency basis, the U.S. aviation system continued to function—that, even though there were security delays in the first few days of the new process, the system operated smoothly from August right through the recent holidays.

In this regard, we would emphasize that TSA's ability to deal effectively with the liquids plot, as well as its ability to assist with the impact of Hurricane Katrina, depended upon TSA's flexible personnel management authorities established in the Aviation and Transportation Security Act (ATSA). These authorities permit TSA to flexibly manage and deploy its workforce, including its TSO workforce, in carrying out important security work directly affecting national security. During Hurricane Katrina and after the United Kingdom air bombing plot was foiled, TSA changed the nature of employees' work—and even the location of their work—to flexibly respond to these emergencies. Similarly, FAMs were redeployed on hours' notice to support the evacuation of U.S. citizens from Lebanon. This flexibility is a key component of how DHS, through TSA, protects Americans while they travel. For these reasons we would strongly oppose any legislative proposal that would diminish the authority that this committee gave to us in ATSA.

It is also important to note that our partners in other countries around the globe stepped up in a major way to implement the new protocols that we instituted with necessarily short notice. The communications efforts that followed the emergency actions resulted in unprecedented advanced harmonization of security measures that subsequently resulted in nearly identical measures for the United States, Canada, the entire European Union, and Australia, as well as adoption by the International Civil Aviation Organization (ICAO) of a world-wide recommended practice reflecting the same procedures.

We have learned a great deal since the 9/11 Commission released its findings about the nature of the terrorist threat today and about the best ways to use the tools at our disposal to deal with that threat. Our experience teaches us that the 9/11 Commission recommendations can be most effective when applied in the context of the constantly changing world in which we operate. They inform our path

forward as we integrate them with the additional insights we have gained since their publication.

Since its inception, TSA has embraced the essential concept that no single security strategy is foolproof, but by employing layers of security to our mission, risk to our Nation's transportation system can be mitigated. Our layered approach to security utilizes and relies upon interconnecting networks among our partners in the aviation industry—air carriers and airport operators; State and local governments and their law enforcement agencies; and other Federal entities including among others, other DHS components, the FAA, and the Federal intelligence community; as well as other nations allied with us in the fight against terrorism. Our layered approach utilizes technology and, more importantly, depends upon the skills and dedication of our TSOs.

We have learned that the most visible part of our aviation security mission, the screening of passengers and property at the airport, is but a part of our arsenal against terrorism. We cannot focus on a "catch them in the act" strategy that waits until a person tries to board an aircraft with a weapon. No matter how good our screening is, and how sophisticated our technology is, our success is greatly improved with our ability to anticipate the terrorist act and thwart it well before it gets off the ground. This was demonstrated not only by the timely investigation, revelation, and frustration of the British liquid explosives plot, but also by the early disruption of a plot to attack tunnels under New York's Hudson River.

Our People

Most importantly, we know that our mission cannot be achieved with a checklist mentality in an assembly-line environment. Our people are the most critical asset in our mission of securing the Nation's transportation systems. No existing technology can provide a fully-automated approach, and even with extensive use of technology, we will always need the critical thinking skills of people to adapt to emerging threats.

The introduction of several new programs focuses on developing specialized skills in our workforce. TSA has implemented a behavior observation and analysis program, called Screening of Passengers by Observation Techniques (SPOT), designed to provide TSA Behavior Detection Officers (BDOs) with a non-intrusive means of identifying potentially high-risk individuals. The program was developed and implemented to observe normal passenger characteristics and anxieties and identify anomalies to detect individuals who may be a threat to aviation and/or transportation security. SPOT is also part of a larger effort by the agency to add more layers of security to protect against those individuals seeking to defeat our security systems.

TSA has also implemented the Bomb Appraisal Officer (BAO) program to prevent the introduction of explosives and IEDs from entering the aviation system. The BAOs are trained bomb technicians who provide advanced training for the workforce and resolve alarms that are beyond the TSO workforce capability.

TSA continues to develop and refine our plans relating to document-checking, whereby specially trained TSOs examine boarding documents to detect and deter individuals attempting to board aircraft fraudulently. This interaction with passengers also gives these TSOs an additional opportunity to observe behavioral characteristics of passengers and identify anomalies that would warrant additional screening, augmenting other security programs such as SPOT.

TSA also continues to add elements of randomness and unpredictability to the airport security environment to prevent terrorists from committing terrorist or harmful acts.

Our mission success therefore depends on recruiting and keeping trusted, bright, well-motivated, well-trained people who have the right tools, work in a positive, team-driven environment, and are involved and challenged by their work. Our workforce must be rewarded by fair compensation and benefits and have prospects for continued advancement based on their ability and effort.

To this end, in 2006 we rolled out a comprehensive performance management system for making TSA a true performance-based organization. Under this system, TSA is now compensating its TSOs based upon their technical proficiency, training and development, customer service skills, teamwork, professionalism, and leadership. By recognizing and rewarding the right skills and new skills, as well as higher proficiency levels, we are reinforcing critical performance areas and developing new ones to support the ever-changing needs in security.

Another critical program introduced in 2006 is the TSO Career Progression initiative. TSA is committed to creating a career track and advancement opportunities that will encourage not only quality performance, but also longevity among our TSOs. This program created new pay bands for TSOs and the opportunity to serve

in advanced positions as Behavior Detection Officers, who execute TSA's Screening Passengers by Observation Technique (SPOT) Program, BAOs, and TSA-Approved instructors, who provide a full range of required TSO training.

Passenger Pre-Screening

The focus on people applies to those who work at airports and airlines and fly as passengers as much as to those, like TSOs and FAMs, who provide security for the system. This topic rightly received considerable attention from the 9/11 Commission.

Regarding passenger pre-screening, I testified before this committee in February 2006 on the status of Secure Flight, TSA's watch-list matching program, and am pleased to update the Committee in the context of the 9/11 Commission recommendations.

While we are aware of concerns regarding the effectiveness of the current system of screening domestic airline passengers against the No Fly List, today any person on the No Fly List will not fly. The No Fly List is regularly kept up to date and changes are made as required. Secure Flight, when operational, will bring the process of comparing passenger names against the No Fly List, now performed by aircraft operators, into the government. That is why I have said that it is more important that Secure Flight is built right—with all the needed operational attributes and privacy that will withstand any challenges. So while I am mindful of the urgency to bring Secure Flight into operation quickly, I am also mindful of my obligation to the public not to get into a situation where we either have to stop flights or allow them to fly without a way to prevent No Flies from boarding.

TSA is firmly committed to protecting the privacy and civil liberties of travelers. After completing a vulnerability assessment of the Secure Flight program and after considering feedback from the Congress and the Government Accountability Office (GAO), as well as DHS evaluations of the program, I announced to this committee that TSA was re-baselining the program. At that time, we undertook this effort to assure privacy and information security in Secure Flight by making sure the foundation of the program was strong and that it will be successful upon implementation. That work has now been completed.

I am pleased to update you that we are currently working with the DHS Screening Coordination Office (SCO) toward achieving DHS certification and demonstrating satisfaction of the ten areas of Congressional direction to GAO. We are working closely with GAO to facilitate their review of the program's development. In addition, through regularly scheduled meetings with U.S. Customs and Border Protection (CBP), we are coordinating airline industry needs with CBP and the airlines with the intent of providing a single DHS system interface to the industry.

Key to our efforts in improving passenger pre-screening has been the tremendous undertaking to systematically review names on the No Fly List. The purpose of the review is to remove, or downgrade to the Selectee List, individuals that do not meet the established criteria for the No Fly List. The review implements new guidance for the No Fly and Selectee Lists ratified in July 2006 by the Terrorist Screening Center's (TSC) Governance Board. Just as the threat environment is fluid, so must the No Fly List be maintained as a true list of individuals who currently pose a threat, rather than maintaining on the list those who were feared to have presented a threat in the past, but no longer do. TSA and the TSC, in collaboration with all the nominating agencies responsible for compiling the No Fly List, are in the process of a thorough, name-by-name review of that list. We expect that by the time the review is completed in mid-February, the No Fly List should be reduced by approximately 50 percent. A similar review will be undertaken with respect to the Selectee List.

Integral to the successful execution of our passenger pre-screening efforts is our redress system, by which travelers who either previously have been misidentified or believe they are on the No Fly or Selectee List in error may apply to have that error corrected. We have significantly modified the process in response to customer feedback that the process was too cumbersome and expensive. Now an applicant need submit only a single document—a United States Passport—to verify his or her identity. Approximately 70 percent of applicants have this document and are therefore able to apply for relief without submitting other documentation. We have also eliminated the requirement that identity documents be notarized and we allow electronic submission of the application and supporting documentation. Finally, TSA introduced an automated Redress Management System (RMS). After assuring the privacy of users and the security of the system, RMS was launched on October 6, 2006, enabling travelers to submit and check the status of their applications electronically via the Internet.

TSA has already seen a dramatic improvement in customer service. TSA received and processed more than 20,000 redress requests for calendar year 2006. At the same time, the average processing time has been reduced from 60 to less than 10 days. TSA is also working with other DHS components to bring to reality the DHS Traveler Redress Inquiry Program (DHS TRIP), Secretary Chertoff's and Secretary of State Rice's joint vision of one-stop redress for travelers. This program would provide travelers with a single, simple process for addressing Federal watch-list misidentification issues and other individual complaints that arise from the traveler's screening experience.

Explosives Detection Technology

In partnership with DHS Science & Technology (S&T) Directorate, TSA benefits from a robust research and development program for explosives detection. TSA has invested over \$1 billion to purchase, install and upgrade explosives detection systems at airports over a three-year period. In Fiscal Year 2006, TSA invested approximately \$534 million in the purchase and deployment of explosives detection technology, which included Next Generation technology and Letters of Intent (LOI) reimbursement.

DHS continues to move forward to research, pilot, and deploy additional checkpoint explosives detection technologies. These new technologies will be deployed as soon as their reliability is assured. In the coming weeks, TSA will also begin testing x-ray backscatter technology that will be able to detect non-metallic devices and objects, in addition to metallic weapons and other threat items.

Consistent with all other elements of security, the integrity of explosives detection ultimately depends upon a well-trained, dedicated workforce. In the fall of 2005, TSA developed and rolled-out advanced IED training for every checkpoint TSO, including detection of liquid explosives. More than 38,000 TSOs have completed this training, which has subsequently been reinforced with intensive technical classroom training and online improvement training to reinforce explosives detection capabilities.

TSA conducts its own explosives covert testing on our checkpoints, and we have made changes to our protocols to improve passenger screening. We are working with GAO to incorporate any lessons learned from their tests in our training and screening protocols, as well.

Checked Baggage Screening

Today TSA meets the requirement to screen 100 percent of all checked bags for explosives. Since the initial deployment of explosives detection systems (EDS) and explosives trace detection units (ETDs) to screen checked baggage electronically for explosives after 9/11, TSA has aggressively pursued innovation and investment intended to dramatically improve the system. Today, 67 airports are either operational or deploying some form of advanced in-line baggage screening system.

In February 2006, TSA delivered to Congress a Strategic Planning Framework for the Electronic Baggage Screening Program (EBSP). This framework details TSA's long-term planning philosophy for the development and implementation of optimal baggage screening solutions at the Nation's top 250 airports, where over 99 percent of checked baggage originates, and currently guides TSA's investment and deployment decisions. The plan also includes a funding prioritization schedule, a deployment strategy, an EDS life-cycle management plan, and a stakeholder collaboration plan.

TSA, through an Aviation Security Advisory Committee (ASAC), has been working separately with aviation industry stakeholders to develop a cost-sharing formula and innovative financing solutions for the EBSP, and has been exploring the options proposed to expedite the deployment of in-line EDS. This Baggage Screening Investment Study (BSIS) has been completed and will be provided to Congress in the near future.

Air Cargo Security

TSA has augmented air cargo security through a combination of layered security measures, including screening and vetting, that enhance security without unduly disrupting the flow of commerce. As part of this effort, TSA is implementing a comprehensive final regulation to strengthen air cargo security throughout the supply chain and has issued targeted rules that set additional security requirements for regulated parties. These rules include: the elimination of all exemptions from cargo subject to screening, increasing to 100 percent TSA's screening of counter-to-counter cargo and increasing to 100 percent TSA's screening of all cargo received at Category II, III, and IV airports. TSA also targets certain high risk categories of cargo for 100 percent screening, utilizes over 396 canine teams to screen cargo at 74 of

the Nation's larger airports, and is requiring Security Threat Assessments for all supply chain workers with unescorted access to air cargo.

TSA vigorously enforces these regulations and security directives through inspections and imposition of civil penalties for violations, through a committed staff of 300 air cargo security inspectors and additional aviation security inspectors. Thus far, this program has successfully managed risk, while allowing the airline industry to provide air cargo service on passenger flights. We plan to maintain this approach of vigorous enforcement, coupled with continued technological research and development. However, any mandate to physically inspect 100 percent of air cargo within 3 years is not feasible without impeding the legitimate flow of commerce and imposing an unreasonable cost on the government.

Conclusion

2006 was a growth and performance year for TSA. We have come a long way since this committee wrote ATSA and since the 9/11 Commission issued its recommendations. We now have a strong, flexible, effective operating capability at TSA with the proven ability to network with others in government and industry around the world. While we still have holes that need to be filled and foundations that need to be strengthened, we have a sound strategy, effective against an adaptive enemy, and the operating capability to execute it. Part of this strategy will be a continuously adaptive response. While we understand that travelers are looking for continuity and certainty in their travel experience, we need to balance that need against the need to remain adaptive to the ever-changing threat.

This Committee created the TSA and gave it a critical mission. The men and women of TSA have signed up to do that mission and are today fulfilling it. It is demanding work and our job satisfaction comes from participating in the most compelling mission of our time and we understand that while criticism comes with the job, TSA has the honor of doing meaningful work on behalf of our country.

Further progress in 2007 will be made and our success will be greater if we can finish the build-out of TSA and achieve what ATSA envisioned. The Congress and Administration have provided the authorities and the resources we need for 2007 and we will soon have recommendations for 2008. I look forward, and I know I speak for every one of us at TSA, to working with the Committee and others in Congress on achieving the vision that was contemplated during the intense aftermath of 9/11, and we will do so with the same intensity we all felt 5 years ago.

Mr. Chairman, thank you again for the opportunity to testify today. I am happy to respond to the Committee's questions.

Senator ROCKEFELLER. Thank you, Mr. Hawley.

And I would now call upon the Chairman of the Full Committee.

The CHAIRMAN. And I have just one technical question. In your statement, you said that it would be very difficult, if not impossible, to physically inspect 100 percent of air cargo within 3 years without imposing an unreasonable cost on the government. How would this affect just passengers? Why do you just have passengers checked?

Mr. HAWLEY. What if we—I didn't—

The CHAIRMAN. Hundred percent.

Mr. HAWLEY. Of baggage—of freight on passenger aircraft?

The CHAIRMAN. Would that be feasible?

Mr. HAWLEY. Well, it would—if it were required by law, we'd figure out a way to do it in the time-frame that it—it's required. The concern that I have is that 100-percent requirement in a statute will focus the effort on getting the 100 percent done, which makes it more of a logistics issue than a security issue. And it just says, "Hey, we've got to get 100 percent of these packages screened in the way that is required," and it would divert resources that we may prefer to be able to move around on an unpredictable basis. So, I think the concern is that, for a very small incremental benefit of security, it would take away resources that we could more productively apply elsewhere.

The CHAIRMAN. What is the present percentage of inspection?

Mr. HAWLEY. It's a classified number, and we can talk about it in that environment, but it was recently tripled. But more importantly than that, we've been adding security measures to air cargo over the last year. It's something that Secretary Chertoff has a very strong interest in, and he had us really focus on that.

So we, in the last 6 months, have eliminated all exemptions to air freight. So, it used to be that there was a certain percentage of freight that was not exempt, and that was the classified number. But what we've done now is, we've eliminated all exemptions, so that right now, no freight is exempt from screening and we require a random continuous screening of everything, in addition to the former requirement that we had.

The CHAIRMAN. The rest of the questions I have relate to the explosive detection system, and I'd like to submit them, Mr. Chairman. OK?

Senator ROCKEFELLER. Absolutely.

The CHAIRMAN. Thank you.

Senator ROCKEFELLER. The former Chairman of the Full Committee, Senator Stevens.

Senator STEVENS. Well, thank you very much, Mr. Chairman.

Mr. Hawley, I congratulate you on what you've done so far. I know that the 9/11 Commission has issued a report card dealing with the standards that they seek to have established. I do think that we've invested a substantial amount of money over the last 5 years and made considerable progress.

I would ask a little clarification of your answer to the Chairman's question. Now, you're talking about baggage originating in the United States, going to another place in the United States, I assume. Is there a difference between that and baggage that's going out of the country?

Mr. HAWLEY. No. Anything that's loaded onto a passenger craft is subject to this requirement.

Senator STEVENS. And why would it be more difficult to establish the same criteria for the cargo that's getting onto a passenger plane?

Mr. HAWLEY. There are a lot of—the operational impact is significant, because a lot of that freight is palletized, put into very, very large packages that do not fit in the existing EDS machines, and we have a—

Senator STEVENS. We call those “combo flights” up our way, in Alaska. I thought they were basically barred in many of the aircraft today.

Mr. HAWLEY. We have a special program for—that includes Alaska—that's different because of the different nature of Alaska, obviously. But we have a science and technology project that's now operating in San Francisco that is using the EDS machines and trying to establish what the operating protocol would be if we wanted to run everything through the EDS machines. So, it's something that we are looking at. It would take a tremendous amount of resources to get this done.

Senator STEVENS. Is there palletized freight on our major airlines in what we call the Southern 48?

Mr. HAWLEY. Yes, sir.

Senator STEVENS. And where is it? Is it like it is in Alaska—in front of the passengers?

Mr. HAWLEY. It's underneath, typically.

Senator STEVENS. Yes. Underneath.

Mr. HAWLEY. And what they do under our new system is—that we're trying some innovative things, with canine teams, of some programs that are in Europe, where they essentially get inside the shrinkwrap of these palletted items, and then have the dogs come by and take, you know, do their reading of the fumes based in that pallet.

So, we're looking at a lot of innovative things. And I should say, we don't disagree that screening air cargo on passenger planes is very important; it's really a question of, Operationally, what is the best security value for the investment of time?

Senator STEVENS. Have airlines in any way objected to application of screening to that type of cargo?

Mr. HAWLEY. I don't get real pushback from airlines, on the concept that we need to do it, and I've heard a lot of suggestions about increasing the number of canine teams, because canines are effective and very flexible. And it clearly is a shared responsibility. We all have the same interest at heart. So the question always boils down to, OK, how are you operationally going to do it? Where's the money going to come from, and what are you doing today that you are not going to do once you divert the resources?

So, we're all on the same page in terms of needing to do intense security on cargo and on passenger aircraft; the debate is, how exactly do you we get it done?

Senator STEVENS. As you know, a substantial portion of cargo that comes into the United States across the Pacific comes through our airport in Anchorage. I think it's the number-one cargo landing port now on a daily basis. That sometimes is then broken down and put onto other planes leaving Anchorage and to go throughout the U.S.

There is no screening of that as it comes into the United States. Why shouldn't it be screened there?

Mr. HAWLEY. Well, there is the—all freight cargo that comes in on, with no passengers, so that is not subject to screening. But anytime that freight gets onto a passenger aircraft in the United States, it's subject to our air cargo requirements.

Senator STEVENS. I understand what you're saying about the availability of trained dogs to perform this mission. Have you thought of trying to contract that out to the private sector? I think they have a way of responding quicker to demands like this.

Mr. HAWLEY. Well, the requirement now is principally on the airlines, who then contract out with people to do a lot of the work that they do now. So what we would do is establish a performance standard, and then we would debate over who would do it. And whether the airlines contract for, whether the government pays for it—those type of things. It could work well either way.

Senator STEVENS. Why haven't you increased the standard for baggage? I mean, for cargo that's on passenger planes?

Mr. HAWLEY. Well, we have very significantly increased it. We've had a number of different measures over the last 6 months, including the formal rule that we put out which gets at securing the sup-

ply chain itself; and then, we've added additional measures, like: anytime somebody shows up at an airport and wants to put a package on a specific flight, it has to be screened the same way as checked luggage.

So, we keep going after additional security measures to put on top of each other. And I think the goal of 100-percent screening is something that is necessarily out in the future. Our concern is that, while that debate is going on, we're doing things right now that will affect, and meaningfully improve, security in the immediate term.

Senator STEVENS. Well, shifting over to other things, although it has some impact on this also, this committee has oversight on the airline industry, per se, and we know that almost every one of those airlines has been in and out of bankruptcy during this 5-year period that your agency's been in existence. But it seems like every time we require an addition to the security system, it is pushed off on the airlines to pay for it. That can't continue, really, in terms of issues like this. Isn't there some way we can devise to screen these, this cargo that goes onto passenger aircraft, without increasing the cost to the airlines, per se?

Mr. HAWLEY. Yes, and you could say, "Well, the Government pays for it," but one of the things that we're doing now—

Senator STEVENS. The Government doesn't pay for it, the airline traveler is the only person in the United States that pays for security. The rest of it is paid out of taxes. And I think that every time we add a burden to the system, we further compress the ability of the American airlines to survive.

What are they doing in Europe?

Mr. HAWLEY. Well, it's principally, it's virtually all on the private sector, including the airlines. So—

Senator STEVENS. Do they have higher standards of examination of cargo like this?

Mr. HAWLEY. They have, not identical, but pretty close—there's a pretty close match in, particularly passenger screening, and we're working with them to align the air cargo. But really the burden is principally on airlines overseas.

And one of the things I was going to mention is that we—one of the things we've done for air cargo is we've got 360 canine teams, and we've devoted a quarter of their time in the air cargo environment, so that—of our security resources—we're devoting a greater proportion to get after the air cargo. And that's at no additional cost, either to us or the airlines.

Senator STEVENS. Now, I'm going to get shot when I get home tonight. My colleagues know this. Repeatedly, we have been stopped because my wife's name is Catherine Stevens. And it comes out, in terms of the No Fly List, as "Cat Stevens." As a matter of fact, one time I personally was taken to the security advisor because I was checking in the baggage in her name—mine and hers—and they took me, too.

Now, what has been done to really try and find a way to deal with this? I believe that we should have those lists, but, for instance, it would seem to me that anyone that was making such a list would put down "Cat Stevens, male." That doesn't take that much change in these lists. Has anyone looked at trying to make

them more, really, a means of identifying a person that is a great risk to the passengers?

Mr. HAWLEY. Yes. And that is something that, once Secure Flight is up, next year, will be a thing of the past. But right now what happens is, when we get a name—for instance, if a Cat Stevens and a Catherine Stevens—the Catherine Stevens would tell us, and then we'd put a notation in the record that we send to the airlines that says, "This is Catherine Stevens, she's not Cat Stevens and don't hassle her."

Unfortunately it depends, airline by airline, how their individual systems work, as to how effectively that's done. And it definitely—we recognize the inconvenience, we—it hits people at kiosks and printing boarding passes at home. But that is the one piece of the puzzle—that's the cost to the watch-list system we have now. But, the upside of it is, we have a very good reliability in terms of stopping people who are the person you want to keep off the airplane. We do an excellent job of that.

Senator STEVENS. I have a feeling that someone who knew their name was on it would find a way to use a false name. It's the people who use their own name that are the ones most affected by the purge list today.

Mr. HAWLEY. Well, the system is smarter than that, actually, and there are a variety of things where that is taken into account. And I'll just leave it at that in the public session.

Senator STEVENS. All right. One last comment. Your testimony indicates that you dealt with the passenger redress concept, reducing the delay from 60 days to 10 days. And in the absence of these new concepts, such as Secure Flight and Registered Traveler, is there any other solution to dealing with the people who have been denied boarding passes?

Mr. HAWLEY. Well, working with the airlines to help with their matching process is something we are doing; and that—that's probably the next-best thing that will happen prior to introducing Secure Flight. It's having the sophistication of the matching software that would identify—as you point out—this is a male, or this is a female, or other characteristics. So, until we get Secure Flight up, it really is a function of how well we can get the matching to work consistently across airlines.

Senator STEVENS. Thank you very much.

Thank you Mr. Chairman, I've asked that my statement appear in the record.

Senator ROCKEFELLER. It will be done.

[The prepared statement of Senator Stevens follows:]

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

Chairman Inouye, thank you for scheduling this hearing today. Being our first hearing in the new Congress, I would like to welcome the new members to the Committee. Welcome.

Mr. Hawley, thank you for your willingness to appear before the Committee and for your tireless work to secure our Nation's transportation systems. While you have made tremendous strides, TSA must continue to press forward by focusing on a risk-based layered aviation security system, and developing and maintaining a workforce that is flexible and proactive. The American taxpayers have invested substantially in security over these past 5 years, and some may question the rate at which significant measures, such as passenger pre-screening programs, have been implemented. We must work together to develop the appropriate solutions to these issues.

The 9/11 Commission was tasked, in part, with setting a benchmark for aviation security, but the real-world applications and solutions to many of the Commission's goals remain a significant challenge. In December 2005, the 9/11 Commission issued a report card on the implementation of its recommendations and gave TSA very low grades in transportation security categories. Although we have come to realize over the years that in matters of security, there is no "one simple solution," this does not mean that more progress in certain critical areas should not be made.

I have maintained that true improvements in our aviation security system rest on the promise of technology development and deployment. Today, U.S. airports screen an annual 535 million parcels of checked baggage for explosives. That number will certainly increase in the coming years. The projected growth and changes in our aviation system also call for a new and focused direction for both safety and security. We need to be proactive and find ways to finance the deployment of proven and effective technologies, in an innovative fashion. Similarly, we need to encourage the private sector to develop inventive, integrated and interoperable solutions.

We must find these solutions while being mindful of the required delicate balance between implementing tough security measures and the effect of these regulations on the Nation's economy. One such issue which has proven challenging to all entities involves the screening of 100 percent of air cargo. The U.S. air cargo supply chain handles more than 50,000 tons of cargo each day, of which 13,000 tons, or 26 percent, is designated for domestic passenger carriers. We are tasked with delivering a common sense solution that meets the goal of balancing enhanced security without excessively impeding the normal flow of commerce. Shutting down the movement of goods is not acceptable—but creating unrealistic and unattainable deadlines is not the answer.

Thank you, Mr. Chairman. I look forward to working with you to address these challenges in the new Congress.

Senator ROCKEFELLER. I want to, at this time—not for the purposes of questioning, but for the purposes of courtesy—to recognize Senator Klobuchar, Amy Klobuchar from Minnesota. This is your first meeting with this committee, and I think you'll find this the most exciting Committee that you're on.

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

Senator KLOBUCHAR. Senator, I look forward to serving on the Committee. Thank you.

Senator ROCKEFELLER. We look forward to having you here, very, very much.

Mr. Hawley, we had a chance to talk, at some length the other day, in a secure situation, so use your discretion as you answer these questions. There was a question of the cargo supply chain, and—if that's international, then it's where it's loaded, perhaps it was loaded on a truck to then be loaded on an airplane in a foreign port, foreign airways, and then there's a question of off-loading. Now, once you've off-loaded, I would think that that responsibility comes to an end and there should have been a really good check in the system.

The problem is that TSA's computer models estimate that, if you do full physical screening just at the end of destination in an airport in our country, that you can only really do 4 percent of the daily volume. And the reason for that, evidently, is because of equipment breakdowns, inspection problems, reassembling what you take apart to look at for transport, and all the rest of it. But 4 percent is not very encouraging.

Now, we discussed that in a number of ways, but I'd like to have you answer that.

Mr. HAWLEY. Sure. The detail on the operations is what really will determine whether it's effective or not, because if you say it's

100 percent of electronic screening or box opened or whatever the definition is, there's a difference of—if you go through and just open the lid in every box, that's an open-box inspection—which is different from if you pull out the stereo speakers and look inside the, you know, the battery compartment or you take it apart. So, you could say, “Well, we're going to run every one of these packages through an x-ray machine,” which may or may not get at the threat you're looking at. So, that's why we prefer not to have a 100-percent requirement on anything, because you tend to be focused, then, on, “How do we accomplish what is written in the law?” as opposed to a smarter security that says, “OK, we're in a risk-based business. How are we going to stop the bomb from being here?”

So anything that switches off the brain is, I think, a bad thing, and to replace it with a risk-based scenario, where we actually have engagement on how we screen and it, I think, it is a better—So, I think 4 percent is too low, period, by an order of magnitude. And we definitely are on the program. This is a serious priority of ours, and we are elevating security.

So, we're very comfortable working with the Congress on achieving the objective. The part that really gets me concerned is when we embed in the law 100 percent, because then that restricts, really, what you do.

Senator ROCKEFELLER. I understand that. At the same time, when you say this is sort of a risk-based assessment, that can be pretty hard to do. I mean, people can now break things apart so that each of the individual parts mean nothing, but when they're assembled they become a dangerous weapon.

Mr. HAWLEY. Yes. Well, it depends what you're looking for. If you're looking for a bomb that's going to blow up the plane, that's an easier thing.

Senator ROCKEFELLER. Well, they couldn't possibly blow up a plane because it's in many pieces, but it may be shipped with the idea of doing damage once it's landed.

Mr. HAWLEY. Exactly, so that would—if you're going to—that's a very hard assignment to figure out, operationally. So, that would be an enormous cost. And right now, our focus is principally on explosives. The TSA function is to make sure there's not a bomb on the plane that's going to take down a passenger aircraft. So, it's the—Customs and Border Protection handles the “what's in the box” and whether it's legal or illegal, and that is a different regime, not covered by what we're talking about here.

Senator ROCKEFELLER. If one's dealing with risk, one is making a judgment of what part of a piece of baggage or cargo, et cetera, might be more dangerous than another part, or what is it that we have to focus on. Now, that can be done from two points of view. One would be that we know how to get the really dangerous stuff, and so, don't go at the rest of it; or one could argue that Homeland Security is, in my judgment, vastly underfunded, and, therefore, you're forced to make a risk assessment, because you can't do all of what, in fact, you would like to be able to do. And I wonder if you could just help me, a little bit, to understand that.

Mr. HAWLEY. I think, as a security matter, even if we had unlimited resources I would probably not suggest the 100-percent standard. And I think a way to look at it is—I mentioned, on packages

that are targeted for specific flights—on packages that are targeted for specific flights, they're screened the same way as a checked bag. So, that is a higher-risk package because somebody says, "I want this package on that flight." And if we have a controlled supply chain that we know the people shipping it and know the people carrying it, and it could go on any flight, and perhaps even be trucked—that, then you'd say there's a lower risk to that, because the person packing the box did not know whether, in fact, it was going to go on a truck or an aircraft. So, that that kind of trade-off, you can make. And I think, as we discussed, and as you raised with me, there is the concern of other people at the airport, in terms of insider threat, so that if you spend all your resources opening boxes and not applying your resources more generally, that opens up another vulnerability.

So, I think that it applies not only in what boxes you open, but where you put your security resources, so there's no other area that's wide open, because the adaptive terrorist will go there.

Senator ROCKEFELLER. All right, well, my time is out and, for the moment, in the second round I'm going to talk a bit about general aviation.

Senator Pryor?

**STATEMENT OF HON. MARK PRYOR,
U.S. SENATOR FROM ARKANSAS**

Senator PRYOR. Thank you, Mr. Chairman.

I just have a few questions about the TSA. One of my impressions of the TSA is that TSA seems to react to the latest security breach or the latest thing that's in the media. What can the TSA and the aviation industry do to anticipate what's coming down the road, instead of always be reacting to the situation?

Mr. HAWLEY. Yes. Well, we of course want to do both, and, when we do react, people notice it. But that doesn't mean that we don't try to get ahead of it. And I think the liquids plot this summer is a good example. And I think it's not widely known that, when we were talking about the IED component training a year ago, that there was a liquids component to that training. And, in fact, we were doing covert testing on liquid explosives prior to knowing about this plot.

So, we have—and as we were just talking with Senator Rockefeller—as we have security measures that we can move around in unpredictable fashion, it covers both what we know, but also can disrupt what we don't know.

So, the connection with the intel community is critical for us, that really starts our day, the connection with the intel community, and then operationalizing it at TSA to try to get ahead.

Senator PRYOR. About 11 months ago, Cathleen Barrick from the GAO came here to talk to the Commerce Committee about implementing the Secure Flight program and some of the challenges that remain there, and then, I guess, last month TSA issued the Secure Flight Report. And one of the concerns that the GAO had was privacy. And my question for you is, do you think that the Privacy Office report addresses the GAO concerns sufficiently?

Mr. HAWLEY. Well, the report that just came out referred to an incident that was prior to the GAO reports. The GAO report—and

this recent one—were on the same topic. And when I mentioned in my opening statement when I was here last year and called, basically, a halt to Secure Flight until re-baselined to protect privacy—we were all talking about the same thing. And we are on the same page now, going forward, with what the privacy requirements are. And we have now completed that re-baselining so we're prepared to move forward. And GAO will be evaluating us going forward, and we have a lot of engagement with them right now.

Senator PRYOR. What is your time-frame on moving forward and having some sort of final set of rules out there?

Mr. HAWLEY. Well, we expect to begin implementation in calendar 2008.

Senator PRYOR. Implementation in calendar year 2008, but early 2008? Late 2008? What, where?

Mr. HAWLEY. Well, a lot will depend on the rule. And there has been so much public anxiety about this topic that we're very confident people will have a lot of comment. And that will dictate a lot of the time right there.

Senator PRYOR. We've talked a little bit about the 9/11 Commission recommendation of screening everything, but part of their recommendations deals with individuals who have been selected for secondary screening. And I guess the 9/11 Commission believes they should all undergo explosives screening. But that's not what TSA has been doing. You guys have apparently been screening passengers by an observation technique, is that right?

Mr. HAWLEY. Yes, that's on top of the other screening.

Senator PRYOR. OK, do you conduct explosives screening for every passenger that's been pulled out for secondary screening?

Mr. HAWLEY. Yes, sir. For secondary screening, we do random explosives checking of every passenger.

Senator PRYOR. And are your TSA people out on the front lines, are they trained to do this kind of screening?

Mr. HAWLEY. The explosives screening, absolutely.

Senator PRYOR. And are you happy, generally, with what you see? Are you satisfied with what you see from your TSA screeners?

Mr. HAWLEY. I am very proud of the work that they've done, particularly in the last year. I'm extremely, very positive on it.

Senator PRYOR. Well, the reason I ask is because, our office receives complaints from time to time, various screeners or various airports where things just don't seem to be working very smoothly, but you're satisfied with the screeners?

Mr. HAWLEY. I am, and I think the night of August 9th, 10th—these guys we woke up in the middle of the night and said, "Come to work and change the entire security process, and forget about vacation or anything else for the foreseeable future."

Senator PRYOR. Are you saying that the system we have cannot be improved upon?

Mr. HAWLEY. Oh, absolutely. I think we have great people, we've now started to improve the training, we've put incentives to keep the good people in. And those kind of things, reducing injuries, all of those things make for a better workforce.

Senator PRYOR. And you feel like the workforce is getting better?

Mr. HAWLEY. Yes, sir.

Senator PRYOR. That's all I have. Thank you, Mr. Hawley.

Senator ROCKEFELLER. Thank you.
 Senator Lautenberg?

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

Senator LAUTENBERG. Thank you, Mr. Chairman.

And just a couple of things first; and one is to say that, in front of this hearing, this first of the year, that I want to pay our commendation to Senator Stevens for a lot of good work in chairing this committee, and other committees. Not that we're sorry to see the change, Senator Stevens, but the fact is that you did—to borrow an expression—a heck of a good job.

And, Mr. Chairman, my congratulations to you as well, for taking over this very important subcommittee.

Mr. Hawley, you made a comment in response to Senator Pryor's question that said, "We have a random check on every passenger," I'm not quite sure I—

Mr. HAWLEY. Every passenger is subject to a random check. So, in other words—

Senator LAUTENBERG. Can be, have a—

Mr. HAWLEY. Yes, yes.

Senator LAUTENBERG. I see. OK. And I think it's fair to say that there has been a real improvement in the TSA process, the screener process, and we're pleased to see it.

I have a question, however, about the complement that is necessary to do the job. We're looking at 2 million people a day boarding airplanes, over 750 million in the air—2015, I think, it's expected there'll be a billion passengers a year flying. We're breaking all kinds of records for air travel. And we have a limit of 45,000 screeners, and we don't have that many people working, how many people do we have employed right now?

Mr. HAWLEY. A little bit under 43,000—it depends on full-time equivalent, so our cap it comes out to 43,000.

Senator LAUTENBERG. The cap or the dollars?

Mr. HAWLEY. The dollars. So, the cap says you can't have more than 45,000, but the money, if you spend it, only gets you 43,000. So, the cap is effectively at 43,000.

Senator LAUTENBERG. Could we use more screeners than that?

Mr. HAWLEY. Well, I think we are not bumping up against the cap and limiting our operation because of that, at this point. And I think, you raised the issue of—as traffic grows—at some point there is a limit. But we've been having a lot of efficiency gains in the workforce, better scheduling and better metrics that allow us to manage better, so, so far we're able to manage it by—take the greater number of passengers with operating efficiency. So, at this minute, it's not a problem. As passengers grow, it certainly is a subject of conversation.

Senator LAUTENBERG. What's the turnover rate within TSA?

Mr. HAWLEY. It's about 20 percent overall, but the critical part is the part-time. So, we're about 16.5 percent on the full-time and about 38 percent on part-time.

Senator LAUTENBERG. Is that a heavy load?

Mr. HAWLEY. Well, the—

Senator LAUTENBERG.—those, those billets?

Mr. HAWLEY. No, actually, we're able to fill the jobs. It costs us \$12,000 every time we hire and train. So, any turnover—particularly in a part-timer—is a bad deal. And what we want to do is get people in who will stay, and last spring, as you may know, we went to a local hiring model which has allowed us—that in itself gets us a higher retention rate.

Senator LAUTENBERG. That's a very, that's a very high rate as it is. Twenty percent or sixteen percent turnover in a workforce, that's not a lot.

Mr. HAWLEY. Well it—pre-9/11 it was 140 percent.

Senator LAUTENBERG. Well, that doesn't, that's not a good mark to go to. You're looking at the possibility of turning over 9,000 people, eight to nine thousand people a year, that's quite an assignment.

I had asked to have the cap removed and we had a vote on it which was overwhelmingly approved in the Senate, to lift it up to 45,000 to try to accommodate the needs of the passengers. And I think it's generally thought that if we could get security review time down to 10 minutes, that would be a good objective. Is that achievable?

Mr. HAWLEY. Yes, sir. And by and large, we are achieving that. And I think the Thanksgiving and New Year, all of those high travel times, we did manage to get through without unreasonably long lines.

I'm very mindful of this issue, and my obligation to come forward if I believe there is a security impact. But right—as of this moment—I'm comfortable with the package that we have now.

Senator LAUTENBERG. Well, the fact of the matter is that I fly almost weekly between here and home, and I see lots of times when the security lines are far more than 10 minutes in the Newark Airport, North Liberty and we're short, I think, about 100 TSA screeners. And, is that an exception, or is that more likely around the country?

Mr. HAWLEY. Well, we have to delve into the number, but according to my information, we're not under, significantly understaffed at Liberty Airport.

Senator LAUTENBERG. What did you say?

Mr. HAWLEY. Yes, there may be a reduction of the number from last year. We have the screener allocation model, as you know, and that would be at X. And it may, in fact, be below X in 2007—

Senator LAUTENBERG. I'd have to look at that, Mr. Hawley, because it's been a continuing problem.

Mr. HAWLEY. I'll look at it as well.

Senator LAUTENBERG. I'm very close to the management at Newark Airport. So we, how many people do we have in training at a time?

Mr. HAWLEY. I don't know off the top of my head, but it would be to replenish—

Senator LAUTENBERG. Right. So does that say that there are more than 43,000 people?

Mr. HAWLEY. No.

Senator LAUTENBERG. If it's less than 43,000, then you don't have 43,000 screeners, then.

Mr. HAWLEY. But, we look at it checkpoint by checkpoint. And it varies by time of year, and all sorts of things, so the number moves all of the time. And we look at it down at the granular level for the checkpoint for the airport, as opposed to the overall number.

The overall number, we say, we just can't go over the cap, and we're not close to that.

Senator LAUTENBERG. Mr. Hawley, I suggest that you review this.

Mr. HAWLEY. Yes, sir.

Senator LAUTENBERG. And get back to us with that. Mr. Chairman, I ask unanimous consent that an opening statement that I wanted to submit be included in the record.

Senator ROCKEFELLER. Without objection.

[The prepared statement of Senator Lautenberg follows:]

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

Mr. Chairman, thank you for holding today's hearing on the safety of our skies—and the 9/11 Commission's recommendations for improving it. The 9/11 Commission gave the Bush Administration a report card on aviation security.

When it came to screening passengers for explosives, the government earned a "C."

And when it came to screening their bags and cargo, the government earned a "D."

Those grades show we do not have enough screeners working in our airports—and we do not provide those screeners we do have with the training or technology they need.

We need to give the Transportation Security Administration the resources it needs to protect the Nation's aviation system. Right now, the TSA has less than forty-five thousand (45,000) screeners in airports from Burbank, California to Bangor, Maine. Forty-five thousand is not enough.

Across our country, more than two million people fly every day; 760 million people fly every year. By 2015, our aviation system is expected to carry one billion passengers a year.

Forty-five thousand screeners cannot get one billion people through security and to their gates on-time.

We need more screeners. And we need them now.

I offered an amendment to the SAFE Ports Act in September to lift the arbitrary cap on the number of screeners that TSA can hire—and to get the right number of screeners into our airports, helping passengers make their planes. The Senate passed my amendment by a vote of 85–12. But House Republicans gutted it from the final SAFE Ports bill—and replaced it with a provision on Internet gambling.

We should not be gambling with aviation security.

America's travelers want this cap on screeners lifted. I plan to offer legislation again to do that.

In 1990, I served on the Pan Am Flight 103 Commission—and we looked into the disaster that killed two-hundred-and-seventy people over Lockerbie, Scotland. Back then, our commission found that we needed better screening for explosives. Seventeen years later, I am still saying that same thing.

It's time to stop saying we will get it done later. It's time to start acting on it now. It's time to let TSA hire as many screeners as it needs to keep our skies safe.

Senator ROCKEFELLER. Senator Klobuchar?

Senator KLOBUCHAR. Thank you.

Secretary Hawley, as a former prosecutor running an office of about 400 people, I have some sense of the challenges you have, in terms of employees and in terms of the setting of priorities and the need to triage things. And we certainly have that every day in our office.

And I also see the changing world and how you have to adapt technologies. And we went from crooks using crowbars to having them use computers. And I've always said, we're as sophisticated in getting the crooks as the technology that we have. And we have to be as sophisticated as they are.

So, along those lines, my question is about the TSA-run passenger pre-screening and how quickly do you think we're going to be able to get an effective pre-screening system as the 9/11 Commission recommended?

Mr. HAWLEY. The key question of matching terror watch lists against passenger lists, that's happening today, run by the airlines. So, in terms of a security impact, anybody who's known to the Government as somebody who should not be flying is, in fact, today not allowed to fly. Having said that, we want to replace the current system with what we call Secure Flight, which is a Government-run program, which doesn't involve us sharing watch lists. So, it's a better system.

And, we had a huge privacy issue, as you know, over time. And last year we went back and just re-did the whole program to make sure it was solid on the privacy thing. That's done now, and now we're moving forward. So in 2008, we expect to be able to deploy Secure Flight finally, and take it all in-house.

Senator KLOBUCHAR. So, the time-line is to get it done by 2008?

Mr. HAWLEY. Yes, ma'am.

Senator KLOBUCHAR. OK. My second question is along the line of Senator Stevens' "Cat Stevens" question—and that's based on my own personal experience. I had two hip replacements this year because of something I was born with, in the middle of the campaign, I might add, and so I am personally familiar with all of your screeners on a very intimate basis.

Every time I go through the checkpoints, and I can say that they do a very good job, and I am in no way thinking that people should get special treatment, I think that it's impossible just to have someone give a card. But I hang out at these screening points with people that are much older than myself who have had joint replacements. And I was just wondering if there's any technology being developed to be able to help people with these hip and knee replacements go through security. I'd say about 10 minutes is spent on each one of them after they go through security. And again, I don't come from any complaints, I think it's the right thing to do. But as we move forward and try to triage our resources, and as more and more people are getting knee and hip replacements, if there's some thought to technology in this area?

Mr. HAWLEY. Well, there is technology, and it comes with a cost—the famous backscatter technology is one that would be well-suited for this. There's also millimeter wave. Backscatter technology is famous because there are those who believe it shows too vivid an image of the person. So, there's that kind of a trade-off. But the short answer is: Yes, there is technology that does address that. It does come with other issues as well.

Although I have to say, I think the behavior observation—a lot of the person-related screening, as opposed to "are you carrying something" screening—is really where we've got to go. Because we can't just keep taking away things from people based on—that we

think they could use it as a weapon. So, we have to keep the clear weapons out of the way, no explosives, but get an opinion about the person and that, I think, is where we have to go.

Senator KLOBUCHAR. Thank you, Mr. Secretary.

Senator ROCKEFELLER. Thank you, Senator.

Senator STEVENS?

Senator STEVENS. Thank you very much.

I was just sitting here wondering if you could give us an update on the concepts of the frequent traveler, or the special access that we've been thinking about over the years. Is it going to be possible?

Mr. HAWLEY. Yes, sir. It's—it is now, essentially, in operation. And one of the providers is rolling it out in airports this week. So, when I was last here we said it was going to be a private sector program. And that has happened, we've done our security piece. And one of the unsaid things about this is that the private sector developed a credentialing program that involves biometrics, without a penny of cost to the Government, that is now up and operating for the RT program, but conceptually could be used for other programs as well.

So, I think everybody wants to know about shoes, coats and laptops, but there are other benefits to Registered Traveler that have already come to the fore. So, it's operating now.

Senator STEVENS. You say you're going to be able to get a program that will take care of the problem of laptops? I don't understand.

Mr. HAWLEY. No. The frequent traveler would prefer to keep shoes on, keep the laptop in their briefcase, and keep the coat on. And we're not yet at the point where we can accommodate those requests, so that tends to be where the discussion is: "Why do I have to still take off my shoes?" And we're now testing a shoe scanner that is at one of the facilities that's rolling out Registered Traveler to see whether that helps with the shoes. And we'll keep moving as we can get technology to make it easier and easier. But we have already done the biometric certification and we've got the program now running, and it's up to airports as they decide to roll it out, to come forward.

Senator STEVENS. Will those people still be subject to random search?

Mr. HAWLEY. Yes, sir.

Senator STEVENS. Thank you very much.

Senator ROCKEFELLER. Senator Thune, from South Dakota, we welcome you to this committee, I think you'll enjoy it a great deal and will add a great deal to it.

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

Senator THUNE. Thank you, Mr. Chairman, I appreciate being added to the Committee. I'm kind of the newbie here, and I'm anxious to take on many of the issues that this committee deals with, many of which directly affect my state. So I'm grateful for the opportunity to serve on the Committee. I look forward to working with you, the Chairman, and the other members of—the Ranking Republican on the Committee—on the issues of importance to our country and to our respective states.

And I appreciate the hearing this morning. And I guess what I would simply say with respect to this morning's hearing, Mr. Chairman, is that one of the things that I hear quite often—I also serve on the Armed Services Committee—is that you cannot succumb to the tendency to prepare for and fight the last war.

And Mr. Hawley, I appreciate you being here today and responding to questions, and I think that's something we always have to keep in mind, too, is how do we anticipate what the next threat is to our security, to passenger safety on our airlines.

And I would like to direct a couple of questions, if I might, to you with regard to some of the changes that have been put in place, and how they bear on smaller airports. In my state of South Dakota, we are a state with smaller population centers, and air service into and out of our state is somewhat limited—relative to what I would like to see it be. I'd like to see a few more direct flights from Sioux Falls to Washington, D.C.—I don't think I'm going to see that any time soon—but I do think it's important that we evaluate, always, how these policies that we put in place are impacting smaller airports.

I guess I'm interested in knowing if there were any differences with regard to some of the changes that were put in place last summer regarding gels and liquids, and the response in smaller airports in comparison to large airports. Did TSA see any difference in how capable our smaller airports were at implementing the new screening protocols? Were smaller airports perhaps more nimble and quicker in terms of adapting to these new changes? Or were they behind the curve in terms of having, perhaps, fewer resources to throw at it?

Mr. HAWLEY. It's pretty even across the system and we are testing, a part of—we do covert testing—and the bulk of our covert testing is at larger airports but we are checking airports of all sizes to be able to answer that question. Overall, it is remarkably consistent and it needs to be, because obviously you start at a small airport, you could end up anywhere.

One of the changes—one of the things is that we do custom-tailor the security for the airport. In the area of document verification, in 200 of the smaller airports, we now have a trained Transportation Security Officer (TSO) checking the ID and validating the credential, versus an outside contractor.

So, we've been able to work with a lot of the small airports to say, "Why don't you guys carry the bags, that's not a security function, and we'll take over the identity verification?" And that is, I believe, an increase in security. And it's something that we've been able to work out—in the smaller communities, it has a bigger impact in the larger airports because of the cost. So if you were to say, what's the biggest difference small to large? I would say that would be it. But it's not a requirement, it's really a business practice.

Senator THUNE. And you had mentioned in your testimony that the TSA is introducing some new programs focused on developing specialized skills in the TSA workforce, including training of behavior detection officers, and bomb appraisal officers. I guess I'd be interested in knowing as well, are there plans in place to ensure that

smaller airports are receiving that type of specialized training for their TSA staff as well?

Mr. HAWLEY. Yes, although the direct answer to your question is it's not at the top—the first roll-out of the behavior detection will be at the larger airports, but the plan is to train everybody in the base level of that skill, and then add the more advanced on top of that. So it's not excluded, but it's not, frankly, at the top of the priority list at this point.

Senator THUNE. I appreciate that.

And Mr. Chairman, as I said, I'm looking forward to the opportunity to serving with you all on this committee, and probing some of these difficult and challenging issues that we face.

So, I thank you for your testimony and for your response to those questions.

I yield back my time.

Senator ROCKEFELLER. Thank you, Senator, and I resonate with your Sioux City-direct-to-Washington flights—West Virginia and South Dakota, which are two of the more rural states in America, as we both know.

Mr. Hawley, a couple of questions: There is a tendency on the part of Members of Congress and, obviously members of the public, to try and speed up the system, almost at any cost. And I, frankly, would just prefer to see you doing what you can possibly do as well as you can do it, even if it takes longer.

Now, let me give you an example. We were discussing a moment ago the situation where Catherine becomes Cat, I was on a shuttle yesterday from LaGuardia with my Chief of Staff whose first name is Carrie, and they had down only a Catherine. One of the TSA screeners said, "I'm sorry, I can't let a Carrie go through when we have a Catherine down." Now, we were literally minutes from missing the shuttle, which would have caused me to miss two votes, or three or five or whatever it was yesterday afternoon. And I was thinking, as this was sorted through, that it was exactly what should be happening. That your screener, who was just at the part that you enter, she looks at the names and make sure that the identification is right. It would have been irresponsible had she allowed the Carrie H. to go through without knowing that it was actually Catherine H. And I think those kinds of things make enormous differences.

The speed with which we do things—getting into the fast lane, all of that—are tremendously important, but this all comes from 9/11 when two large, fueled airplanes, or three—actually four—attacked. I think that airlines are still very much the weapon of choice—airplanes I would say—are the weapon of choice. I think it'll spread, dirty bombs, things of that sort, I think they're all part of our future.

But, in the meantime I think we just have to do it right. The focus has to be transportation security and airline security.

Now, we were discussing the 45,000 cap limit, and then that sort of nudges me toward general aviation. I believe that about three-quarters of all the flights in the air at any given moment in the United States are general aviation. The percentage of those which are over a certain weight limit or under a certain weight limit, I'm

not exactly sure. But that involves some 19,000 airports at which general aviation planes are likely to land, only in our own country.

In the times that I've used general aviation, I think only once in my life have I ever gone through a passenger thing. I find this very disturbing, and I talked about it very openly with the general aviation people who are not anxious to see changes made, but understand that they have to do their part, too.

You have a program about that, and in our discussions the other day, I think you talked about that—you're going to have to have a lot more than 45,000 people if we do general aviation, which is excluded at this point. I don't understand the reason for that. I have a son who lives in New York, and when that single-engine plane went into a building, it was a building right next to where he was, and it was a single-engine plane. Well, in fact, it turns out that most general aviation is single-engine airplanes.

Now, you make cutoffs, and if this is a secure matter and you can't talk about it, then don't. But I think the matter of making sure that general aviation goes through approximately the same process—or at least something that measures the standards of passenger screening, of pilot identification, what's going onboard—is very much a part of our future. And if it is not, then we're not taking the lessons of 9/11 seriously.

Your comments, sir?

Mr. HAWLEY. Well, I think we agree that we can have no doors completely open. And I know we agree on the topic of—we have to be concerned about other threats than blowing up a plane, other kinds of weapons. And Secretary Chertoff has made it an unmistakable priority at DHS for me and my colleagues at other DHS entities. And so we are looking at what are the steps we take in the short term that would measurably improve security as we figure out the longer-term issue? And I think at the end of that spectrum is the physical screening of passengers getting on GA airplanes.

But there are a lot of security measures, there are security measures in place about security on the ground, but there are a number of gradations that we can ratchet up. And frankly, we plan to over the next year—and are in conversation now with the GA community about—what we can do operationally now as we develop some of the issues going forward.

Senator ROCKEFELLER. But that doesn't really answer my question, and I've overrun my time. So, I'll return to my questioning after Senator Lott has a chance to ask questions.

**STATEMENT OF HON. TRENT LOTT,
U.S. SENATOR FROM MISSISSIPPI**

Senator LOTT. Well, thank you, Mr. Chairman. And I apologize for my tardiness, but we were marking up the small business benefits part of the minimum wage increase and I wanted to participate in that. But thank you for having the hearing, I'm looking forward to working with you on aviation issues.

It's good to see you again, Mr. Hawley, thank you for coming and for the job you've been trying to do. It's not an easy task—everybody's expecting you to do more, sometimes less, improve efficiencies, make us safe, and it's a real challenge.

I don't want to repeat the questions that have already been asked. First, just my continued admonition, and that is to insist that your decisions make common sense, and that your workers use common sense. Because that's the biggest problem I run into sometimes at airports. What goes on just doesn't make common sense in terms of who you check and how they're checked.

I always kind of enjoy the fact that my wife almost always gets snatched out of line, and just to make her madder, I take on down the hall waving at her as I leave, and she doesn't appreciate that. But, you know, from various reasons, for instance, when she's trying to go through the line, her ticket may be in the name of Tricia Lott, but her name, her ID card is Patricia T. Lott. And somehow or other, the person at the counter doesn't get it—that it, you know, look at the picture, yes, it's the same person, common sense is still a problem we run into.

With regard to cargo vulnerabilities, I know you've been working on that. And one suggestion that the Commission made was to have at least one blast-proof cargo container on every passenger plane carrying cargo. I think I understand from the staff, you said earlier that part of the problem is that cargo is on pallets quite often, and you can't get it through a scanner. This makes common sense. Have you looked at that possibility?

Mr. HAWLEY. Yes, sir. There is a pilot ongoing right now on that, and that gets me—we talked a little bit earlier in the hearing—about risk-base. And that is one of the ways we can do it—put in place something more quickly—is to say, for packages that we're more concerned about, we put them in the blast-proof one and that's a mitigation measure.

The issue, of course, is how much they weigh, and it's my understanding there's a new version coming out that would be significantly less in terms of weight, but as good in terms of bomb-proof.

Senator LOTT. Well, composite materials now are much lighter and not as heavy and they're more resistant to blasts.

Mr. HAWLEY. No, it is definitely something that we're looking at, and there is a place for it in the solution.

Senator LOTT. Well, I think Congress is going to be pushing on this subject. We need to try to get ahead of the curve to come up with some improvements there.

Now another area, see, I believe a lot of what we need is technology. We've been slow in moving the technology. I know there's a cost factor—some of the technology is new and unproven, and then you always run into, or sometimes at least, a privacy consideration.

For instance, I understand you're developing the whole body backscatter x-ray imaging systems to improve the detection of explosives carried by passengers, but some people are concerned about privacy requirements. You're trying to address that. I've looked at that technology, and you know, it's pretty amazing how effective it is in how you can pick up even the smallest thing that a person might have in their shoe or on their person. And I know we get into these privacy considerations, but if I run the risk of being blown out of the sky, I might make, you know, a little concession in terms of this.

I realize—look, when it comes physique, I'm embarrassed by what the scanner shows. I mean, I look pretty pitiful. But again, I think your specifications don't cover the field of technology. I think this is a technology that we need to move aggressively to. So how are we doing on that?

Mr. HAWLEY. Well, we've got two major suppliers, both of whom are, you know, in a horse race, so to speak. But that gives some competition to the marketplace, and we're testing one of them in Phoenix—actually we're testing it now, although not actually running people through. We're testing the operation capability, the power needs of it, how much does it weigh, where do you put the resolution. So, we're actively pushing that now, and that will be in operation in Phoenix. So, we are moving forward with it on operational testing.

Senator LOTT. That's good, but I think you need to move more aggressively. I mean, I was looking at this technology back in the summer. It's there, it's available now, we're using it at our—or that type of technology—at our ports. I just, you know, you need to move more aggressively on some of this stuff. Because your biggest cost is the manpower cost. We're not going to continue to give you the money you've had. We're going to expect you to do more with less and less people, and you're going to have to use technology to do that. So, aggressively pursue the technology.

I don't know what the technology is, but I don't understand why it's taking so long to implement a program I believe you said you were going to do a year or so ago. With regard to—I call them frequent flyers—you pay \$100, now I understand you've got, it's working, a pilot program at two or three places—

Mr. HAWLEY. We're done. You were unmistakable last year in this and TSA has done its part. It's now up to the airports. So the program is now available to move forward as the private sector wishes to proceed. TSA has done all that it's got to do on it, and we're just—we're ready, and we've got one operating in Orlando, and there are others that are opening, I believe, this week.

Senator LOTT. And it's \$100—you have to undergo the check, and you have to pay a \$100 fee or whatever?

Mr. HAWLEY. Well, TSA says, "We're going to run a background check and we're going to charge you \$28 to do that." Whatever they sell the card for is somebody else's call. Our part of the cost is \$28.

Senator LOTT. Now, what are you saying here, that it's really up to the individual airport authority?

Mr. HAWLEY. No, it's a private—yes, it is up to the individual airport. But it's a private sector-funded program.

Senator LOTT. I don't understand why you wouldn't want to do this. I mean, that's one way of thinning out these lines and getting a check on people. Why are you saying, "do it if you want to"? I mean, this is something probably we should do.

Mr. HAWLEY. Well, it gets to the security value of that particular background check. And, we've got 60 million people a month coming through, and it doesn't quite get us to the level of comfort that we could radically change the checkpoint process for the Registered Traveler. When, hopefully, we get to that point, I think it will be a slam dunk in terms of its cost justification. But for us right now

on the security front, it doesn't offer enough of a benefit to do less security than we now are asking.

Senator LOTT. Well, we continue to need to do more and to do a better job. It continues to be an unbelievable hassle at the airports. And it's an area we're concerned about, because it is a place where we—we're standing in line. And if people recognize Senator Rockefeller, for example, they begin to explain to him why they're mad about it. And so, we're going to be mad at you until you help us deal with that constituent complaint.

And I do understand that it's been difficult, it takes time, it takes money, but I do think technology is a key to the solution. And we need to move a lot faster in that particular area.

Thank you, Mr. Chairman.

Senator ROCKEFELLER. Thank you, Senator Lott.

Let me just pick up on that, technology versus people. I'm not sure that the right answer always comes down to technology. In other words, as you indicated in your testimony, there's nothing better than the human brain. There's nothing better than somebody being able to look you in the eye and figuring out what you're about, reading your body language. And you may have nothing on you that's detectable, but the person may just figure you're something of a risk and take you out of line and look at you further, and often nothing will come of it, but I feel comfortable with that.

Now, I go through your puffer system or whatever else, and I'm impressed with that technology. It's sort of a "gee whiz" type thing, and it seems to work. On the other hand, it breaks down quite a lot, it's very expensive, you can't get them all over the place. So, just take the question of people versus technology. One thing you don't have a lot of is money, and I remind all as I always do—and Senator Lott knows far better than I do—that your testimony has been screened by OMB. And therefore, you know, you sometimes can't speak as freely as you want to, and that's just the way the system works. I regret it under any administration, but that's the way that works.

Can you reflect with me, just a little bit, philosophically on people versus technology? There's a madness and a love of technology in this country, and I think it's the only thing that can get the job done in some cases. And, I think, sometimes it can't read things that people can.

Mr. HAWLEY. I think where technology is an accelerator, that's where we need to focus. And one of the issues that we have is that a lot of the technology that we buy now is new and that it is when it is most expensive and least reliable. And when we get further down the technology curve, that's where the real payoff comes. And, I think, the technology solution is indispensable. I think the people part is also indispensable—that a lot of the technology is single-purpose, or focused on a particular thing. And as a number of the Senators have mentioned, we want to be able to address threats that weren't yesterday's threat. And the people—finding somebody with hostile intent—is a critical component of that.

And what we've done—nobody else sees 700 million people a year up close the way we do. So, to take advantage of the fact that we're interacting, and bring the behavioral science—that science—to the fact that we have people already at the airport, who we are already

paying to elevate the capability, and then let them use common sense.

And I think one of the biggest changes we've made in the last year was during the liquids thing—everybody was focused on the baggie. But we did go to exactly the common sense security that, Senator Lott, you've mentioned before, to give discretion for common sense to the front-line officer. And that is a major cultural change from going to a checklist orientation—where you have to do exactly this and you'll get punished if you don't, to "Here, you're trained, this is a threat that could come in a lot of different ways. You make a threat assessment, based on your common sense." So, I think the human intuition is immediately available—we are using that in training. So, for the next 2 years, I think that is likely to be the bulk of it. And then, as the technology moves on the technology curve—which is probably a year and a half, 2 years out—that will then tilt the balance.

Senator ROCKEFELLER. Let me get back to the general aviation situation.

I indicated I didn't think you'd answered my question. And it may be that you can't because, again, because of security, I don't know. But let me just ask it more simply: If three-quarters, approximately, of airplanes in the sky at any given moment during the course of the day are general aviation, and so much of our resources—or virtually all of our resources—are going into the other 25 percent. There is nothing written in the book that says that a small jet or some large propeller plane or a single-engine plane can't do catastrophic damage. Now, it's a question in some cases of fuel—the larger the plane, the more fuel, therefore there's an instinct to go to the larger plane because it will carry more fuel. And the other one would be—a smaller plane could be carrying something which was an explosive device that had nothing to do with fuel, but had its own timing system and all of the rest of it. What, in fact, is being done by the general aviation community, in your judgment, and what do you think that we need to do, if you have the resources? No—what do we need to do as a government in terms of general aviation? And do you have the resources to do the Government's part?

Mr. HAWLEY. I do understand your question, and I don't think there is a—there's not a classified problem—so if I'm not answering, it's not that.

I know what you're talking about, I think it is something we take very seriously. Secretary Chertoff has it very high on his radar. And so our approach is, "Let's get incremental,"—we've got to do a serious job of securing that so-called supply chain, as well as the other.

And it is a very different, different bird, as you say, given that there are many, many, many small—and we've started with the approach of securing the physical airport itself. We also screen the pilots, individuals who are certified to fly them. And we're getting at it from that perspective.

The question we need to work out with the community is, what is the security benefit of screening every individual passenger in some format? It's sort of like hazmat trucking, that if you say terrorists are only going to use trucks that are certified for hazmat,

then you're not cognizant of the fact that, well, heck they could go steal one that's not hazmat and put hazmat in it because they're not afraid of violating the law. So, you have to, you have to look at, at the whole picture.

And I would expect that we'll have a more robust plan to come back here to you with, it's something we're working on now, we're studying that through 2008, but we absolutely understand the other point that, that you were making.

Senator ROCKEFELLER. But it's three-quarters of all flights. What is the difference between me—if I were to be some danger—getting onto a commercial flight, which is 25 percent, or getting onto a general aviation flight, which is 75 percent? Why would one be locked down completely? And I think you've done a very good job at increasing security and making it—I've been very impressed by your screeners. I don't understand how they've gotten better. It's too easy to say that they have gotten better. I think you're right—they're both polite and they're tough. And, yes, lines have been sometimes, and that's part of what security's about.

But the 75 percent—if an enemy, particularly an Al Qaeda-type enemy—they always look for the soft places. Now, they look for the dramatic places—the Twin Towers—or they look for the soft places. One of the two. General aviation is one of the soft places.

Mr. HAWLEY. OK. Secretary Chertoff's risk basis—you've got the large aircraft for use as a weapon, use it as—blow it up. One of the impacts on the “blow it up” is on the total network. So that if aircraft are being attacked by terrorists, that will have an impact on the total network of commercial aviation, and less so—less network effect in general aviation.

So, in terms of differences, there isn't—apart from those which you already addressed—that would be the principal difference. So while they're numerically more, their network effect is less. But then when you go to your other payload—so to speak—scenario, then that pops up on the consequence chart of very, very high, and that—that is the piece of general aviation that we're focused on, is to hit that high consequences piece.

Senator ROCKEFELLER. What should they be doing?

Mr. HAWLEY. The basics of securing the aircraft, observing anything out of the ordinary—all of those basics are remarkably effective, at virtually no cost. So that is the basic.

We're doing more in the screening, we're doing more vetting of the FAA lists, so we have a certain requirement that is, maybe yearly, but we're doing it much, much more than that. So, we're able to catch if anybody has changed on the list from when it was originally done.

So there will be a big cliff when it goes from those kind of solutions to the, “OK, now we gotta physically screen people who are getting onboard the flight.” So, there is a classified element of this, but I think you've posed the policy issue squarely, which is: We can do the things that are relatively easy and not expensive, but there is a big next step that will cost to take. And I think that is—that's the issue that you're highlighting.

Senator ROCKEFELLER. Is your expectation that we will come to that point within the next several years?

Mr. HAWLEY. You know, I don't know on the issue of passenger screening. If it turns out that that is the way to address the high consequence, then absolutely. But what we're going to figure out, what we're working on, is how do we address the high consequence if it's screening? If it's something else, then that's where we'll go.

Senator ROCKEFELLER. OK. A final question, and I have some that I want to submit to you and I have one announcement that I have to make.

With respect to the screeners, I'm actually—it's a quizzical matter. Because I can remember, we started with one set of screeners, and then we made a very large change, and many of them left, and new ones were brought in, and there wasn't really any difference in the quality of their work—this was some time ago.

Now, suddenly, things have gotten a lot better. Now, what do I mean by that? What I mean is, that they take their time, they're polite. That if you have a three-ounce or less bottle of fluid, they find that in their screening devices. Even if it's in the carry-on bag, they find that, they take it out. They say, "This is OK but it should be in a plastic wrapper," and in other words, that kind of care is, to me, very obviously present now.

But I would suspect that, if TSA were to take a group of their employees, and to send them through the screening process with, you know, malevolent material on them, that a lot of them would get through. And I suspect that would be the case.

So, the question is, when you're talking about improving their nature—I and others can be, you know, we can be persuaded by the friendliness, the toughness, the precision, their patience—all of those things which I think are remarkable—politeness which is very, very hard at the end of the day. But, in the final analysis, if the sort of the quiet testing that I'm sure goes on in TSA—running people through, deliberately carrying things that should be caught, and sometimes aren't caught or often are not caught, then that's a very different result.

Mr. HAWLEY. Totally agree. We are—we have the base level of testing that everybody's familiar with in terms of the x-ray tests, and we do covert testing. We also do take the security officers and have them do exactly what you described, sometimes at other airports where they're not recognized.

But we are rolling out a program in 2007 that is directly related to that, in terms of doing the IED component test kits. To have them deployed at the check points, where they will work with them all day and test, and peer test, with each other. It is the ability to find the detonator, the individual piece of an IED, that is the standard.

And that's the principal thing that's changed since before 9/11. Is that now it is, a very tough standard. But the training is far advanced, and I believe our workforce steps up to that. But we're—one of the reasons that we're deploying these kits in a widespread manner is to be able to build up the database. Because when you do individual covert testing, you know, in a system like ours, you're not statistically significant. So, if we can get out twelve or fifteen hundred of these and build up the test scores, then we really can come back here with statistically significant data that will be able to demonstrate progress, or non-progress.

Senator ROCKEFELLER. All right. I have five more questions which I'm going to submit to you in writing, but we've been joined by Senator Carper. And I want to welcome you, Senator Carper, to the Committee. You're a superb member, even though you haven't opened your mouth yet, because I know you very well, and you were born in West Virginia, which gets you a few extra points. And we welcome whatever questions you may have.

**STATEMENT OF HON. THOMAS R. CARPER,
U.S. SENATOR FROM DELAWARE**

Senator CARPER. Thank you, Mr. Chairman. I'm honored to be here. Maybe I shouldn't open my mouth, and then people will think I really know something.

This falls under the rubric of "all politics is local," but in my state, one of the issues I focus a fair amount on is affordable housing. I'm a huge proponent of home ownership. And one of the companies that's been especially supportive of that over the years is a company called Leon Wiener and Associates.

Leon Wiener, who is the founder of the company, passed away a couple of years ago, and it's now run by a fellow named Kevin Kelley.

Kevin's a name as close to that of somebody that's on a watch list from the IRA, and for some time, when he's gone to the airport to catch a flight to go to one place or the other, he ends up not getting to fly, or at least delayed.

I don't know about you, but when I go to airports—and Senator Rockefeller, this may be for you too—I usually get there in a hurry, I don't have much time to go through the screening. I do, like everybody else, but it's a rush situation. And I'm trying to make my flights, and make my connecting flights, and I can't imagine what it's like to be who you are—who you say you are—actually be an upstanding citizen within your state, and to face these delays over and over again.

He's not the only one. He's not the only one in my state, and I suspect you heard from others. I'm told Senator Lott may have talked about his wife this morning facing a similar situation.

And as, on the one hand, we try to be careful and cautious and enhance security on our flights, we also want to do whatever we can to make sure that we're not inconveniencing—needlessly inconveniencing—people. Like, whether it's Mrs. Lott, or whether it's Kevin Kelley, or a whole lot of other people.

I suspect you already responded to this question, this issue, but for me—would you just restate what, what we're doing to get this resolved, and soon?

Mr. HAWLEY. Sure. First off, I do understand that it is a pain for an awful lot of people, and that is something that I hear about a lot, and it's something that we work on a lot. And so, I guess I understand the question.

The answer is, that in the next year we will get Secure Flight deployed, and that problem will then go away.

Senator CARPER. When you say next year—early next year? The middle of next year? The end of next year?

Mr. HAWLEY. I would say by New Year's Eve is what I would sign up for, and then whatever we can do faster. It would be de-

pending on the comments that we get. This is principally the notice of proposed rulemaking (NPRM), and the comment period, and what comments we get, and how long that takes.

Senator CARPER. I want to make sure I understand it. When you say by next—by New Year’s Eve of this year?

Mr. HAWLEY. Of 2008.

Senator CARPER. So that would be almost 2 years away.

Mr. HAWLEY. That’s, yes, so. Let me go back to the—so, that brings up the question: OK, that’s a long time—what are we doing about it in the meantime?

And the first thing we’ve done is scrub the list. And we’ve gone over every name on the No Fly List. And we’ll have that review complete here in the next couple of months, and that will reduce the No Fly List to the bare minimum of people who really, really today represent the threat. And that’s going to be on the order of magnitude of about a half. So that itself will reduce the problem.

The second piece is redress, where we now have gotten the process from a paper, 60-day process, to an electronic 10-day process to get on the cleared list, where we circulate to the airlines and say, “Hey, this is the guy who’s not the terrorist, let him go through.”

The problem that your friend is having—and a lot of people are having—is that there are different airline systems who are able to use the cleared list in—to different degrees of effectiveness. So, the problem is isolated to, “Can I get my boarding pass at home, or print it off at the kiosk?” Those are the two areas where you’re impacted. So, if the airline can’t clear you in their system, those are the two places it fits. And the trade-off for that is, we have a very good system of keeping people who are on the watch list off planes.

Senator CARPER. What do we need to do to help expedite this solution?

Mr. HAWLEY. I think a lot of the responsibility, frankly, is on TSA to prove that the privacy protections are robust and real. And I think a lot of questions have been raised as to our trustworthiness on that. And that’s where we spent a large part of the last year—re-baselining, rebuilding the program. So, we’ve now done it to our satisfaction, and now comes the process of convincing GAO and the public that it is as robust as we think it is.

Senator CARPER. Second question. In Northern Delaware we have an airport, it’s about 30, 35 miles away from Philadelphia International. Philadelphia International is one of the busiest airports in the country now, and frankly one of the airports with the longest delays. They have huge problems with congestion, there are airplanes trying to get in and out of Philadelphia.

With that in mind, at least one national carrier—international carrier, Delta, has decided to operate flights out of New Castle County Airport, just south of Wilmington, Delaware to provide the direct flights to Atlanta. And the service is actually quite well-received, and our expectations is that they’re probably going to build on that.

But getting federalized screening at the airport has been—as you may know—difficult. And I just want to ask, what was the reason for the initial decision not to federalize the airport in time for the start of passenger service to Atlanta? Any ideas on that?

Mr. HAWLEY. Yes. It is a widespread issue for us. It does get to the resource base of saying, at what point are we deploying further TSA screeners around the country to smaller airports? And what we find is that when we do that, service is initiated—a lot of times service then decreases, or leaves, and then we've got our TSA people stuck there. And the really hard problem is when it's reduced, because you can't pull them out totally, and once you federalize, it's hard not to.

So, we're looking—and I'm familiar with Wilmington—but as an overall system, one of the things we've talked to airlines and airports about, is using the privatization option for the smaller airports, where you can have an arrangement with your local sheriff, or other local people, where we can deputize to do the screening. And that way we don't have to put full-time TSA people, but you still get your federalized screening, and can fly into the sterile area, the big airports. So, I think that is a very promising way to deal with it that doesn't drain TSA resources, but keeps the security.

Senator CARPER. My time's expired, I'm going to submit one, at least one question for the record, just to follow up on private—

Senator ROCKEFELLER. Go ahead, Senator. Take your time.

Senator CARPER. OK, thank you.

When it appeared that the New Castle County Airport would not receive TSA screeners, apparently they explored contracting with a private company. And I'm told that bids were tough to come by because of the small size of the service needed, as well as, I guess, liability issues that were raised. And so, I'll just go back at this a little different way and ask, how has the TSA addressed the problem that we faced in Delaware when looking to contract security? And what, if any, changes have been made?

Mr. HAWLEY. Well, we just announced one in New York where it was a three-party deal, and that's what we're looking for. And if the bid is—"find me an agency to bid on it," that's going to be harder than, "find me some off-duty police officers who are going to be around the airport anyway," and we can, you know—they can earn a little extra money and provide additional service.

So, I think that the second—identifying individuals who are in the community anyway is a profitable way to go. So, Mo McGowan right here, runs that part of the world, so we'll go huddle after this.

Senator CARPER. Say the name of the person again?

Mr. HAWLEY. Mo—

Senator CARPER. Mo—

Mr. HAWLEY. McGowan, over there in the red tie.

Senator CARPER. Thank you, thanks so much. Thanks, Mr. Chairman.

Senator ROCKEFELLER. He probably has problems going through passenger screening, too.

Senator CARPER. With a name like Mo McGowan, do you think?

Senator ROCKEFELLER. Yes.

Senator CARPER. I hope not, because it's a theme. Hey, Mo. No, Mo.

Senator ROCKEFELLER. I guess the final words I'd say is that, there are a lot of things we have yet to discuss. And you will—I

hope you'll answer my questions, and I hope we'll continue meeting.

I think it needs to be said that—at least in this Senator's judgment—you're doing an extremely good job. And the relationship between leadership over at TSA, and what happens at TSA, is obviously enormous. In that 9/11 could be repeated in some form almost any day, again, there's an instinct on our part to push, to push, to push. And I would just say that as we're pushing, it would be my feeling that you're trying to do as much as you possibly can. But for heaven's sake, don't bypass anything.

If it takes me missing my airplane or somebody having the wrong name and not being able to get on, then let that be as you work out the wrinkles in that system, because it has to be as flawless as it can be.

Final question—are there any areas—I mean it is generally understood in the Congress that there's been so much attention on wars overseas, and not really enough attention on the war on terror overseas, or the war on terror and what it could do in this country—and that is where Homeland Security as a department comes in. I think Michael Chertoff is doing a very good job, however, I think there's universal agreement that Homeland Security is underfunded. And I think it's incumbent upon those who come before us to tell us if they think some part of their part of that program is being underfunded. Because the security of Americans is far more related to the work of Homeland Security than it is to what's going on in Iraq. At least that's my point of view.

So, if you put yourself at the top of the heap, then you've got to be aggressive about asking for funding where you think you don't have enough. Senator Carper indicated that, "Gee, that's 2 years away." Maybe it's really important that it be 1 year away, and it could be if you had more funding. Or maybe it's not because you're simply working on technology and the rest of it. Could you be forthright with us on the matter of adequacy of funding, or not?

Mr. HAWLEY. Yes, sir. And I believe all the pressure I get from Secretary Chertoff is along the lines you mentioned of—it's security first, this is the mission and we've got to be direct—and to me saying, "You've got to be direct in saying this is what it takes to do this." And then have the discussion up front that says, "Do we want to do it or not?" And if we're going to do it, we've got to fund it. So, clearly that is the philosophy of the Department.

On Secure Flight, we are looking at exactly that question, what would it take to move it up significantly from what I've just described? And budget is not in that discussion yet. So, we're going to figure out what it is, and then we'll have the budget conversation.

So, and particularly on the issue of TSOs, we're dialed into that as well. So, we will be candid on that—there are obviously budget requirements that we respect, and I know the Congress respects. So—but it's a policy issue, and we will certainly surface those issues.

Senator ROCKEFELLER. That's very important. And I thank you very much for your appearance.

I wish to say, on behalf of Chairman Inouye, that our next hearing is at 10 a.m. on Thursday, January 18th, and it will be on surface transportation security. Thank you, Mr. Hawley.

Mr. HAWLEY. Yes, sir. Thank you.

[Whereupon, at 11:48 a.m., the Committee was adjourned.]

A P P E N D I X

NATIONAL AIR TRANSPORTATION ASSOCIATION (NATA)
Alexandria, VA, January 17, 2007

Hon. DANIEL K. INOUE,
Chairman,
Hon. TED STEVENS,
Vice Chairman,
Senate Committee on Commerce, Science, and Transportation,
Washington, DC.

Dear Chairman Inouye and Vice Chairman Stevens:

The National Air Transportation Association (NATA), the voice of aviation business, is the public policy group representing the interests of aviation businesses before Congress, Federal agencies and state governments. NATA's 2,000 member companies own, operate and service aircraft. These companies provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry providing services to the general public, airlines, general aviation and the military.

On behalf of NATA and its 2,000 members, I am writing to express concerns with legislation that would have a significant negative economic impact on hundreds of aviation ground service providers across the country. H.R. 1, passed by the U.S. House of Representatives last week, includes a provision that would direct the Department of Homeland Security to issue a rule that would require the screening of all air cargo carried aboard passenger aircraft within 3 years. Such a requirement, without significant increases in Federal funds to accomplish this goal, will lead to unbearable increases in costs for companies who provide ground support to commercial air carriers.

The language included in H.R. 1 constitutes an unfunded mandate, and represents a dramatic reversal in current DHS policy, which assesses security initiatives through a risk-based approach. Currently, technology does not exist that would allow all cargo carried aboard passenger aircraft to be screened in a manner that does not significantly disrupt the flow of commerce. Before directing airlines and ground service providers to comply with such a massive initiative, Congress must first invest in technologies that will streamline the cargo screening process. An across-the-board proposal to scan all cargo within such a small time-frame, however, directs vital resources away from critical DHS programs, forcing the Department to spend a disproportionate amount of time on one particular aspect of aviation security.

I am pleased that the Senate is taking a different approach from the House to such important legislation, starting with today's hearing regarding the recommendations of the 9/11 Commission. The legislation considered in the House was passed with no committee input and no opportunity for amendment. It is imperative that such a vital piece of legislation go through the standard legislative process, so proposals can be properly vetted and examined, and other alternatives can be debated. Today's hearing regarding the recommendations of the 9/11 Commission is a step in the right direction.

As the Committee on Commerce, Science, and Transportation begins discussion today on improvements to aviation security, I ask that the Senate take a more reasonable, risk-based approach to improving air cargo security. Aviation ground service providers are eager to assist in developing reasonable, long-term solutions to improving all aspects of aviation security, including further measures to secure air cargo aboard passenger aircraft. The best long-term solution to screening air cargo should begin with Federal investment in technologies that will make cargo screen-

ing more precise and more efficient. Should Congress direct the Transportation Security Administration to increase the amount of air cargo screened, those increases should be directed based on risk rather than a “one-size-fits-all” solution, and they should be accompanied with appropriate Federal funds to allow airline service providers the opportunity to invest in additional infrastructure to meet the needs of the new requirements.

Thank you for your attention to this important issue.

Sincerely,

JAMES K. COYNE,
President.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. INOUE TO
HON. EDMUND S. “KIP” HAWLEY

Question 1. The Government Accountability Office (GAO) has recommended that the TSA assess the feasibility, expected benefits and costs of replacing Explosive Trace Detection (ETD) machines with stand-alone Explosive Detection System (EDS) machines for primary screening. Has the TSA completed such an assessment?

Answer. In February 2006, the Transportation Security Administration (TSA) delivered to Congress a Strategic Planning Framework for the Electronic Baggage Screening Program (EBSF). This framework details TSA’s long-term planning philosophy for the development and implementation of optimal baggage screening solutions at the Nation’s top 250 airports, where over 99 percent checked baggage originates, and currently guides TSA’s investment and deployment decisions. The plan does include replacement of ETD with EDS at many medium and small airports. However, the volume of checked baggage at the remaining airports would not support the capital investment that would be required for an EDS installation. The plan examines a variety of baggage screening configurations and matches those configurations to airport operational designs and needs.

The plan also includes the following key elements:

- Funding prioritization schedule.
- Deployment strategy (includes a strategy to expedite the deployment of in-line EDS systems, where an in-line solution is appropriate to an airport).
- EDS life-cycle management plan.
- Stakeholder collaboration plan.

Question 2. When does the TSA anticipate completely phasing out ETD machines at all but the smallest airports?

Answer. In February 2006, the Transportation Security Administration (TSA) delivered to Congress a Strategic Planning Framework for the Electronic Baggage Screening Program (EBSF). This framework details TSA’s long-term planning philosophy for the development and implementation of optimal baggage screening solutions at the Nation’s top 250 airports, where over 99 percent checked baggage originates, and currently guides TSA’s investment and deployment decisions.

The plan does include replacement of ETD with EDS at many medium and small airports. However, the volume of checked baggage at the remaining airports would not support the capital investment that would be required for an Explosives Detection System (EDS) installation. Explosives Trace Detection (ETD) equipment would remain at these airports as the primary checked baggage screening solution. Additionally, ETDs would remain at airports with EDS solutions for secondary checked baggage screening. The plan estimates that by 2019 the optimal screening systems will be installed at all airports.

Question 3. What level of staff savings have been achieved since March 2005 from replacing stand-alone EDS machines with in-line EDS machines?

Answer. The Transportation Security Administration (TSA) has identified six airports that converted to in-line baggage systems during this period: two Category X airports (Hartsfield-Jackson Atlanta International Airport and McCarran International Airport), three Category I airports (Austin-Bergstrom International Airport, Bob Hope Airport, and Metropolitan Oakland International), and one Category II airport (Richmond International Airport).

The aggregated Full Time Equivalent (FTE) reduction from Staffing Allocation Model (SAM) 2006 to SAM 2007 is 318 FTE. Of this number, 60 percent left the TSA workforce through attrition. The remaining positions, based on historical rates, should leave by the end of the Fiscal Year 2007.

Question 4. How is the TSA selecting and prioritizing its R&D projects for aviation checkpoint security?

Answer. The Transportation Security Administration (TSA) uses a risk-based approach to identify its Research & Development (R&D) requirements. TSA assesses its current capabilities and the effectiveness against identified risks, including an assessment of the latest intelligence information. The primary focus for R&D efforts related to checkpoint security technology has been to increase explosives detection capabilities. Working with the Department of Homeland Security (DHS) Science and Technology Directorate (S&T), TSA ensures its R&D priorities are incorporated into the overall DHS R&D program.

Question 5. Do you have any specific evidence or statistics demonstrating that the investment in R&D for checkpoints has been effective and has addressed the highest priorities?

Answer. The Transportation Security Administration (TSA) has identified the need for technologies and procedures that will assist in the identification of explosives. This is the highest priority for aviation checkpoints, and TSA has been working with the Department of Homeland Security, Science and Technology Directorate (DHS S&T) to address this priority. The development of technology solutions has been challenging, in that the systems must be able to effectively detect explosives and ensure that the flow of passengers is not delayed. TSA believes that previous investments in the area of R&D will support a significant increase in systems deployable in Fiscal Year (FY) 2007. For example, one of the solutions to be evaluated is technology to support the identification of those who might portray "hostile intent" as they approach the screening process. Use of closed circuit TV cameras, along with individuals trained in recognition of signs of "hostile intent," will allow TSA to direct those individuals to a more intense screening process.

Question 6. Are these priorities being acted on by the Department of Homeland Security (DHS) Science and Technology Directorate (S&T) and the Transportation Security Lab?

Answer. The Transportation Security Administration (TSA) has been working closely with the Department of Homeland Security, Science and Technology Directorate (S&T) to prepare several new technologies for operational testing and evaluation (OT&E). With the continued lab support from DHS S&T, TSA has recently initiated an OT&E pilot using whole body imaging systems and will soon be initiating OT&E pilots using cast and prosthetics scanners for people, as well as bottled liquid scanners, automated explosives detection systems and advanced x-ray technologies for carry-on items in Fiscal Year (FY) 2007. Efforts undertaken by S&T to identify a method to detect the possible presence of "hostile intent" within the population approaching the screening process will afford TSA another potential solution to support a systems approach to security screening.

Question 7. What is the status of the rapid-response task force convened by Admiral Jay Cohen, Under Secretary of the Science and Technology Directorate, to address the detection technology gap exposed by the foiled liquid explosives plot in London?

Answer. Based on the Department of Homeland Security, Science and Technology Directorate's (S&T) ongoing efforts, the Transportation Security Administration (TSA) will begin conducting airport demonstrations using bottled liquid scanners in the coming months. TSA and S&T will share performance data gathered during these demonstrations to determine the extent to which a technology solution is ready for wide-scale purchase and deployment. While these demonstrations are underway TSA continues to implement several security procedures that address the vulnerability identified by the incident in London including the limitation of the amounts of liquids that passengers are permitted to carry on-board an aircraft.

Question 8. What is the status of the DHS testing efforts—through the Transportation Security Lab—to develop a liquid explosive detection technology, and what steps has the TSA taken to address this vulnerability?

Answer. Based on the Department of Homeland Security, Science and Technology Directorate's (S&T) ongoing efforts, TSA will begin conducting airport demonstrations using bottled liquid scanners in the coming months. TSA and S&T will share performance data gathered during these demonstrations to determine the extent to which a technology solution is ready for wide-scale purchase and deployment.

In the interim, TSA has implemented several security procedures that address the vulnerability associated with the identification of liquid explosives. Beginning August 10, 2006, TSA implemented restrictions on the carriage of liquids, gels, and aerosols into the sterile area and onboard aircraft. Except for exempt items (baby formula/milk/breast milk/food, medications, and liquids/gels required for medical purposes), all liquids, gels, and aerosols must be placed in travel size containers (3.4 oz/100ml) that fit comfortably into a single, sealed, quart-size plastic bag. All liquids, gels, and aerosols (including exempt items) are x-rayed and physically exam-

ined by Transportation Security Officers (TSOs). Additionally, randomly chosen samples of passengers' quart-size plastic bags are subjected to screening using explosives trace detectors (ETD) at each checkpoint. New training requirements have been established to cover the additional screening procedures associated with this threat.

TSA uses a layered approach to security at checkpoints, and technology is just one component in the strategy. TSA has modified existing technologies and developed procedures at the checkpoint to successfully detect explosives. Key to the successful detection of explosives is the TSOs. TSOs have received training in explosive detection and have demonstrated proficiency. On the personnel front, TSA has invested resources in developing, implementing, and training TSOs in order to augment the current technology available. On the technology side, we have made modifications to the technology. Therefore, existing technology solutions are being used more effectively and efficiently to meet TSA security goals through better trained TSOs and equipment modifications. The prohibited items list was modified to reduce the number of items TSOs are looking for to allow them to concentrate technology more on explosives. TSOs are also trained in behavioral recognition and bomb appraisal. Canines provide a visible, unpredictable deterrence in and around the checkpoint and also have detection capability. All things considered, TSA has successfully deployed checkpoint technologies to address vulnerabilities in a layered security system.

Question 9. Could you update us on the status of any plans the agency has to lease equipment, rather than buy it, and the impact that leasing may have on the cost of acquiring and maintaining screening technologies over time?

Answer. The Transportation Security Administration (TSA) worked in collaboration with aviation industry stakeholders to develop a cost-sharing formula that reflects the benefits each party derives from the installation of the optimal baggage screening solution, including national security benefits and labor and other cost savings. The Baggage Screening Investment Study (BSIS) was sent to Congress in February 2007, which TSA is now evaluating. In addition to the recommendations in the BSIS, TSA plans to continue to engage industry and the Administration to examine various leasing and service contract options to potentially reduce the Federal burden of purchasing and maintaining explosives detection systems (EDS).

Question 10. The GAO has reported in the past that the TSA's coordination with other Federal agencies and outreach to transportation industry association stakeholders has been limited. What actions has the TSA taken to improve coordination with the aviation community?

Answer. In an effort to centralize and improve the Transportation Security Administration's (TSA) outreach efforts to the transportation industry and create a focal point for inter-agency coordination, the Office of Transportation Sector Network Management (TSNM) was established in late 2005. With ten distinct transportation modes identified within TSNM, three were specific to the aviation sector: Airlines, Airports, and General Aviation. In addition, TSNM-International works closely with the aviation community. General Manager (GM) positions were created to lead each office to improve communication and present a more consistent and focused message to both industry and other government agencies. They are charged with conducting outreach and participating in a variety of industry sponsored events.

TSNM-Airports maintains a high profile with its stakeholders, including those within the Federal Government, at other levels of government, and among its industry stakeholders. In particular, with a population of over 450 regulated airports of varying sizes and complexities under its purview, TSNM-Airports has established a robust and effective partnership with several key commercial airport industry associations, including the Airports Council International-North America and the American Association of Airport Executives. Through daily contacts, TSNM-Airports communicates timely information effectively among the full range of industry stakeholders. Aside from the ongoing daily dialog, TSNM-Airports conducts a monthly conference call from TSA Headquarters offices in Arlington, Virginia, attended by representatives from both associations. These calls typically include the participation of 90 to 100 Airport Security Coordinators (ASC) from all major airports around the Nation. TSNM-Airports uses this process to regularly inform the associations and the airport community of pending regulatory changes through the issuance of security directives and to provide updates on TSA programs being implemented at airports. Additionally, TSNM-Airports coordinates and manages meetings between Airport Directors and senior TSA leadership on issues ranging from financial reimbursements, technology requests, TSA staffing, and future terminal design and construction work.

As the TSA spokesperson to the airport community, TSNM-Airports participates in frequent industry-sponsored conferences, meetings and seminars to keep the community apprised of operational issues, policy guidance, and future plans. These opportunities are an excellent forum to provide a large audience with the TSA's strategic vision and to meet individually with specific airport representatives. Some of the issues brought up by the airports include leased space and potential pilot programs. TSNM-Airports works with other offices within TSA on these issues and provides timely and accurate feedback to the airports. TSNM-Airports meets regularly with the Airport Associations Board of Directors and Senior Security Directors. These meetings allow Directors to broach specific, technical issues and to brainstorm ideas. They also provide a forum for them to address issues regarding current policies.

On several occasions, senior Airport Directors and association managers have been invited to participate in classified threat briefings. These briefings outline the current threat situation and threat streams and provide a discussion of TSA's plan to counter the threat. Attendees must possess a Secret security clearance, which TSNM-Airports helps them acquire.

TSNM-Airlines works daily with stakeholders to develop and maintain close and effective working relationships with air carrier security directors and the major airline associations including the Air Transport Association (ATA), which is the primary trade and service organization of the U.S. airline industry. ATA represents over ninety percent of U.S. airline passenger and cargo traffic. TSNM-Airlines also has extensive knowledge and close relationships with the other four major airline associations in Washington, D.C., including the Air Carrier Association of America, which represents low-fare carriers, the Regional Airline Association, which represents regional air carriers, the National Air Carrier Association of America, which primarily represents charter airlines, and, on occasion, the International Air Transport Association, which represents international air carriers. In addition, they have developed effective working relationships with the Air Line Pilots Association, the Coalition of Airline Pilots, the Association of Flight Attendants, and several other aviation union groups. The U.S. Chamber of Commerce and the National Business Travelers Association are business related stakeholder associations with which TSNM is also in close contact to gather industry input and share information with these groups on TSA issues and programs.

TSNM-Airlines consistently partners with other agencies within the Department of Homeland Security (DHS), such as Customs and Border Protection (CBP), as well as the Department of Transportation (DOT) and Federal Aviation Administration (FAA), and works closely with the White House Homeland Security Council on projects such as Homeland Security Presidential Directive (HSPD) 16. To complete planning and implementation of HSPD-16, TSNM-Airlines has worked closely with DHS Offices of Policy and Infrastructure Protection, the United States Secret Service, as well as the Department of Commerce, Department of Defense, Department of Justice/Federal Bureau of Investigation, and the Department of State.

Pursuant to HSPD-7 and the National Infrastructure Protection Plan, the Aviation Government Coordinating Council (GCC) was established as an interagency body to include Federal and State officials with responsibilities that relate to the aviation sector. DHS has designated TSNM-Airlines as the Chair of the Aviation GCC, and in this chair, TSNM-Airlines coordinates with other departments and agencies for the aviation transportation sector. The Aviation GCC has met on several occasions. HSPD-7 called for the establishment of the Aviation Sector Coordinating Council (SCC) to be led by the owners and operators of the aviation industry. It is self-organized and has elected its own chairman. The Aviation SCC is working to institutionalize the private sector's coordination of policy development, aviation sector-wide strategy and planning, and program promulgation and implementation. The Aviation SCC will also conduct sector-wide industry coordination. The Aviation SCC has also met on its own and also met with the Aviation GCC for an initial introductory meeting.

The objective of the Aviation GCC is to work in cooperation with, and as the counterpart to, the private industry Aviation SCC to coordinate aviation security strategies and activities, to establish policies, guidelines, and standards, and to develop program metrics and performance criteria for the aviation mode. The Aviation GCC fosters communication across government and between the government and private industry in support of enhancement of the Nation's homeland security posture.

TSNM-General Aviation (GA) serves as a "one stop shop" for all matters relating to GA security. Due to the breadth and diversity of GA operations, TSNM-GA works in coordination with the industry/GA stakeholder community to develop and implement security programs and policies that are reasonable, feasible, and effective. TSNM-GA, on a regular basis, maintains contact with the 17 GA trade associations

that represent the entire spectrum of GA activities, including the Aircraft Owners and Pilots Association, General Aviation Manufacturers Association, National Business Aviation Association, National Air Transportation Association, and National Association of State Aviation Officials via routine one-on-one meetings and periodic GA Coalition meetings with DHS/TSA leadership. Additionally, TSA interacts with the GA community through participation at trade association conferences, industry events, telephone discussions/teleconferences, electronic dissemination of security advisories, and compliance inspections. TSNM-GA also continuously coordinates with State, local, and other Federal agencies, such as CBP and FAA, on various security programmatic and policy issues.

TSNM-International's outreach to the transportation industry association stakeholders is both global and regionally oriented. On a global scale, TSA meets regularly with the International Air Transport Association (IATA) to discuss, most notably, harmonization of aviation security measures. Outreach to the aviation industry on a regional level has been established through the Association of European Airlines (AEA) in Europe; Association of Asia Pacific Airlines (AAPA) and Association of South Pacific Airlines (ASPA) in Asia-Pacific; Association of Latin American Airlines (ALTA) in the Caribbean and South America. In February 2007, TSNM-International held its first security conference in Miami, Florida, in conjunction with ALTA. The success of this conference has prompted AEA, AAPA/ASPA and IATA to request conferences in their regions, which TSA is already planning.

Question 11. How and when do you plan to certify that Secure Flight has met the 10 mandates Congress required?

Answer. The Transportation Security Administration (TSA) is defining and implementing a strategy for Department of Homeland Security (DHS) certification through close collaboration with the DHS Screening Coordination Office (SCO). Based on the current schedule, DHS certification of the 10 areas of Congressional direction given to the Government Accountability Office (GAO) will be complete in the third quarter of FY 2009, following operational testing with the first groups of aircraft operators. TSA is working closely with GAO to facilitate their review of the program's development. Secure Flight is one of the Department's top priorities, and TSA is continually investigating ways to accelerate the program schedule to allow for an expedited implementation of the system, as appropriate and within established life-cycle cost estimates.

Question 12. At what point in the development of Secure Flight will certification begin?

Answer. The certification process is under way. Progress is being made in each of the ten areas of Congressional direction, with three of the items already completed.

Question 13. Will all mandated areas be addressed simultaneously or do you plan to move forward incrementally?

Answer. The Transportation Security Administration plans to address each of the ten areas of Congressional direction within a time-frame compatible with the schedule for critical program milestones. Progress is being made in each of the ten areas of Congressional direction, with three of the items already completed.

Question 14. What events need to be accomplished before you can certify Secure Flight?

Answer. Final certification of the ten areas of Congressional direction for Secure Flight will occur after parallel operations with aircraft operators are under way.

The table below identifies completion milestones and Secure Flight's current program status for each of the ten areas of Congressional direction.

Number	Condition	Milestone for Completion	Secure Flight Status
1	System of due process (Redress)	During operational testing	Nearly complete
2	System error rate will not produce a large number of false positives	During parallel operations	In progress
3	TSA has stress tested the accuracy of the system	End of system testing	In progress

Number	Condition	Milestone for Completion	Secure Flight Status
4	DHS has established an internal oversight board	Initiation of Investment Review Board (IRB) Reviews	Complete
5	TSA has sufficient operational safeguards to reduce abuse opportunities	Authority to Operate granted	In progress
6	Substantial security measures are in place to prevent hacking	Authority to Operate granted	In progress
7	TSA has effective oversight of the use and operation of the system	Authority to Operate granted	In progress
8	There are no specific privacy concerns with the architecture of the system	Privacy documentation established	In progress
9	Accommodate states with unique transportation needs	TSA Office of Intelligence (OI) assessment of CAPPs changes impact	Complete
10	Appropriate life-cycle cost estimates and programs exist	End of program planning	Complete

Question 15. To what extent is the TSA cooperating with the GAO's legislatively mandated review of Secure Flight, to include providing requested documents and interviews, and keeping them abreast of re-baselining/reassessment efforts?

Answer. The Transportation Security Administration (TSA) has created a document library for GAO to review Secure Flight program documentation. TSA is firmly committed to working with the General Accountability Office (GAO), and has conducted a number of meetings to provide program status as well as to discuss specific topics of interest to GAO. During 2006, TSA was working to re-baseline the Secure Flight program. Now that the re-baselining work has been completed, TSA is ready to participate with GAO in their review of the program.

Question 16. Have you provided the GAO requested information needed to conduct their review, if not, why not?

Answer. The Transportation Security Administration (TSA) is firmly committed to working with the General Accountability Office (GAO) and is working to provide GAO with the information it requires to review the Secure Flight program throughout its system development life cycle. TSA has created a document library for GAO to review Secure Flight program documentation. It was TSA's initial intent to provide GAO with program documents which had been finalized so as to not encumber GAO. TSA has decided to modify this approach and engage GAO prior to the finalization of documentation. TSA will continue to provide GAO with the information needed to support its efforts.

Question 17. What other layers of security are in place to prevent known or suspected terrorists from boarding domestic flights when they go undetected by airlines' name-match screening processes?

Answer. Currently, air carriers are required by the Aircraft Operator Standard Security Program (AOSSP) to conduct name matches to the Transportation Security Administration's (TSA) No Fly and Selectee lists. Along with the name-matching, a passenger may be selected for additional screening based on certain nonidentity factors reflected in reservation information. Once a passenger receives a boarding document from an air carrier, however, no further name-matching security measures exist to identify and prevent a specific traveler from boarding an aircraft. All passengers must go through the physical screening process at the security checkpoint. New measures such as the Screening Passengers by Observational Techniques (SPOT) have also been implemented to identify travelers with nefarious intent.

Question 18. How can the TSA assure the Committee that all airlines are conducting name-match screening against the terrorist watch list with the same level of scrutiny and care?

Answer. Most airlines have incorporated an electronic software program to satisfy the requirements of the regulation to conduct name-based checks against Transportation Security Administration (TSA) watch lists. These systems are integrated into the air carrier's reservation system so that the check is done as a part of completing the reservation. This helps to eliminate the possibility of human error.

Compliance with this regulatory requirement is part of the inspections TSA Aviation Security Inspectors (ASIs) conduct in the field. These inspections are listed as critical in the TSA Annual Inspection Plan, which calls for a frequent review of these measures to ensure continued compliance.

TSA headquarters-based Principal Security Inspectors (PSIs), who are the point of contact for the air carriers' corporate security offices, annually review the procedures used by the air carriers to conduct these checks. One way to verify the process is to have the air carrier create a reservation with the name of an individual on a current watch list to ensure that the process works.

TSA conducted Special Emphasis Assessments on compliance with the No Fly List in June/July 2005 and September 2005. Both sets of tests revealed a 94 percent compliance rate.

There is no incentive for an air carrier not to comply with this process. It is already imbedded into their reservation system. If the automated systems are down and a carrier must process a passenger manually, the expense of having to divert an aircraft mid-flight because the carrier fails to run a passenger against the list is a significant deterrent to non-compliance.

Question 19. Over the past year, what progress has the TSA made in conducting assessments of the threats and vulnerabilities facing critical transportation assets?

Answer. The Transportation Security Administration (TSA) has been working continuously to update and expand its assessments of threats and vulnerabilities in the transportation sector. TSA has been making use of these assessments in conjunction with our security partners in government and industry to mitigate, by "operationalizing" intelligence and addressing vulnerabilities.

Headquarters Analysis

TSA's layered approach to security seeks to identify and deter threats well before they reach the Nation's airports, railways, highways, mass transit, ports and pipelines. Transportation-specific intelligence is critical to TSA's overall risk-based security strategy, and its products provide a threat framework to prioritize security resources and operationalize intelligence. TSA has two operational programs with field units, the Office of Security Operations, which is responsible for both aviation Transportation Security Officers (TSO) screening and surface inspector operations, and the Office of Law Enforcement, which is responsible for the Federal Air Marshal Service (FAM). These elements incorporate intelligence into their operations and plans on a daily basis, acting or deploying on the basis of the latest information.

TSA also coordinates closely and shares information with other Department of Homeland Security (DHS) components, the intelligence and law enforcement communities, other government departments and agencies such as the Department of Transportation (DOT), the Federal Aviation Administration (FAA), and the transportation industry. These security partners both provide intelligence and, especially in industry, are often well-positioned to operationalize transportation-specific intelligence by adjusting their business or security operations.

TSA's Office of Intelligence has produced classified and unclassified annual threat assessments for each transportation mode and the cargo/supply chain sector since 2004. These reports are disseminated throughout TSA, DHS, and private industry. Other Office of Intelligence products include:

- Transportation Intelligence Gazette
- Special Threat Assessments
- Weekly Field Intelligence Report
- Suspicious Incidents Report
- Intelligence Notes
- Transportation Situational Awareness Notes

TSA is also conducting specific analyses related to General Aviation and underwater mass transit tunnels. The General Aviation (GA) Risk Assessment/Throw Weight Study will analyze the damage potential and risk associated with GA aircraft, as well as the threat environment within the National Airspace System. An Underwater Tunnel Working Group was established in October 2006 consisting of members from various DHS and Department of Transportation (DOT) entities. This

interagency team has taken significant steps to identify vulnerabilities of underwater tunnels and has put into place aggressive mitigation strategies to protect high-risk and high-consequence tunnel infrastructure in both the short and long term.

Field Assessments

At the field level, TSA conducts various assessments which are either explicitly vulnerability assessments, or at least provide vulnerability-related information. In all cases they further TSA's risk-based security strategy and are described below.

Corporate Security Reviews

A Corporate Security Review (CSR) is an assessment tool that evaluates corporate level security policies, practices, and procedures. Specific CSR evaluation criteria have been established for the pipeline, rail, and highway modes. The CSR criteria identify a desired baseline of security for a company; and the accumulation of individual assessments establish an actual baseline in a given industry or mode, as well as potentially identifying best practices and common concerns.

In the highway mode, TSA entered into agreements with 37 state departments of transportation or bridge administrations to conduct CSRs of their facilities and critical infrastructure. In addition, TSA conducts CSRs of motor coach, school bus, and trucking companies. By the end of FY 2006, a total of 71 CSRs were conducted in the highway mode. Additionally, 950 CSRs were conducted by the Missouri Commercial Motor Vehicle Inspectors under a pilot project that TSA is currently evaluating.

In the pipeline mode, a total of 54 CSRs have been conducted, including seven reviews in FY 2006 with companies that represent approximately 60 percent of the product transported through the Nation's pipelines. In addition, TSA has joined with Natural Resources Canada to conduct four security assessments for critical cross-border energy pipeline systems.

In the rail mode, TSA has developed a CSR program and will be conducting assessments in Spring 2007.

TIH Rail Assessments

TSA conducts vulnerability assessments of High Threat Urban Area (HTUA) rail corridors where toxic inhalation hazard (TIH) shipments are transported. Over the last year, detailed region-wide rail corridor assessments were completed in Houston, Buffalo, and northern New Jersey, and a fourth assessment is in the early stages of completion for the Los Angeles area. The HTUA corridor assessments provide site-specific mitigation strategies and lessons learned as well as tactics that can be modified for use at the corporate or national level. HTUA corridor assessments supported the development of the Recommended Security Action Items (SAI) issued by DHS and DOT on June 23, 2006. These performance-based SAIs were developed to foster an enhanced security posture in the freight rail mode in general and specifically targeted the transport of TIH materials. These practices have been agreed to in binding commitments by the Nation's railways, and form the basis for pending regulation.

Joint Vulnerability Assessments (JVA)

During FY 2006, the Office of Security Assessments completed 15 Joint Vulnerability Assessments (JVAs). The JVA is a physical security survey conducted jointly with the Federal Bureau of Investigation that goes above and beyond regulatory requirements and covers all aspects of the airport operation that includes, but is not limited to:

- Critical Infrastructure (power, water, HVAC, communications)
- Fuel
- Cargo
- Catering
- Terminal (Public & Sterile)
- Perimeter
- Access control
- Ramp
- Baggage
- Fixed Base Operators (FBO)

Man-Portable Air Defense System (MANPADS) Vulnerability Assessments (MVA)

During FY 2006, MVAs were conducted at 84 domestic airports. TSA plans to conduct MVAs at all Category X and Category I airports annually, as per guidance out-

lined in the National Security Presidential Security 47/Homeland Security Presidential Directive 16 (NSPD-47/HSPD-16).

Air Cargo Vulnerability Assessments

In September 2006, TSA began developing a methodology and tool to analyze vulnerabilities associated with U.S. commercial air cargo supply chain operations. In December 2006, TSA began a pilot program to test the vulnerability assessment methodology, tool, and protocols in supply chains at three U.S. airports. The pilot program engages volunteer companies representing different nodes of the air cargo supply chain. During the pilot, vulnerability assessment information is confidential, and no enforcement actions occur as a result of the pilot. When the pilot is completed in March 2007, TSA will assess the feasibility of requiring vulnerability assessments in addition to its regulatory inspection requirements.

Surface Transportation Security Inspectors (STSI)

BASE Reviews

Within the last year, the STSI program has conducted 26 Baseline Assessments for Security Enhancement (BASE reviews) as part of a program to conduct security reviews on the 50 largest transit systems nationwide. The BASE process reviews security procedures put in place by a transit (rail and bus) system to assist in evaluating the performance of its security system. BASE is not a compliance inspection, but rather a collaborative effort between the stakeholder and TSA. No enforcement actions occur as a result of BASE. To conduct this joint review, STSIs meet with security representatives of the transit agency to review the agency's pertinent documents.

Security Action Items (SAI)—Non-regulatory inspections

To gain an understanding of the degree of implementation across the Nation, railroad carriers of TIH materials, DHS and DOT agreed to conduct SAI Implementation Surveys (SAIS) of freight rail operations. These surveys are conducted by STSIs. The surveys are not compliance inspections, but rather assessments to determine the depth and degree of employee security awareness and security action item implementation. The results of the SAI Surveys will be reviewed and the data used to guide future policy decisions regarding the security of hazardous material rail shipments. Since October 2006, STSIs conducted 165 field site visits of freight railroad yards and facilities and interviewed 2,600 front-line railroad workers.

Security Analysis and Action Programs (SAAP)—Risk Assessments

STSIs conduct Security Analysis and recommend an Action Program. SAAPs are full risk assessments of transit and rail systems. They are not compliance inspections. An SAAP assessment rigorously analyzes the likelihood and consequence of the threat stream matrix for the rail environment and analyzes the effectiveness of countermeasures to manage risk effectively. SAAPs leverage the DHS Vulnerability Identification Self Assessment Tool (VISAT).

The STSI program has completed full SAAP assessments on the following rail systems:

- Virginia Railway Express
- Alaska Railroad
- Tri-Met (Portland, Oregon)

Regulatory Compliance Inspections

In addition to these assessments, regulatory compliance inspections are also conducted by TSA officials. These compliance inspections are similar to vulnerability assessments but evaluate the security of a system against regulatory standards as opposed to threat scenarios. In FY 2006, TSA conducted 94,145 compliance inspections of airports, aircraft operators, indirect air carriers, and other regulated entities. For FY 2007 TSA has developed and implemented a risk-based national inspection plan. As part of the risk-based methodology for inspections, TSA Aviation Security Inspectors conduct critical inspections and testing focused on the nature and credibility of the security threat, the vulnerabilities associated with the threat, and the magnitude of potential consequences. The critical inspections are focused on airport operators, aircraft operators, and cargo. To date in FY 2007, TSA has conducted 27,557 inspections, including 6,038 critical inspections focused on airports, aircraft operators, and cargo. Testing is also conducted to ensure compliance with access control, perimeter security, passenger checkpoint identification verification, and air cargo security requirements.

Question 20. How will this information be used to select and prioritize investments, as well as to assess the effectiveness of these investments?

Answer. The results of these assessments are an important part of the Department of Homeland Security's (DHS) approach to risk management and help drive the Transportation Security Administration's (TSA) resource priorities, decisions and programs.

For example, DHS' Transit Security Grant Program will use the assessment data to encourage and evaluate project proposals from the applicants that address the most important risks to the transportation sector. Follow-up visits to the grant awardees will reveal the degree to which identified security gaps have been closed. These follow-up visits will help determine the effectiveness of the grant awards, allow TSA to update its headquarters analyses, such as the Top 100 List, and help better understand how its has affected overall risk levels within the sector.

TSA continually takes this assessment data into account especially during its annual budgeting process. Program managers set annual and out-year program priorities based on the outputs from the various assessments, and these are re-evaluated regularly based on the latest threat and assessment information. Further, the Risk Management Analysis Tool (RMAT) will be used in the future to specifically quantify the cost effectiveness of security investments in the U.S. commercial aviation system.

The assessment data is also used for development of new security strategies, establishment of new Security Action Items, and deployment of operational TSA resources. For example, TSA's Large Aircraft Standard Security Program (LASSP) will leverage information from the General Aviation (GA) risk assessment, as well as review existing standard security programs, to modify its security strategies and implement an all encompassing security program for aircraft, regardless of the type of operation, in excess of a scientifically-validated threshold weight. This program will leverage elements from existing security programs, while including additional security enhancements.

Security Action Items

Toxic Inhalation Hazard (TIH) Rail assessments supported the development of the Recommended Security Action Items (SAI) issued by DHS and the Department of Transportation (DOT) on June 23, 2006. These performance-based SAIs were developed to foster an enhanced security posture in the freight rail mode in general, and in transporting TIH materials in particular.

Operational Deployments

TSA uses real-time threat information to guide its deployment of resources, including the National Deployment Office, canine teams, and Visible Intermodal Protection and Response (VIPR) Teams. In response to indicators and warnings of high threat to transportation, TSA will surge these resources, as appropriate, to reduce the risk of attack.

Question 21. In developing plans for future years' budgets and funding, what mechanisms will the TSA use to identify areas where existing reserves—particularly from programs that are not performing—can be reallocated to support new and emerging priorities?

Answer. Transportation Security Administration (TSA) leadership frequently reviews and re-evaluates the allocations of funding provided to TSA programs, projects, and activities. Additionally, reviews are conducted as part of the budget process, and as part of the Department of Homeland Security (DHS) mid-year review. Programs are compared against their expenditure plans and if excess funds are identified, they are either offered up as base reallocations in the annual budget or reallocated within the budget year through the reprogramming provisions established by the committees, or both. In addition, programs are routinely subject to scrutiny through such mechanisms as DHS and component investment review boards and the Program Assessment Rating Tool (PART) conducted under the President's Management Agenda.

Question 22. Canada has recently instituted what it calls the Restricted Area Identity Card, or RAIC, to enhance security at all 29 of the principal air carrier airports in Canada. At the primary access doors to restricted areas of major Canadian airports, 120,000 cardholders will have either their fingerprint or iris scanned by a biometric reader. What is preventing the agency from making the kind of progress that Canada has made in this regard? Does TSA intend to make TWIC a part of the aviation security environment, and if so, when?

Answer. The Transportation Worker Identification Credential (TWIC) has focused its initial implementation efforts on Maritime Transportation Security Act (MTSA) regulated facilities and vessels. TWIC will provide a common, tamper resistant credential, issued after the successful completion of a security threat assessment that can be tied to an individual by a reference biometric. This type of common secure

credential does not currently exist in the maritime environment whereas airports and airlines have already done a great deal of work in this area. DHS is presently reviewing all of its credentialing programs to determine not only where redundancy exists but also where existing resources may be more efficiently leveraged.

Question 23. At least one major air carrier has taken steps to add secondary barriers to their aircraft, to supplement the reinforced flight deck door. Security advocates claim that these barriers are needed to prevent against a terrorist or other type of criminal from pushing their way into the cockpit when the flight deck door is opened. Has TSA taken a position on installation of secondary barriers? Would TSA support legislation requiring their installation?

Answer. The Transportation Security Administration (TSA), along with the Federal Aviation Administration (FAA), created an acceptable standard for reinforced flight deck doors in 2003. Current aircraft design still requires the flight deck door to open during flight for pilot ingress and egress. While TSA acknowledges opening the flight deck door while in flight is a vulnerability, each air carrier has measures in place to mitigate the vulnerability.

The FAA-approved secondary barrier can only be used on certain types of aircraft. Not all commercial aircraft can accommodate this barrier without extensive reconfiguration. TSA believes the secondary barriers are useful, but more options need to be provided before TSA can take any position on future legislation.

Question 24. Regarding air cargo, Security Identification Display Areas (SIDA) procedures, which would protect against such unauthorized access, are not required at all airports served by all-cargo aircraft. Does TSA believe that security would be enhanced by including all-cargo aircraft within the SIDA? If so, has the agency determined when it will act to address this deficiency? Does the agency plan to require fortified flight deck doors on all freighter aircraft? Does TSA anticipate applying the new Air Cargo Risk-Based Targeting (ACROBAT) Program to all-cargo aircraft operations?

Answer. The Air Cargo Security Requirements Final Rule (71 FR 30478) published on May 26, 2006, requires airports that currently maintain a Security Identification Display Area (SIDA) to expand the SIDA to air cargo operating areas. At airports where SIDA is non-existent but all-cargo operations occur, the Transportation Security Administration (TSA) requires aircraft operators to incorporate other security measures into their programs. For instance, TSA requires Security Threat Assessments (STA) for all persons who have unescorted access to cargo. Section 1544.228 of the Final Rule requires that all-cargo aircraft operators comply by March 15, 2007, for direct employees and by June 15, 2007, for agents. These industry deadlines were recently extended via notice in the *Federal Register* to May 15, 2007, for direct employees, and July 15, 2007, for agents.

TSA continues to support a layered security approach to detect, deter, and prevent a criminal or terrorist act against an all-cargo aircraft operator. Since 9/11, all-cargo aircraft operators have restricted persons accompanying flights as passengers. In addition, many all-cargo aircraft operators have installed fortified flight deck doors as a security best practice.

Additionally, TSA has implemented a Federal Flight Deck Officer (FFDO) program for all-cargo aircraft operators. The program provides training to pilots, program management, resources, and equipment to protect the aircraft.

TSA is currently concentrating its efforts on developing an air cargo risk-based targeting system to assess the risk of cargo destined for movement on all aircraft operating within the United States. TSA is conducting a pre-operational test of this system and have included an all-cargo aircraft operator as a host location for this test. TSA plans to use this system to assess risk of cargo destined for all-cargo aircraft as the system matures.

Question 25. The TSA indicated it is developing a plan to deploy emerging technologies for improving security screening for air passengers and their carry-on bags. How does this technology differ from technology used today? Also, will the TSA focus on a "total system" approach which improves detection, increases passenger throughput and reduces overall cost or will it continue its focus on individually developed breakthrough technology?

Answer. The Transportation Security Administration (TSA) continues to move forward and is preparing to operationally test and evaluate additional emerging technologies in FY 2007 to include advanced x-ray technology systems, automated explosives detection systems, and bottled liquid scanners for carry-on items, as well as whole body imagers, second-generation explosives detection trace portals, and cast and prosthesis scanners for persons. While these new technologies do offer increased automation for the detection of explosives and increased passenger throughput, they represent individual efforts that have been under development for several years and

will not likely reduce overall costs. However, it is essential that TSA continue to drive R&D requirements that will support moving to a total system approach that will not only increase capabilities and minimize processing times, but also reduce overall operation and maintenance costs for the screening system.

TSA has an ongoing effort to map the path forward for the checkpoint of the future, which looks at five (5) years and beyond. In the meantime, TSA has aggressively addressed key existing vulnerabilities. TSA uses a layered approach to security at checkpoints, and technology is just one component in the strategy. TSA has modified existing technologies and developed procedures at the checkpoint to successfully detect explosives. Key to the successful detection of explosives is the Transportation Security Officer (TSO). TSOs have received training in explosive detection and have demonstrated proficiency. On the personnel front, TSA has invested resources in developing, implementing and training TSOs in order to augment the current technology available. On the technology side, we have made modifications to the technology. Therefore, existing technology solutions are being used more effectively and efficiently to meet TSA security goals through better trained TSOs and equipment modifications. The prohibited items list was modified to reduce the number of items TSOs are looking for to allow them to concentrate technology more on explosives. TSOs are also trained in behavioral recognition and bomb appraisal. Canines provide a visible, unpredictable deterrence in and around the checkpoint and also have detection capability. All things considered, TSA has successfully deployed checkpoint technologies to address vulnerabilities in a layered security system.

Question 26. Given the U.K. plot last summer, technology that screens passengers for concealed or hidden threats has become an intriguing form of aviation security. Health and privacy concerns have surfaced with some of these technologies although several foreign airports are now deploying a safe non-radiating version of this technology for improved security which finally moves detection beyond the traditional metal gate approach. Has the U.S. deployed this technology yet? What are your views on people screening at the checkpoint?

Answer. The Transportation Security Administration (TSA) supports the use of whole body imaging technology and has recently announced the pilot testing of x-ray backscatter technology, a whole body imager (WBI), which has been determined to be a safe technology solution. It will allow our screening workforce to identify both metallic and non-metallic devices and objects on persons. Over the past several years, TSA has worked with the vendor of the system that will be used during the pilot to develop privacy algorithms that produce images that address privacy concerns while still providing necessary information to meet security needs. The first unit has been installed at Phoenix Sky Harbor International Airport with passenger screening operations beginning in February 2007. The initial use of this technology during this pilot will be for those passengers who volunteer to undergo scanning by the WBI in lieu of a manual pat-down inspection.

Additionally, TSA is pursuing other WBI solutions, to include millimeter wave systems, which offer a non-radiating technology. Working with the Department of Homeland Security, Science and Technology Directorate, TSA is evaluating a millimeter wave system at the Transportation Security Lab in Atlantic City. Once the system's capabilities are evaluated, TSA will determine whether this is a solution that it could pilot in an airport environment and later consider for inclusion in deployment efforts.

Question 27. The spiral development approach for the deployment of advanced technologies has been very successful for our nations military. The TSA's approach has been to fund new and inventive technologies to achieve breakthrough improvements. This has resulted in the very slow deployment of technology while we wait for the better, and more expensive systems. For example, technology may exist which could enhance the screening of liquids at the checkpoint utilizing existing, cost effective, x-ray equipment, yet this has not been deployed. Can you provide your views on the TSA's approach to technology development?

Answer. The Transportation Security Administration (TSA) has taken advantage of every opportunity presented to operationally test and evaluate any and all technologies that meet our requirements for detection, as well as operational suitability. TSA does support spiral development of technologies and has so demonstrated by the pilot testing that continues to occur for new solutions. TSA must also ensure that it invests appropriated dollars wisely. We must determine to what extent partial solutions should be supported with the funding allocated when a possible longer-term, more complete solution will be ready for operational test and evaluation within months of a possible partial solution investment.

TSA demonstrated its support of spiral development when it purchased and deployed the explosives detection portals. Recognizing that this was a first-generation

system, TSA deployed sufficient numbers of units to determine durability and performance in an airport environment while the vendors continued to work on improvements.

Additionally, TSA has been conducting evaluations of currently available advanced x-ray technology, and is planning to invest in some of these systems as an option for screening carry-on items. This investment will provide some enhancements that will assist our screening workforce to better identify prohibited items within a bag/item and provide some automated detection capabilities. While the automated explosives detection system that will be piloted in FY 2007 will offer a more complete solution, the advanced x-ray technology may provide an option for use at some airports and for some elements of the traveling public.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO
HON. EDMUND S. "KIP" HAWLEY

Question 1. How does having a 45,000 TSA screener cap in place help your security mission?

Answer. The Transportation Security Administration (TSA) uses people, training, equipment, and technology-based strategies to efficiently manage each checkpoint. The newly improved Screening Allocation Model objectively measures and adjusts staffing levels, scheduling, configurations, and the use of differing technologies at each airport. This allows TSA to operate efficiently within the 45,000 Transportation Security Officer cap while maintaining high security levels.

Question 2. Can TSA keep average passenger wait times to below 10 minutes at all major U.S. airports with the current screener workforce? If not, how many screeners are needed to provide adequate levels of security and keep average passenger wait times below 10 minutes?

Answer. The Transportation Security Administration's (TSA) Staffing Allocation Model incorporates a 10-minute wait for passenger and baggage screening at the Nation's airports. The current Congressional allocation allows TSA to adequately maintain a 10-minute standard on 93 percent of calendar days. The remaining days need to be supplemented with overtime personnel. When 10-minute wait times are exceeded, it is primarily due to excessive volume demand and input configurations not meeting volume demands.

Question 3. How many full-time and part-time TSO's are currently employed at Newark Liberty Airport? Of these, how many are limited-duty or on leave for medical disability reasons? How many are on military leave?

Answer. The report below identifies the number of full-time (FT) and part-time (PT) Transportation Security Officers (TSOs) at Newark Liberty Airport (EWR) as of January 20, 2007.

Airport ID—EWR

Job Series	Job Title	FT	PT	Grand Total
1802	Expert Transportation Security Officer	3		3
	Lead Transportation Security Officer (LTSO)	182		182
	Master TSO—BDO	3		3
	Supervisory Transportation Security Officer (STSO)	120		120
	Transportation Security Officer	623	406	1029
Total		931	406	1337

Data Source: Transportation Security Administration, Office of Human Capital.
Data Date: January 20, 2007.

Question 3a. Of these, how many are limited-duty or on leave for medical disability reasons?

Answer. The report below identifies the number of TSOs on limited-duty and the number of TSOs with approved and/or pending workers' compensation (WC) claims who are on leave.

Title	# on Limited Duty		# on Leave with Approved or Pending WC Claims	
	Full Time	Part Time	Full Time	Part Time
STSO	1	0	*3	0
LTSO	4	0	7	0
TSO	19	5	**46	5
Totals	24	5	56	5

* One (1) removal action is pending.

*** Five (5) removal actions are pending.

Question 3b. How many are on military leave?

Answer. There are two (2) employees on military leave.

Question 4. Is former Federal Security Director Marcus Arroyo still employed by TSA or receiving any TSA funds on a contract basis? If so, please describe the relationship, and if not, when was his date of departure?

Answer. Mr. Arroyo is no longer employed with the Transportation Security Administration (TSA). He retired on January 3, 2007. He is not receiving any TSA funds on a contract basis.

Question 5. Over 2 years ago, in the Intelligence Reform Act of 2004, Congress authorized TSA to put cameras in the checked baggage screening areas of airports, in order to improve security, deter thefts and mishandling of checked baggage, and help reduce claims against TSA for theft and mishandled baggage. How many have you installed, and what has been the effect?

Answer. The Transportation Security Administration (TSA) established the Closed Circuit TV for Airport Program (CCTVAP) to connect and supplement existing airport authority owned and operated video systems. Under the CCTVAP, TSA has entered into Other Transaction Agreements (OTAs) with 20 airport authorities (3 pending) to upgrade CCTV systems and recordation at checkpoints and baggage areas.

The objective of the CCTVAP is to provide coverage of TSA areas and recordation of events plus access to airport authority cameras throughout the airport. The airport authority is the vendor and, working with the local TSA personnel, determines numbers and types of cameras and locations. TSA does not track the total number of CCTV cameras as the information is continuously subject to change to meet the need. However, TSA has entered into agreements with the following airports to support CCTV coverage at TSA screening locations for these airports:

- Albuquerque International Sunport (ABQ)
- Burlington International Airport (BTV)
- Chicago O'Hare International Airport (ORD)
- Colorado Springs Municipal Airport (COS)
- Cyril E. King International Airport, Virgin Island (STT)
- Greater Buffalo Airport (BUF)
- Hartsfield Atlanta International Airport (ATL)
- Henry E. Rohlsen Airport, Virgin Island (STX)
- Honolulu International Airport (HNL)
- Los Angeles International Airport (LAX)
- Louisville International Airport (SDF)
- McCarran International Airport (LAS)
- Memphis International Airport (MEM)
- Miami International Airport (MIA)
- Minneapolis St. Paul International Airport (MSP)
- Portland International Airport (PDX)
- San Antonio International Airport (SAT)
- Seattle Tacoma International Airport (SEA)
- Southwest Florida International Airport (RSW)

Question 6. Will the Administration request sufficient funding for more airports to get in-line baggage screening systems, specifically through the "letter-of-intent" process?

Answer. The Transportation Security Administration (TSA) and the Department of Homeland Security remain committed to working with Congress to develop equitable, feasible, and innovative means to defraying the costs of more expeditiously installing optimal in-line checked baggage screening equipment and systems.

Progress on deploying in-line systems has been at a steady pace. Some of the largest airports in the country including Boston, Atlanta, Dallas, and Denver have in-line systems and several others are under construction. Today, 36 airports have

operational in-line systems—18 full airport systems and 18 airports with partial systems (terminal solutions). Over the next two (2) years TSA expects full and partial in-line systems to become operational at 25 additional airports. This level of effort best balances resources with all the other risks to transportation security.

In February 2006, TSA provided Congress with a copy of a Strategic Plan for the Electronic Baggage Screening Program. The Plan identifies the optimal checked baggage screening solution for the Nation's top 250 airports, which process 99 percent of all checked baggage transported. These optimal solutions include a variety of in-line system configurations designed to support the needs of each individual airport. The plan also identifies a projected time-line when the implementation of the optimal solution would be most appropriate. Working with the funding levels provided each fiscal year and the prioritization model, TSA identifies the projects to be executed.

Question 7. The 9/11 Commission Report recommends that “The TSA and the Congress must give priority attention to improving the ability of screening checkpoints to detect explosives on passengers” (page 393 of the report). Trace detection puffers are the only functioning devices available today (and for the foreseeable future) that are suitable for screening passengers for explosives. Why isn't TSA continuing to deploy explosive trace detection “puffer” machines? And why did TSA suspend deployment of this technology in the first place?

Answer. The Transportation Security Administration (TSA) has deployed 97 Explosive Trace Portals (ETPs) to 37 of our Nation's airports to further enhance our ability to detect explosives.

TSA encountered reliability and performance issues once the initial roll-out of these first-generation ETPs was completed, and the portals were subjected to a variety of environmental issues. TSA is working with one of the vendors (GE) to make improvements to these first-generation units. The information gathered and experience gained through the initial deployment of these units has provided insight into operational integration enhancements for the next generation of this technology.

TSA is working with the vendors to make the necessary improvements that will enhance the performance of the technology before additional units are deployed. Once the improvements are made, the ETPs will be evaluated and deployment will continue.

Additionally, TSA is exploring additional technology solutions that will provide combined weapons and explosives detection capabilities in the form of whole body imaging.

Question 8. How many more items are confiscated by TSO's daily/weekly/monthly as a result of the “liquid ban” that TSA implemented last August?

Answer. The Transportation Security Administration (TSA) does not confiscate liquids, gels, or aerosols at passenger screening checkpoints. When items that are prohibited, but otherwise lawful, are identified at the checkpoint, Transportation Security Officers offer passengers the choice of voluntarily abandoning the items or disposing of them by some other method. Examples of other disposition methods include placing the items in checked baggage or mailing the items from the airport.

TSA does not record the number of passengers abandoning liquids at the checkpoint or the estimated volume of abandoned liquids.

Question 9. How many weapons are confiscated by TSO's on a daily/weekly/monthly basis?

Answer. A core mission of the Transportation Security Administration (TSA) is to prevent the introduction of items into the sterile areas of the Nation's airports that could be used for deadly or dangerous purposes. When the screening process intercepts prohibited items, TSA denies the items entry to the sterile area; we do not confiscate them. TSA considers any prohibited item (weapon or otherwise) discarded at a checkpoint to be voluntarily abandoned property. When items that are prohibited, but otherwise lawful, are identified at the checkpoint, Transportation Security Officers offer passengers the choice of voluntarily abandoning the items or disposing of the items by some other method. Examples of other disposition methods include placing the items in checked baggage or mailing the items from the airport. Unlawful items are directed to the attention of local law enforcement for appropriate handling.

The following table shows incident records for dangerous/deadly items recorded in TSA's Performance and Results Information System (PARIS) in Fiscal Year 2006, sorted as requested. TSA field operations report information to TSA headquarters regarding a wide range of screening operations using this system.

Dangerous or Deadly Item Type	Tot./FY06	Avg./Day	Avg./Wk.	Avg./Mo.
Ammunition	9,953	28	192	830
BB/Paint/Flare/Spear/Pellet Gun	187	1	4	16
Bio/Chem/Radio Agent	10	1	1	1
Bludgeon	1,083	3	21	91
Cutting Item (knife, razor, box cutter, saber, etc.)	25,326	70	488	2,111
Explosive Device	50	1	1	5
Firearms	2,057	6	40	172
Fireworks	454	2	9	38
Flare	32	1	1	3
Fuel/Gasoline/Paint Thinner	60	1	2	5
Hand Grenade (real and inert)	76	1	2	7
Mace/Pepper Spray	532	2	11	45
Martial Arts/Self Defense Item	2,129	6	41	178
Part of Firearm	1,410	4	28	118
Realistic Replica of Firearm	360	1	7	30
Stun Gun/Shocking Device	209	1	5	18

