

TERRORISM AND TRANSPORTATION SECURITY

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BEFORE THE
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TRANSPORTATION SECURITY
OF THE
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TERRORISM AND TRANSPORTATION SECURITY

Thursday, February 10, 2011

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

The subcommittee met, pursuant to call, at 10:03 a.m., in Room 311, Cannon House Office Building, Hon. Mike Rogers [Chairman of the subcommittee] presiding.

Present: Representatives Rogers, Lungren, Cravaack, Walsh, Brooks, Jackson Lee, Thompson, Davis, Speier, and Richmond.

Mr. ROGERS [presiding]. This meeting of the Homeland Security Committee—Subcommittee on Transportation and Security will come to order. The subcommittee is meeting today to hear testimony from the administrator of the Transportation and Security Administration, Mr. John Pistole, on his agency's efforts to stop terrorists from carrying out attacks against our Nation's transportation systems.

I would like to welcome everybody to this first subcommittee meeting of the 112th Congress, and I want to thank Mr. Pistole for joining us. I know it is going to be a very informative effort.

I am pleased to be joined on the subcommittee by Ranking Member Ms. Sheila Jackson Lee, of Texas. The Ranking Member and I have had a strong working relationship, and I look forward to continuing that in this Congress to make TSA more effective in concert with her.

The topic of this hearing is "Terrorism and Transportation Security." I would like to welcome our witness, TSA Administrator John Pistole, and thank him for being here today.

We look forward to your testimony and greatly appreciate your time.

Let me first state—first and foremost—that TSA is a counterterrorism agency and it must maintain that mission as its primary focus. If there are programs or offices within the TSA that do not directly support that primary mission or could operate more efficiently this subcommittee will look closely to see where taxpayer dollars could be better spent at TSA to achieve a greater level of security.

It is also important to state at the outset that regardless of what other committees in the House may want you to believe, this subcommittee is the subcommittee with primary jurisdiction over all of TSA. In this role we plan to exercise vigorous oversight of the

agency and the security of all transportation modes, including aviation, cargo, rail, mass transit, trucking, and pipelines.

Where TSA is succeeding we should applaud them; where they are struggling to address vulnerabilities or to work with stakeholders we should help them find new solutions. We can all make that the safe—we can all agree that the safe and secure flow of passengers and commerce through all modes of transportation is critical to our Nation's economy. TSA is obviously a vital element to ensure this happens within a framework that includes many stakeholders.

In many ways, post-9/11 security has been a series of reactive tactics and strategies by the TSA. Existing practices would benefit from a proactive, intelligence-based decision-making process.

Mr. Pistole, we have discussed your interest in this area and I look forward to strengthening these type of programs in TSA. Also, at times TSA's efforts are seen to be counterproductive to industry or lack coordination with industry. I look forward to examining ways to bring the best practices of the industry and TSA together for better security and safer transit.

I want to emphasize that this subcommittee will examine how TSA spends the tax dollars. Suffice it to say, as with any large Government agency, there is waste at TSA. Over the last few months there have been a series of high-profile media stories on this issue.

I have met with GAO and the Department of Homeland Security IG to discuss TSA's acquisitions and spending practices and plan to hold hearings on this issue in the near future. I believe we should not automatically separate National security from fiscal security. I believe TSA and the taxpayers could benefit from procurement and acquisition reforms and I plan to pursue them.

Finally, it seems there is not a day that goes by that TSA isn't in the news-making headlines. Believe me, in this business we are in that can be both a good and a bad thing. Just last Friday it was announced that TSA would allow its employees to vote on a collective bargaining framework that could lead to the unionization of TSA employees.

You and I spoke by phone Friday before the decision was made public, and I continue to appreciate your willingness to keep us informed before we read these type of things in the newspapers.

With regard to collective bargaining rights for TSA employees, I expressed my concern about it to you before and will do so again today. Because of the potential impact of this decision I am going to allow a lot of extra time for you to fully explain your decision-making on collective bargaining framework and for our Members to ask questions about it.

In sum, we must be vigilant against the terrorists focused on attacking us, and specifically on attacks aimed at our transportation systems. I have met with Administrator Pistole on multiple occasions since becoming Chairman. I am very pleased with the fact that he has significant law enforcement and counterterrorism experience. I believe he is the right person for the difficult job and look forward to working with him on transportation security.

Mr. Pistole, thank you for your service for our Nation and throughout your career, and thank you for taking time out of your busy schedule to be with us today.

I now want to recognize the Ranking Member of the subcommittee, the lady from Texas, Ms. Jackson Lee, for 5 minutes for an opening statement.

Ms. JACKSON LEE. Good morning.

Mr. Chairman, thank you so very much. I agree with you, we want to thank Administrator Pistole for his long years of service.

I am delighted to be joined this morning by the Ranking Member of the Full Committee, Mr. Thompson of Mississippi, and to acknowledge our new Members, Mr. Davis of Illinois, Ms. Speier of California, and Mr. Richmond of Louisiana. We are delighted to have the opportunity to serve the American people on this particularly important committee.

So Mr. Chairman, let me first congratulate you on your Chairmanship of the Transportation Security Subcommittee, and let me say that I look forward to working with you, as we have done before, during this Congress, and as we work together to ensure that the Transportation Security Administration has the tools and resources it needs to secure all modes of transportation, including aviation, mass transit, passenger or freight rail, highways, and pipelines; but additionally, to make note of the fact that I think every American, Mr. Chairman, has used the mode of transportation that we have responsibility over at some point in their life. It is a large and looming challenge to ensure the transportation modes of this Nation, and I thank you for the opportunity to work with you.

Let me also welcome, as I indicated again, the new Members on both sides of the aisle, and I look forward to working with all of them.

TSA's scope of responsibility is broad and its challenge in securing transportation against terrorist attack is critical to the Nation's overall homeland security efforts. Over the last 4 years, during my Chairmanship of this subcommittee, we evaluated cargo security on passenger planes, passenger and baggage screening technology and processes, security at foreign repair stations, general aviation security, the Registered Traveler program, and the administration of TSA's program for surface transportation security.

Might I add that we introduced, along with Chairman Thompson, a major transportation security legislative initiative, H.R. 2200 of the last Congress, focused on the growing professional development of our members of the TSA team, and a number of other very important security reforms.

I hope, Mr. Chairman, we will have an opportunity to look at that again and work together with you.

Mr. Chairman, I know from early discussions with you that we share the same commitment to securing our Nation's transportation systems.

To Administrator Pistole, I welcome you again to the subcommittee and I look forward to your testimony. Since you were confirmed nearly 8 months ago you have been presented with myriad of challenges, from explosive ships from Yemen to enhanced pat-down screenings at Thanksgiving, and through it all you have

shown leadership and determination in trying to get it right in addressing threats and securing all transportation modes.

I specifically remember engaging with you during the transportation enhancement process during Thanksgiving and Christmas, and actually going out to my airport and spending 3 days during the Thanksgiving holiday watching professional TSA officers begin their work under very difficult circumstances. We have commented on notice; we have commented on the sensitivity of our particular traveling public, and I hope we can work through those issues.

Recently you have made two critical decisions that I must commend you for. First, I agree and support your decision not to expand screening partnership program for airports to opt out of using TSA screeners in order to contract with private screening firms.

Why should we go back? We went forward after 9/11. There is no reason, seemingly, to retrace those steps again. But we must also ensure that we improve all of the procedures and processes of the TSA.

As we look to mitigating the current and future threats to aviation, as I said, let us not forget the past. On that fateful day of September 11, 2001, four of the passenger screening checkpoints transited by the 19 hijackers were operated by three different security firms contracted by air carriers at the three airports where the terrorists departed: Boston Logan, Newark Liberty, and Washington Dulles. Citing serious vulnerabilities with this process, Congress wisely decided to Federalize the screening workforce, and this TSA workforce has subsequently played a critical role as one of the most important security layers for securing commercial aviation.

With consistent, intelligence-based administration of TSA's screening programs we have hardened aviation significantly against terrorist attack, and although TSA has managed a small group of SPP airports, including San Francisco, in the district of our distinguished colleague from California, Ms. Speier, we must be careful not to institute a system of hodgepodge screening companies working at different airports across the Nation, and I appreciate you looking at this carefully.

I also commend your decision to extend collective bargaining rights to transportation security officers. Now, just as it is with other security professionals at Customs and Border Protection and the Federal Protective Service, TSOs will have input on workplace and performance appraisals.

The Chairman of last Congress, Mr. Thompson, the Ranking Member now, and I worked very hard on this issue. Just like with those two agencies and countless other law enforcement agencies across this Nation, this collective bargaining will in no way negatively impact security, but in fact will improve the morale and performance of our hardworking TSOs.

I know that the Chairman and I may disagree on some of these issues, but I also know that we have a great deal in common. We have already discussed the Moscow airport, and I look forward to those hearings, particularly as we saw in the last Congress the Mumbai attacks, there is certainly a lot for us to deal with.

The Chairman and I have also discussed the importance of continuing where we left off in the last Congress and focusing on securing mass transit and other surface modes of transportation.

Again, recent history in Russia, Madrid, and Spain have shown that surface transportation is a terrorist target and we need to be prepared.

Mr. Chairman, I thank you again for your commitment to working with this side of the aisle so that we can approach these issues in a comprehensive manner. This is going to be a good year, and I yield back.

Mr. ROGERS. I agree with the gentlelady. We are going to have a great partnership and do some good work.

The Chairman now recognizes the Ranking Member of the Full Committee, the gentleman from Mississippi, Mr. Thompson, for a statement.

Mr. THOMPSON. Thank you, Chairman Rogers, for holding this important hearing. I also congratulate you on your Chairmanship and I look forward to joining you and Ranking Member Jackson Lee in evaluating critical transportation security issues during the 112th Congress.

Additionally, I would like to welcome Mr. Pistole to his first hearing in Congress. We have talked on a number of occasions.

I absolutely join my colleagues in thanking you for the outreach that you have done since you have been administrator on keeping us informed. Please keep it up.

Also, let me say that your decision to grant collective bargaining rights to the transportation security officers at TSA is the right thing. As you know, I, along with Representative Lowey and Ranking Member Jackson Lee, have been championing collective bargaining rights for TSOs for several years. As proven by the performance of other Federal security officers, collective bargaining does not diminish our security; in fact, I have written you and continue to believe collective bargaining can improve workforce morale and productivity, and this will positively impact TSA in fulfilling its mission to secure our transportation system.

Too often, we have been inundated with TSOs concerning poor workplace conditions, vague and inconsistent performance appraisal processes, and ineffective training programs and practices. Further, my top concern continues to be affording TSOs the same benefits and personnel standards as other employees in the Federal pay system, and I look forward to continuing to work with you to implement this new collective bargaining framework so that all the key issues are addressed.

Mr. Chairman, last Congress, in our oversight activities of TSA's program, we held several hearings addressing critical transportation security issues. I have taken particular interest in the deployment of advanced imaging technology machines at our Nation's airports and have urged TSA to implement privacy and efficiency safeguards to accompany the use of this technology.

I know you have heard these concerns and I look forward to reviewing the new pilot program for the automated targeting recognition software currently being tested, which should reduce privacy concerns raised about the intrusive nature of the AIT images. Once the testing of this new software to accompany the AIT machines is complete I will call on the Department to conduct an updated civil liberties impact assessment on the new system. As I have said numerous times, millions of taxpayers' dollars have been spent on

this technology and we need to be sure that it is deployed in a risk-based manner and that TSA personnel are sufficiently trained to harness this technology.

We also have had many conversations about TSA's need to work collaboratively with other agencies and stakeholders. I hope you continue to strengthen the agency's relationships with stakeholders, particularly in the area of cargo security and cargo screening technology.

Last but just as importantly, I would like to stress the importance of adequately addressing threats within the surface transportation community. It is imperative that TSA share with Congress the shortcomings in resources available to address threats across surface and mass transportation modes. I look forward to learning more about the specific steps TSA has taken to focus resources toward surface and mass transportation modes of transportation at today's hearing.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS. Thank you, Mr. Thompson.

Other Members of the committee are advised that their opening statement may be submitted for the record. Now we are very pleased to have the distinguished guest with us today on this important topic.

We will remind you, Mr. Pistole, that your entire statement will be submitted for the record, and you are now recognized for 5 minutes to summarize it.

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

Mr. PISTOLE. Well, thank you very much, Chairman Rogers, and Ranking Member Jackson Lee.

Ranking Member Thompson, good to see you.

To the new Members of the subcommittee, welcome to the subcommittee.

I am also pleased to be here today to discuss with you the Transportation and Security Administration, our operations, our mission, and the terrorism threat that our country faces, and of course the men and women of TSA confront every day.

TSA, of course, was created in November 2001 with a compelling mandate to prevent terrorist attacks like 9/11 from happening again. So began the not-yet 10-year history of this organization of dedicated men and women. As Secretary Napolitano and Director Leiter testified yesterday, "We face a determined enemy which constantly evolves its tactics and techniques, and as we have seen the threat is real."

TSA plays a critical role in protecting the Nation's transportation network as part of the U.S. law enforcement and intelligence community counterterrorism efforts. It is our responsibility to stay ahead of the terrorist threat through risk-based, intelligence-driven security measures. With our partners here and abroad we utilize a layered, interconnected system that gives us the best opportunity of detecting and deterring threats, as we saw with the Yemen cargo plot.

So two of the best tools we employ in our effort to combat terrorists are accurate, timely intelligence and partnerships. One of my first initiatives at TSA last summer was to expand security clearance to a greater number of TSA employees in the field. This ensures that our explosive experts, our supervisory TSOs, or transportation security officers, Federal air marshals, and behavior detection officers have the information they need to better confront those who would do us harm.

Another key tool is partnerships with other National security agencies and foreign counterparts, State and local law enforcement agencies, the business community—especially airlines and air cargo carriers—and of course, the American people. We have seen, going to back to Christmas day 2009 and the air cargo plot I mentioned, that concealment and design of explosives are being done in ways that challenge not only our social norms but our detection capabilities. We have expanded the use of swabbing for explosive trace detection, enhanced our pat-down procedures, and will continue deploying advanced imaging technology.

We are always seeking the proper balance between security and privacy. In that regard, I am pleased to report that we have begun field testing of the Automatic Target Recognition, ATR, software for our AIT machines, currently being field tested in Las Vegas, Atlanta, and Washington National airports.

This software could eventually eliminate the need for TSA to review passenger images. Instead, a generic icon would highlight the areas that require additional screening, thereby addressing the privacy issues that have been raised.

Even with the best technology, an engaged and empowered workforce is vital, and so that is last week—my decision that our security officers, the TSOs, will have the right to vote for or against union representation in a fair and transparent process consistent with the FLRA order. I also laid out specific terms for a limited, clearly defined framework consistent with TSA's security mission should TSOs elect a union. This framework, which is unique in the U.S. Government, preserves TSA's capability and flexibility to respond to evolving threats.

Let me state clearly: TSA's priority is the safety and security of the traveling public—all 628 million of them in 2009 and again in 2010. As administrator I am committed to evolving TSA into a more agile, high-performing organization that can meet the security threats of today and the future.

As I mentioned earlier, TSA's ability to push out intelligence information to our front-line workforce and quickly change procedures based on threat and intelligence is paramount to effective security—all factors, along with cost, in my decision to not expand the privatized screening program beyond the 16 current airports absent clear and compelling reasons. Going forward, I believe we in TSA must use more of a risk-based approach to the checkpoint of the future using common sense informed by intelligence rather than a one size fits all approach for passenger screening.

With that, I look forward to working with this subcommittee as we develop and implement the security solutions to help mitigate a dynamic and changing threat landscape.

Thank you, Mr. Chairman.

[The statement of Mr. Pistole follows:]

PREPARED STATEMENT OF JOHN S. PISTOLE

FEBRUARY 10, 2011

Good morning Chairman Rogers, Ranking Member Jackson Lee, and distinguished Members of the subcommittee. I appreciate the opportunity to appear before you and this subcommittee today to discuss the Transportation Security Administration (TSA). TSA's mission is to prevent terrorist attacks and reduce the vulnerability of the Nation's transportation system to terrorism. In meeting this mission, TSA's goal at all times is to maximize transportation protection and security in response to the evolving terrorist threat while protecting passengers' privacy and facilitating the flow of legal commerce.

In the aviation domain, TSA has implemented an effective and dynamic security system consisting of multiple layers of risk-based measures, working in concert with our international, Federal, State, local, Tribal, territorial, and private sector partners. Our security approach begins well before a traveler arrives at an airport, with our intelligence and law enforcement partners working to detect, deter, and prevent terrorist plots before they happen, and continues all the way through the flight, providing security throughout a passenger's trip—not just at screening checkpoints.

In the surface arena, we continue to work with our partners to reduce vulnerabilities and strengthen resilience against a terrorist attack. We are working to direct grants to the most at-risk transit properties. Our Surface Security Inspectors are assisting with the development of specific security programs. And our Visible Intermodal Prevention and Response (VIPR) teams are being deployed in thousands of mass transit, maritime, and highway security initiatives.

Despite all our efforts and advances in intelligence, technology, and screening processes, the threat to the U.S. transportation sector remains high. We face a committed enemy who continues to collect its own intelligence against our security measures, seeking to exploit vulnerabilities in the system. As a result, we must continue to work to stay ahead of this constantly evolving threat.

A PERSISTENT THREAT TO CIVIL AVIATION

For more than two decades, al-Qaeda and other terrorist organizations have sought to do harm to this country, and many of their plots against the United States have focused on the aviation system. It is clear that terrorist intent to strike at American targets has not diminished. We have continued to watch the threat evolve from checked baggage to hand baggage to non-metallic devices hidden on the body to air cargo. Non-metallic explosive devices are now the foremost threat to passenger airlines and it is imperative we maintain and enhance our capability to detect these threats.

One of the most salient public examples of the on-going terrorist threat is the bombing plot by al-Qaeda in the Arabian Peninsula, which resulted in the December 25, 2009, alleged attempt by Umar Farouk Abdulmutallab to blow up an American airplane over the United States using a non-metallic explosive device that was not and could not have been discovered by a metal detector. Also, in October 2010, al-Qaeda in the Arabian Peninsula attempted to destroy two airplanes in flight using artfully concealed explosive devices hidden in cargo that highlighted the need to strengthen security across the international supply chain.

I firmly believe our best defense against these and other terrorist threats remains a risk-based, layered security approach that utilizes a range of measures both seen and unseen. This approach includes using Advanced Imaging Technology (AIT) and pat-downs to enhance and supplement the efforts of law enforcement, intelligence, and terrorist watchlist checks, strengthening supply chain security, and increasing international collaboration.

DEPLOYING ADVANCED IMAGING TECHNOLOGY

After analyzing the latest intelligence and studying available technologies and other processes, TSA determined that AIT is the most effective method to detect both metallic and non-metallic threat items concealed on passengers while maintaining efficient checkpoint screening operations. Our work with AIT began over 3 years ago, and has included testing and evaluation in both the laboratory and in airports. AIT represents the very latest in passenger screening technological advancement and addresses a broad range of threats. TSA tested and piloted the use of AIT at several airports around the country prior to the December 2009 attempted attack, and as a consequence, the agency was able to accelerate deployment of AIT

following the incident to enable us to quickly and effectively detect metallic and non-metallic threats. Our extensive experience with AIT has made us the world leader in its implementation in the transportation environment.

According to TSA statistics, approximately 1 percent of passengers selected for AIT screening have opted out of AIT screening. Moreover, independent polls reflect that the traveling public supports these measures—for example, a recent CBS poll found four in five people approve of the use of AIT for screening, and a recent Gallup poll reported 78 percent of air travelers approve of the use of AIT at U.S. airports.

AIT is a Safe and Reliable Screening Technology

AIT machines are safe, efficient, and have built-in safeguards to protect passenger privacy. TSA requires its technology to comply with consensus-based scientific safety standards administered by the Health Physics Society and accredited by the American National Standards Institute.

The radiation dose from backscatter AIT machines has been independently evaluated by the Food and Drug Administration, the National Institute of Standards and Technology, and the Johns Hopkins University Applied Physics Laboratory, all of which have affirmed that the systems comply with established standards for safety. Public versions of our safety testing reports are available on TSA's website at www.tsa.gov.

A single screening using backscatter technology produces a radiation dose equivalent to approximately 2 minutes of flying on an airplane at altitude. Millimeter wave technology does not emit ionizing radiation and instead uses radio frequency energy. The energy projected by these units is a fraction of other commercially approved radio frequency devices, such as cell phones, two-way radios, and blue tooth devices.

TSA is Committed to Protecting Passenger Privacy

TSA has strict safeguards to protect passenger privacy and ensure anonymity. TSA's AIT machines deployed at airports do not store or print passenger images, and images are maintained on the monitor only for as long as it takes to resolve any anomalies. Images from TSA screening operations have not been and are not retained for any purpose. Additionally, the officer reviewing the image is unable to see the individual undergoing screening, and the officer screening the passenger cannot see the image—the image is completely disassociated with the passenger. Furthermore, AIT machines do not produce photographic quality images that would permit recognition of the person screened. TSA also applies facial blurs to both the millimeter wave and backscatter technologies.

The Chief Privacy Officer of the Department of Homeland Security (DHS) has conducted a Privacy Impact Assessment of the AIT machines and updated those assessments as the program has developed. The full results of that assessment are available to the public on the Privacy Office's website at www.dhs.gov/privacy. TSA's screening protocols ensure that such screening does not unreasonably intrude on a passenger's reasonable expectation of privacy in the airport environment and that the public's privacy concerns related to AIT screening are adequately addressed.

Automatic Target Recognition (ATR) To Further Address Privacy Concerns

While we are rapidly deploying AIT machines to U.S. airports, we also are exploring enhancements to this technology to further address privacy issues. To that end, we are field testing auto-detection software, referred to as Automatic Target Recognition (ATR), which enhances passenger privacy by eliminating passenger-specific images and instead highlights the area with a detected anomaly on a generic outline of a person. Pat downs used to resolve such anomalies will be limited to the areas of the body displaying an alarm unless the number of anomalies is sufficient to require a full-body pat down. If no anomalies are detected, the screen displays the word "OK" with no icon.

As with current AIT software, ATR-enabled units deployed at airports are not capable of storing or printing the generic image. This software eliminates the need for a remotely located TSO to view passenger images in a separate room because no actual image of the passenger is produced, reducing associated staffing and construction costs. ATR software represents a substantial step forward in addressing passenger privacy concerns, while maintaining TSA-established standards for detection. TSA plans to continually update and test enhanced versions of the software in order to ensure technology with the highest detection standards is in use.

EMPLOYING EFFECTIVE PAT-DOWNS

TSA operates in a high-threat environment. Terrorists look for gaps or exceptions to exploit. They are studying our security measures and will exploit our social norms to their advantage. The device used in the December 25, 2009, bombing attempt illustrates this fact; it was cleverly constructed and intentionally hidden on a very sensitive part of the individual's body to avert detection by officials in Amsterdam. As a result, the lives of almost 300 passengers and crew were put at risk. My responsibility as TSA Administrator is to put in place reasonable security measures to counteract this and other types of threats.

Upon joining TSA in July 2010, I looked at the agency's efforts to address the threat posed by Umar Farouk Abdulmutallab's bombing attempt on December 25, 2009. I also considered several reports from the Government Accountability Office (GAO), DHS's Office of Inspector General (IG), and TSA's Office of Inspection, all of whom have performed a significant amount of covert testing of TSA's operations. One of the most significant findings of the covert testing was that pat-downs were not thorough enough. The results of this repeated covert testing taken with the latest intelligence led to the conclusion that TSA needed to modify its pat-down procedures.

TSA will continue to work with the DHS Office for Civil Rights and Civil Liberties and the DHS Privacy Office to ensure that TSA's pat-down procedures do not unduly impinge upon passengers' rights and liberties, and we will regularly reassess screening procedures to ensure they are set at an appropriate level to mitigate threats while protecting the passengers' privacy.

IMPLEMENTING SECURE FLIGHT

As of November 23, 2010, TSA's Secure Flight program became fully operational for all covered flights operating to, from, and within the United States, fulfilling a key 9/11 Commission recommendation and increasing security by having TSA, rather than airlines, screen every passenger against the latest intelligence before a boarding pass is issued. Since its implementation, Secure Flight has demonstrated the value of uniform, consistent watch list matching through improved identification of matches. Continuous Secure Flight vetting begins 72 hours in advance of flight and continues until the flight departs, consistently providing insight into potential threats and enabling TSA to plan field efforts to counter any threat accordingly.

Collectively, there are 202 aircraft operators using Secure Flight, representing 100 percent of all aircraft operators covered by the Secure Flight Final Rule.

ADVANCING AIR CARGO SECURITY

TSA also continues to take aggressive action to improve the security of air cargo throughout the global air cargo network. In response to the October 2010 attempted bombings of cargo aircraft bound for the United States, TSA has issued security requirements restricting the transport of printer and toner cartridges, prohibiting elevated risk cargo from transport on passenger aircraft, requiring other cargo to undergo screening, and establishing requirements for handling international mail. In January 2011, TSA issued a proposed air carrier security program change to increase security measures for air cargo, most notably, to require 100 percent screening of inbound international cargo transported on passenger aircraft by December 31, 2011. TSA expects to finalize the programs in Spring 2011 after evaluating industry comments.

Additionally, as part of the DHS Air Cargo Security Working Group established by Secretary Napolitano, TSA is taking a leadership role in partnering with industry and other Federal Government partners to develop strategies to strengthen air cargo security while facilitating the flow of commerce. TSA is also working closely with U.S. Customs and Border Protection and the air cargo industry to receive and process pre-departure, advanced air cargo information from shippers earlier than is currently required so that we can increase the focus of our screening resources on high-threat cargo.

REDUCING SURFACE TRANSPORTATION VULNERABILITIES

The Transportation Security Administration works with its partners in securing the surface transportation networks of the United States, working closely with transit agencies and State and local officials to assist them in defining and meeting their security requirements. The Transit Security Grant Program (TSGP) is a vital tool by which we enable and empower transit agency security providers to improve their practices. TSA works closely with the FEMA Grants Program Division to apply funding to projects with the most effective risk mitigation to the most at-risk transit

properties. In 2010, the TSGP provided \$273.4 million to the transit industry and a total of \$1.6 billion since 2006. Similar, but smaller grant programs have supported freight rail, over-the-road bus, and trucking programs.

TSA Surface Inspectors engage in all surface modes with activities ranging from inspecting rail yards and hazmat conveyances for regulatory compliance to assisting in the development of security and incident management plans. In the transit mode, the Surface Security Inspector program improves security by conducting field visits to assess the baseline of security and subsequently developing action plans and assisting properties and agencies to improve their specific security programs. One such security program is the deployment of explosives detection canines, which are provided both through TSGP grant funding and appropriated TSA funds. TSA and the Department's Science and Technology Directorate are also partnering with Auburn University's well-regarded canine program to enhance the effectiveness of explosives detection canine teams used by TSA in protecting aviation and surface transportation by developing additional detection techniques and we welcome the opportunity to further brief the subcommittee on these efforts.

TSA's VIPR teams are designed to enhance security by working in mass transit, aviation, rail, and other transportation modes alongside local law enforcement agencies during specific times or events. VIPR teams are comprised of personnel with expertise in inspection, behavior detection, security screening, and law enforcement, and enhance TSA's ability to leverage a variety of resources quickly to increase security in any mode of transportation anywhere in the country. A component of TSA's nimble, unpredictable approach to security, TSA enhanced surface transportation security by conducting over 3,750 VIPR operations in 2010 in the various modes of surface transportation. VIPR operational plans are developed with a risk-based methodology, in conjunction with local transportation security stakeholders, and conducted jointly by TSA, local law enforcement, and transportation security resources.

TWIC PROGRAM ADVANCEMENTS

In the last 2 years, over 1.6 million workers have enrolled in the Transportation Worker Identification Credential (TWIC) program. The TWIC program includes a comprehensive security threat assessment, and the issuance of biometric credentials, which are now required to enter maritime facilities. TSA has processed 50,000 appeals and waiver requests, and continues to improve the adjudication process to shorten the time it takes to complete the security threat assessment process. After working through many challenges, TSA is concluding the TWIC Reader Pilot Program, wrapping up formal data collection, and working on the report to Congress. We continue to coordinate these efforts with the U.S. Coast Guard to ensure a high level of security and operational effectiveness.

ENHANCING INTERNATIONAL COOPERATION

The U.S. Government fully recognizes that it takes a concerted, global effort to protect the world's interconnected transportation networks. The security of U.S. civil aviation is intimately connected to the security of international civil aviation system writ large, and is directly affected by efforts that extend beyond our borders. For that reason, Secretary Napolitano and I have embarked on an aggressive outreach initiative to enhance civil aviation security standards and practices worldwide.

Immediately following the attempted bombing of a U.S.-bound Northwest Airlines flight on December 25, 2009, Secretary Napolitano began working with the International Civil Aviation Organization (ICAO) on an unprecedented global initiative to strengthen the international aviation system against the evolving threats posed by terrorists, working in multilateral and bilateral contexts with governments as well as industry. Secretary Napolitano has participated in regional aviation security summits in Europe, South America, the Caribbean, Asia, and the Middle East, bringing about historic consensus with her international colleagues to strengthen the civil aviation system through improved information sharing, cooperation on technological development and enhanced aviation security standards.

These efforts culminated at the ICAO Triennial Assembly in October 2010, where the Assembly adopted the Declaration on Aviation Security, which highlights the commitment of the international community to collaborate in the effort to enhance aviation security at the international level. The extraordinary global collaboration demonstrated by the nearly 190 ICAO countries during the ICAO General Assembly in Montreal has helped to advance international security standards, broaden existing cooperation mechanisms and information exchange, and encourage the use of technology in the aviation security environment.

Specifically, following the Assembly, the ICAO Council adopted Amendment 12 to Annex 17 to the International Convention on Civil Aviation (also known as the Chicago Convention), which governs international civil aviation security. These amendments will tighten the existing international standards to account for new and emerging threats, and also establish enhanced standards for air cargo security. TSA will continue its work to further enhance international security standards vis-à-vis evolving threats and risk of unlawful interference with civil aviation.

Further, throughout 2010, DHS and TSA played a significant role in developing the ICAO Comprehensive Aviation Security Strategy, also adopted at the ICAO Assembly in October 2010, which sets the course for ICAO's aviation security efforts over the next 6 years. This strategy establishes seven key focus areas, which are built upon DHS/TSA's strategic goals for the enhancement of international aviation. These include addressing new and emerging threats; promoting innovative, effective and efficient security approaches; promoting the sharing of information amongst member states to raise awareness of threats and security trends relevant to civil aviation operations; promoting global compliance and establishing sustainable aviation security oversight; improving human factors and security culture; promoting the development of mutual recognition for aviation security processes; and emphasizing the importance of security.

Lastly, senior DHS leadership from the Private Sector Office, TSA and CBP began collaboratively engaging with the aviation industry in a dialogue about security changes, a practice that we will continue regularly this year.

Continuing Engagement

TSA is actively involved in various bilateral Transportation and Aviation Security Working Groups, and is an active participant in regional and multilateral organizations such as the G8, the Asia-Pacific Economic Cooperation, the Quadrilateral Group on Transportation Security, and the ICAO Regional Offices. Furthermore, TSA has been actively reaching out to other regional organizations such as the Latin American Civil Aviation Conference, the Arab Civil Aviation Conference, the Central American Corporation for Air Navigation Services, and the African Civil Aviation Conference and the African Union. Through these forums, TSA is able to encourage and assist in the enhancement of international aviation security standards and practices, and to better understand the legal, political, cultural, geographic, and operational issues that may affect our foreign partners' ability to address certain aviation security. Finally, this past November, TSA hosted an international policy summit on AIT at TSA's Systems Integration Facility, which brought together key policy makers and experts from over 30 countries and 11 industry associations to discuss and exchange views on AIT. Discussions centered on legal, policy, privacy, operational, and health, safety and science aspects of AIT and the deployment of such screening capability at airports in different locations around the world.

TSA, in conjunction with the Department of State, is also working with foreign governments to gain their acceptance of Federal Air Marshals on international flights to and from more countries. This expansion of covered flights will further enhance aviation security for passengers and aircraft.

CONCLUSION

I want to thank the subcommittee for its continued assistance to TSA and for the opportunity to discuss these important issues of transportation security. I am pleased to answer any questions you might have.

Mr. ROGERS. I thank you, Mr. Pistole. We know you are very busy and we very much appreciate your making yourself available today to work with us on this topic.

I would like to recognize myself now for 5 minutes for questions.

Recently I had a meeting with railroad industry and they expressed a couple of concerns that they would like help with. One was they would like more specific information—more concrete and specific information—on the current threats that TSA is aware of and to work with them to deal with those threats. The other was they would like to have more of a mutual relationship with TSA to establish goals that both you and the industry feel like would most effectively deal with the threat.

So could you tell me what, if anything, you have been working on to address those two areas, the communication of threat information as well as setting of goals with the rail industry?

Mr. PISTOLE. Thank you, Mr. Chairman.

Yes, since I started last July we have been looking at not only the pushing of the intelligence out to the TSA workforce but those partners who—in industry—who are ultimately responsible for implementing the safeguards that need to be in effect. I have met with both executives and security officers from the freight rail and the passenger rail area and there are several good developments.

I am clearly committed to working in a partnership to providing the latest intelligence—of course, it is usually strategic intelligence; there may be a threat to, for example, Amtrak over the Northeast corridor, or there may be something about terrorists such as in Madrid or London or Moscow or Mumbai, you know, want to attack a rail without any tactical, actionable intelligence. But we are pushing out intelligence in a classified setting and unclassified, as appropriate, on both strategic and tactical.

One very positive development on your second point about the working toward mutual goals is in the area of toxic inhalation hazards that are carried on freight rail through downtown areas, major metropolitan areas including Washington, DC. Really because of the partnership and the initiative of the freight industry handling these toxic inhalation hazards, there has been a 90 percent reduction over the last 2 years in the threat to some of these urban areas. That was done based on the initiative of the industry with assistance from us through some grants and things like that. So there is a partnership, and that is what I am committed to doing.

Mr. ROGERS. So there are not limits, then, on your ability to communicate the threat with them?

Mr. PISTOLE. No. It is just a question of—obviously if it comes from other agencies in the U.S. intelligence community we get information from them in the form of what is disseminable, and of course they always want to protect sources and methods—

Mr. ROGERS. Right.

Mr. PISTOLE [continuing]. So they may not say, “This is an intercept from this communication from this person,” but they will say, “We have intelligence”—and for example, not related to freight or rail, but on December 23 we received credible intelligence that Al Qaeda in the Arabian Peninsula was considering using PETN, the same type of explosive in the Christmas day, the underwear bomber, and—and in the cargo plot—that same type of explosive in thermoses.

So they would wrap the PETN around the inner liner of the thermos, and so we pushed that information out literally the same day that we received it to U.S. carriers. So it is that type of actionable intelligence that we are always trying to do.

So the security officers were doing enhanced screening of thermoses from that day on. That continues.

Mr. ROGERS. Tell me, shifting gears a little bit—Sheila Jackson Lee, a little earlier, mentioned the airports, the private—using private contractors and how you had made the decision to cease that effort. Tell me about your thought process of making that decision.

Mr. PISTOLE. So conceptually I see that the TSA should be a Federal counterterrorism agency and we are best able to train, to deploy, and execute on our mission as a Federal workforce. That being said, with the 16 privatized airports I am always open to new, innovative ideas and opportunities where we can improve either in terms of our efficiencies in how we go about doing things for better security or from a business efficiency standpoint.

So some of the reporting was that I have killed the program and it is no longer open. That is not true. But I do want to see clear, compelling information or evidence that would benefit—there has got to be a reason for making a change, and if we went beyond the 16 in any large measure it would make it more challenging in terms of how we do the immediate—the flexibility and agility that I want as part of the Federalized workforce.

Mr. ROGERS. Why would it inhibit that flexibility?

Mr. PISTOLE. So, for example, the airports that were mentioned—San Francisco, Kansas City, seven in Montana, and Key West, and Roswell, and other places—I don't have flexibility to move those individuals to another airport because they are not employed by TSA, they are a private contractor. So if there is—well, for example, a disaster like Hurricane Katrina, that Congressman Richmond is very familiar with, if we have something like—I could not take those for a surge capacity to deal with that. Or if there is specific intelligence about a particular airport I am limited; I can't move those individuals.

If we have a change in how we go about our protocols, which is with the enhanced pat-downs, it is just—it is a more cumbersome process, frankly.

Mr. ROGERS. Thank you. My time is up.

The Chairman now recognizes the gentlelady from Texas for 5 minutes for questions.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. I think I would agree with Administrator Pistole on the importance of the role of TSO officers as part of our fighting terrorism team. I think the more we can enhance the training—skill training—it is going to be enormously helpful.

The one point that I would make, and maybe in your remarks you might comment on that: No. 1, terrorism doesn't make an appointment; and No. 2, we have seen the franchising of terrorism, meaning single individuals can be actors that show up at airports anywhere around the world.

But let me ask a question you might incorporate that because it has to do with the pat-down procedures and the AIT machines and working with flight crews and pilots. In fact, Section 1614 of the Implementing Recommendation 9/11 Commission called for the implementation of a system to expedite flight crews and pilots through security checkpoints. I think you know yourself it has been a point of contention.

Where are you in evaluating that process and will the system include a biometric component, as was piloted by TSA at BWI? Will you focus on pilots and crew, including flight attendants, as the legislation directed?

I know it was mentioned with Secretary Napolitano, there is a Trusted Traveler program that many people are inquiring. This is a very full question.

The other part of it is, I think the Chairman and I agree on notice and keeping a dialogue. I mentioned to you that we heard about changes in the enhanced process on a television—local television—and it was concerned about that. Can you help us as to why that leaked and why some of us, at least, were not aware of that—certainly not the procedures, but at least the fact that changes were coming?

Mr. PISTOLE. Thank you, Ranking Member Jackson Lee. So, to your first point about terrorists not making appointments, that is absolutely why we have the layers of security and why we do random, unpredictable screening at different airports different ways. We have behavior detection officers—the whole range and panoply of options as part of the overall continuum for the U.S. Government in terms of our counterterrorism strategy.

You are absolutely right. There are single individuals out there who may be inspired by, whether it is Bin Laden, or Awlaki, or some other terrorist, who is radicalized on the internet and then may go and see how to make a bomb themselves without ever communicating with anybody else, which is one of the—obviously, the key opportunities to intercept that information. So that is one of the key challenges, how do we go about doing that?

That being said, I am very much interested, as I mentioned in my opening statement, about using a risk-based approach, using the information we already know about every passenger through Secure Flight, so it is name, date of birth, and gender, so we know whether or not they are on a watch list. But then as far as a—some type of a trusted traveler program, if individuals are willing to give us more information about themselves so we could do, you know, criminal history check and other checks then we might be able to afford them a different type of security screening.

So I have several working groups on this. We are looking at a number of different options. That is the reason why I decided in November to change the screening of pilots, because using a risk-based approach, since they are in charge of the aircraft—frankly, I was not concerned if they had a prohibited item on their person because they could put the flight down.

I worked Egyptair 990 crash Halloween night of 1999 when I was with the FBI coming off JFK and crashed off the coast of Rhode Island, where the co-pilot intentionally put the flight down, killed 232 people. So it is not the physical screening that is going to detect that; it is what is in the person's head.

So we are working with the airlines and the pilots' associations to expand the three projects that we had called Crew Pass—whether it is Crew Pass or not I am agnostic to—but to allow them to use an identity-based way of getting to their flight as opposed to the physical screening. I talked to the Flight Attendants Association also and we are still in discussion about that and what that might mean.

So I am interested in expanding that to not only trusted travelers but how we define those. So I would be glad—I would like to

discuss that further with the subcommittee as more time is available.

Ms. JACKSON LEE. One quick question—I don't know if we have another opportunity: You have been meeting with stakeholders on this 100 percent explosive screening mandate. Question quickly is: Why are you doing that? Why do we need that input? But more importantly, what happened to the Aviation Security Advisory Committee that we asked about last year to establish a security advisory committee on air cargo to look at some of these issues?

Mr. PISTOLE. So the advisory committee has been—the working group has been reinstated as of last month. Secretary decided that, with Commission Alan Bersin from CBP and myself as the co-chairs, and Douglas Smith from the Private Outreach Office facilitating that. So that has been reinstated. Thank you for that suggestion and follow-up.

The outreach for the—in terms of the cargo is—basically, I want to make sure that we don't dictate something to industry that they are not capable of implementing without burdensome cost to them or inability to comply, and so that is why we are working very closely with—for example, in the freight area, with UPS and FedEx. Post October 29 and the Yemen cargo plot we are working very closely with them to say, “Here is what makes them—here is what we can do collaboratively in a partnership,” rather than us just dictating to them.

Ms. JACKSON LEE. I have got other questions, Mr. Chairman, but I will yield back. Thank you.

Mr. ROGERS. Yes. We will have another series, at least.

The gentleman from Illinois, Mr. Walsh, is recognized for 5 minutes.

Mr. WALSH. Thank you, Mr. Chairman.

Administrator Pistole, thank you very much for being here.

Mr. Chairman, I commend you for so quickly hosting an important hearing like this.

Administrator Pistole, let me refer to just a couple broad issues that you raised in your opening statement. You emphasized a few times a risk-based approach to passenger screening. This is obviously an issue that in the general public often breeds confusion.

Explain, in basic or more complicated terms, what goes into that risk-based approach for passenger screening.

Mr. PISTOLE. Thank you, Congressman. So right now we are not there. So we do use a one-size-fits-all approach, which I don't think is either efficient or beneficial for the traveling public or for security.

So what I would like to do is spend more time with those that we assess, based on all the information available to us, that may be a higher risk—clearly those on any watch list and things like that—but do we have other information, either from intelligence or information that has been volunteered to us by the passenger or that we gleaned perhaps by the behavior detection officer noticing something suspicious about a person.

So that is where we are moving to, and again, I will have more information as this year goes on but I am committed to doing something this year that would demonstrate a different paradigm for

how we go about doing passenger screening—who we screen, how we screen them.

Mr. WALSH. It sounds like much of that will be based on intelligence gathering.

Mr. PISTOLE. So, part of it will be. Again, it is something—there are obviously privacy issues, civil liberty issues that we want to be very attuned to. But if a frequent traveler, for example, is willing to voluntarily provide information like they do for other trusted traveler programs, like Global Entry coming back into the United States, expedited processes through customs, then yes, I am interested in doing that and making sure that we can verify the identity of a person and then make a risk-based judgment.

Again, we are not in the risk elimination business. We will never eliminate risk; unless people stop flying that is not an option. You know, people won't have car accidents, no guarantee unless they stop driving. So we don't eliminate risk but we try to mitigate risk in an informed fashion, and that is what I am committed to doing.

Mr. WALSH. Leapfrogging to another issue, TSA created the Screening Partnership Program. Airports can apply to have checkpoint screening done by private contractors, currently being done at 16 airports. In your estimation, why was this partnership begun to begin with?

Mr. PISTOLE. So, as part of the enabling legislation of the Aviation Transportation Security Act it was required that five airports do a 2-year project to see whether that works. Obviously some Members felt strongly that that should be an option.

So that five was done from November 2002 to November 2004. Then other airports applied and so we are at the 16, but there just—there hasn't been—in fact, there have only been two applications since I started on the job last year, one that just came in last week after I announced my decision. So there hasn't seemed to be that much interest in the program, and it is—so that is where it is right now.

Mr. WALSH. Was the pilot program deemed successful?

Mr. PISTOLE. Yes.

Mr. WALSH. Okay. At the 16 airports where it is currently being practiced is it fair to say that it is being fairly successful at those as well?

Mr. PISTOLE. Yes. Of course, they follow the exact protocols, standard operating procedures that we have at the other 435 or so airports around the country. They have to use the same equipment, the same training, all those things. It is just the actual individuals happen to work for a private contractor rather than for TSA.

Mr. WALSH. The expansion beyond 16 airports, that has got to come from the airports themselves? Airports apply for them?

Mr. PISTOLE. Sure. They apply and then we evaluate. So in my announcement I am simply saying I want to see something clear and compelling, something substantial that would make sense to justify changing from what system is already working.

Mr. WALSH. Okay. Thank you.

Mr. Chairman, I yield back.

Mr. ROGERS. Chairman now recognizes the Ranking Member of the Full Committee, gentleman from Mississippi, Mr. Thompson, for 5 minutes.

Mr. THOMPSON. Thank you very much, Mr. Chairman.

Mr. Pistole, I appreciate your frankness in responding to the questions.

Let's look at air cargo for a moment. As you know, we recently received notice that the Department has gone to 100 percent passenger cargo screening. Have there been any problems relative to cargo being interrupted or not delivered on time with the implementation of this 100 percent screening?

Mr. PISTOLE. No, Congressman. It has worked very efficiently through a combination of certified cargo screening facilities—about 1,200 of them around the United States—coupled with the screening done at the airports.

Mr. THOMPSON. Well, and I think that is part of closing a vulnerability loop that pretty much all of us identify.

Moving to another area, repair stations. I understand that you are in the process of doing some rulemaking and it is—for whatever reason we don't have it. Can you give us some idea when some of the proposal-making will be completed?

Mr. PISTOLE. So, we have the domestic repair stations, obviously, but you may be referring to the foreign repair stations?

Mr. THOMPSON. Yes, foreign.

Mr. PISTOLE. On the foreign repair stations we work, obviously, with FAA in terms of their certification of those facilities as being qualified to the repair work, especially on the, you know, on the U.S.-based carriers. So part of the challenge is how do we validate that what they are doing meets our standards in the United States?

So in certain countries, you know, their security protocols and regimen are just not as thorough, and so that is part of the challenge: How do we work with the host government, their civil aviation authorities, and their cargo companies to give us that highest level of confidence that when they are making repairs to aircraft that there is not something nefarious also taking place? Part of that is the screening of the mechanics who work in those facilities.

So it is a logistical challenge for us to validate—to inspect and validate all those foreign repair stations, so that is part of the rulemaking. How can we do that in concert with industry?

Mr. THOMPSON. So can you give us an idea when you—

Mr. PISTOLE. I will have to get back with you on that, sir. I don't know off the top of my head.

Mr. THOMPSON. Well, and the reason I say it is I think we have gone beyond the expected time on that. So if you could get back to us we would appreciate it.

For the record, also, Mr. Chairman, I want to kind of share with the committee relative to the collective bargaining issue, there are already people who have collective bargaining rights within the Department of Homeland Security—our Customs and Border Protection Officers, Immigration and Customs Enforcement, and the Federal Protective Service.

But also, within the Federal Government we have the Department of Defense Police, United States Capitol Police, United States Park Police, United States Marshal Service, Department of Veterans Affairs Police, as well as the United States Mint Police.

But also, the whole issue of security and whether or not collective bargaining would compromise that security. I would like to say that the two officers who brought down the shooter at Fort Hood were members of the American Federation of Government Employees Union.

So I think those two heroes deserve recognition, and just as a sidebar, they were union members. So I think they did a wonderful job, and I hope some of the concerns about collective bargaining and belonging to a union can be put to rest because of that.

I guess the only other issue, Mr. Administrator, you talked a little bit about it, was implementing with our imaging machines the new software. Can you give us how long the pilots are expected to go before we can recognize the new results on that?

Mr. PISTOLE. Yes, Congressman. The testing began in Las Vegas last week, Washington National, Reagan Airport, and Atlanta Hartsfield this week, and we are doing between 45 and 60 days of field testing to assess whether the result that we had in the lab will be commensurate with what we are actually experiencing with real passengers, real screening. It is too early to say, other than I know from Las Vegas it is going well and we are working through some issues.

For example, an individual with a ponytail that may show up as an anomaly that could be on the machine because it may be slightly out of the algorithm that is normal, but that is easily resolved with just a visual inspection. So it is part of this training for the TSOs to say, "Okay, how do we resolve that?" and then what it, of course, completely, I believe, addresses the privacy issues that have been raised because it is just that generic object, that icon of a person, which is the same for every passenger, as opposed to individual with the area highlighted with anomaly. So it is just a targeted pat-down of that area which, again, also addresses the pat-down issue that some people have concerns about.

Mr. THOMPSON. Thank you.

Yield back.

Mr. ROGERS. Chairman now recognizes the gentleman from Alabama, Mr. Brooks, for 5 minutes.

Mr. BROOKS. Thank you, Mr. Chairman.

A few questions with respect to collective bargaining: If the TSOs elect to form a union, who would they be bargaining with?

Mr. PISTOLE. So, under the construct of ATSA, the enabling legislation, it gives TSA administration great discretion, so it would be only National-level collective bargaining and it would be with the headquarters component of TSA. So again, we wouldn't have local collective bargaining, and it would only be to processes and procedures as opposed to, you know, individual airport issues. So it is at the National level.

Mr. BROOKS. It would be with you ultimately?

Mr. PISTOLE. Perhaps ultimately, but hopefully there would be, you know, there would be others who would be engaged on a day-to-day basis.

Mr. BROOKS. If I understand correctly, the collective bargaining would be such things as performance management process, awards and recognition, attendance management guidelines and processes, and shift bids, and things of that nature?

Mr. PISTOLE. Correct.

Mr. BROOKS. How do we know that that won't be expanded at some point in the future to include many other items?

Mr. PISTOLE. Because the enabling legislation gives the administrator that sole discretion as to what can and cannot be bargained about, and so it is basically like going through a cafeteria menu and saying, "I would like this, I would like this, I would like this, I don't want that." So what is on the tray right now are just those items that I believe do not adversely affect security in any way. So I or a successor administrator would have to agree to add things to that.

Mr. BROOKS. So if you or your successor were to change the scope of what the collective bargaining could be about then it would be changed?

Mr. PISTOLE. Yes.

Mr. BROOKS. What would the union's remedies be should they disagree with the results of the collective bargaining?

Mr. PISTOLE. Again, under ATSA, because the broad authorities, there is basically—the final decision rests with the administrator and there is no appeal, if you will, from that.

Mr. BROOKS. Well, traditionally unions have—if collective bargaining doesn't go as they wish they have, as you know, exercised strike rights, and they have, as you know, exercised work stoppages or work slowdowns. How do we have any assurances that that would not happen in the United States and disrupt our security at airport facilities?

Mr. PISTOLE. Again, Congressman, because of those unique and broad authorities that ATSA gave the administrator none of those possibilities are options. If any employee does not show up for work then they would be disciplined. There are no issues on that under the collective bargaining.

All those processes, all those employee engagement things will remain in place. Obviously there is not work slowdown or stoppage or strike that is allowed, and so an employee could be fired for doing those things.

Mr. BROOKS. Well, to some degree it seems that our country visited this issue back in the early 1980s with the Professional Air Traffic Controllers Organization, as you probably recall. President Reagan ultimately had to fire all of the PATCO employees en masse. Are you willing to do the same thing should any of these TSO workers decide to exercise work stoppage or work slowdown or strike should they disagree with your determination of the collective bargaining process?

Mr. PISTOLE. Well, sure, Congressman. I mean, I won't allow anything to happen that will adversely affect the security. So if an individual or group of individuals are not performing their duties as assigned then—we would go through the normal process of discipline and perhaps termination.

Mr. BROOKS. But you are, on the record, willing to terminate en masse if need be, should these individuals unionize and should they engage in work stoppages or slowdowns of any sort?

Mr. PISTOLE. Well, I can't envision in this construct because it is not traditional collective bargaining, so there is no right to do that. So if an individual wants to risk losing their job by not show-

ing up or doing a work slowdown then they would be subject to the normal disciplinary process, which could ultimately result in termination.

Mr. BROOKS. Well, the reason I bring up PATCO is they really had no right to do what they were doing. Once Reagan ordered them to return to work, they refused to return to work, so they were terminated en masse.

Mr. PISTOLE. Right.

Mr. BROOKS. I am trying to get a clear yes or no answer from you. If there is a violation of the collective bargaining agreement, should they engage in a work stoppage or slowdown, or should they engage in a strike, are you willing to fire them en masse? Yes or no?

Mr. PISTOLE. I am willing to, yes.

Mr. BROOKS. All right, thank you.

Mr. ROGERS. Think the gentleman yields back.

Chairman now recognizes the gentleman from Illinois, Mr. Davis, for 5 minutes.

Mr. DAVIS. Thank you very much, Mr. Chairman.

Mr. Administrator, let me just say straight out from the beginning that I am in favor of TSA employees having the right to organize. However, I also want to feel as safe and secure and as protected when I travel, and I also want to feel that the American public and all of the public who make use of our transportation system can feel the same way.

I know that in your memorandum relative to collective bargaining you stated that surveys have shown that TSA ranks poorly in terms of employee morale. How important do you think morale is in terms of service, and do you think that the organization or the right to organize a union would have a positive impact on morale-building?

Mr. PISTOLE. Thank you, Congressman.

As you are aware, last year the OPM survey, in terms of best places to work in the U.S. Government, TSA ranked 220 out of 226 agencies, and during a number of town halls around the country at airports listening to security officers, and then their supervisors, and then the management and executives in three separate sessions, what I found was a great deal of frustration with the lack of uniformity and consistency in the way we handle our personnel policies. So that was part of what informed my decision and judgment to allow them to vote, recognizing that 13,000 of the 47,000 or so are currently paying union dues without collective bargaining.

So I think there is a lot of distraction among the workforce with these personnel issues that could be improved with better uniformity and consistency. So that is part of my reason and rationale for allowing them to vote on whether they want to have a union representing them.

Mr. DAVIS. I know that individuals are always concerned about the possibility of public employees striking, or slowing down the work, or in some way disrupting our normal flow of activity. What are, perhaps, some of the ways that individuals who have grievances or who are dissatisfied—what can they actually expect to do to try to get those resolved?

Mr. PISTOLE. So, all of the existing processes and protocols that we have in place will continue, and so then they are encouraged to raise the issue first with their supervisor and try to work through that, you know, on a, just a partnership basis. If that doesn't work then depending on what the issue is and their concern then they have other opportunities to raise those. If collective bargaining is voted on and a union is elected then they would be able to have that representation at a hearing or whatever would come up as a result of that issue.

Mr. DAVIS. Of course, I come from Chicago, where it is obviously quite cold right now, and it is good to be from there—that is, away from there. But we are also the transportation hub for a region. As a matter of fact, there are those who would suggest that we are the transportation center of America, and that is because of our strategic location.

Much of that relates, though, also to surface transportation. Are there any new thoughts, provisions, guidelines that are being proposed to increase safety and security related to surface transportation?

Mr. PISTOLE. So, we recognize that surface—particularly trains, subways—are vulnerable and have been subjects of multiple attacks around the world, as I mentioned earlier. The challenge is, how do we shore up those defenses for an individual getting either on a passenger train or a subway?

So we have done several things, partially through the Transportation Security Grant Program, where, working with FEMA and State and local authorities, we provided over \$300 million last year to a number of different transportation systems, including some of those in Chicago, that use that money for several things. One is training of officers; it may be used on canine program and training; it may be such things as, even in New York City, where last year they were able to hire 120 or so officers in NYPD just for enhanced security in the subways. There are over 450 subway stations in New York City. That was money through the Grant Program.

We also have VIPR teams, or Visible Intermodal Protection and Response teams, which are designed to be visible, unpredictable deterrents to those, whether it is here at Union Station, or Penn Station in Philly, or New York, or in Chicago, and some of that is through grant money and it is all working with State and locals. Because we recognize in TSA we can't be all things in all places to all people at all times. We can't protect against all threats, so we have to work through that local partnership, whether State and local police, Amtrak police, whoever it may be.

Mr. DAVIS. Thank you very much.

Thank you, Mr. Chairman. I yield back.

Mr. ROGERS. The gentleman yields back.

My friend and colleague from California, Mr. Lungren, is recognized for 5 minutes.

Mr. LUNGREN. Thank you very much, Mr. Chairman.

Thank you, Administrator Pistole, for your service—for your service in the FBI and for your service now. Thank you for taking some arrows on the issue of full body scanners when that came up a little while ago—I meant a few months ago.

I would just like to ask you, though, about your decision with respect to the Screening Partnership Program. You said that Members of Congress, when they enacted the legislation, wanted a pilot project. Pilot project was conducted. You said that the results were good.

You then said, however, that you made a decision with respect to granting collective bargaining rights to the employees because you listened to them and you thought it would be a good idea that they should vote. But you are denying the airports in this country the right to vote. Airports—a number of them—want to be involved in this, and you have basically now raised the bar and so there has to be a compelling reason. Do you have that same standard when you decided with respect to collective bargaining—compelling reason?

Mr. PISTOLE. So, I think those are two distinguishable issues, and—

Mr. LUNGREN. Well, my question is, was that standard the one you used in collective bargaining—it had to be a compelling reason for you to do it?

Mr. PISTOLE. No. I did not use the same standard.

Mr. LUNGREN. Well, I don't understand why you are doing it in this case. You said the surge—you need the flexibility of the surge, yet you then testified that only a couple of airports have asked for it. There are 400 and some odd airports. Are you saying adding two more would complicate your situation with respect to flexibility for the surge so that you couldn't accomplish your task?

Mr. PISTOLE. No. What I am saying is I didn't see a compelling reason to add to the existing 16 that would be reason to make a change from the existing approach of using Federalized workforce in most airports.

Mr. LUNGREN. Yes. But when we passed the legislation we wanted to see whether that would work. We didn't say there would be a compelling reason to go further. I mean, the idea was to have a pilot project to see if it would work. You told us it worked, but now you are saying it has to be a compelling reason.

I don't understand the bias against the private sector, frankly, and that is what it appears to me to be. If you look at the experience in San Francisco International Airport, which has been outstanding, that airport provided competition to the others. When this program first started one of the highest rates of injury of the entire workforce in the Nation were screeners.

The private employer in San Francisco decided that instead of having all the screeners lift heavy baggage they would actually get heavy baggage lifters and pay them at a different rate. What happened? They didn't have the same injury rate that the public sector did. Then the public sector saw that was a good idea and they did that.

The idea of competition allows those kinds of things that can happen. So I am trying to find out why you say you have to have a compelling reason.

You talk about Katrina. How many private sector people responded to Katrina? You are telling it that somehow because these folks work for a company that makes a profit that that is somehow different?

I mean, I am just trying to get this idea through my head as to why you have this thought that we can't have private screeners when airports are saying they would like that alternative.

Mr. PISTOLE. Again, Congressman, I appreciate and I believe I understand your concerns and I—

Mr. LUNGREN. I am sorry. I don't believe you do, based on what you have said.

Mr. PISTOLE. Okay. So I hear your concerns. I think if we look at, from the perspective of what happened prior to 9/11 with private screeners there was obviously compelling—

Mr. LUNGREN. That is completely different.

Mr. PISTOLE. Well, with private screeners versus Federal screeners I believe there should be a Federalized workforce—

Mr. LUNGREN. Okay, you have answered it then. You believe in a Federalized workforce.

Mr. PISTOLE. Yes. I am sorry. I mentioned that in my comments before you were here, so—

Mr. LUNGREN. No, so you believe in a Federalized workforce—

Mr. PISTOLE. Absolutely.

Mr. LUNGREN [continuing]. Rather than one that has private folks working at the direction those—

Mr. PISTOLE. That is exactly right. That is what I testified to earlier; I guess it was before you came in. So that is my philosophical approach. I believe it should be a Federalized counterterrorism workforce but I—

Mr. LUNGREN. Have you worked in the private sector?

Mr. PISTOLE. Yes. I practiced law before I became an FBI agent.

Mr. LUNGREN. Is there something about the private sector that makes them unable to participate in the security of this country?

Mr. PISTOLE. Absolutely not.

Mr. LUNGREN. Well, I am astounded, frankly, that you would say that, particularly since that is contrary to what the Congress indicated they wanted done. They wanted a pilot project to see if it works. It has worked and you have said under—in your testimony it has worked. But despite that, you say we should not allow it to go further because you believe it ought to be a Federalized workforce.

Mr. PISTOLE. I am saying I am open to the possibility and that is why I continue the 16, and if an airport comes in and can demonstrate there is a compelling reason to change because they can do things better than I am open to that. I am not ruling that out, Congressman.

Mr. LUNGREN. What is your bias against private sector people being involved in the security—85 percent of our critical infrastructure is owned by the private sector. Are you suggesting we need to Federalize 85 percent of the critical infrastructure of this country because somehow only Federal workers can do the job?

Mr. PISTOLE. So we have had just the two airports come in since I have been the administrator requesting this, and there hasn't been a rush to knock down the door to have airports submit application to do this—

Mr. LUNGREN. Would you believe that they might be discouraged by your comments?

Mr. PISTOLE. I am just saying up until the time of my announcement there—well, actually there had only been one, and then one came in after the announcement, I think to try to just demonstrate—

Mr. LUNGREN. Hardly encouraging, is it—what you have said so far?

Mr. PISTOLE. I don't know how they would take it, but—

Mr. LUNGREN. Well, I know how they would take it. They would say that you have said that it ought to be a Federal screeners workforce, that you have to find a compelling reason, which means you have given them a higher bar, and you have given all sorts of reasons that you believe it is going to interfere in your flexibility to respond to a potential disaster. Frankly, I don't understand what you say.

Philosophically I disagree with you. I think the Congress disagreed with you. Frankly, I am very disappointed because I think you are basically saying you are going to set a standard that is not in the law because you have, for whatever reason—for believing that those in the private sector can't do as good a job as those in the public sector, and I am sorry to hear that.

Mr. ROGERS. Gentleman yields back.

The Chairman now recognizes the gentleman from Louisiana, Mr. Richmond, for 5 minutes.

Mr. RICHMOND. Thank you, Mr. Chairman.

Mr. Pistole, just very quickly, can you touch for me on rail security? I know it is probably in many districts, but our rail lines go through neighborhoods, they are close to schools, they are close to big sporting venues and a number of other things, and my—one of my concerns has always been what happens if the rail line is used as a weapon? They share bridges with our automobiles many times, so can you touch on that for me?

Mr. PISTOLE. Sure, Congressman. I share that concern, recognizing the vulnerabilities and the access to rail that is not necessarily associated with aviation. As I mentioned, with the attacks around the world against rail—particularly passenger rail—and also just the partnership that we have both with freight and passenger rail in terms of their actions that they can take without Government regulation but just to say it just makes good business sense for us to reduce our risk.

The example I gave about the 90 percent reduction in the toxic inhalation hazard risk through urban areas by industry's own initiative, that is an ideal model for me where industry does that voluntarily. It is not a regulation; it is because it is good business sense. So we would closely with, whether it is the Amtrak police, or other rail police, addressed the security chiefs of all the major rails, both freight and passenger, at several different settings. What we hope to ensure is that partnership where we are pushing out intelligence so that they can make informed judgments as to what actions they should take to protect their rail.

Mr. RICHMOND. My last question would just be a general question on the future of the TWIC card and the program. Where are we and where are we headed with this?

Mr. PISTOLE. So, we have about 1.8 million TWIC cards at this point. I could check on that number to make sure, but I think that

is right. It is—not where I would like it to be. It has taken longer than it should and there have not been successes that I would like to see in terms of trying to ensure the best possible safety of ports by those who have access to the most critical areas.

I am focused on that and want to make some improvements in both the timing and the roll-out. It has taken too long, frankly.

Mr. RICHMOND. Thank you for your time.

I will yield back the remainder of mine.

Mr. ROGERS. Gentleman yields back.

Speaking of cold weather, Mr. Davis, our next questioner is from Minnesota, so we can get colder than Illinois.

The gentleman, Mr. Cravaack, is recognized for 5 minutes.

Mr. CRAVAACK. I thank you, Mr. Chairman, and in my hometown it was 31 degrees below zero this morning. I love Minnesota. I do. Good for ice fishing right now.

Thank you. I appreciate you coming here today, sir. Appreciate your service to this country. I do have a couple—being an airline pilot, the machines that I walk through routinely always seem to grab my interest.

Last week the TSA began testing new software known as the Automated Target Recognition. This is used to current—is the current advanced imaging technology, AIT, machines. The new software will enhance passenger privacy by eliminating the passenger-specific images instead of the auto-detect potential threat items on generic outline of a passenger instead of the very vivid images that we have seen all over.

The TSA is conducting a pilot of the new software at Las Vegas International Airport, Hartsfield Jackson Atlanta International Airport, and Washington Reagan Airport as well. Have we gotten any feedback from passengers regarding this program so far?

Mr. PISTOLE. Just from Las Vegas, Congressman. Welcome to the committee. It is something that we are getting positive feedback because the passenger actually sees the image now, along with the security officer, as opposed to a separate security officer seeing it. So I think it gives the passengers greater confidence.

If there is something, for example, on the right hip then they can say, “Oh, yeah. I forgot to take my handkerchief out of my pocket,” or something, as opposed to, you know, a complete pat-down or something to try to resolve that anomaly. So it has actually increased the through-put some, and thus so far so good.

Mr. CRAVAACK. Yes. TSA should be commended for listening to the public on that, so that is great.

My concern is, though, can this technology make sure it can see any size of any object on the passenger from the top of his head, tip of his toes, full screen, without getting into detail?

Mr. PISTOLE. So, I appreciate that last caveat. There are challenges, and obviously the Christmas day bomber presented one of those challenges, so that is why we are field testing this. It is actually the same equipment, just a different depiction of the image.

So we have—we believe it is the best available technology to detect those types of nonmetallic bombs, such as Abdulmutallab had on Christmas day. But it is not foolproof. I mean, there is no 100 percent guarantee silver bullet here. It is just the best technology available today and we are always trying to improve that.

Mr. CRAVAACK. Okay. Currently the new software is being tested for millimeter wave AIT machines, and when do you expect the software to be piloted with backscatter AIT machines?

Mr. PISTOLE. So, the manufacturer is working on the auto-detect function and the algorithms for that and we are thinking that will be later this summer with lab testing and then field testing in the fall probably.

Mr. CRAVAACK. Obviously if the pilot project does go well do you plan to put the use of the machines in every one of our airports, or do we have the—obviously the funding is—obviously will be key there.

Mr. PISTOLE. Funding is a key, yes. As much as the budget will allow we would convert the existing—it is a simple 2-hour conversion so it is minimal cost. So it is, you know, as soon as we are able to do that, assuming we get the good results we are hoping for.

Mr. CRAVAACK. Excellent. Thank you very much, sir, for your time.

I yield back, sir.

Mr. ROGERS. Gentleman yields back.

The Chairman now recognizes himself for a second series of questions.

Currently transportation workers carry a number of different identification credentials. Among these, but not limited to this, are the TWIC card, which we have already talked about, commercial driver's license, hazardous material endorsement, and the Free and Secure Trade card. These credentials all have a separate application process and require separate background checks, many of which are redundant.

Stakeholders in the transportation industry continue to express their strong concern to me that we need to address these redundancies. Can you tell me what you can do to give them some relief?

Mr. PISTOLE. Thank, Mr. Chairman. Yes, I agree with you, and I agree with industry that there are too many cards with too many applications for too little return on that process.

I don't have much in terms of positive news on that. Obviously it is larger than just TSA or even the Department, and so working through a number of areas on universal rule of having, ideally, one card that would give access. The question is, if it is a person who has access to a port then what are the applications there if they don't need access to an airport, if they don't need access to a commercial driver's license with a HAZMAT endorsement.

There are different applications for different people; there are very few people who would have all of those needs of access, such as a sensitive area of the airport. So there is some basis for it, but I think it has become much too cumbersome and I just look forward to working with you and the committee on trying to streamline those processes.

Mr. ROGERS. Well, I am glad you offered that comment, because one of the other things that I am doing with the various sectors of the transportation industry is inviting them to give me proposed rule changes, whether it is a regulation that, you know, they find is redundant or it is just overly burdensome. I would urge you to—

we would tender those to you to consider us working to get rid of redundant, unnecessary rules.

Mr. PISTOLE. Absolutely.

Mr. ROGERS. I don't know if you have had anybody in your Department looking at existing regulations, things that you could streamline, but if you have I would urge you to do that because it is becoming problematic for a lot of the different sectors.

My colleagues on the committee would be disappointed in me if I didn't bring up canines, so I am going to do that. As you know, I am a zealous advocate for the use of canine explosive detection assets, and I would like for you to tell us—you mentioned earlier the use of those. Tell me where you are with that sector of your layered security.

Mr. PISTOLE. So, I am a big proponent, not surprisingly, of the canine program both in the actual detection of explosives but also as a deterrent effect to those possible terrorists who might be deterred by the presence of a canine and handler, regardless of whether that canine is actually a bomb-sniffing dog or not.

I am also very heartened by the initiative through Auburn University in terms of the Vapor Wake technology. The ability for a dog trained properly to not just hit on the package, or the backpack, or whatever may be containing the explosives, but can pick up the vapor from that as somebody has walked through. So, for example, in Moscow the question would have been if there had been a Vapor Wake-trained dog in that area, even after the person walked through, that dog would have likely been able to pick up on something like that.

So it is something that I am very interested in. Appreciate your support in terms of what we are doing at Auburn, and we have a number of additional opportunities to deploy those dogs as the budget will allow.

Mr. ROGERS. Well, and that is what I am hoping we are going to see in the President's budget next week. I know the Secretary has expressed her desire to see those assets more utilized within various sectors of our security system.

As you know, the facility that you have at Lackland is what is the money that has been suggested by the Secretary is spent to expand that facility. It is going to be at its maximum capacity. It is only going to generate 275 things a year. We are going to have to have a second site at least for the production of those assets as well as their training.

So I am hoping that you are working with the Secretary to that end and I can assure you I want to be a partner because we need those in every airport; we need them in every rail station. They are just a very low-cost, very effective asset.

My time is up.

I now recognize the gentlelady from Texas for another series of questions.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

Administrator Pistole, I, too, add my appreciation for the time spent with us today. I am going to give some bullet questions, not aimed at you. But in any event, if I can get some quick answers I would appreciate it.

You need to answer the original question that I had about the notice to us, Members, Ranking Member, at that time Chairwoman on the changes that occurred back then, but let me skip and not go all the way back to November, but the changes that occurred in the immediate last 2 or 3 weeks that I called about and saw first on our local TV program that changes were coming to the enhanced process, and it was aired on our local station in Houston. I would like to have better communication, and so if you would answer that when I give you these series of questions.

First of all, I want to reinforce and thank you. I think your thought processes on the SPP were thoughtful, and I think it is important to acknowledge, again, that you found that security operations at airports with private screeners cost the Government more money—and we are cost-conscious but we don't want to be cheap on security, and I think that is important.

I also believe, as I asked my earlier question, that it is important that we have an integrated system of Federal screeners that allow the agency to quickly react to terrorists and threats in a more secure way. I also believe the connection of intelligence is so very important and I want to congratulate you for getting the high number of security-cleared individuals.

Might I also specifically note appreciation for Colonel Testa. That is in my jurisdiction and she has done a great job.

Let me publicly say on the record, Colonel Testa, I look forward to touring the cargo space. You have been inviting me, and I hope to be there shortly.

But I want to follow up very quickly, and these—now these are the quick questions: Status report on the TSA repair station. We have been working on that—repair station security. We have been working on that a long time, and if I can just get a one or two update.

On the international front, after Yemen we rushed overseas to establish the—and also after the Christmas day bomber incident—the last point of departures in foreign countries, and I would like to know what we have done, you know, what about our agreements, how we in Congress can be helpful, what tools or resources would help you to achieve increased passenger baggage and cargo security at foreign airports? I know some of those are international agreements, but we need to know how we can ramp it up and move a little bit more faster.

I have always been concerned in making sure that America and the American Government—the Federal Government—looks like America, and I know my friends agree with me. So I am very much interested in a targeted, forceful, meaningful approach to diversify the executive and non-executive levels and TSA, and working with people from diverse backgrounds—I asked that question of the Secretary—including people of the different faiths, religions, particularly the Muslim community.

I am also interested in homegrown outreach for Hispanics, African Americans, Asians, and Native Americans, and of course, in Texas, Anglo Americans—a diverse workforce that reflects everyone. So I am hoping someone was writing those questions down, if I can get some bullet answers from you, again, quickly. Thank you.

Mr. PISTOLE. Thank you, Madam.

I wasn't sure whether you wanted those bullet answers right now or—

Ms. JACKSON LEE. Yes. I really want—

Mr. PISTOLE. So, let me—on air cargo, with Yemen. I was in Yemen 5 days after the plot was uncovered and worked with the Yemeni authorities, the country team, very briefly, fully engaged with industry to ensure that any cargo coming from Yemen, once we lifted the cargo hold, which we put into effect immediately, would have the best screening possible. We are still continuing that process and can give you further updated—

Ms. JACKSON LEE. In writing—but are you working fast on these international agreements? That is what I am talking—

Mr. PISTOLE. Yes. Of course, working with ICAO, the International Civil Aviation Organization, World Customs Organization, International Maritime—

Ms. JACKSON LEE. Repair station?

Mr. PISTOLE. Repair stations: As I mentioned earlier, I don't have specific dates. I will have to get back to you on that on those proposed—

Ms. JACKSON LEE. Very important.

Mr. Chairman, as you well know it, this whole idea of what happens when airplanes are exposed overseas and need repairs is a key issue that a good colleague, the gentleman from Rhode Island, had begun working on. So we really need an extensive answer on that. Maybe you—

Mr. PISTOLE. I will get that to you.

Ms. JACKSON LEE [continuing]. Briefing.

Mr. PISTOLE. Diversity, I think you know TSA has one of the most diverse workforces not only in DHS but in the Federal Government and—figures on that—

Ms. JACKSON LEE. Let me get that in writing because you say that all the time and what you are talking about is TSO officers and I am talking about at the Executive level. That is extremely important and I want to speak with the Chairman on this professional development issue.

When I travel through what I hear is bright, intelligent folk with no place to go. So we need to sort of get an understanding of how we advance their—give them the opportunity to be professionals and move forward. So I really want to ensure that.

You have never gotten to me about this notice situation about hearing things on the television as opposed to both the Chairman and myself being able to hear—

Mr. PISTOLE. Right. I apologize for that, Ranking Member Jackson Lee, if there was something—I am drawing a blank on what that was—

Ms. JACKSON LEE. What it was is what we are talking about, the AIT. Our news reported, before I even knew anything about it, that you were changing.

Mr. PISTOLE. For the ATR testing?

Ms. JACKSON LEE. Yes.

Mr. PISTOLE. Okay.

Ms. JACKSON LEE. This is now 2011, and I am not going back to November.

Mr. PISTOLE. Right. Okay. So, obviously I want to keep you and the Chairman fully informed, and when I don't do that then that is on me to do a better job. So I should do that.

Ms. JACKSON LEE. I would appreciate it. I just want to say, it is not only the Chairman that mentions canines. He has been a leader on this issue and I look forward to you really, hopefully, pumping that up with good, talented, healthy animals that really are a great asset.

Mr. Chairman, I hope we will be able to visit, again, as we have done in the past. With that, I thank you for your indulgence and I think I will yield back at this moment. Thank you.

Mr. ROGERS. Gentlelady yields back.

Gentleman from Minnesota is recognized for a second series of questions.

Mr. CRAVAACK. Thank you, Mr. Chairman.

Understanding that—being in the military and also being an airline pilot I understand there is a best way to go about things is layers of security because there is, quite frankly, there are layers of threats. There are not silver bullets, as you said. It starts basically from when a person purchases a ticket, to when they arrive at the airport, to when they check in their bags, or not, to when they go through a screening point, to when they actually go on board the aircraft.

So in recent terrorist attacks in the Moscow airport, unfortunately this was conducted in a non-secure area, and that is why these threats—these layers of security are so important. I was just wondering what your thoughts are. Has the TSA increased security for the non-secure areas? One of the things that I think are promising, especially I have gone through it several times myself, is through human intelligence, human interaction we can discern a lot of these threats before they actually enter a, you know, more of a secure area. So I was just wondering what your thoughts are—

Mr. PISTOLE. Yes. Couldn't agree more, Congressman.

I believe strongly in behavior detection, the observation of individuals, and we have a number of officers trained in that regard. I would like to increase that in terms of the training and the capabilities, basically to upgrade that even more because I think that has a good return on investment.

As far as the non-secure areas of the airport, such as in Moscow, we work closely with the airport police in all the major airports, you know, the 28 largest airports, and then, of course, the smaller airports, which may or may not have a dedicated police force. So we try to do that in conjunction with them, recognizing their law enforcement authorities and their ability to protect and deter somebody coming in from the curb side, although our behavior detection officers are in the—outside of the sterile area, in the non-secure area, looking for people going to checkpoints, it is much an opportunity, I think, for the airport police and others to detect in conjunction with us.

So given our responsibilities, particularly at the checkpoint and beyond, and then of course the Federal air marshals and things like that on the flights, I look forward to working with the subcommittee on additional things we can do. So there is a whole

range of things that we can do and I have outlined that in a paper to the Secretary and we have provided information to the Russian authorities who asked, "Well, what can you do in terms of things such as vehicle checkpoints?"

LAX, Los Angeles International, from time to time they will do random vehicle checkpoints before you ever get to the curb. That is something that can be done.

You can have more VIPR teams walking and just, again, it is a visible, unpredictable deterrence. There is a whole range of opportunities, basically just limited by what the resources are, you know, the budget and things like that.

Mr. CRAVAACK. I couldn't agree with you more. Because of the layer of threats we need layers of detection and intervention as well.

Mr. PISTOLE. Agreed. Good way to present it.

Mr. CRAVAACK. Also, following your confirmation hearing you commented on the shift from airplanes to ground transportation and you viewed that—against rail and subways are equally important, and I couldn't agree more as well. I wouldn't want your job.

As the threats against aviation are important we also have to take a look at our ground transportation, and the resources allocated to the aviation security efforts account for roughly 80 percent of the TSA's budget. Do you see that moving at all, or—

Mr. PISTOLE. Obviously working with this committee and the rest of Congress, very interested in the opportunities that we would have to do more in surface transportation because I believe there are some vulnerabilities there that are just inherent in the construct of being able to get on a train without any security screening.

Again, we do VIPR teams in some high-profile places, whether it is Union Station, Penn Station, New York, and things like that, but just the nature of the system means more vulnerables. The rails themselves are vulnerable in certain respects, and I could go into a lot of detail from that perspective.

So I agree, more could and should be done. It is a question of, at this point, do we take something away from aviation security to address that, and I am reluctant to do that given terrorist interest in—continuing interest in aviation plots.

Mr. CRAVAACK. Thank you, sir.

I have just one last question, and it is generic. I don't expect too much detail, but what keeps you awake at night?

Mr. PISTOLE. The unknown that—and this is based on my nearly 27 years at the FBI—the unknown that somebody we have not identified being able to do something and we miss it.

Mr. CRAVAACK. Thank you, sir.

I yield back the rest of my time.

Mr. ROGERS. Gentleman yields back.

The Chairman now recognizes the gentlelady from California, Ms. Speier, for 5 minutes.

Ms. JACKSON LEE. Chairman, if you would just yield, let me welcome Ms. Speier to the committee and thank her for her leadership.

We announced earlier and we knew you were detained.

Thanks, Mr. Chairman.

Ms. SPEIER. Thank you, Mr. Chairman.

Thank you, to the Ranking Member.

I was actually in Oversight and Government Reform so I snuck out of that committee to come and say hello to Mr. Pistole. I would like to explore the issue of foreign repair operations. You know, we are struggling with how we can create more jobs in this country and meanwhile some of our carriers are off-shoring the repair work of, you know, many of their facilities.

So we have mechanics that are now out of work. That is one issue.

But the more crushing issue, and the one that I think you are going to be most concerned about, is the fact that in a briefing that I received just last week the security at these foreign locations is very, very little. I was shown pictures of how they actually, you know, check people in, and it is, you know, basically with a card that you can pick up anywhere. It wouldn't take a rocket scientist to get one of those cards to get into the area to stow away a bomb or some bio warfare that could create serious problems for us.

So No. 1, what steps are you taking to beef up the security that these airlines are evidently not pursuing in these foreign venues? Second, is there some thought to bringing these jobs back to the United States so we can have a greater sense of security and more jobs here in the homeland?

Mr. PISTOLE. So, thank you, Congresswoman, and welcome to the committee—subcommittee.

Yes, clearly the issue of the foreign repair stations is significant. I won't address the job issue too much because I am focused on the security aspects. But clearly the carriers, at times, need those repair stations based on whatever has happened in terms of maintenance or repairs that are needed.

You have precisely identified what the challenges are. There is a great inconsistency around the world as to the security of those locations, as you were briefed on last week. Our challenge is how we can go about inspecting those with any sense of assurance and confidence that they are doing what they should be doing in terms of screening the employees, the mechanics who work there. Are they screening the material that they bring in so there is not something bad in there that they are actually putting on a plane that would not be found, whether it is a cargo bomb or something else?

So our challenge is, we simply don't have the resources to do what I would want to offer to the American people and the airlines as a high level of confidence in the security of those operations. So we work with the host governments, with the civil aviation authorities, bilaterally. We also work through ICAO, the International Civil Aviation Organization, which sets minimum standards.

But it really comes down to how do we trust but verify? So we have to have some amount of trust in our foreign partners, but the question of verification and validation and it is what they are doing, and I can't give you a PODS report on that today to say, "Yes, every single foreign repair station meets the standards that we would like to see here in the United States." So that is something that we are working on but it is just not there yet.

Ms. SPEIER. Well, let's not even talk about foreign carriers. Let's talk about U.S. carriers who have off-shored their mechanical re-

pair work in El Salvador and around the world. I mean, we do have some authority over them, do we not?

Mr. PISTOLE. Sure, yes—

Ms. SPEIER. This is United Airlines that I am speaking of right now.

Mr. PISTOLE. Okay. Yes. So obviously we work with United, we work with the facilities that were the foreign repair stations to basically assess whether their standards are up to ours, and if they are not then we can say, "You are not allowed to do that repair work." So it is incumbent upon not only the repair station but the airline and the host government and to the aviation authority to ensure that is the case.

My concern, as much, in being able to, as I mentioned, to validate what they are doing—

Ms. SPEIER. Well, I guess what I am asking you then is I want you to assess the security in El Salvador at the repair facility that United runs there because it appears to be just incomplete and lax. If you do not have authority to force them to beef-up their security there then we need to make sure you have that authority and then any other penalties that should be imposed.

Mr. PISTOLE. Thank you, ma'am. That is obviously something we do in conjunction with the FAA in terms of their certification of those repairs facilities, so it is a partnership with FAA.

Ms. SPEIER. So you will report back to the committee and me?

Mr. PISTOLE. Absolutely.

Mr. ROGERS. Gentelady yields back.

The Chairman now recognizes gentleman from California for a second series of questions.

Mr. LUNGREN. Thank you very much.

Mr. Administrator, earlier I mentioned that I thank you for taking the arrows on the issue of advanced imaging, or we used to call them full body scanners. I would like to ask you about that.

For years I have suggested we just have an "I don't care" line. For those of us who don't care we get in a line and go through that and have the full body scanner, and if people have a concern they can go through the regular one. As a recipient of an artificial hip and an artificial knee I get a chance to get up close and personal with your screeners every time I fly, and if you want anybody to testify as to the newly aggressive enhanced pat-downs I can testify to that.

I am very strongly in support of getting these enhanced imaging—the various types of advanced imaging facilities out there. I was wondering, what has been the decision-making as to which airports have it and which do not? For instance, everybody talks about Reagan. I had the chance to go through Reagan one time, and believe me, that was a much better experience than having the pat-down.

When I fly in and out of Dulles, which seems to be a pretty important airport for this National capital region, and they have just completed a new terminal; they have just completed a new entire floor for people going through the screening process. Yet I have not seen a single enhanced image piece of equipment there.

Is there a reason why, in this National region—we don't have any at Dulles but—

Mr. PISTOLE. So, it may have been a while since you traveled through there. We do have—

Mr. LUNGREN. Yesterday—3 days ago.

Mr. PISTOLE. Okay. Yes, we do have AIT at Dulles. I don't know the exact number.

So it has been in the process the last several months being deployed, so it may just be that checkpoint. I am not sure—

Mr. LUNGREN. Well, I would love to find it because I will use it.

Well, I guess my bigger question is, how do we decide which airports get them as we are moving them on? It seems to me from your public statement you are committed to that and—

Mr. PISTOLE. I am.

Mr. LUNGREN [continuing]. You believe in them—

Mr. PISTOLE. I do.

Mr. LUNGREN [continuing]. And you believe now that we can even do a better job of assuring people of their privacy concerns—

Mr. PISTOLE. Absolutely.

Mr. LUNGREN [continuing]. Even though I believe we have done a pretty good job in the past—

Mr. PISTOLE. I think we have also.

Mr. LUNGREN [continuing]. But what is the process for deciding? Is that an airport request, or—

Mr. PISTOLE. Yes. So it is several factors, and one is the airport authority's configuration, their readiness, basically, to—because the machines do take up more real estate, more space than the walk-through metal detectors. So in some airports we actually have to reconfigure the checkpoint, and so those airports, just speaking generally now—generally those airports that have the space and the capability and the interest and willingness to take those machines, that is where we went first, and then those that we—where we have to do build-out, there are costs involved—to the Federal Government, to the airport, to the airlines, all those issues make it more complicated so it is a longer process.

But eventually, you know, we have got 2,200 checkpoints around the country. You know, the budget doesn't allow—

Mr. LUNGREN. Right.

Mr. PISTOLE [continuing]. For every checkpoint, but many of those are very small airports.

Mr. LUNGREN. Now that I recall, it was when I left Sacramento I did not. When I went through the one at Dulles 2½ weeks ago and I set off the detector and I went through the pat-down, and after I got the pat-down they said, "You should have asked for the machine," no one told me there was a machine.

Mr. PISTOLE. Okay.

Mr. LUNGREN. It might be helpful that they give an opportunity for people to use the machine if they want to get the machines—

Mr. PISTOLE. Right.

Mr. LUNGREN [continuing]. But I would be happy to testify for anybody as to the less-invasive privacy aspects of going through one of your new pieces of equipment as opposed to having the pat-down because your people are doing a very, very good job of that.

Let me go and talk to you about the secure traveler program. Are we checking for things or are we checking for people?

Mr. PISTOLE. So, right now we are checking for prohibited items, but where I want to move to is assessing the person, and that is what I was talking about earlier in terms of using more of an intelligence, risk-based approach. So clearly I think there are many opportunities, which I would like to go into detail with the subcommittee at a later date—

Mr. LUNGREN. Okay.

Mr. PISTOLE. I am still working internally, but I think there are some very good options that we will see later this year.

Mr. LUNGREN. For several years a number of us have been arguing that it makes no sense to make the pilots go through it when they control the aircraft later on.

Mr. PISTOLE. That is why I changed that policy in November—

Mr. LUNGREN. Right. I know it is politically incorrect to think you would treat Members of Congress any differently and I appreciate that. But I would just posit a question: If you have a group of people who are permitted, under the laws of the United States, to have the highest classified briefing you can possibly have—that just seems strange to me that we are—maybe you have some intelligence you will share with us later that finds that Members of Congress are a suspect class, but all I can say is your people do a very good job of making sure that I know that they do a thorough examination of me every time I go through—

Mr. PISTOLE. I appreciate that, and I will note, Congressman, that I just had a briefing by GAO, who does all kinds of covert testing and beats us every time because of their innovative techniques and things, but they said that this most recent test they did in January they found it to be the most thorough and the best. So I think the subcommittee would be interested in some of these ways forward that we can use a risk-based approach and taking more what we know about the person—doing some pre-screening, basically—to go to more of an identity-based screening as opposed to the full physical screening—

Mr. LUNGREN. Well, your folks have done a very good job on every test I have made. Every time I have forgotten hair spray they have gotten it, and I have had to throw it out, so I appreciate that.

Mr. PISTOLE. So we have 16 AIT at Dulles now, so yes, it is being deployed.

Mr. LUNGREN. Thank you very much.

Mr. ROGERS. Gentleman yields back.

I have no further questions and the Ranking Member has told me she has no further questions so we will close the hearing.

I want to thank you for your time and your answers. I want to thank the Members for their questions. We will hold the hearing open for 10 days. Members may have written questions they want to submit to you and we would ask that you get those back in a timely manner.

As you know, I have already given you four questions from the AAAE—

Mr. PISTOLE. Yes.

Mr. ROGERS. I would urge your timely response to those. I hope that you will work in a collaborative effort with them to address

your concerns and theirs as well as the other sectors of transportation we talked about here today.

Mr. PISTOLE. Thank you, Chairman Rogers.

Mr. ROGERS. With that, the hearing is adjourned.

[Whereupon, at 11:39 a.m., the subcommittee was adjourned.]

A P P E N D I X

QUESTIONS FROM RANKING MEMBER SHEILA JACKSON LEE FOR JOHN S. PISTOLE

Question 1a. Section 1614 of the “Implementing Recommendations of the 9/11 Commission Act” called for the implementation of a system to expedite flight crews—pilots and flight attendants—through security checkpoints. In addition to TSA’s own piloting of access control technology and a processes, there are some air carriers and airports that are testing proprietary systems for expedited crew access to sterile areas. Where is TSA in evaluating the implementation of Section 1614, and, in this vein, has TSA looked at proprietary systems proposed by air carriers to expedite crews at specific airports?

Answer. The Air Line Pilots Association, International (ALPA) and the Air Transport Association (ATA) recently received approval from TSA to test a new crew-member screening system. This enhanced identity and employment verification system for crewmembers will make airport checkpoint screening more efficient for both TSA and the participating crewmembers.

This new system is the outgrowth of an existing program. In 2007, ALPA presented to TSA the first version of an alternate screening method called the Crew Personnel Advanced Screening System (CrewPASS). CrewPASS has been used successfully at three East Coast airports for almost 3 years. This enhanced process leverages current technology to provide an efficient and cost-effective solution.

Once fully implemented, any TSA-regulated U.S. airline that wishes to connect to this enhanced system will be able to do so, and any airline pilot employed by one of those carriers will be able to participate in the program. Testing is projected to begin at a limited number of airports later this year. The tests will run for approximately 90 days and, if successful, will expand to additional U.S. airports.

Implementation of this system is an example of an innovative partnership between TSA and its stakeholders. It is the culmination of on-going discussions precipitated by an earlier TSA announcement of its intent to modify checkpoint screening procedures for crewmembers while it developed a crewmember identity verification system.

Question 1b. Will TSA-certified crew access systems include a biometric component as was piloted by TSA at BWI airport?

Answer. Following the successful testing of the ALPA/ATA proposed system, TSA will review options regarding incorporation of a biometric component.

Question 1c. Will TSA only focus on pilots or all crew, including flight attendants, as the legislation directed?

Answer. The ALPA/ATA proposed system is initially limited to flightdeck crewmembers because a secure database of other crewmembers does not currently exist. At the conclusion of this 90-day pilot, TSA will evaluate the program and determine appropriate next steps.

Question 1d. Will TSA have a role in the implementation of a Trusted Traveler program, such as Registered Traveler?

Answer. TSA Administrator John S. Pistole is committed to ensuring TSA operates as a risk-based, intelligence-driven agency. TSA is continuing to evaluate alternative security protocols for passengers that could result in expedited screening for low-risk populations, while maintaining high security standards. However, the feasibility and utility of any such protocols would need to be fully evaluated and vetted prior to eventual pilot testing and possible implementation.

Question 2. As TSA meets with air carriers and other stakeholders in order to obtain feedback from industry in meeting the statutory requirement that cargo on inbound passenger aircraft be screened for explosives, please update the committee on the status of the Aviation Security Advisory Committee (ASAC). Will the ASAC be used a forum for stakeholder input on aviation security matters in 2011?

Answer. During the Secretary’s efficiency review of the Department of Homeland Security’s (DHS) advisory committees, charter renewal actions were placed on hold

and the charter for the Aviation Security Advisory Committee (ASAC) subsequently expired on April 3, 2010. The review re-affirmed the need for the ASAC, and the Transportation Security Administration (TSA) is in the process of re-establishing the committee. It is anticipated that the ASAC will meet in 2011 to provide advice and recommendations for improving aviation security measures.

Question 3. In 2009, TSA issued a Notice of Proposed Rulemaking on repair station security. When will this rulemaking be finalized for repair station security and has TSA engaged with stakeholders, including labor unions, since the issuance of the NPRM, in crafting a final regulation?

Answer. Due to the complexity of this particular rulemaking, the Transportation Security Administration (TSA) does not have a firm date for publication of the Final Rule; however, we anticipate publication to occur well within calendar year 2011.

For the last several years, TSA has been working to implement a regulation for the inspection of Federal Aviation Administration (FAA)-certificated repair stations located inside and outside of the United States. Throughout the rulemaking process, TSA has engaged the repair station operators and associations through meetings and site visits, and has incorporated their input into the Final Rule.

In addition, TSA has conducted public review sessions in the United Arab Emirates, Singapore, and Arlington, VA, where representatives from more than 90 industry stakeholder associations were provided with the opportunity to review the proposed Aircraft Repair Station Security Program.

Since issuing the NPRM in 2009, TSA has not engaged in any direct discussions with labor unions. However, comments submitted by the Transportation Trades Department, AFL-CIO and Transport Workers Union of America, AFL-CIO were addressed and considered in crafting the Final Rule.

Question 4. According to media reports, in November 2010, Delvonte Tisdale allegedly stowed away on an aircraft that departed Charlotte Douglas International Airport (CLT). Has TSA investigated how a perimeter breach at CLT could have occurred with respect to this incident? Has the Federal Security Director at CLT re-evaluated and assessed airfield access controls in the wake of the Tisdale incident? Has headquarters TSA evaluated security operations at CLT in the wake of the Tisdale incident?

Answer. In the wake of the November 2010 incident involving the death of Delvonte Tisdale, the Transportation Security Administration (TSA) conducted a thorough investigation into potential security issues at Charlotte Douglas International Airport (CLT). Most recently, on March 13–14, 2011, a TSA Headquarters-directed team, made up of both field and Headquarters regulatory/compliance-based personnel, arrived at CLT to conduct a security assessment of the perimeter and its overall integrity. This assessment included a review of CLT-secured areas such as the airport ramp and taxi areas near the terminal; the air operations area (AOA), including the airport runway and perimeter areas; access control measures; cargo facilities; and the terminal. Additionally, the investigation consisted of a comprehensive review of the 2006 and 2010 Joint Vulnerability Assessments, the CLT Airport Security Program, and other databases and documents; these reviews were followed by physical inspections during both daylight and evening hours.