HOW BEST TO IMPROVE OUR NATION'S AIRPORT PASSENGER SECURITY SYSTEM THROUGH COMMONSENSE SOLUTIONS

FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON AVIATION

OF THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

NOVEMBER 29, 2012

Printed for the use of the
Committee on Transportation and Infrastructure

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

JOHN L. MICA, Florida, *Chairman*

DON YOUNG, Alaska
THOMAS E. PETRI, Wisconsin
HOWARD COBLE, North Carolina
JOHN J. DUNCAN, JR., Tennessee
FRANK A. LoBIONDO, New Jersey
GARY G. MILLER, California
TIMOTHY V. JOHNSON, Illinois
SAM GRAVES, Missouri
BILL SHUSTER, Pennsylvania
SHELLEY MOORE CAPITO, West Virginia
JEAN SCHMIDT, Ohio
CANDICE S. MILLER, Michigan
DUNCAN HUNTER, California
ANDY HARRIS, Maryland
ERIC A. "RICK" CRAWFORD, Arkansas
JAIME HERRERA BEUTLER, Washington
RANDY HULTGREN, Illinois
LOU BARLETTA, Pennsylvania
CHIP CRAVAACK, Minnesota
BLAKE FARENTHOLD, Texas
LARRY BUCSHON, Indiana
BILLY LONG, Missouri
BOB GIBBS, Ohio
PATRICK MEEHAN, Pennsylvania
RICHARD L. HANNA, New York
JEFFREY M. LANDRY, Louisiana
STEVE SOUTHERLAND II, Florida
JEFF DENHAM, California
JAMES LANKFORD, Oklahoma
REID J. RIBBLE, Wisconsin
CHARLES J. "CHUCK" FLEISCHMANN, Tennessee
VACANCY

NICK J. RAHALL II, West Virginia
PETER A. DeFAZIO, Oregon
JERRY F. COSTELLO, Illinois
ELEANOR HOLMES NORTON, District of Columbia
JERROLD NADLER, New York
CORRINE BROWN, Florida
BOB FILNER, California
EDDIE BERNICE JOHNSON, Texas
ELIJAH E. CUMMINGS, Maryland
LEONARD L. BOSWELL, Iowa
TIM HOLDEN, Pennsylvania
RICK LARSEN, Washington
MICHAEL E. CAPUANO, Massachusetts
TIMOTHY H. BISHOP, New York
MICHAEL H. MICHAUD, Maine
RUSS CARNAHAN, Missouri
GRACE F. NAPOLITANO, California
DANIEL LIPINSKI, Illinois
MAZIE K. HIRONO, Hawaii
JASON ALTMIRE, Pennsylvania
TIMOTHY J. WALZ, Minnesota
HEATH SHULER, North Carolina
STEVE COHEN, Tennessee
LAURA RICHARDSON, California
ALBIO SIRES, New Jersey
DONNA F. EDWARDS, Maryland

————

SUBCOMMITTEE ON AVIATION

THOMAS E. PETRI, Wisconsin, *Chairman*

HOWARD COBLE, North Carolina
JOHN J. DUNCAN, JR., Tennessee
FRANK A. LoBIONDO, New Jersey
SAM GRAVES, Missouri
JEAN SCHMIDT, Ohio
RANDY HULTGREN, Illinois
CHIP CRAVAACK, Minnesota, *Vice Chair*
BLAKE FARENTHOLD, Texas
BILLY LONG, Missouri
PATRICK MEEHAN, Pennsylvania
STEVE SOUTHERLAND II, Florida
JAMES LANKFORD, Oklahoma
JOHN L. MICA, Florida *(Ex Officio)*
REID J. RIBBLE, Wisconsin
CHARLES J. "CHUCK" FLEISCHMANN, Tennessee
VACANCY

JERRY F. COSTELLO, Illinois
RUSS CARNAHAN, Missouri
DANIEL LIPINSKI, Illinois
PETER A. DeFAZIO, Oregon
BOB FILNER, California
EDDIE BERNICE JOHNSON, Texas
LEONARD L. BOSWELL, Iowa
TIM HOLDEN, Pennsylvania
MICHAEL E. CAPUANO, Massachusetts
MAZIE K. HIRONO, Hawaii
STEVE COHEN, Tennessee
ELEANOR HOLMES NORTON, District of Columbia
NICK J. RAHALL II, West Virginia *(Ex Officio)*

CONTENTS

U.S. House of Representatives

Committee on Transportation and Infrastructure

John L. Mica
Chairman

Washington, DC 20515

Nick J. Rahall, II
Ranking Member

James W. Coon II, Chief of Staff

James H. Zoia, Democrat Chief of Staff

November 26, 2012

MEMORANDUM

TO: Members, Aviation Subcommittee

FROM: Thomas Petri, Subcommittee Chairman

SUBJECT: Hearing on "How Best to Improve our Nation's Airport Passenger Security System Through Common Sense Solutions."

PURPOSE

The purpose of this hearing is to examine the impact that the regulations and policies of the Transportation Security Administration have on aviation passenger experience and the free flow of aviation commerce. The subcommittee will hear from government, industry, and labor witnesses on their observations and suggestions on TSA's policies.

BACKGROUND

The aviation industry plays a major role in the United States economy, accounting for roughly five percent of the nation's gross domestic product (GDP).[1] In 2011, over 803 million passengers traveled in the United States aviation system.[2] According to the United States Travel Association (USTA), the aviation passenger travel industry contributes $813 billion directly from

---

[1] Airlines for America. "Economic Impact Report" http://www.airlines.org/Pages/Economic-Impact.aspx
[2] United States Travel Association "U.S. Travel Answer Sheet." Pg. 1.

1

travel expenditures.[3] The movement of aviation passengers, for either business or leisure purposes, contributes a significant portion to the United States economy.

In 2001, when Congress created the Transportation Security Administration (TSA), the agency became responsible for the screening of commercial passengers, including their persons, and carry on as well as checked baggage. In the years since its inception, the TSA has developed its screening policies to react to intelligence, technology development, terrorist attempts, and public feedback. For example, after the shoe bombing attempt of Christmas 2002, the TSA began to require that passengers remove their shoes for screening. In response to public feedback in recent years, the TSA has developed modified screening procedures for children under 12 and the elderly.   As the TSA develops and implements its screening procedures, it has a direct impact on the experience of aviation passengers.

The USTA conducted a survey in 2010 that looked at consumers' satisfaction with their flying experience, including the impact that TSA screening policies have on the aviation passenger experience. According to the survey results, the USTA found that while the majority of fliers report an overall positive experience in flying, their most negative ratings go to security procedures such as removing shoes, pat-down searches, full body x-ray screening, qualifications of TSA personnel, and courtesy and friendliness of TSA personnel.[4] Furthermore, in their blue ribbon panel report, the USTA found that two thirds of air travelers would take one or more additional plane trips if security screening procedures were improved. This would provide an estimated $85 billion in consumer spending to the United States economy.[5] Given these survey and blue ribbon panel results, the TSA's screening policies have a direct impact on the health of the aviation industry. If people are unwilling to fly or are flying less frequently because of TSA screening procedures, the result is lost revenue for the commercial aviation industry.

The TSA has an important role in providing security for the flying public. But, the TSA was created in the wake of 9/11 to strengthen the security of the nation's airport system while ensuring the freedom of movement for people and commerce. In the past decade the TSA has spent $57 billion to protect the traveling public from a terrorist incident.[6] According to the USTA's survey results, the American traveling public understands the role that TSA must play in ensuring the security of airline passengers, but they would like for it to be done in a careful and effective manner.[7]

---

[3] United States Travel Association "U.S. Travel Answer Sheet" pg. 1.
[4] United States Travel Association "Report of Findings: A Study of Air Traveler Perceptions of Aviation Security Screening Procedures" December 21, 2010, pg. 6.
[5] United States Travel Association "Report of Findings: A Study of Air Traveler Perceptions of Aviation Security Screening Procedures" December 21, 2010, pg. 7.
[6] Washington Times. " TSA Grabs Union Contract", http://www.washingtontimes.com/news/2012/nov/9/tsa-grabs-union-contract/ , November 9, 2012.
[7] United States Travel Association "Report of Findings: A Study of Air Traveler Perceptions of Aviation Security Screening Procedures" December 21, 2010, pg. 8.

Passenger Screening

Congress tasked the TSA with responsibility "… for the day-to-day screening operations for passenger air transportation and intrastate air transportation."[8] This responsibility includes the development of standard screening procedures, and the hiring, training, and testing of the screening personnel. All commercial aviation passengers must go through TSA's screening process before they can board their flight. The USTA discovered in their survey that many passengers recognize the importance of security screening but believe there must be "more friendly technology and procedures available that are equally effective compared to measures used in airports today."[9]

Over the last decade, in response to passenger concerns and in many cases complaints, the TSA has adjusted screening procedures for children under twelve, the elderly, military personnel, as well as those with disabilities. These alternative procedures, as well as the screening procedures for all other passengers, are listed on TSA's website. However, consumer advocates have raised concerns that for many travelers there is a lack of clarity at the airport on the part of both passengers and screening personnel. This confusion can lead to improper screening, passenger delays, and/or a negative experience by passengers which could impact their likelihood to travel via aviation again. In addition, there seems to be confusion among passengers about what rights they have when it comes to airport screening. Consumer advocates have raised concerns on what impacts this has on the aviation consumer experience. By way of example, some anecdotal accounts have recently emerged about so called "freeze drills". According to TSA, "freeze drills" are tests for screening agents, however confusion at checkpoints have resulted in consternation among passengers.[10] Screening personnel play an important role in aviation security, and additional clarity on proper screening procedures and passenger rights for all parties involved in the screening process would benefit the overall aviation passenger experience.

Pat downs and Advanced Imaging Technology

In 2010 after the attempted underwear bombing, the TSA introduced two new passenger screening procedures, enhanced pat down procedures and widespread use of advanced imaging technology (AIT) machines. According to TSA, they began to implement advanced imaging technologies as soon as 2007, and use two different kinds of machines; millimeter wave and backscatter x-ray. Enhanced pat downs and AIT machines generated public outcry due to what many in the public saw as the invasive nature of the procedures, as well as the amount of

---

[8] Air Transportation Security Act. Pub.L. 107-71.
[9] United States Travel Association "Report of Findings: A Study of Air Traveler Perceptions of Aviation Security Screening Procedures" December 21, 2010, pg. 8.
[10] " TSA 'All Stop' Drill at Phoenix's Sky Harbor Airport: What is it?" September 9, 2012. http://www.huffingtonpost.com/2012/09/28/tsa-all-stop-drill_n_1923683.html.

radiation that may be emitted from the AIT machines. In response to public and Congressional concerns related to radiation exposure, the TSA commissioned a report to test the level of radiation exposure for both operators and passengers from backscatter machines. The TSA has deemed the results of that study to be classified, so the public cannot know the exact results. But, the TSA has issued public statements indicating that the radiation emitted is within safe levels.

In response to privacy concerns related to the "naked images" produced by the AIT machines, the TSA began using privacy software that produces stick figures and highlights irregularities requiring further screening by a box on the figure. With the software upgrades in place, screeners know to pat down the area or areas of the passenger that are highlighted by the box, thus saving passengers from having to endure a more intrusive pat down and saving screener efforts by providing direction for where to focus their attention. Should a passenger not wish to go through an AIT machine they can opt to have a pat down. According to the TSA, pat downs are only used if the passenger opts out of going through an AIT machine, or if an anomaly is detected when they go through the AIT machines.

Risk-Based Screening

The TSA has begun to implement policies that are risk-based; attempting to move away from a screening policy that is "one size fits all". As part of this new approach, the TSA has developed alternative screening procedures for children and the elderly. The TSA is also rolling out its new PreCheck program that was initiated in 2011. PreCheck is intended to expedite screening for frequent flyers of participating airlines at specific airports, and for those enrolled in the U.S. Customs and Border Protection Trusted Traveler Program. Participants go through a thorough background check conducted by either the TSA or CBP. Once accepted in the program, participants are eligible for expedited screening and modified screening procedures. Originally at only five airports with three participating airlines, the program has expanded over the months with plans for PreCheck to be at 32 airports by the end of 2012. While PreCheck passengers are eligible for expedited screening the TSA has stated that that does not mean they will always be exempted from regular screening procedures.[11] This program is a prime example of TSA's new risk based approach to screening.

Customer Service

The TSA is tasked with providing not only a security service to the flying public, but a customer service as well. TSA screeners have responsibility for not just ensuring passengers and their baggage are screened, but also to provide guidance to the flying public as they are going through the screening process. The actions and attitudes of the screening personnel can have a

---

[11] Transportation Security Administration. "TSA PreCheck." http://www.tsa.gov/tsa-pre%E2%9C%93%E2%84%A2.

direct impact, either positive or negative, on the experience of the passenger. Consumer advocates have raised concerns that TSA screening personnel may not necessarily see their job as providing customer service while ensuring the security of travelers. The Government Accountability Office (GAO) recently undertook an audit of TSA's customer service resources. The TSA receives complaints through five different mechanisms, including from complaint cards, letters to the Administrator, the TSA's Contact Center, and input shared with TSA's customer service representatives. The TSA has several headquarter units and local airport staff that are responsible for addressing and processing passenger complaints.[12] While TSA has multiple sources to gather complaints, GAO found that it does not have an agency-wide policy or consistent process to guide each complaint and use the data gathered to find trends and improve processes and training for screeners. The inability of the TSA to best utilize the feedback they receive from passengers results in the TSA failing to take the opportunity to improve operations and customer service. In addition, the GAO found that while TSA has several methods to inform passengers about its complaint processes it does not have an agency wide policy to ensure consistent use of methods across airports.[13]

Screening Personnel Issues

The TSA is responsible for hiring, training, and managing a workforce of roughly 45,000 screeners. Screeners are the face of the TSA. They directly interact with and come into physical contact with aviation passengers every day. The great majority of these screeners perform their jobs admirably. But, there have been increasing instances of screener misconduct. Cases of screener misconduct include; screeners stealing items from passengers, failing to follow screening standards, taking place in criminal conduct outside the workplace, and participating in plots to allow illegal substances through airports. As these events are reported, questions are raised about the professionalism of screening personnel. Public confidence in the TSA and its screeners is absolutely critical to the success of the agency and the fulfillment of their security mission.

Cargo Screening Rules

The aviation cargo industry is responsible for the movement of billions of pounds of air cargo in and out of the United States every year. In 2010, the United States air cargo industry generated roughly $27 billion.[14] Air cargo is an essential part of the aviation industry and critical to the free flow of commerce.

---

[12] Government Accountability Office. GAO-13-43. "Air Passenger Screening Complaints." November 2012. Pg.i.
[13] Government Accountability office. GAO-13-43. "Air passenger screening Complaints." November 2012. Pg.i.
[14] Airlines for America. "2011 Economic Report", pg 3
http://www.airlines.org/Documents/economicreports/2011.pdf

5

In 2010, there was a foiled terrorist plot to transport printer cartridge bombs to the United States from Yemen. The attempted plot made use of both passenger and cargo aircraft. After the attempted bomb plot, Members of Congress focused on requiring the screening of 100 percent of all inbound cargo on both passenger and cargo aircraft. Currently, 100 percent of all cargo being carried on passenger aircraft is screened. However, the industry raised concerns with the cost and feasibility of screening 100 percent of the cargo carried on all-cargo aircraft. The TSA has taken steps to improve cargo screening, including developing new risk-based security requirements to focus on high risk shipments, creating an Air Cargo Security Working Group, and initiating an Air Cargo Advanced Screening pilot program. The GAO reviewed the TSA's efforts to address cargo screening needs and while the GAO saw these actions as positive steps they did identify concerns that TSA has not yet met 100 percent screening mandate for inbound air cargo. In addition, they found that TSA has not weighed the costs and benefits of requiring all-cargo carriers to submit screening data, so the TSA does not know if submission of such data would improve its efforts to identify high risk cargo.[15]

Conclusion

The TSA is tasked with protecting the security of the flying public. This responsibility is a complex and challenging task. The policies, regulations, processes and procedures that the TSA implements to protect the flying public clearly have a direct impact on the passenger experience and the free flow of commerce. With the aviation industry accounting for five percent of the United States economy, any negative impact that TSA policies and procedures have on the passenger experience or the flow of commerce has a real impact on the U.S. economy. If passengers choose not to fly or to fly less, or if the movement of goods by air is delayed or halted altogether, jobs are impacted and livelihoods disrupted. The TSA must remain vigilant not just of security needs, but of their role in how the public perceives the flying experience post 9/11. TSA actions have a direct impact on the success or failure of this vital part of the U.S. economy and the freedoms U.S. citizens expect and enjoy.

<u>**Witnesses:**</u>

Government Panel

Invited: Honorable John Pistole
Administrator
Transportation Security Administration

---

[15] Government Accountability Office, "Aviation Security: Actions Needed to Address Challenges and Potential Vulnerabilities Related to Securing Inbound Air Cargo." May 2012

Honorable Charles K. Edwards
Acting Inspector General
Department of Homeland Security

Mr. Steve Lord
Director, Homeland Security and Justice Issues
Government Accountability Office

Industry and Labor Panel

Mr. Ken Dunlap
Global Director, Security and Travel Facilitation
International Air Transport Association

Ms. Veda Shook
President
Association Flight Attendants

Mr. Charlie Leocha
Director
Consumer Travel Alliance

HOW BEST TO IMPROVE OUR NATION'S AIRPORT PASSENGER SECURITY SYSTEM THROUGH COMMONSENSE SOLUTIONS

―――――――

THURSDAY, NOVEMBER 29, 2012

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AVIATION,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:00 a.m. in room 2167, Rayburn House Office Building, Hon. Thomas E. Petri (Chairman of the subcommittee) presiding.

Mr. PETRI. The subcommittee will come to order. Today we will address an important issue that has a direct impact on the aviation industry: the Transportation Security Administration, or TSA, security policies.

When established in 2001, the TSA became responsible for aviation passenger security screening, including the hiring, training, and oversight of screening personnel. Today's hearing will look at the effect TSA policies have on the passenger experience and on aviation commerce. We will hear from Government, industry, labor, and consumer advocacy witnesses about the impact of TSA policies on the civil aviation system, and suggested comments on solutions to improve aviation security.

The aviation industry plays a critical role in the United States economy, contributing roughly 5 percent to our gross domestic product, and providing safe transportation to 803 million passengers per year. According to estimates by the United States Travel Association, commercial aviation passenger travel contributed roughly $813 million to the United States tourism industry in 2011. Therefore, any regulation or policy that impacts the aviation passenger experience, or the free flow of aviation commerce, directly impacts civil aviation and is of interest to this committee.

Surveys conducted by consumer advocacy groups have discovered that the professionalism and efficiency of the airport screening process has a direct impact on the likelihood that passengers will travel by air. In fact, one survey showed that aviation passengers were more likely to take one or more additional trips each year if the security screening process were to be made more efficient and friendly. These additional trips could generate millions of dollars in additional revenue for the aviation industry and for our economy.

The last decade, this subcommittee has heard from constituents, colleagues, and industry stakeholders about TSA's impact on the passenger experience and on the civil aviation system. Concerns

(1)

about the imposition of passenger screening procedures, such as the enhanced pat-downs, the use of advanced imaging technology machines, the lack of clarity on alternative screening procedures.

While TSA has developed alternative procedures for groups such as children under 12, active duty military personnel, the elderly, and persons with disabilities, there is concern from consumer advocates that passengers and some screeners are uncertain as to what these alternative procedures are. In addition, there are fears that both passengers and screeners may not always be aware of what the passenger's rights are when going through the screening process.

The past few years the TSA has started to move its approach from one-size-fits-all to a risk-based approach that attempts to focus screening efforts on high-risk passengers. This approach has resulted in the development of some new programs, such as Pre-check, an expedited screening program for known travelers of certain airlines. Under the Pre-check program, passengers enjoy streamlined screening. This is a small step towards a risk-based approach, and TSA should do more.

TSA and its 45,000 screeners are responsible for a complex and difficult job: ensuring the security of all aviation passengers. The TSA would be well-served in pursuing better partnerships with aviation stakeholders. TSA should also seek more input from a variety of groups on how the security process can be improved.

Look forward to hearing the witnesses' comments and suggestions to improve the aviation passenger experience, including areas where they believe TSA has made progress, and where progress still needs to be made.

I am sure, by the way, that Members have noticed that the TSA itself has chosen not to participate in this hearing. If we want more Government stovepiping, separation from one sector and another, the TSA's attitude and actions regarding this hearing achieve that end. But if we want better Government and coordination between different Government activities, Congress must be able to fulfill its oversight responsibilities.

In the case of this subcommittee, the TSA's operations and policies clearly impact civil aviation, including commerce, safety, airport operations, airlines, and passengers. Unfortunately, if they continue down this path of nontransparency and arrogance, the TSA will end up eliminating the very thing it is supposed to be protecting. Their absence today demonstrates why the public is so frustrated with the TSA. These people are public servants, and should reflect that in their attitude, rather than the arrogance that we see expressed on many occasions.

I would like to thank all the witnesses for taking the time to appear before the subcommittee, and sharing their thoughts with us.

And before we turn to witnesses for their statements, I would ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks, and include extraneous material for the record.

[No response.]

Mr. PETRI. Without objection, so ordered. And now, I would recognize my colleague, Mr. Peter DeFazio from Oregon, for any opening remarks.

Mr. DEFAZIO. Thank you, Mr. Chairman. I would just reflect that since I have been in Congress we have come a very long way on aviation security. My first term I got a briefing—and in those days the FAA was responsible for the oversight. But their employees weren't authorized to carry weapons in order to test the system. So they would encase a .45-caliber handgun, which is a pretty big honking thing, in a piece of Lucite, stick it in a carry-on bag with no more than something like three or five articles of clothing, and some very large percentage of the time it wasn't detected.

You know, early on, I proposed an enhanced security bill. Introduced my first bill, I believe, in 1988 to enhance the security. Bill Lipinski and I, 4 years before 9/11, talked about federalizing the workforce in many airports. The security jobs were described as the lowest entry-level job in the airport. We had heard testimony saying that people looked forward, in St. Louis, in moving up to McDonald's from being screeners.

We have professionalized the workforce. There are opportunities for advancement, better training, but it is still a work in progress. TSA has blundered in terms of certain acquisitions of equipment— the puffers, most notably, and some other equipment that they have acquired and then immediately retired, or sometimes didn't even put into use. And there is still some unevenness in terms of the training, and, with a large workforce, one can understand that.

But we need a TSA that is more nimble, more responsive, that does a better job at acquiring technology to expedite the screening process, and isn't focused on things that aren't important, which undermines the confidence of the traveling public, but takes a "bigger picture" view. And I do welcome the move toward the Pre-check and the known employee identification. And yet I would observe that those systems are not yet quite perfect, and I will have some questions about that later.

So, thank you, Mr. Chairman. I appreciate it.

Mr. PETRI. Thank you. Mr. Mica?

Mr. MICA. First of all, thank you, Mr. Chairman, for conducting this important hearing. And the title of it, of course, deals with our effectiveness in accommodating passengers and also making certain that TSA is putting in place the very best security measures and focusing their attention on who poses a risk.

Having been involved with TSA since its inception and one of the individuals responsible for its original creation, of course, I have been one of its strongest critics since it has sort of spun out of control. Just for the record, briefly, that spinning out of control, I think, occurred when it left the jurisdiction of this committee. It is very sad today that the administrator of TSA is stonewalling our committee, which created TSA, and refuses to communicate or work with our committee. He has done so, really, over his tenure. And I think that is part of the problem.

He and others now are protecting one of the biggest bureaucracies that has ever expanded in the history of our Federal Government, from 16,500 screeners to approximately 3,000 when it— 30,000 when it left the jurisdiction of this committee now to 66,000, I'm told, with more than 45,000 screeners, 14,000 administrative staff, 4,000 administrative staff within miles of here, making, on average, $105,000 a year. And then, with only 457 airports in the

country, you do the math of another 10,000 administrative personnel outside the jurisdiction here, just the overhead as far as management administrative costs has soared beyond belief. They don't want to respond to us, they only want to expand the bureaucracy, it appears.

The sad thing about it is the system doesn't make us any safer. In fact, now the customers are at risk. We have had meltdowns in airport after airport—Honolulu, we have—and we will cite those— ask unanimous consent that we cite in the record some of the meltdowns: Honolulu, L.A., Newark, Fort Myers, Charlotte. The list goes on and on. It is actually the passengers at risk now from TSA having their personal effects pilfered. It is unfortunate. Even in my own hometown of Orlando, as featured on a national television expose of theft by TSA workers, the meltdowns are—their lack of ability to perform.

We heard the chairman speak of their lack of experience, and other Members will address that, too. But this is our frontline of security, and it is a very weak line when the screeners now pose a risk to the flying public. So we have got to get this thing under control.

Mr. DeFazio was very active when we started this. We wanted to create a risk-based system that went after people who posed a risk. Now we are shaking down grandmothers, veterans, people with disabilities, every day you get a new horrific story. So we have lost our focus.

The purpose of putting it together, too—and when we had staff look at our pre-9/11 security efforts for aviation and transportation, we saw a scattered effort. We wanted it unified, and that is what we did in creating TSA, so you can connect the dots. The only thing that may save us is intelligence and information. So far we have been saved mostly by foreign intelligence and foreign intelligence information. Very little domestic. In almost every instance, TSA, where there has been an event, whether it was the diaper bomber, whether it was the shoe bomber, the mechanisms and protections that TSA put in place for screening failed.

We also have reports—and we will include those in the record— of the constant failure every week, everyday items that could pose a threat, do get by TSA. The equipment that they put in place also fails to detect even tests that we have imposed on the system and on a daily—almost a daily basis, a threat.

So, we have this huge bureaucracy, we have the flying public dramatically inconvenienced, almost violating, I think, their civil rights, and a system that is very poor. And we have, finally, missed the mark as far as targeting those who pose a risk and focusing on those individuals, rather than the general flying public. So, done a lot of damage, and I think we can turn it around.

The provisions that everyone helped with that we put on the end of the FAA bill that now require TSA to accept opt-out applications is in effect, and airports are now opting out. We had seven—we had five original that we set up that had private screening under Federal supervision that, as an evaluation, clearly stated after we had them in operation for some time, that private screening under Federal supervision performed statistically significantly better. So

we do have a mechanism to get us back to our original intent, which was to take TSA apart after the threats of 9/11.

We need to be closing down TSA as we know it, and instituting a safer, more secure, less bureaucratic, and more effective system.

With that, I yield back.

Mr. PETRI. Thank you. And those—the documents to which you referred will be made a part of the record.

[Please see pp. 68–139 for the reports that Hon. John L. Mica submitted for the record.]

And I would like to welcome the first panel: Mr.—the Honorable John Pistole, administrator of TSA, in absentia, was invited, but we will check at some point with the Office of Management and Budget and others, and see what the policy of this Administration is, so far as whether people should be testifying on related questions before this Congress, or if the Administration's policy is not to cooperate and to stovepipe. Or, if they are worried about committees of jurisdiction, if we coordinate with the committee of jurisdiction, as we have done in this instance, and has indicated that they would like TSA to accommodate us, if that should be the policy going forward.

But in any event, it is not acceptable to not get input from the TSA on a hearing on its activities that affect a vital part of the jurisdiction of this committee, which is aviation. And the fact is, of course, we all work for the public. And I talk to my constituents, they all assume that somehow we are accountable for the security that is going on in the airport. And, ultimately, it certainly does affect the operation of airlines, and they have to do a lot of work to try to accommodate and work with airport administrators to make sure that, one way or another, they make extra people and gates available for security when there is high frequency, to make sure people don't miss their flights because of the TSA problems, which were rampant at the beginning, and are, thankfully, much better now.

But, in any event, we also would recognize the Honorable Charles K. Edwards, acting inspector general, Department of Homeland Security, and Stephen Lord, director of homeland security and justice issues for the Government Accountability Office.

Gentlemen, thank you very much, and we will begin with Mr. Edwards.

TESTIMONY OF CHARLES K. EDWARDS, ACTING INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY; AND STEPHEN M. LORD, DIRECTOR, HOMELAND SECURITY AND JUSTICE ISSUES, GOVERNMENT ACCOUNTABILITY OFFICE

Mr. EDWARDS. Good morning, Chairman Petri, Chairman Mica, Mr. DeFazio, and members of this subcommittee. Thank you for inviting me to testify regarding the effect of Transportation Security Administration's security policies on aviation consumers. Today I will discuss the results of two audits and two investigations involving TSA.

In our examinations of TSA's programs, we found themes of inconsistent and insufficient oversight, policy implementation, and employee accountability that have the potential to adversely affect the airline consumer experience. The first audit that I will discuss

is our report regarding check baggage screening at Honolulu International Airport.

In December 2010 a confidential source notified TSA officials and provided video evidence showing some transportation security officers failing to follow required screening procedures in Honolulu, and clearing bags for transport without screening. As a result of this audit, we found five areas that needed improvement.

First, TSA had a fragmented process for developing and evaluating changes to its baggage screening procedures.

Second, there was a limited direct supervision of those screeners who did not follow proper procedures. Screening managers and supervisors were not regularly present in performing all required responsibilities.

Third, TSA's directives and procedures did not include clear guidance on direct supervision of screening operations.

Fourth, TSA management did not provide sufficient staff or more efficient equipment needed for screening operations. For example, officials at Honolulu requested automated equipment in August 2008, and TSA headquarters added the request to an unfunded requirements list at the same time new and used equipment was stored in a warehouse, awaiting delivery to airports for more than 1 year.

Fifth, and finally, TSA allowed various levels of screening and intervals of mitigation that TSOs could misinterpret as meaning that screening was not always possible or needed.

We made four recommendations in our report, and TSA concurred with and planned to address all four.

The second audit that I will discuss is our May 2012 report regarding TSA's efforts to identify and track security breaches at our Nation's airports. TSA does not comprehensively track and gather information about all security breaches and, therefore, cannot use the information to monitor trends or generally improve security.

The agency also does not provide the necessary guidance and oversight to ensure that all breaches are consistently reported, tracked, and corrected. As a result, TSA does not have a complete understanding of breaches occurring at the Nation's airports, and misses opportunities to prevent, minimize, respond to, and take corrective action against security breaches. The agency agreed with our report recommendations, and identified actions to resolve these issues.

Finally, I will discuss two of our investigations pertaining to allegations of TSA employee misconduct and criminal acts. The vast majority of TSA employees are dedicated civil servants focused on protecting the Nation. However, allegations of misconduct by a small percentage of those working directly for and with the American public cannot be ignored.

Recent media coverage of criminal misconduct of TSA employees may affect the perception of safety and security of airline passengers. The first example involves a case of theft by a TSO at the Orlando International Airport. The investigation revealed that, over a 3-year period from 2008 through 2011, the TSO had stolen more than 80 laptop computers, cell phones, iPods, estimated at $80,000, from passenger luggage, while ostensibly performing his duties at the airport. In August 2011, the TSO pleaded guilty to

Federal charges of embezzlement and theft and in January 2012 was sentenced to 2 years' probation.

The second example is of a case of theft by a TSA screener at Newark Liberty International Airport. The investigation established that from October 2009 through September 2010 property and currency totaling as much as $30,000 were stolen from passengers as they underwent checkpoint screening. When we confronted the TSO with evidence, he admitted his guilt. The TSO was subsequently sentenced in U.S. district court for 30 months' imprisonment, followed by 3 years' supervised release and ordered to forfeit $24,150.

In conclusion, our audits and investigations highlight various aspects of TSA's oversight policy implementation and employee accountability that could affect the actual and perceived safety and security of the traveling public. Although TSA has made efforts to improve transportation security and to carry out our recommendations, TSA still faces challenges and must continue to work toward accomplishing its vital mission to protect the Nation and ensure free movement of people and commerce.

Chairman Petri, this concludes my prepared remarks, and I welcome any questions that you or the Members may have. Thank you.

Mr. PETRI. Thank you.

Mr. Lord?

Mr. LORD. Chairman Petri, Chairman Mica, Representative DeFazio, thanks for inviting me here today to discuss my body of work on TSA and our new report on the TSA complaints process. I think this is an important report, as I think it shows how TSA could better mine the complaints data to enhance the screening process and passengers' experience, which is the theme of today's hearing.

To be fair, though, I would first like to recognize that TSA faces a difficult task. They are simultaneously trying to enhance security, respect passengers' privacy, and maintain passenger throughput. Sometimes that is complicated to achieve simultaneously.

I would now like to highlight the key points from our new complaints report. We essentially looked at two issues: how does TSA collect and utilize the passenger complaints data; and, two, how does it inform passengers who are interested in making complaints about the process?

Regarding the data, it is interesting. TSA collects thousands of complaints each year through five central mechanisms. However, because the mechanisms all categorize the complaints differently, it is difficult to do a rollup to discern overall patterns and trends and identify what is really going on at the strategic level.

In terms of numbers, we noted that TSA received over 39,000 complaints through a single mechanism known as the TSA Contact Center. That is its primary mechanism for collecting complaints. Almost half, or 17,000 complaints, were related to the pat-down process.

However, as noted in our report, this does not reflect the full story because, again, there are different mechanisms for collecting complaints. And at the ones they use at the local airport level, the

TSA employees have a lot of discretion in how they identify and document these complaints.

For example—just a quick example—we found comment cards were used in varying ways at six airports we contacted. At two airports, they were on display, customers could fill them out if they had a complaint. At another two airports, they were available, but only on request. And at the other two airports we contacted, they weren't available at all.

We also found that TSA uses several methods to inform passengers about how you actually do make a complaint if you have a concern you want to share with TSA. This includes signs, stickers, and the customer comment cards I mentioned. But what we noted is there is a lot of inconsistency across airports on how the passengers are informed about the process. Thus, we made what I believe are four important recommendations to improve the process.

First of all, we think TSA needs to clarify their policies for their own employees on how to collect and document complaints. We think they need to do more analysis of the good data they are collecting to reveal what the patterns and trends are, what they need to be focused on. We thought it was also appropriate for them to designate a focal point, someone I refer to as a Complaint Czar, to oversee the revamped process and ensure that new policies are being implemented consistently. And we think they also should take additional steps to better notify passengers about if you do have a complaint, how do you make it.

The good news in all this is that TSA agreed with all our recommendations. They are already taking steps to implement some of them.

I would now like to briefly discuss TSA's efforts to move to a more risk-based approach. That is one of the themes of today's hearing, as well. I would like to briefly note their efforts to move to a more risk-based process through the so-called Pre-check program. They hope to have this program rolled out at 35 airports by the end of the year. I think this is a noteworthy effort. Essentially, what they are trying to do is find that elusive needle by shrinking the haystack, you know, only focus resources on higher risk passengers. But it is in the early stages of implementation. I can't really comment on how effectively it is being done. We plan to look at that next year, as part of our regular audit program.

In closing, I would like to look at this at a more strategic level. I think TSA, if they really want to enhance the process and address passengers' concerns, they need to make the process more selective, more effective, more efficient. There are various ways to do that.

Mr. Chairman, this concludes my prepared remarks. I look forward to responding to any questions you may have. Thank you.

Mr. PETRI. Thank you. And thank you both for your testimony. I am curious to know whether the Inspector General's Office or the Accountability Office—do you liaise with, or does TSA do it, with other people who are concerned about security in other countries to figure out, as part of best practices, what they are doing to see if we can improve security and lower costs and the intrusiveness of the process? And—or are we basically just throwing people at the problem here, and then expecting to see that they operate as

nicely as possible, but not thinking that strategically about the whole thing?

And the second question is whether TSA itself is trying different techniques at different airports, possibly, or—to see if there are ways of doing its job better and more efficiently? Or is it basically one-size-fits-all and, again, just throwing resources at the problem and hoping that we don't have a disaster that will cause us to re-examine the whole thing from top to bottom, as we did after 9/11?

Would either of you care to respond to those concerns?

Mr. EDWARDS. Thank you, Chairman. I very recently met with Chairman Issa. We have done a lot of work on different pieces of work that TSA is doing, different audits and inspections. But we have not looked at the holistic approach at TSA itself. So, after meeting with Chairman Issa, we are in the process of doing an audit, looking at TSA staffing and the different approaches it is taking. It is still in the early stages of it, but I plan to look at it this year, sir.

Mr. LORD. I would like to add that I think TSA could learn a lot from our foreign partners. In fact, they have an office, an Office of Global Strategies, which is basically an office established to liaise with our foreign partners. I think that we can learn from how other countries conduct screening and—as well as, you know, mitigate risks they are concerned about.

In terms of ways we can do better, the one-size-fits-all, I think TSA is trying to move away from that. That is why they are using the so-called Pre-check program. Again, they want to focus more screening resources on higher risk passengers, and expedite screening for the lower risk passengers. They have also recently relaxed screening requirements for the elderly, people 75 years and older, and children, people who are 12 years or younger. So we think that is a step in the right direction, that is an example of how they are using risk-based screening more effectively.

Obviously, these people are not exempt totally from the screening process. I believe it is important to have an element of unpredictability in it and, you know, allow TSA to, you know, periodically screen people, even those that think they are not going to be subject to screening.

Mr. PETRI. We will probably get better answers on this from the second panel, on the relationship between the airline industry and the resources that they can make available for the security process and TSA. But I would be interested if either of you could offer any insight as to how—if—it seems to most of the people on our panel—certainly to Chairman Mica in his opening statement—that there is a lot of—to be gained by emphasizing intelligence and information outside of just sort of inspecting each person who happens to walk through the door from top to bottom, and hoping that that will actually solve the problem.

Do you have any sense at all as to how much both coordinating with foreign governments and domestic—other law enforcement agencies and—emphasis is being placed on intelligence and information so that you can credibly—you can cover up that you have got it through intelligence by having an inspector and pretending the inspector discovered it?

But to just rely on the inspector is almost—we all—everyone on this panel is inspected 50 or 100 times a year, and we forget to take our little ditty bag out, or we leave something in, and it is never—it rarely—once in a while stuff is found, but a lot of times it isn't. And other things that look suspicious are awards that happened—have lead in them and don't show up and things, so it is a very inefficient process, inspecting every individual that walks through the door, especially when many of them are inspected 50 or 100 times a year at what cost to the taxpayer, and what yield to the—except inefficiency—to the whole—could you care—comment on——

Mr. EDWARDS. Thank you, Chairman. TSA has a very difficult job of protecting the Nation's transportation security system, and to ensure that people and commerce get through safely among all the threats that come in every day.

I can come by at a setting that is not public and talk to you about the intelligence efforts. We also coordinate with law enforcement intelligence partners, and I can come and talk to you privately, or to your staff, and give you more information about the TSA's strategy of what we know and what we are working with TSA about.

Mr. LORD. I think, to answer your original question, I don't think you can do it through screening alone. I think Chairman Mica is correct in noting it has to be fused with good intelligence. In fact, if you look at two of the most recent successes which we can discuss publicly—the disrupted air cargo plot in Yemen in October 2010 and a plot earlier this year, they disrupted a plot, another planned undergarment attack—that was due to good intelligence, and that was due to foreign intelligence.

So, you can't—you have to figure out a way to better fuse the intel streams with the screening process. If you are just relying on screening alone, a lot of people would argue that is too late. So I think these recent disruptions underscore the importance of having good intel-sharing partnerships with a foreign government. So I think that is a real important point.

Mr. PETRI. Mr. Mica.

Mr. MICA. Well, thank you, and thank you for sharing your review of some of the procedures and what is taking place with TSA, their effectiveness and passenger screening problems.

They have come up now with a proposal for a new risk-based screening system, and they have tried several other things. I know after the Chechen bombing, the two women that took down those planes, we—knowing that our system was flawed, that we put in behavior detection systems. Did you all look at the behavior detection?

Mr. LORD. Yes. We issued a report in May 2010. We made 11 recommendations to TSA to improve that program——

Mr. MICA. And, as I recall, that——

Mr. LORD [continuing]. That was——

Mr. MICA [continuing]. Said that something like 21 known terrorists had gone through airports, TSA, 18 times. That meant some went through multiple times. I mean I don't know if that is a right figure. Is that correct?

Mr. LORD. That is fairly close, yes.

Mr. MICA. OK.

Mr. LORD. We noted, as part of our discussion of developing better performance measures, that TSA perhaps could look at the video tapes of known—people who are convicted of supporting——

Mr. MICA. Right.

Mr. LORD [continuing]. Terrorist-related activities—study their behaviors, and see if they were admitting any so-called——

Mr. MICA. Well, I went up to Boston to look at what they had set up there, and it was a—it was almost a joke. They were interviewing everyone. And I have also been to Israel most recently. If you get an update, which Napolitano and Pistole got, to look at their screening and—of course, they chose the most bureaucratic, least effective, most intrusive means of screening in the Boston—and I think they did it in Detroit. Is the Detroit behavior detection review over?

Mr. LORD. We are currently in the process of reviewing the so-called assessor——

Mr. MICA. Yes.

Mr. LORD. It is the new variant of the behavior detection program. I believe the IG is also looking at this, or some variant of it.

Mr. MICA. Mr. Edwards?

Mr. EDWARDS. Chairman, we are both doing an investigation, and also doing an audit on the behavior detection, and also looking at the program. So the report is being drafted right now, and I should have it out by the second quarter. And before we publish it, I will be glad to come by and brief you, sir.

Mr. MICA. Well, we would like to get the results of that.

The other problem we have is for—it is over 10 years now, and I think I have put in law at least 3 times that they should develop a biometric identification. We still have nothing for pilots. We required that it be—the license be durable, have a picture of the pilot, and have the ability to contain biometric information. And, as I reported a couple of years ago, when they first produced it under the law, it was plastic, which was durable, it had some biometric capabilities, but very limited. I don't know who ripped off their procurement officer, but any credit card had more capability than what they produced. And then the only picture of a pilot on the photograph—on the card, ID card, was Wilbur and Orville Wright.

Is that still the case? Have they produced a pilot identification?

Mr. EDWARDS. Not that I am aware of.

Mr. MICA. Not that you are aware of?

Mr. LORD. Not that I am aware of.

Mr. MICA. And they haven't settled on biometric. There is two components to biometric. One is—would be your fingerprints or thumb prints. The other would be iris. And I think they have settled on the thumb, but we—do we have a resolution on iris, yet? Do you know, Mr. Lord, Mr. Edwards?

Mr. EDWARDS. No, sir. I don't.

Mr. LORD. I don't know——

Mr. MICA. I don't think so. And see, that is the problem, because they continually, day after day, week after week, month after

month, screen Members of Congress. Now, some of them may pose a risk, I have to provide that caveat.

[Laughter.]

Mr. MICA. But Federal judges, people with top security clearances are all screened, because they don't know who those people are until you have an ID that can truly tell who that person is. We have other agencies who have IDs—is that true, Mr. Lord—that have biometric measures that——

Mr. LORD. Yes, yes. The Department of Defense uses a common access card——

Mr. MICA. Yes, yes.

Mr. LORD [continuing]. Across its entire community.

Mr. MICA. And we are now, 10 years later, three mandates in law, and they still do not.

So, you really—and what scares me with these pre-clearance programs and—they had CLEAR program and other programs, which are fine, because they are sort of Mickey Mouse operations, they send them through the same flawed screening process, but if you actually knew who the person was, the pilot actually will have the controls of the plane. Mr.—it is kind of scary to think about this, but Mr. Cravaack is a pilot, and he actually controls the—a plane and can do whatever he wants with the plane, and professional pilots are going through this, flight attendants, other people, mechanics, et cetera.

The screening of the employees is another complete bizarre kabuki dance. And I think it is still the same way. They screen some of the employees at some of these programs. They get behind screening and they have chemicals that could blow up a plane, they have everything that you couldn't bring through. They have saws, knives, weapons—or not weapons, but all kinds of instruments that you could not bring through screening. So we have to have information about people, we have to know something about their background, then we have to know who they are and focus on people who pose a risk. But until you have an ID that can tell you who that person is, everything that they do with these programs, to me, is, again, sort of a sham.

So, maybe I am off base, Mr. Lord.

Mr. LORD. Yes, if TSA was here I presume they would report they are considering adding additional workers, make them eligible for their Pre-check program, such as Federal workers, such as myself with security clearances, Members of Congress with security clearance——

Mr. MICA. I am not looking for just me, but you have military, too, that they are shaking down——

Mr. LORD. Yes, military.

Mr. MICA. You have whole—there are millions of people with clearances that they don't need to be wasting their time on. In fact, they dilute our effectiveness, because they are wasting time. The most recent offense was just, I guess, a few days ago. One of the congressman's nieces was wearing a sundress, and they—17 years old. And in the process, they pulled down the sundress. Very embarrassing, on tape. Now I think there is a Federal probe of this.

But a TSA agent who cannot look at a 17-year-old girl in a sundress and say that she doesn't pose a risk, or put her through—

again, we do have multihundred thousand-dollar pieces of equipment now at almost every airport and other screening techniques without subjecting the traveling public and an innocent young lady to this kind of embarrassment. It has gotten beyond the pale.

Again, I will yield back. Mr. Petri, I thank you.

Mr. PETRI. Thank you. Mr. Coble.

Mr. COBLE. I thank the chairman. Gentlemen, it is good to have you all with us today.

My personal dealings with TSA have been consistently favorable and pleasant. Some of my constituents report otherwise. Of course, you have personal inconvenience on the one hand, personal safety on the other. And one would conclude that safety should trump inconvenience in most cases, but it would be preferable if we could accommodate both those issues. And hopefully that will be done.

Mr. Edwards, does TSA need to focus more on customer service in providing passengers with a more—strike that—with a less intrusive experience? If so, what is the agency doing to that end?

Mr. EDWARDS. Thank you, sir. TSA is working with liaisons at various airports. TSA is trying to improve the customer experience. But it still has long ways, because it needs to address the breaches and the comprehensive issues that are still faced with various airports.

I totally agree with you that they do need to work with—let the customers know. Because I think, ultimately, the safety of a passenger is the most important thing. But you need to work with the customers, let them know if there is long waits, why it is taking so long.

And we also—by the way, we make sure—not to get off point— we also have red team testing, which is classified, but we do that every year to ensure that the screening process is secure. And then we discuss the results of such things at a classified setting. And TSA does listen to us and make improvements on it.

Mr. COBLE. I thank you, sir. Mr. Lord, as I have mentioned, I have been the beneficiary of constituent complaints. Now, I don't know whether these would be isolated or whether they would be general run of the mill. Having said that, is it your belief that some of the TSA screening procedures and treatment of passengers causes airline passengers to deter from flying?

Mr. LORD. You know, that is a very difficult issue to measure. We have heard that anecdotally, but—I assume that is likely to occur in some cases, but from a—since I am from GAO, I always like to look at the data empirically. And I haven't really seen the data, but we have definitely heard reports that would support that view.

Mr. COBLE. You may not know this, Mr. Lord, but do you have a figure, the total number of complaints that have been forthcoming? That may be difficult to——

Mr. LORD. Actually, that is a very good question, because when we started our customer complaints job, that was one of the first questions I asked my team. I said, "I would like to know how many complaints are made each year to TSA." And what we quickly found is we can't really answer that, because they have different offices that are, you know, diligently collecting complaint data, but it is all done through a decentralized process, and they all use dif-

ferent buckets to put the complaints in, so you can't do an overall rollup to really figure out what is going on on an overall basis.

Their primary mechanism, though, I can report, is the TSA Contact Center. Over 3 years they received 39,000 complaints. And almost half of them, about 17,000, were related to the pat-down process. The next two most frequent categories were customer service and screening. And, somewhat surprisingly, complaints about the whole body imagers, that ranked a distant fourth, and was a much lower level.

So, there is some selective data you can look at that clearly shows—it is more than anecdotes—that customers are concerned about the pat-downs and customer service. But again, that is only one of five mechanisms they have. And that is why we recommended that TSA figure out a way to roll all this data up at a higher level, so it is easier to figure out what is going on.

Mr. COBLE. I got you. Thank you both again for your presence today.

Mr. Chairman, I yield back.

Mr. PETRI. Thank you. Mr. DeFazio.

Mr. DEFAZIO. Thank you, Mr. Chairman. To both the panelists, I am having a hard time understanding how hard it would be to have a standardized national system for reporting security breaches, or how hard it would be to have a standardized national system with categories of complaints. I mean I don't get it. That seems pretty routine to me. I mean what is the barrier?

Mr. EDWARDS. Well, thank you, sir. On the breaches, well, clearly they don't have a clear definition. To me, a breach is a breach.

Mr. DEFAZIO. Right.

Mr. EDWARDS. But they don't have a clear definition. In one system it is defined differently. And the system to capture breaches, there are 33 different categories. And then they have a management directive which talks about breaches as something different. So, one of the recommendations we have made is come up with a clear definition.

Mr. DEFAZIO. Right.

Mr. EDWARDS. If somebody bypasses or does not go through screening and enters a sterile area, it is a breach.

Mr. DEFAZIO. Right.

Mr. EDWARDS. Not whether the intent was mal or not. It is still a breach.

Mr. DEFAZIO. Right.

Mr. EDWARDS. And so, when we—and they don't have a comprehensive mechanism to track that. It is captured at the local level, and then when it is sent up to their parent system, or to the Transportation Security office in Reston, it still—you know, they don't have all the data. Some of them don't report it, so they are not able to make decisions on corrective action or look at trends. So one of the recommendations we have made, out of the two, is to come up with a system that will capture that.

Mr. DEFAZIO. Right. And again, it doesn't seem too difficult. And, Mr. Lord, on the complaints, that seems really routine.

Mr. LORD. Yes. You can make the same argument on a complaint. I think it is a matter of—people are very diligent, working hard in their own little stovepipe. But when we came in and took

a couple steps back, we quickly figured out everybody was measuring it a little differently. And once we explained, well, this is going to make it really difficult to figure out what is going on on an overall basis, they quickly recognized they could be doing it better.

So, I think that just underscores the importance of sometimes just bringing in an outside party to take a look at what is going on in your shop.

Mr. DEFAZIO. OK. That is good. Now, I want to—I know you are in the preliminary stages on Pre-check, but I want to put sort of a basic premise to you.

We have, it seems to me, a kind of bizarre system. You contact the airline, you give them your—I have a global entry card. You give them your global entry information. And then they attempt to encrypt that into your boarding pass. The last seven times I have tried, they have failed to do that. But I have recently read that now there are apps where you can read your barcode and see whether or not you have been cleared, which seems to me is problematic, both because it doesn't work a lot of the times, and it is also problematic because it is a security issue.

So, I don't know what a trusted traveler card looks like, but I know what a global entry card looks like. Pretty darn hard to counterfeit. Why don't we just have readers at that point, and you say, "Here is my boarding pass," which doesn't have encryption in the barcode, "But here is my global entry card. You can see now that I am a low-risk person because I went through the background check, et cetera, et cetera," and they could read it.

But they say, "Oh, we can't read those cards." Well, you can read—I mean I can come into the country without talking to a customs agent. I mean a border agent, with the card. But I can't get on an airplane? I mean this seems really bureaucratic and stupid. No offense.

Mr. LORD. TSA, if they were here, they would wholeheartedly agree, I assume, that they need to take additional steps to protect that type of information. In fact, that is one of the reasons they are rolling out this boarding pass scanning technology. It is to help authenticate the documents. It is currently being pilot tested in San Juan, Dulles, and Houston, I believe.

But, anyway, they recognize that as a potential vulnerability. We will be looking at that as part of our upcoming——

Mr. DEFAZIO. But I am just saying why not eliminate that step? Why not just have a standard boarding pass, and the key—if you want to stand in that line, and they can either let you go through, or decide to randomly screen you—is to show them the card which proves you are who you say you are, and that you have had a thorough background check, and you are cleared. Since, I mean, what is more of a threat: getting on to an airplane, or coming into the United States of America without having to talk to a border patrol agent?

I mean this is nuts. I mean TSA is inventing a whole new thing when all they need to do is read the damn cards.

Mr. LORD. Yes. We will be taking a closer look at that in our upcoming reviews. I will—we will be able to get back to you at a later date on that.

Mr. DeFAZIO. OK, thank you. Thank you, Mr. Chairman.

Mr. PETRI. Mr. Cravaack.

Mr. CRAVAACK. Thanks, Mr. Chair. Thank you, gentlemen, for being here today.

Got a quick question for you, just in regards to—as passengers, when they are going through TSA security. One of the things that I keep on hearing is—and, quite frankly, experiencing myself in an airport where actually I was dealing with a supervisor after I was asking some questions about protocol and procedures, threatened to get the police on me and everything else, even though I am just asking simple questions about the procedures that I had to personally undergo as a citizen of the United States.

Now, I think what people are very upset about is that when they go through security, they give up their personal rights and freedoms to be able to go through the security, and that when they think that their freedoms and securities are breached, they don't have anybody to talk to. There is no real advocate for the passenger there that is able to listen to them and, you know what, not just give them lip service, but to give them followup, as well.

So, could any—could you gentlemen comment on that?

Mr. LORD. Well, in our complaints report, the very last section, we describe TSA's—they just established this new passenger advocate program. They just started to roll it out. And they designed it to help provide an independent means to address passengers' complaints. Because, right now, as we pointed out in our report, it is a relatively closed system. The people investigating complaints report to the same—they are in the same supervisory chain as the people they are investigating in airports, and that raises some independence issues.

But under this new advocate program, they are going to be able to report separately to the Office of the Ombudsman at TSA headquarters, so that may help address the issue you are concerned about. They will tend to be more of an advocate, I believe, if it is implemented properly, but——

Mr. CRAVAACK. But who is the passenger's advocate right there, when they feel, right then, that their personal liberties are being invaded?

Mr. LORD. They will have someone who is designated as a passenger advocate. It will be a collateral duty, in most instances, but they are going to have someone specially trained to help ensure these—you know, these things you keep reading about don't occur with such frequency.

Mr. CRAVAACK. Yes. And the other aspect of it is somebody that can make a command decision. That is the other aspect.

And I can go with you offline and tell you personally what happened to me and my 9-year-old son—he is going to be nine on Saturday—but what exactly happened to him and me, as a parent, concerned about that issue. And there was no one listening. And I am talking to the individual as a passenger, as a father, and this person didn't try to assist me, didn't care about my particular concerns. And then, even more so, elevated it to the point where they started threatening law enforcement. That is—what do I do? What does the average American citizen do when they are up against

that? That is absolutely uncalled for and, quite frankly, exactly the opposite of what we have been hearing that TSA is all about.

Mr. LORD. No, I agree with you. There are incidents that occur like that. And I think passengers need mechanisms where they can, you know, file a complaint and have it addressed promptly and independently.

So, hopefully, you know, you will see more consistency in that area, now that our report has been out. But, you know, it is a difficult situation. I agree.

Mr. CRAVAACK. It is.

Mr. LORD. So——

Mr. CRAVAACK. It is that. I am—Mr. Chairman, I am disappointed that Mr. Pistole is not here today. I did want to address some concerns about—and I don't know if you gentlemen can address this in regards to security within the shadow of the aircraft, and how that is being addressed. And also, I was hoping to get more information on what we are doing to ensure that our troops that are in uniform, traveling on orders with their ID, are being treated with the respect and dignity that they deserve when traveling our Nation's airlines. Can you—either of you two gentlemen—comment on that?

Mr. EDWARDS. I can take your questions back, sir. And if we have not done any work, I will try to get the answers for you. And also, for complaints, it may not help right away, but we also have a hotline, 1–800 number, and we also have a web portal that we can take the information and then make sure it gets to the right person and ensure that actions are taken. And what happened shouldn't have happened, and we can at least make sure that it doesn't happen in the future.

Mr. LORD. And I can take the second part of the question. In terms of members of the service in uniform, as long as they have a common access card, they are eligible for the Pre-check process, if it is established at a particular airport. That allows them to be subject to expedited screening. I think that is a good thing. That is another example of how TSA is moving to a risk-based screening process, again, shrinking the haystack.

Mr. CRAVAACK. Right.

Mr. LORD. Don't spend so much time worrying about people we know——

Mr. CRAVAACK. Yes.

Mr. LORD [continuing]. A lot about, we think are good security risks.

Mr. CRAVAACK. Excellent. Thank you, gentlemen, and I yield back.

Mr. PETRI. Thank you. Mr. Ribble.

Mr. RIBBLE. Thank you, Mr. Chairman. I want to thank both of you for coming this morning. Very disappointed that TSA was unwilling to come. I understand how uncomfortable these hearings can be for them, especially since we are talking a lot about complaints today. But part of their job is to let the American people know what they are doing. And part of our job is to hold Government agencies accountable for what they do. And so it is especially disappointing. But thank you for coming today.

The bulk of my questions, I believe, will be going to you, Mr. Lord. However, Mr. Edwards, if you have anything to add, please feel free to do so.

Mr. Lord, you mentioned in your testimony that you were concerned because it appeared like there was a lot of discretion available from airport to airport by TSA agents on how they logged complaints. My question is, what about—what other discretion did you see on how they do their job? Do they have discretion?

Mr. LORD. They—well, from an audit standpoint, you always like to see consistency in anything you are looking at. And, in terms of their screening protocols, they are very detailed. I believe there is more consistency in the way they try to screen. But the complaint process is what we focus on.

In this report, we saw great variation, which concerned us. Not only—again, they were always documenting the complaints through comment cards and logging them in, but they weren't sharing these with their headquarters offices. So the headquarters—from a headquarters standpoint, you really don't know what is going on in the field, you know, if you are collecting information, yet not sharing it with your headquarters offices. So that concerned us, as well. There was inconsistency in that area, as well.

So, if I had to come up with a single word to describe our report, it was inconsistent application.

Mr. RIBBLE. Yes. And that discretion, though, you didn't observe discretion available to individual screeners as it related to someone that they—well, let me go back.

Are they required to follow very, very specific screening requirements on every single passenger, or is there discretion there?

Mr. LORD. The protocols are fairly detailed. And, from a security standpoint, as a manager, you want to ensure your screening workforce is implementing them consistently. Obviously, we all know, sometimes there are lapses, it doesn't occur at all or it is done inconsistently. But, from a security standpoint, if you see—I mean the screening protocols are sensitive security information—they are not public information, but I can assure you they are very detailed, not only for passengers, but for the cargo carried in the belly of the aircraft and for the checked baggage. They are very detailed. But on a complaint side, it was a little more undefined at the local level.

Mr. RIBBLE. Yes, and I am not here trying to beat up on any Federal employee trying to do their job. Quite frankly, I fly mainly out of Appleton, Wisconsin, or Green Bay, Wisconsin, and I have found the TSA agents there to be highly professional and doing a very good job. Now, obviously, as a Member of Congress, I have a bit of notoriety. I don't know whether or not I am getting different treatment than anyone else does. However, I travel at a lot of airports, and I can say that I have observed inconsistency in their process from airport to airport.

So, regarding this issue of inconsistency, not just on complaints—but we could just stay focused on the complaint issue—who is in charge of making sure that the inconsistency is—if there is inconsistency from airport to airport, how much say do the airports have? How much say do the airlines have? How much say does the

TSA have? How much say do passengers have? Who is the boss here?

Mr. LORD. Well, again, that is another good point we highlighted in our report. And one of our key recommendations was essentially appoint a Complaint—for lack of a better term, a Complaint Czar. We didn't use that term in our report——

Mr. RIBBLE. Right.

Mr. LORD [continuing]. But that is how I refer to it, someone to oversee the process across the entire population of airports, make sure the new policies are being implemented effectively, all the data streaming in, they are measuring it the same way. Because, again, as our report said, who cares if you have data coming in if it is not measured—you can't make heads or tails of it?

So that was a key recommendation. We said, "Assign a focal point." For lack of a better term, I will use "Complaint Czar." But we think that will add consistency to the process.

Mr. RIBBLE. And, Mr. Edwards, I just turn my comments toward you a little bit. If you could, talk to us about the relationship between the passengers, airlines, and TSA. It seems to me that our transportation economy is pretty significant and very important to the overall U.S. economy. Ultimately, passengers will make choices based on treatment, whether it is treated by airlines or treated by Government. They may choose to go to different forms of transportation—and, in fact, they are.

How do we protect our airlines and protect security, given that TSA doesn't seem to be responsive to either?

Mr. EDWARDS. Well, thank you, sir. As I mentioned earlier, that TSA has a monumental task of ensuring that we keep the transportation system secure to ensure that people and commerce move freely. And there are emerging threats every day.

So, on one hand, TSA needs to ensure that passenger safety is not jeopardized. At the same time, people wait time should also not increase. So TSA needs to work with airlines. You know, they do have liaisons, so they need—and they need to ensure that the stakeholder meetings within the airports continue and share information.

And also, you know, we have—when we do our audits and inspections, we provide recommendations. And when we find things that TSA needs to work on, we don't just wait until the report is published, just because the report needs to get published. Well before the report is published, we meet with them and tell them, "Look. Here are the things that we are finding that you need to work on that"—because I am not looking always to tell a bad news story. If they can—if I can find something earlier on and let them know, "This is what I am finding systemically that you need to work on," and "Fix it by the time my report comes out"—so there is a good working relationship over there, as well.

Mr. RIBBLE. Yes. Mr. Chairman, request permission for 1 more minute. Thank you.

And then I just wanted to talk, Mr. Lord, on the pre-program, this new pre-screening program that they have. It seems to me that security is one issue, customer satisfaction is another. And as a pre-screened passenger, I have noticed a great deal of inconsistency in pre-program, in that it is not reliable to me. I don't know

ahead of time, even though I have been pre-screened, I don't know that I will actually be effectively pre-screened once I arrive at the airport. And so I can't really plan on how long the line will be, or how much time it will take. I have to act as if I am not pre-screened. And so, therefore, I have more frustration with the program, and less satisfaction with the program on a program that was designed to increase satisfaction.

Mr. LORD. Yes, we have heard that complaint from multiple sources.

Mr. RIBBLE. I imagine you have.

Mr. LORD. I can assure you—and I think you are right, because it doesn't really offer the advantage of cutting your wait time if you still have to get to the airport at the same time. I mean what is the advantage of the program?

I believe TSA is cognizant of this. They are going to take steps to make it more permanent. But this is something we are going to look at in our upcoming review of the Pre-check program. Obviously, to me, that is a major selling point: you don't have to get to the airport as early. But when you arrive, and the Pre-check line is closed for that particular day, you have to—you wonder. What is—I mean what is the advantage of the program?

Mr. RIBBLE. Or, I have been told, "Well, you are pre-screened, but you are not pre-screened today."

Mr. LORD. Yes.

Mr. RIBBLE. "Your number didn't come up." It is a crazy system.

Mr. LORD. Yes, yes.

Mr. RIBBLE. It just really is. Thank you, Mr. Chairman.

Mr. PETRI. Thank you. Yes, you miss a lot of planes that way, if you rely on the system, and that is not really helping very much.

Well, we thank you very much for your testimony, and we will turn to the second panel.

The second panel consists of Mr. Ken Dunlap, who is global director of security and travel facilitation of the International Air Transport Association, or IATA; Ms. Veda Shook, who is international president of the Association of Flight Attendants; and Mr. Charles Leocha, who is the director of the Consumer Travel Alliance.

We thank you all for the effort that went into your prepared statements, and would invite you to summarize them in 5 minutes or so, beginning with Mr. Ken Dunlap.

TESTIMONY OF KENNETH J. DUNLAP, GLOBAL DIRECTOR, SECURITY AND TRAVEL FACILITATION, INTERNATIONAL AIR TRANSPORT ASSOCIATION; VEDA SHOOK, INTERNATIONAL PRESIDENT, ASSOCIATION OF FLIGHT ATTENDANTS; AND CHARLES LEOCHA, DIRECTOR, CONSUMER TRAVEL ALLIANCE

Mr. DUNLAP. Chairman Petri, Congressman DeFazio, and distinguished members of the committee, thank you very much for the opportunity to invite IATA to testify on the future of aviation passenger screening. IATA's 240 member airlines criss-cross the globe every day, safely carrying passengers and cargo to their destinations. In 2011 alone, airlines carried more than 2.8 billion passengers. And I know you have heard this all before, but the num-

ber is expected to grow globally, with nearly 6 billion passengers carried by the year 2030.

With this projected growth will come the need for improved infrastructure, and perhaps most importantly, next-generation passenger screening based on a new paradigm. Here in the United States, we are seeing encouraging signs that the one-size-fits-all approach to passenger screening is being re-evaluated. Secretary Napolitano and Administrator Pistole have begun an important move to risk-based passenger screening. Examples are TSA's voluntary Pre-check program, new procedures for individuals 12 and under, 75 and older, and also airline crewmembers.

In parallel, the airline industry has committed itself to developing a new risk-based security screening checkpoint. At this point I would like to pause and acknowledge both Secretary Napolitano and Secretary General of the Council of the International Civil Aviation Organization, Raymond Benjamin, for their vision and support of this industry initiative.

IATA is working with public and private partners around the world to modernize and improve the passenger screening experience through the Checkpoint of the Future program. Over the last 3 years, the program has evolved into an industry-led and IATA-supported initiative. That means that airports, security equipment manufacturers, Interpol, universities, governments, and airlines are working together to make a new checkpoint a reality. And we can put numbers behind our collaboration.

Our advisory group, which provides oversight, has 16 key senior executives from every corner of aviation. They guide 110 experts who are working to assemble the technology, policy, and procedures needed for a checkpoint of the future, and all of these individuals are volunteering their time to this effort. To date, the team has developed a concept definition and blueprints to take us through a checkpoint that evolves from today to 2014, to 2017, and 2020. And, in addition, our stakeholders are developing an airport testing program.

We have concluded component trials this year with our airport partners in Geneva, Heathrow, and Amsterdam, and we have a dozen new trials planned for the year 2013. And we certainly hope that we can bring several of these to airports in the United States.

So, you are probably wondering, "What does a checkpoint in the future look like?" With a view towards the near term, the checkpoint of the future in 2014 focuses on integrating new procedures to facilitate risk-based screening and decisionmaking. The 2017 checkpoint of the future, or our medium-term vision, is focused on updated technologies and processes to increase the security value of the checkpoint, to include biometrics. From 2020 and beyond, it is envisioned that the passengers will be able to walk through the security checkpoint without interruption.

And allow me to spend just a few moments more on one other aspect of risk-based security, and that is changing our mindset to focus on outcome-based requirements supported by global standards. Our chances of raising the bar on security are much better by focusing efforts on delivering results, rather than on replicating processes and procedures that may work better in one jurisdiction or one airport, rather than another. The United Kingdom is at the

forefront of developing such an approach. I hope that it will be the basis for setting a global standard which others could benefit from.

Chairman Petri, members of the committee, thank you again for the opportunity to speak to you today about the future of aviation security. I ought to applaud your commitment to improving security and making the experience more enjoyable for our passengers. Certainly the future of flight is bright, and your collaboration is vital to our continued successes in industry. Thank you.

Mr. PETRI. Thank you.

Ms. Shook?

Ms. SHOOK. Good morning. Thank you. And thank you, Chairman Petri and Congressman DeFazio and members of the committee, for inviting me to participate in today's hearing.

And just briefly, I wanted to acknowledge that today the skies are absolutely safer today than they were before 9/11 and before the onset of TSA. I am safer, as a crewmember. Our passengers are safer. You are all safer. Our country is safer.

As a flight attendant, I do have a unique perspective to airport security screening. Our Nation's flight attendants are required to pass through the security checkpoints every time we go to work, sometimes multiple times a day. Before 9/11, passenger and baggage screening was conducted by private screening companies under contract to airlines, which created a myriad of screening experiences, to put it mildly. We could never be certain if our shoes, our jewelry, our hair clip, if any of that would trigger the detector. Would the airport screener want to search our bags, or would we speed through the checkpoint?

I personally recall one specific incident where I was passing through security in Portland, Oregon, where a man was ahead of me in the line and he had a big knife on his hip, what I—well, it was a big knife to me. And then, you know, he passed through. And I said to him after I passed through security, "That was a big knife. I am surprised it didn't alarm." And he chuckled and pulled two more smaller knives out of his pocket and a pocket full of change out of the other one and said, "Oh, it happens a lot."

Well, today that kind of thing would rarely happen, would rarely happen. And so, I think it is important that we can thank our TSOs and the TSA for its diligence, and also the uniformity that is present at our security checkpoints today.

We remember all too well the inconsistent security policies, passenger confusion, frequent language barriers of pre-9/11 screening. A federalized workforce creates consistency, can quickly communicate and adapt to emerging threats, with a greater ability to relay critical information across the system, or to a pinpointed location in times of emergency or crisis. A federalized workforce allows for efficient resolution through a central organization. Our airports and airplanes are much safer today, given TSA's access to intelligence data, driving that real-time security-based risk assessment.

This is an important tool unavailable to private screening companies that could compromise the safety and security of passengers and crew, and we believe that any return to a bottom-line-driven system that puts security second to profits would be reckless and an unjustified regression from the TSA's mission to protect our

skies. This is no way says that we don't need to be cost-conscious, because we all recognize that we do need to do that.

Flight attendants understand the need for and support this layered approach to passenger screening, and the expansion of screening alternatives for our most trusted travelers. Over 4 million passengers have been pre-screened and qualified for Pre-check, which we have heard about a bit before today. Also other screening programs that we have heard about, such as children under the age of 12, like my daughter seated behind me today, and those travelers over 75. And also we have heard about the common access cards for our servicemembers. So these are very good examples to recognize passengers that fall into the low-risk category.

Another wonderful example, from my perspective, is the known crewmember program that the TSA has initiated. That is cost-effective, creates shorter lines, thus improving the passenger experience. Our first flight attendants began to go through the program this October. Flight attendants from many carriers, as well as pilots, are passing through this program. It has been a tremendous success. Millions of—there have been millions of pass-throughs through the checkpoints. In fact, over 2 million known crewmember screenings since its onset, which are 2 million fewer crewmembers with their bags that could not have to cut to the front of the line, the passenger queue, creating any potential bottlenecks.

But the screening process is just one component of the passenger experience. For more than a decade, AFA has called for the adoption of reasonable and uniform limits for carry-on baggage. And a number of carry-on bags at security screenings, if we could reduce or standardize the size of that, we would have a better experience. With all of our work with the TSA, and with my own extensive traveling experience, I can say with certainty that there are more bags per person and larger bags per person since the airlines have began charging for checked bags. This has absolutely had an operational impact at the security checkpoints. And once—you know, I am on board, working on the flight, as well. It is an issue, security-wise, for us to be able to have our situational awareness. But it is important to recognize the effect of the passenger experience with regards to increased bags and increased size of the bags at the security checkpoint.

Too, the global alliances, code share agreements, competing frequent travel programs, all of this, how does that all align? We want to make sure that the passenger experience, including the rules of carry-on baggage, are understood and comprehensive, and fall in line, whether you are traveling from Moscow, Idaho, or Moscow, Russia, that you can have somewhat of a consistency of approach.

By the way, reducing the number of carry-on bags, it is estimated that savings in the savings of going through the checkpoints would be hundreds of millions of dollars.

So, just to close out, I want to recognize that, thanks to the TSA passenger screening experience is better today by far, than it was before 9/11. This not only provides a standardized positive passenger experience with the federalized workforce. TSA also ensures that our Nation continues to have a chain mail security layer of protection, as opposed to a patchwork quilt of privatized independent contractors. Protecting our skies is a difficult job with a

massive responsibility, but a job that the TSA, as a key partner in the fabric of our Nation's aviation security, is well-equipped to handle.

Thank you. Happy to answer any questions.

Mr. PETRI. Thank you.

Mr. Leocha.

Mr. LEOCHA. Yes. Thank you, Chairman Petri and Mr. DeFazio, for giving us a seat at this hearing. I am glad that I got an aisle seat, too.

Ms. SHOOK. I am in the middle.

Mr. LEOCHA. I will present recommendations that take into account three significant changes in the security landscape since 9/11.

Number one, our terrorism watch list capabilities have improved dramatically. Every American traveler is now screened for every single flight. For all intents and purposes, we all should be considered members of Pre-check.

Two, all cockpits have been hardened, locked, and fortified. Even a .44 Magnum shot will not penetrate a cockpit door.

Three, passengers now are aware of the possibility of having their plane used as a missile. They are not going to allow any terrorist to take over an aircraft.

My name is Charlie Leocha. I am the director of the Consumer Travel Alliance. I have also been appointed to the Department of Transportation's passenger protection committee by Secretary LaHood, and to TSA's consumer advocacy subcommittee by Administrator Pistole.

To much of the flying public, TSA, frankly speaking, is a boogeyman. Checkpoints, intimidating screeners, strip-search machines and pat-downs with no probable cause are dreaded. Newspaper editors report vitriolic reactions to stories about TSA from the public. Comments go through the roof. A recent story on Huffington Post by Christopher Elliot, our ombudsman, generated more than 1,000 comments, a record for his columns.

Worse, TSA has become the butt of countless jokes. Even President Obama joked about TSA pat-downs in the State of the Union Address. And last Friday night I watched the Capitol Steps, a popular comedy group here in DC, and they performed a parody about how good the Government is at anticipated terrorist events after they occur.

TSA is set up like a Maginot Line. This defensive system became the poster child about generals fighting the last war. Plus, it consumed such a large budget that other facets of the defense were underfunded. Today, TSA finds itself in almost an identical position: defending against old threats, in some cases threats that no longer exist. In addition, the focus on passenger screening has reduced funding to secure the vulnerable back ends of U.S. airports.

The futility of searches at airports—it is best demonstrated by looking at the problems of drugs and weapons in our prison systems. Even our best efforts at Federal and State maximum security prisons fail. If maximum security prisons can't do it, it is folly to expect TSA to effectively interdict weapons and explosives from dedicated, trained terrorists.

Here are some of our recommendations. The rest are included in the written testimony.

Number one, revise the forbidden items list. Focus on explosives. Pocket knives, box cutters, tools, and so on are no threat, and cannot be used to break in to the cockpit.

Two, decommission all whole-body scanners and go back to metal detectors for primary screening. Radiation effects are not documented. And half of the privacy protection software does not function. And this is according to TSA, itself. These machines have not proven to be better than metal detectors. In fact, some consider them to be worse. They take more space and they move slower.

Number three, dress TSA security screeners in nonthreatening uniforms. Perhaps pastel polo shirts. They are security assistants. They are not law enforcement officers. Their job is to make sure that the traveling public is safe, not to force citizens into submission. Get rid of the starched shirts, the badges, and the bling.

Four, the terrorist watch list already covers all travelers. All names are checked every time we fly. The new world of total passenger intelligence screening, combined with big data, makes the current invasive and intrusive TSA searches unnecessary. A metal detector will do. If a terrorist does make it to an airport with bomb materials intent on taking down a plane, more than a dozen layers of intelligence have failed.

Years from now, when historians look back at our current TSA experience, they will ask, "What the heck were they thinking?" Just like our over-reactions, such as the internment of the Japanese during World War II, or McCarthyism in the fifties, subjecting the flying public to TSA's invasive searches seems unnecessary, unwise, and un-American.

I welcome any questions.

Mr. PETRI. Thank you. Thank you all for your testimony. And, Mr. Leocha, I wish I could cosign it. I think it is quite wise.

Mr. LEOCHA. Thank you.

Mr. PETRI. And I know you have thought a lot about it and had a lot of discussions on it. And I hope it has an impact. And your working on the advisory committee probably is a great help in that regard.

Mr. LEOCHA. We are. And in regard to the advisory committee, part of the recommendations which we sent forward up to Administrator Pistole really focused on customer service, to treat passengers with a smile, to give us their customer—to improve the customer training, and so on. And one of the surprising things, to me, is I am kind of surprised that we didn't have any TSA people here. Because when I sit in these meetings, I am TSA'd to death. I have got, like, eight TSA people sitting there offering lots of different suggestions.

But you know, whenever we ask—specifically asked in the committee for the TSA customer service training, and we are specifically told, "Oh, that is classified," I mean, I just think that it is kind of sad that we are classifying everything, so that the people who are paying the bills and the committee members who have to pass legislation are not told the full stories.

Mr. PETRI. Well, you know, there is an old saying that a fish rots from the head. And the TSA's attitude toward this committee and

probably—certainly doesn't counter the tone that is—they are set-ting at the top probably is reflected in some of the problems we have with the attitudes of the TSA inspectors and the way they are—have you run into some difficulties with—we have had some reports of difficulties between local law enforcement people and their jurisdiction at airports and TSA, even.

Mr. LEOCHA. I haven't heard any specific complaints. We do know that there has to be some sort of relationship between TSA and law enforcement, since TSA specifically is not a law enforce-ment operation.

Mr. PETRI. Right.

Mr. LEOCHA. So, once TSA brings law enforcement in, then it is—from the reports that we have gotten is that, basically, they don't come in in a very helpful manner. They are coming in, basi-cally, on the side of TSA. And some of the reactions are similar to what your—one of your panel members or the members of the com-mittee mentioned when going through the checkpoints with his son. And when you have a problem, you have got a problem.

Mr. PETRI. Mr. Dunlap, I did have one question for you, and that is that, as you know, the House earlier—and the Senate—we fi-nally took up and passed the bill that the Senate had worked on, which modification of the bill we had passed earlier, and it went to the President—he signed it, I believe, last week—having to do with the European Union's emission trading scheme and their over-reaching under established international aviation rules.

And my question is, is there anything further that we in Con-gress can do at this time, or any recommendation you have as to what could be done to protect the U.S. air carriers from this sort of effort by the European Union?

Mr. DUNLAP. Mr. Chairman, on part of this, with most of my portfolio being involved with security, I know that there are people more qualified than I from the industry that can specifically talk about environmental issues, and provide some very strong rec-ommendations to this committee on that particular issue. And I am more than happy to get that input to you.

I would say, in general, to address the broader topic, we certainly would continue to encourage both the TSA and DHS to continue working with international partners to make sure that things such as best practices for aviation security are shared, to make sure that intelligence is shared. And we also think that this is probably best done through formal processes and procedures. And as you put these procedures together, we think it is very important to have the industry involved. And we would be willing participants in this dialogue.

And, frankly, over the last several years, we have seen better outreach by the TSA. We have seen greater cooperation between TSA and their international partners. And we specifically think that the outreach that TSA has done, and the commitments they have made to the International Civil Aviation Organization have immeasurably increased security.

So, that is what I could tell you from a security side. And we will get more input to you, sir, from other parts of the industry and the organization on specifically the EUETS.

Mr. PETRI. And I think in your statement and testimony you referred to ground-breaking or innovative efforts being done in the UK to attempt to do a better, more efficient, and effective job in the security area. Could you expand on that a little bit? Are they incorporating in it any of the concerns that Mr. Leocha and others have mentioned? Or is it a parallel but not responsive approach to his concerns?

Mr. DUNLAP. Well, I think, Mr. Chairman, what they are trying to do is put in an over-arching umbrella framework that has legislative and regulatory options to address many of those types of issues that Mr. Leocha had talked about. And that is based on the fact that you can really have two regulatory systems.

One is very prescriptive, and it says, "You use this machine this way, and you conduct these procedures the same way every time, every way, regardless of the airport, regardless of the airline, regardless of whether you are dealing with a flight attendant, a passenger, or a pilot." And that doesn't necessarily lend itself to the risk-based approaches that we have been talking about. What really does is an outcome-focused risk-based security framework, and that is what the UK is piloting right now.

And what it says is a Government or a legislature should figure out what the outcome is. So, for instance, if the outcome is we don't want bombs on aircraft, then whether you are talking about an airport, an airline, or our employees, that they should be allowed, under strict supervision, to figure out what is the most effective way to get that objective attained. And we think that allows for things like a checkpoint of the future.

We think it allows for a future where you are not going to have passenger complaints talking about how they were treated at checkpoints. And I think, most importantly, Mr Petri, what it will do is it will increase the overall level of security, and we will be able to find those threats that we know that are on the horizon that the current system that we have is going to have a great deal of trouble handling.

Ms. SHOOK. May I just say—and thank you for that—I just—as a citizen, I also want to be mindful that, while it is important that we have these systems to prevent any kind of threats, that we are mindful of our civil liberties. And obviously, I know that we all share that concern, to be able to find that balance to make sure that, you know, our skies are safe as we are traveling, but also that individuals—you know, that we can protect the civil liberties. I don't know the last time anyone here has been over in England, but, you know, you are definitely on camera everywhere you go.

And I think that it is also—just on somewhat of an aside—just on the optics of travel, it is a good example of what is, if you fly out of the UK, on the differing standards—for example, on the 311. So there is just—it can be a different level. So you can leave the U.S. and have one experience when you fly overseas, and then have a different level of, you know, what you can bring on when you are traveling back, because—so I just wanted to make those two points.

Mr. PETRI. Yes?

Mr. LEOCHA. I just wanted to add one other thing, in terms of the lessons that we learned from our foreign partners.

One of the things that our foreign partners do not have that we do have is our terrorist watch center. And we have an amazing intelligence system right now which allows us to screen every single American flying. And they don't do that in Europe. They can't do that in Europe. They have to cross so many different borders, it just would be impossible.

So, we have a benefit where we basically pre-screen all of our passengers today. We are doing it right now. And—but nobody seems to be taking that into account, even though it is costing, you know, billions of dollars to perform. And I think it is important that, when we look at our entire operation, we take—you know, we can step back and we can say that probably 90 percent or 95 or 98 percent of our passengers are pre-checked. They are not a threat. And we always know it is the 1 percent, it is a small number.

But we also know that you don't find them at the very last minute; you find them through constant vigilance and through intelligence and through good police work, and working together with foreign countries. And that is where we have gotten far, far better. And I don't think that we give real credit to those people, and what a great job they are doing in keeping us safe.

Mr. PETRI. Thank you. Mr. Ribble?

Mr. RIBBLE. Thank you, Mr. Chairman. And I want to thank the panel for being here today. I want to start with Mr. Dunlap.

You mentioned in your testimony—you talk about the operational test and evaluation program. And you cite some partners in Europe at Geneva, Heathrow, and Amsterdam. Why are there no U.S. airports participating?

Mr. DUNLAP. So, Congressman, let me first start by saying the TSA and the Department have been great supporters of our initiative. But, frankly, I think there also has to be a realization that an initiative of this magnitude has to prove itself.

And so, what we have done over the past year is assembled the expertise, put the good ideas on paper, assembled the blueprints, and have enough credibility where we can not only prove to the Heathrows, the Genevas, and the Amsterdams of the world, but also Los Angeles and Newark and New York, that what we have is a credible program. And I am very pleased to note that Gina Marie Lindsey, from Los Angeles World Airports, is one of our board members.

So, we are building that critical mass. And we really believe that what we do have now, whether it is a 2014 near-term checkpoint, 2017 intermediate, or 2020 long range, is something that there is a great deal of credibility built around it, and a great deal of momentum behind it. And I do believe that, based on the administrator's support, that we can get an airport. But it would always help if the Congress could also encourage TSA and DHS to do the same thing.

Mr. RIBBLE. Yes, it is unfortunate that we are allowing Europe to lead in this regard. And I have flown through both Heathrow and Amsterdam on numbers of occasions. These are large airports, sophisticated airports. So it is just disappointing.

Ms. Shook, is it—am I pronouncing that correctly?

Ms. SHOOK. Yes.

Mr. RIBBLE. Is this your daughter back here with you?

Ms. SHOOK. This is my daughter, Isabelle.

Mr. RIBBLE. Well, Isabelle, welcome to the Congress today. It is nice to have you here.

My question for you—and I want to—for full disclosure, my daughter-in-law is a flight attendant for Southwest Airlines.

Ms. SHOOK. I did not know that, great.

Mr. RIBBLE. I am well aware of some of the work that they do, and I appreciate the work that flight attendants do.

However, in your testimony you state, "A federalized workforce creates consistency. And, thus, greater security throughout our Nation's airports is a key component of a multilayered aviation security system." Under that basis, should we not federalize flight attendants?

Ms. SHOOK. I think that there is—I think it is a great question, so thank you for that. I have never been posed that question.

Mr. RIBBLE. If Federalization was a solution, then—or——

Ms. SHOOK. Well, I mean——

Mr. RIBBLE. Or are you good at your job because you are airline and the industry trains you, teaches you, holds you accountable? Is it the system that you are in, rather than Federalization that worked? And could not we have done the exact same thing with checkpoints?

Ms. SHOOK. So we do have the same—we have a standardized training that, you know, we have to go through. Obviously, through an initial training, we have our annual recurrent training, we obviously have the, you know, sensitive bulletins and all that. But my job, working for an individual airline, is different than what the checkpoint is that you go through.

So, for example, if I—you know, it is mentioned that I am a flight attendant for Alaska Airlines. If someone chooses to fly Alaska Airlines over a competitor, they are doing that for a reason. However, that passenger would expect, if they are checking in to Seattle, flying to Washington, DC, and when they fly back home to Seattle, that they would have a consistency in what that experience would be like in passing through the security checkpoints.

So, while I can appreciate what you are saying, you know, with a question on should we have federalized flight attendants, you know, we do have that standardized national training and, you know, to make sure that we got that layer. But I feel very strongly that it is important to have a federalized workforce with the TSA to be able to have that access to that real-time data that can be passed immediately.

Mr. RIBBLE. Yes. Well, I can tell you, as a passenger—and I fly a lot, just about every weekend, I know that I have now gotten on and off airplanes about 150 times this year—that I feel very safe getting on an airplane, not because of the Federalization of the security system, but because of the high level of training and capability of the pilots and flight attendants that are—and the maintenance workers that are not Federal employees, doing their job just as well, under a highly regulated industry. And so, just a comment there.

And then——

Ms. SHOOK. Let me just say——

Mr. RIBBLE. Sure.

Ms. SHOOK. Let me just respond to that. Thank you. I appreciate that. But I think it is a layer, right? So they are all layers. So certainly the flight attendants, you know, are the last line of defense in our Nation's aviation security, should all the other measures fail. You know, pilots, we have got two pilots for a reason, should something catastrophic happen to one. Two engines for a reason. So we need to have this layered approach to security.

But I feel much more comfortable knowing that the workforce that is the TSA, in my experience with extensive travel, having a pre-TSA world for security checkpoints and a post-TSA world for security checkpoints, night and day. Night and day, in my own personal experience.

Mr. RIBBLE. Sure, and I am sure—and I would say that there is a lot of differences in my own experience, as well. I was a 100,000-mile flier prior to coming to Congress in my business world. However, a lot of the changes would have happened spontaneously, anyway, as a result of 9/11, outside of Federalization. Otherwise, under that policy, or to that—under that mindset, we should just federalize the entire industry.

Mr. Leocha, some of the stuff I agree with you and some of the stuff I don't. One of the concerns I do have with your recommendation, number one, is the use of having knives or box cutters or the dismissal of those on airplanes because we now secure pilot doors. It is nice to secure pilot doors, but I would prefer that the passenger sitting next to me doesn't have a box cutter. And I would tell you that my daughter-in-law would have no ability to escape out of an airborne aircraft. If someone with a box cutter is walking around New York City, I can run away, as could she. But you can't run away from an airplane. How do you respond to that?

Mr. LEOCHA. Well, obviously, all of my friends and people that I talk with don't agree with me on everything I say. So that is my first response.

But basically, we are in a situation—if we are on the Metro and—or you are on a bus in Fort Worth, I mean, who knows who is carrying what? You—I just think that, at this point, the reason that we have TSA is to keep our planes from being used as missiles. And secondly, now, it is to keep explosives off the aircraft. Those are the main things we are looking for.

And when we first came through and we set up TSA, we didn't have hardened cockpits and we didn't have the levels of intelligence that we have today. So it was really a different world. And we set up TSA to deal with that world. But right now, you are right. I mean you could say that you don't want to have someone sitting next to you on an airplane with a knife. Then again, you don't want to be sitting next to someone on the Metro with a knife, or on a bus with a knife, or on a ferry boat. I guess you could dive overboard.

Mr. RIBBLE. Yes.

Mr. LEOCHA. But, I mean, it is just that right now that is not a threat that we are looking after. And I don't think that there has ever been a report—I think we—at a roundtable once we talked about this—there has never been a report of a knife fight on an airplane before 9/11 or since.

Mr. RIBBLE. Yes.

Mr. LEOCHA. It is just—I mean we can't protect against everything. And everything we protect against costs us. Once again, when we put it out across the country, it is an incredibly big effort. It is very invasive. And I don't think it is really necessary.

Mr. RIBBLE. I want to—yes, go ahead. I will give you the final word.

Ms. SHOOK. Well, I used to take my knife to work, OK? So I miss the days where I could cut up a mango as a fresh snack. I miss traveling with my Leatherman. I am much more thankful to know that I don't have a knife, but then nobody else has a knife on the plane. So, while I miss that aspect of being able to travel with that, I feel much more confident to know that that potential threat does not exist.

Mr. RIBBLE. All right. Thank you very much.

Ms. SHOOK. So I concur with your sister-in-law. Thank you.

Mr. RIBBLE. Mr. Chairman, I yield back.

Mr. PETRI. Thank you. As you know, being from Wisconsin, we used to have an airline called Midwest Express that put knives in front of every passenger on every plane for years, and who never really had any particular problem when they were provided by the airline, let alone having to screen against them. So we have to get sort of real about some of this stuff.

In any event, we thank you very much for your testimony, for your response to our questions. And this hearing is adjourned.

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

STATEMENT OF CHARLES K. EDWARDS

ACTING INSPECTOR GENERAL

U.S. DEPARTMENT OF HOMELAND SECURITY

BEFORE THE

SUBCOMMITTEE ON AVIATION

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

U.S. HOUSE OF REPRESENTATIVES

CONCERNING

"HOW BEST TO IMPROVE OUR NATION'S AIRPORT PASSENGER
SECURITY SYSTEM THROUGH COMMON SENSE SOLUTIONS"

November 29, 2012

Good morning Chairman Petri, Ranking Member Costello, and Members of the Subcommittee. I am Charles K. Edwards, Acting Inspector General of the Department of Homeland Security (DHS). Thank you for inviting me to testify today regarding the impact of the Transportation Security Administration (TSA) on consumers and commerce. I will discuss the results of two audits and several investigations that explore policy implementation, oversight, and employee accountability at TSA and the potential impact those elements may have on passenger safety and security, integral components of the airline consumer experience. Specifically, I will address: 1) management and oversight of checked baggage screening at Honolulu International Airport; 2) TSA's efforts to identify and track security breaches at our Nation's airports; and 3) DHS OIG investigations of allegations of TSA employee criminal conduct. In our examinations of TSA's programs, we found several themes of inconsistent and insufficient oversight, policy implementation, and employee accountability that have the potential to adversely impact the airline consumer experience.

Allegations of Improper Screening Efforts at Honolulu International Airport[1]
TSA protects the Nation's transportation systems to ensure freedom of movement for people and commerce. As part of its mission, all individuals, accessible property, and checked baggage must be screened using TSA's standard operating procedures (SOPs). In December 2010, a confidential source notified TSA officials and provided video evidence showing some Transportation Security Officers (TSOs) failing to follow required screening procedures at a screening location at Honolulu International Airport (HNL). Although some employees adhered to the agency's screening procedures, others circumvented these procedures and cleared bags for transport without the required screening. Representatives John Mica and Jason Chaffetz requested a review to determine why a portion of the TSA screener workforce at HNL did not perform critical transportation security screening of baggage. TSOs at one location in HNL did not screen all checked baggage as required during the last few months of 2010. We made four recommendations to TSA that, when implemented, should assist the agency with developing and managing changes to security procedures and provide more effective oversight of airport screening operations.

Fragmented Process for Changing Procedures: TSA had a fragmented and inconsistent process for developing and evaluating changes to its SOP for baggage screening. TSA periodically modifies its SOPs to adjust to the current threat environment, the addition of new equipment, or passenger concerns. Beginning in January of 2010, TSA required TSOs to change the screening protocol SOP when using Explosive Trace Detection (ETD) to screen checked baggage. The change in policy allowed use, at times, of alternate screening procedures, or mitigation procedures for timely screening during specific, short-term, special circumstances, such as unexpected increases in the volume of checked baggage.

---

[1] DHS-OIG, *TSA Management and Oversight at Honolulu International Airport* (OIG-12-128, September 2012).

The agency relied on different numbers and different airports when studying proposed changes to the SOP. TSA also had difficulty providing a comprehensive document or centralized point of contact to explain the studies and analysis to support the change to SOPs. Nor could TSA show whether the procedural changes would adversely affect unique airports, such as HNL, with its high volume of checked baggage and densely packed boxes that require screening. This fragmented process of developing changes to screening procedures and not fully evaluating the effects of the changes may have contributed to the screening violations at HNL.

Limited Supervision and Oversight: The TSOs' decision not to follow screening procedures could have been due in part to limited direct supervision. Agency management at HNL did not ensure that screening managers and supervisors were regularly present, observing operations, and performing all responsibilities required by TSA management directives and SOPs. Also, clearer guidance on direct observation of screening operations and better training of supervisors might have addressed this situation.

Need for Clear Guidance on Direct Supervision: TSA has directives and procedures on management and oversight responsibilities, but they do not include clear guidance on direct supervision of screening operations, and thus allow different interpretations and implementation. For example, SOP includes Supervisory TSO responsibilities and duty requirements, yet it does not include specific metrics, leaving room for interpretation. The SOP requires Supervisory TSOs or Lead TSOs to monitor TSO performance, screening activities, and ensure compliance with all applicable SOPs. However, rather than include more specific details on oversight requirements, the SOP focuses on screening equipment operation, safety concerns, and opening and closing of screening locations.

Staffing and Equipment: TSA management did not provide sufficient staff or more efficient equipment needed for screening operations at the affected location in HNL. Although data was available, TSA management at headquarters used limited information to predict and prepare for staffing demands. TSA management at HNL did not allocate staff appropriately to handle the volume of checked baggage that needed screening. Further, although requested, agency headquarters did not provide the affected screening location with more efficient equipment to screen checked baggage. For example, in its August 2008 request for equipment, HNL noted that the check-in area of the affected location was very congested, causing the baggage to accumulate and resulted in a safety issue for the passengers and TSOs. TSA headquarters confirmed receipt of HNL's request and added it to an unfunded requirements list. At the same time, new and used equipment were stored in a warehouse awaiting delivery to airports for more than 1 year. Without the more efficient equipment, TSA management at HNL implemented labor-intensive interim options to facilitate screening, including shifting staff from other checked baggage screening locations to assist the affected screening location during peak times.

Screening managers documented staffing levels by specific screening location, but we could not determine how TSA addressed the staffing problem. Without tracking staffing decisions, TSA management at HNL could not predict when short-term staffing would be needed or provide TSA headquarters with useful information for future staffing decisions.

HNL Mitigation Practices and Unscreened Baggage: There is no acceptable justification for TSOs to bypass their security mission; however, TSA allowed various levels of screening and intervals of mitigation that TSOs could misinterpret as meaning that screening was not always possible or needed.

To ensure compliance with its SOPs, TSA should fully evaluate the effects of changes to them. Transportation Security Managers (TSMs) and Supervisory TSOs need to provide sufficient direct oversight to ensure that all baggage is screened according to approved procedures. Finally, TSA needs to ensure that airports have the appropriate staffing and equipment to conduct screening in accordance with SOPs. TSA officials concurred with and planned to address the four recommendations in the report.

TSA's Efforts to Identify and Track Security Breaches at Our Nation's Airports[2]
In May 2012, we issued a report on our audit of security breaches at Newark Liberty International Airport, which had been requested by Senator Frank Lautenberg.

According to TSA, it has several programs and initiatives that report and track identified security breaches. TSA reports that security breaches are documented locally at each airport, and they must be reported in the Performance and Results Information System (PARIS) and to the Transportation Security Operations Center (TSOC). The TSOC is expected to use this information to identify events occurring at disparate locations throughout the U.S. transportation system. However, TSA does not comprehensively track and gather information about all security breaches, and therefore cannot use the information to monitor trends or generally improve security. The agency also does not provide the necessary guidance and oversight to ensure that all breaches are consistently reported, tracked, and corrected. Without an effective process to gather information about all security breaches, TSA is unable to monitor trends or make general improvements to security. As a result, TSA does not have a complete understanding of breaches occurring at the Nation's airports and is limited in its ability to prevent, minimize, respond to, or take corrective action against security breaches.

The agency also does not provide the necessary guidance and oversight to ensure accurate and complete reporting, tracking, and correcting of security breaches. It does not have a process to ensure that all security breaches are identified and reported. The agency could have a valuable source of security breach data to detect vulnerabilities and identify nationwide trends if incidents were consistently reported in PARIS. For example, PARIS could provide data on the raw number of incidents at the Nation's airports and why they occurred. Vulnerabilities detected at one airport or in one region

---

[2] DHS-OIG, *Transportation Security Administration's Efforts To Identify and Track Security Breaches at Our Nation's Airports* (OIG-12-80, May 2012).

could be communicated throughout the country, and lessons learned could be applied nationwide. Airports need clear guidance for identifying and reporting security breaches through PARIS for TSA to have an accurate understanding of security breaches at airports.

Our analysis showed that TSA took corrective actions at Newark Liberty International Airport to address the incidents identified by Senator Lautenberg. For example, the agency took steps to improve operations; including initiating a "Back to Basics" campaign to reinforce procedures and a study of identified shortcomings and potential solutions entitled Newark Commitment to Excellence. However, TSA took corrective actions for only 42 percent of its recorded security breaches. The agency agreed with our report recommendations and identified actions to resolve these issues.

OIG Investigations Pertaining to Allegations of TSA Employee Misconduct and Criminal Acts

The vast majority of DHS employees are dedicated civil servants focused on protecting the Nation; less than 1 percent of employees have committed criminal acts or other egregious misconduct.[3] However, allegations of misconduct and criminal acts committed by those working directly for and with the American public cannot be ignored. Recent media coverage of criminal conduct of TSA employees may affect the perception of safety and security of airline passengers. DHS OIG investigations of TSA employees include the following:

- An investigation into allegations of theft involving a TSO at the Orlando International Airport. The investigation revealed that, over a 3-year period from 2008 through 2011, the TSO had stolen more than 80 laptop computers, cell phones, and iPods, estimated at $80,000, from passenger baggage while ostensibly performing his duties at the airport. The TSO admitted to fencing the items to a middleman in Osceola County, FL. TSA terminated his employment in March 2011. In August 2011, the TSO pleaded guilty to federal charges of embezzlement and theft in connection with the investigation and in January 2012 was sentenced to 24 months probation.

- An investigation conducted with the Minneapolis Police Department involving a TSO who had been arrested for making terrorist threats. The TSO was observed by Minneapolis Police Department officers chasing a young Somali male and screaming that he was going to kill the victim. At the time of his arrest, the TSO, who held a valid permit to carry a concealed weapon, was in possession of two handguns. Subsequent investigation determined that in May 2010 the TSO had been identified, but not charged by the Minneapolis Police Department, as a person who assaulted an elderly Somali male. OIG interviewed the 82-year-old victim and verified that the TSO had intentionally injured the victim during the assault. Based on the verification of these injuries and the fact that the assault

---

[3] DHS-OIG, *Major Management Challenges Facing the Department of Homeland Security* (OIG-13-09, November 2012).

appeared to have been motivated by the victim's perceived race, color, religion, and national origin, the Department of Justice, Civil Rights Division, determined that the facts were consistent with a violation of 18 U.S.C. § 249, related to hate crimes. On August 10, 2011, the TSO appeared before a U.S. District Court Judge and pleaded guilty to a one-count Criminal Information charging him with violating 18 U.S.C. § 249. On November 29, 2011, the TSO was sentenced to 6 months incarceration and 3 years of federally supervised probation.

- Working with Immigration and Customs Enforcement (ICE), Homeland Security Investigations, Child Exploitation Group, we secured the conviction of a TSO who was in possession of child pornography. Agents discovered that the employee, while off duty, routinely used several internet and social media sites to receive and distribute child pornography. The TSO was initially identified as an employee through a picture of him wearing a TSA uniform that he posted on a social media site. The TSO was sentenced to serve 132 months confinement.

- The OIG conducted an investigation into theft allegations involving a TSA screener at the Newark Liberty International Airport. The investigation established that from October 2009 to September 2010, property and currency totaling as much as $30,000 were stolen from passengers as they underwent checkpoint screening. When OIG confronted the TSO with evidence, he admitted stealing currency from passengers' carry-on bags when screened at the security check point. The TSO was subsequently sentenced in U.S. District Court to 2 years and 6 months imprisonment, followed by 3years supervised release, and ordered to forfeit $24,150.

Our audits and investigations highlight various aspects of TSA's oversight, policy implementation and employee accountability that could affect the actual and perceived safety and security of the traveling public. Although TSA has made efforts to improve transportation security and to carry out our recommendations, TSA still faces challenges and must continue to work toward accomplishing its vital mission to protect the Nation and ensure free movement of people and commerce.

Chairman Petri, this concludes my prepared remarks. I welcome any questions that you or the Members of the Subcommittee may have.

United States Government Accountability Office

GAO

Testimony

Before the Subcommittee on Aviation, Committee on Transportation and Infrastructure, House of Representatives

For Release on Delivery
Expected at 10:00 a.m. EST
Thursday, November 29, 2012

AIR PASSENGER SCREENING

Transportation Security Administration Needs to Improve Complaint Processes

Statement of Stephen M. Lord, Director
Homeland Security and Justice Issues

G A O

Accountability * Integrity * Reliability

GAO-13-186T

GAO
Accountability * Integrity * Reliability

United States Government Accountability Office
Washington, DC 20548

Chairman Petri, Ranking Member Costello, and Members of the Subcommittee:

I am pleased to be here to discuss the findings of our November 2012 report assessing the Transportation Security Administration's (TSA) efforts to improve the air passenger screening complaints processes.[1] TSA screens or oversees the screening of more than 650 million air passengers per year at 752 security checkpoints in more than 440 commercial airports nationwide, and must attempt to balance its aviation security mission with competing goals of efficiency and respecting the privacy of the traveling public. The agency relies upon multiple layers of security to deter, detect, and disrupt persons posing a potential risk to aviation security. These layers focus on screening millions of passengers and pieces of carry-on and checked baggage, as well as tons of air cargo, on a daily basis.

Given TSA's daily interaction with members of the traveling public, air passenger screening complaints reflect a wide range of concerns about, for example, the systems, procedures, and staff that TSA has used for screening air passengers at security checkpoints. This includes concerns related to the use of Advanced Imaging Technology and enhanced pat-down procedures.[2] TSA has processes for addressing complaints about air passengers' screening experience at security checkpoints, but concerns have been raised about these processes. Also, TSA is implementing a Pre✓ ™ program to expedite screening at security checkpoints.

My statement today is primarily based on our November 2012 report and, like the report, discusses the extent to which TSA has (1) policies and processes to guide the receipt of air passenger screening complaints, and uses this information to monitor or enhance screening operations, (2) a

---

[1] GAO, *Air Passenger Screening: Transportation Security Administration Could Improve Complaint Processes*, GAO-13-43 (Washington, D.C.: Nov. 15, 2012).

[2] The December 2009 terrorist attempt to detonate an explosive device during an international flight bound for Detroit prompted TSA to implement changes to air passenger screening, including accelerating the nationwide deployment of Advanced Imaging Technology (body scanners) and introducing enhanced pat-down procedures in October 2010 to screen air passengers who, for example, opt out of Advanced Imaging Technology-based screening.

GAO-13-186T

consistent process for informing passengers about how to make complaints, and (3) complaint resolution processes that conform to independence standards to help ensure that these processes are fair and impartial.[3] As requested, my statement also describes TSA's recent efforts to make the screening process more risk-based and selective through use of TSA's Pre✓™ program.

For our November 2012 report, we obtained and analyzed air passenger screening complaint data from October 2009 through June 2012 from four TSA headquarters units.[4] In addition, we obtained and analyzed air passenger screening complaint data from April 2011 through June 2012 from a database TSA uses to document screening complaints collected through TSA's Talk to TSA web-based portal.[5] On the basis of information from and discussions with TSA officials related to the controls in place to maintain the integrity of TSA's complaint data, we determined that the data from each database were sufficiently reliable for our purposes. We also reviewed TSA documentation and interviewed TSA officials from headquarters offices and 6 airports selected for the type of security and screening equipment used, among other things. The airport interviews are not generalizable, but provide insights. Additional details on the scope and methodology, including our assessment of data reliability, can be found within that report. To obtain information about TSA's Pre✓™ program, we analyzed TSA program documentation, interviewed TSA officials, and reviewed TSA's website information in November 2012. We discussed this information with TSA officials and incorporated their technical comments as appropriate. We conducted all of this work in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that

---

[3]GAO-13-43.

[4]The TSA units are the TSA Contact Center, the Office of the Executive Secretariat, the Disability Branch, and the Multicultural Branch. We selected October 2009 as the starting point because it was the first month of the fiscal year that included the December 2009 terrorist attempt to detonate an explosive device during an international flight bound for Detroit, which prompted TSA to implement changes to its air passenger screening operations.

[5]This database became operational in April 2011, according to TSA officials.

the evidence obtained provides a reasonable basis for our findings based on our audit objectives.

In summary, TSA receives thousands of air passenger screening complaints through five central mechanisms, but does not have an agencywide policy, consistent processes, or a focal point to guide receipt and use of such information. Also, while the agency has several methods to inform passengers about its complaint processes, it does not have an agencywide policy or mechanism to ensure consistent use of these methods among commercial airports. In addition, TSA's complaint resolution processes do not fully conform to standards of independence to ensure that these processes are fair, impartial, and credible, but the agency is taking steps to improve independence. To address these issues, we made four recommendations to TSA with which the agency concurred, and it indicated actions it is taking in response. Finally, TSA officials stated that the agency is undertaking efforts to focus its resources and improve the passenger experience at security checkpoints by applying new intelligence-driven, risk-based screening procedures, including expanding its Pre✓™ program. TSA plans to have this program in place at 35 airports by the end of the calendar year and estimates that it has screened more than 4 million passengers to date through this program.

Lack of an Agencywide Policy, Consistent Processes, and Agency Focal Point Limits TSA's Ability to Receive and Use Complaint Information

TSA receives thousands of air passenger screening complaints through five centralized mechanisms but does not have an agencywide policy, consistent processes, or an agency focal point to guide the receipt of these complaints, or "mine" these data to inform management about the nature and extent of the screening complaints to help improve screening operations and customer service.[6] For example, TSA data indicate the following:

- From October 2009 through June 2012, TSA received more than 39,000 screening complaints through its TSA Contact Center (TCC), including more than 17,000 complaints about pat-down procedures.[7]
- From October 2009 through June 2012, TSA's Office of the Executive Secretariat received approximately 4,000 complaints that air passengers submitted by mail.
- From April 2011 (when it was launched) through June 2012, the agency's Talk to TSA web-based mechanism received approximately 4,500 air passenger screening complaints, including 1,512 complaints about the professionalism of TSA staff during the screening process.[8]

However, the data from the five centralized mechanisms do not reflect the full nature and extent of complaints because local TSA staff have discretion in implementing TSA's complaint processes, including how they receive and document complaints. For example, comment cards were used in varying ways at 6 airports we contacted.[9] Specifically, customer comment cards were not used at 2 of these airports, were on display at 2 airports, and were available upon request at the remaining 2 airports we contacted. TSA does not have a policy requiring that complaints submitted using the cards be tracked or reported centrally.

---

[6]TSA's five centralized mechanisms include TSA's Contact Center, Office of the Executive Secretariat, Disability Branch, Multicultural Branch, and Talk to TSA web-based mechanism.

[7]The TCC receives, documents, and helps resolve screening complaints that air passengers make by telephone or e-mail. The TCC is TSA's primary point of contact for collecting, documenting, and responding to public questions, concerns, or complaints regarding, among other things, TSA security policies, procedures, and programs.

[8]For further information on the complaint data from TSA's five centralized mechanisms, see GAO-13-43.

[9]We visited 4 of the 6 airports that we contacted.

We concluded that a consistent policy to guide all TSA efforts to receive and document complaints would improve TSA's oversight of these activities and help ensure consistent implementation. TSA also uses TCC data to inform the public about air passenger screening complaints, monitor operational effectiveness of airport security checkpoints, and make changes as needed. However, TSA does not use data from its other four mechanisms, in part because the complaint categories differ, making data consolidation difficult. A process to systematically collect information from all mechanisms, including standard complaint categories, would better enable TSA to improve operations and customer service. Further, at the time of our review, TSA had not designated a focal point for coordinating agencywide policy and processes related to receiving, tracking, documenting, reporting, and acting on screening complaints. Without a focal point at TSA headquarters, the agency does not have a centralized entity to guide and coordinate these processes, or to suggest any additional refinements to the system.

To address these weaknesses, we recommended that TSA

- establish a consistent policy to guide agencywide efforts for receiving, tracking, and reporting air passenger screening complaints;
- establish a process to systematically compile and analyze information on air passenger screening complaints from all complaint mechanisms; and
- designate a focal point to develop and coordinate agencywide policy on screening complaint processes, guide the analysis and use of the agency's screening complaint data, and inform the public about the nature and extent of screening complaints.

The Department of Homeland Security (DHS) concurred with the recommendations and indicated actions that TSA had taken, had underway, and was planning to take in response. For example, DHS stated that TSA would review current intake and processing procedures at headquarters and in the field and develop policy, as appropriate, to better guide the complaint receipt, tracking, and reporting processes. We believe that these are beneficial steps that would address the recommendation, provided that the resulting policy refinements improve the existing processes for receiving, tracking, and reporting all air passenger screening complaints, including the screening complaints that air passengers submit locally at airports through comment cards or in person at security checkpoints.

In commenting on a draft of our November 2012 report, TSA also stated that the agency began channeling information from the Talk to TSA database to the TCC in October 2012. However, DHS did not specify in its letter whether TSA will compile and analyze data from the Talk to TSA database and its other centralized mechanisms in its efforts to inform the public about the nature and extent of screening complaints, and whether these efforts will include data on screening complaints submitted locally at airports through customer comment cards or in person at airport security checkpoints. DHS also did not provide sufficient detail for us to assess whether TSA's planned actions will address the difficulties we identified in collecting standardized screening data across different complaint categories and mechanisms. DHS stated that the Assistant Administrator for the Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement was now the focal point for overseeing the key TSA entities involved with processing passenger screening complaints. It will be important for the Assistant Administrator to work closely with, among others, the office of the Assistant Administrator of Security Operations because this office oversees screening operations at commercial airports and security operations staff in the field who receive screening complaints submitted through customer comment cards or in person at airport security checkpoints. We will continue to monitor TSA's progress in implementing these recommendations.

TSA Has Several Methods to Inform Air Passengers about Making Screening Complaints, but Does Not Consistently Implement Them

TSA has several methods to inform passengers about its complaint processes, but does not have an agencywide policy or mechanism to ensure consistent use of these methods among commercial airports. For example, TSA has developed standard signs, stickers, and customer comment cards that can be used at airport checkpoints to inform passengers about how to submit feedback to TSA; however, we found inconsistent use at the 6 airports we contacted.

For example, customer comment cards were displayed in the checkpoints at 2 airports, while at 2 others the cards were provided upon request. However, we found that passengers may be reluctant to ask for such cards, according to TSA. TSA officials at 4 of the 6 airports also said that the agency could do more to share best practices for informing passengers about complaint processes. For example, TSA holds periodic conference calls for its Customer Support Managers—TSA staff at certain commercial airports who work in conjunction with other local TSA staff to resolve customer complaints and communicate the status and resolution of complaints to air passengers—to discuss customer service. However, Customer Support Managers have not used this mechanism to discuss

best practices for informing air passengers about processes for submitting complaints, according to the officials we interviewed. Policies for informing the public about complaint processes and mechanisms for sharing best practices among local TSA officials could help provide TSA reasonable assurance that these activities are being conducted consistently and help local TSA officials learn from one another about what practices work well.

We recommended that TSA establish an agencywide policy to guide its efforts to inform air passengers about the screening complaint processes and establish mechanisms, particularly at the airport level, to share information on best practices for informing air passengers about the screening complaint processes. DHS concurred with the recommendation and stated that TSA would develop a policy to better inform air passengers about the screening complaint processes. We will continue to monitor TSA's progress in implementing this recommendation.

TSA's Complaint Resolution Processes Do Not Fully Conform to Standards of Independence, but TSA Is Taking Steps to Increase Independence

TSA's complaint resolution processes do not fully conform to standards of independence to ensure that these processes are fair, impartial, and credible, but the agency is taking steps to improve independence. Specifically, TSA airport officials responsible for resolving air passenger complaints are generally in the same chain of command as TSA airport staff who are the subjects of the complaints. While TSA has an Ombudsman Division that could help ensure greater independence in the complaint processes, the division primarily focuses on handling internal personnel matters and is not yet fully equipped to address external complaints from air passengers, according to the head of the division.

TSA is developing a new process for referring air passenger complaints directly to the Ombudsman Division from airports and for providing air passengers an independent avenue to make complaints about airport security checkpoint screening. In August 2012, TSA's Ombudsman Division began addressing a small number of air passenger complaints forwarded from the TCC, according to the head of that division. TSA also began advertising the division's new role in addressing passenger screening complaints via the TSA website in October 2012. According to the Assistant Administrator of TSA's Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement, the division will not handle complaints for which there exists an established process that includes an appeals function, such as disability complaints or other civil rights or civil liberties complaints, in order to avoid duplication of currently established processes. According to the Assistant Administrator, the agency also

plans to initiate a Passenger Advocate Program by January 2013, in which selected TSA airport staff will be trained to take on a collateral passenger advocate role, respond in real time to identify and resolve traveler-related screening complaints, and assist air passengers with medical conditions or disabilities, among other things. It is too early to assess the extent to which these initiatives will help mitigate possible concerns about independence.

TSA Is Expanding Its Risk-Based Programs, Including the Pre✓™ Program

TSA officials stated that the agency is undertaking efforts to focus its resources and improve the passenger experience at security checkpoints by applying new intelligence-driven, risk-based screening procedures and enhancing its use of technology.

One component of TSA's risk-based approach to passenger screening is the Pre✓™ program, which was introduced at 32 airports in 2012, and which the agency plans to expand to 3 additional airports by the end of the calendar year. The program allows frequent flyers of five airlines, as well as individuals enrolled in other departmental trusted traveler programs—where passengers are pre-vetted and deemed trusted travelers—to be screened on an expedited basis. This program is intended to allow TSA to focus its resources on high-risk travelers. According to TSA, more than 4 million passengers have been screened through this program to date. Agency officials have reported that with the deployment of this program and other risk-based security initiatives, such as modifying screening procedures for passengers 75 and over and active duty service members, TSA has achieved its stated goal of doubling the number of passengers going through expedited screening. According to TSA, as of the end of fiscal year 2012, over 7 percent of daily passengers were eligible for expedited screening based on low risk. However, the estimated number of passengers that will be screened on an expedited basis is still a relatively small percentage of air passengers subject to TSA screening protocols each year. We plan to begin an assessment of TSA's progress in implementing the TSA Pre✓™ program in 2013.[10]

---

[10]This work is at the request of the Chairmen of the Subcommittees on Transportation Security and Oversight, Investigations, and Management of the Committee on Homeland Security, House of Representatives.

Chairman Petri, Ranking Member Costello, and Members of the Subcommittee, this concludes my prepared remarks. I look forward to responding to any questions that you may have.

GAO Contact and Staff Acknowledgments

For questions about this statement, please contact Steve Lord at (202) 512-4379 or lords@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. Individuals making key contributions to this statement include Jessica Lucas-Judy (Assistant Director), David Alexander, Thomas Lombardi, Anthony Pordes, and Juan Tapia-Videla.

GAO's Mission	The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.
Obtaining Copies of GAO Reports and Testimony	The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's website (http://www.gao.gov). Each weekday afternoon, GAO posts on its website newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to http://www.gao.gov and select "E-mail Updates."
Order by Phone	The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's website, http://www.gao.gov/ordering.htm.
	Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.
	Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.
Connect with GAO	Connect with GAO on Facebook, Flickr, Twitter, and YouTube. Subscribe to our RSS Feeds or E-mail Updates. Listen to our Podcasts. Visit GAO on the web at www.gao.gov.
To Report Fraud, Waste, and Abuse in Federal Programs	Contact: Website: http://www.gao.gov/fraudnet/fraudnet.htm E-mail: fraudnet@gao.gov Automated answering system: (800) 424-5454 or (202) 512-7470
Congressional Relations	Katherine Siggerud, Managing Director, siggerudk@gao.gov, (202) 512-4400, U.S. Government Accountability Office, 441 G Street NW, Room 7125, Washington, DC 20548
Public Affairs	Chuck Young, Managing Director, youngc1@gao.gov, (202) 512-4800 U.S. Government Accountability Office, 441 G Street NW, Room 7149 Washington, DC 20548

Testimony

Kenneth J. Dunlap
Global Director, Security & Travel Facilitation
International Air Transport Association (IATA)

Before the US House Committee on Transportation & Infrastructure
Subcommittee on Aviation

Thursday, November 29, 2012

*"How Best to Improve Our Nation's Airport Passenger Security System Through
Common Sense Solutions"*

Chairman Petri, Ranking Member Costello, and Members of the Committee, thank you
for inviting me to testify on behalf of IATA's members on the future of aviation
passenger screening.

IATA's 240 member airlines crisscross the globe every day, safely carrying passengers
and cargo to their destinations. Aviation is responsible for 56.6 million jobs globally and
3.5% of global GDP. Here in the US, it contributes $669 billion dollars to the GDP which
is equivalent to 4.9% of the US economy. In 2011, airlines carried more than 2.8 billion
passengers. You've heard all of this before. But these numbers are expected to grow
globally over the coming years, with nearly 6 billion passengers, 82 million jobs, and
$6.9 trillion in economic activity by 2030. With this projected growth will come the need
for improved infrastructure, operations, and, perhaps most importantly, next generation
passenger screening.

The aviation industry today is dramatically different than it was when the object-focused
security checkpoint was introduced to airports some 40 years ago. The need to evolve
passenger security screening to a more sustainable, efficient, and effective process has
been a topic of conversation across the aviation industry for many years. For regulators,
the conversations are driven by the need to adapt security in the face of continuously
changing threats. For airlines and airports this is also driven by the need to ensure
compliance with regulations, while balancing the very real issue of efficiency. For
passengers, the conversations are driven by long security lines, the complexity of rules
and often invasive processes.

Inconsistencies and reactive, often duplicative regulations have led to less efficient
security processing, which in turn has led to sky rocketing security costs for
governments and industry as well as passenger frustration and global confusion.
Today's security checkpoint has served us well, but a new paradigm is needed for a
dynamic industry confronted by growing passenger numbers and new threats.

Here in the U.S., we see encouraging signs that the one-size-fits-all approach to passenger screening is being re-evaluated and our finite security resources are being better directed. Under Homeland Security Secretary Napolitano and Transportation Security Administrator Pistole we have seen an important move to a risk-based approach to screening. An example is TSA's voluntary PreCheck program, which allows pre-screened passengers, to participate in an expedited screening experience at the airport. In addition, new procedures for individuals 12 and under, 75 and older, and airline crewmembers highlight this laudable approach.

In parallel, and as an outcome of the Global Aviation Security Summit prompted by the attempted bombing of Northwest Airlines Flight 253, the airline industry committed itself to developing a new screening checkpoint. –At this point, I would like to pause and acknowledge both Secretary Napolitano and Secretary General of the Council of the International Civil Aviation Organization (ICAO), Raymond Benjamin, for their vision and support of launching this initiative.

IATA is working with public and private partners around the world to modernize and improve the passenger screening experience through the Checkpoint of the Future program. Our vision for 2020 is simply an uninterrupted journey from curb to aircraft door, where passengers proceed through the security checkpoint with minimal need to divest, where security resources are allocated based on risk, and where airport amenities can be maximized.

The goals of the Checkpoint of the Future are:

Strengthened security – through focusing resources based on risk, increasing unpredictability, making better use of existing technologies, and introducing new technologies with advanced capabilities as they become available.

Increased operational efficiency – by increasing throughput, optimizing asset utilization, reducing cost per passenger, and maximizing space and staff resources.

Improved passenger experience – reducing lines and waiting times and using technology for less intrusive and time consuming security screening.

Allow me now to highlight the scope and the roadmap of the Checkpoint of the Future project. Over the last three years the program has evolved into an industry-led and IATA supported initiative. That means that airports, security equipment manufacturers, Interpol, universities, governments, and airlines are working together to make a new checkpoint a reality. We can put numbers behind the collaboration. Our Advisory Group, which provides oversight, has 16 key senior executives from every corner of aviation. They guide 110+ experts who are working to assemble the technology, policy, and procedures needed for a checkpoint of the future. All have volunteered I would add.

To date this team has developed a concept definition and blueprints to take us through checkpoint evolutions from today to 2014, 2017, and 2020. In addition, the

stakeholders have developed an Operational Test and Evaluation Program (OT&E) that will evaluate the key Checkpoint of the Future components in light of our overall goals.

I am happy to report that we have concluded component trials this year with our airport partners at Geneva, Heathrow, and Amsterdam. For 2013, we are planning a dozen new trials that will support rollout of the first checkpoint in 2014. We certainly hope that we can bring several of these trials to airports in the US.

So what will the checkpoint look like in the future?

With a view toward the near term, the Checkpoint of the Future in 2014 focuses on integrating new procedures to facilitate risk based screening and decision making, optimizing resource and asset utilization, and integrating available technology and repurposing existing equipment. The emphasis is therefore to introduce new and innovative procedures that maximize the opportunities presented by the existing checkpoint configuration.

The 2017 Checkpoint of the Future, or the medium term vision, is focused on updating technologies and processes to increase the security value of the checkpoint, while maintaining a strong focus on customer service to enable greater passenger satisfaction. It includes some major advances in risk assessment, dynamically delivering a result to the checkpoint to enable greater automation, and a better passenger experience. It envisages increased use of biometrics and remote image processing, coupled with advances in screening technologies and targeted algorithms to achieve less divesting and faster throughput.

From 2020 and beyond it is envisaged that the passenger will be able to walk through the security checkpoint without interruption unless the advanced technology identifies a potential threat. A passenger will have a level of security screening based on information from states of departure and arrival through bilateral risk assessments in real-time. In terms of the passenger experience, there will no longer be the burden of divesting by default, and there are expected to be little to no lines as a result of the enhanced speed at which screening can occur.

Just as one-size-fits all is not a desirable situation for screening today, neither will it be for the next generation of screening. The Checkpoint of the Future project offers many options and suggestions that can help move screening towards being more efficient, effective, and passenger-friendly. We are confident that the important collaboration between the airline industry, airports, manufacturers, ICAO, and global regulators will continue to improve security and efficiency in passenger screening.

Allow me to spend a few moments on one other important aspect of risk based security and that is changing our mindset to focus on outcome-based requirements supported by global standards. Governments must define outcomes—such as no bombs on planes. But often airlines or airports are best placed—under supervision—to find the most efficient operational solution to achieve them. And our chances of raising the bar on

security globally are much better by focusing efforts on delivering results rather than on replicating processes that may work better in one jurisdiction or airport than another. The UK is in the forefront of developing such an approach. I hope that it will be the basis for setting a global standard which others could benefit from.

Chairman Petri and Ranking Member Costello, thank you again for the opportunity to speak to you today about the future of aviation security. IATA applauds your commitment to improving aviation security and making the experience more enjoyable for passengers. The future of flight is bright, and your collaboration is vital to our continued success as an industry.

ASSOCIATION OF FLIGHT ATTENDANTS–CWA, AFL-CIO

TESTIMONY OF

VEDA SHOOK
INTERNATIONAL PRESIDENT

BEFORE

THE SUBCOMMITTEE ON AVIATION OF THE U.S.
HOUSE COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE

UNITED STATES HOUSE OF REPRESENTATIVES

WASHINGTON, DC
NOVEMBER 29, 2012

Association of Flight Attendants – CWA, AFL-CIO
501 Third St. NW, 10th Floor
Washington, DC 20001
202-434-1300

Thank you, Chairman Petri, Ranking Member Costello and members of the Aviation Subcommittee for inviting me to participate in today's hearing on "How Best to Improve our Nation's Airport Passenger Security System Through Common Sense Solutions." My name is Veda Shook and I am the International President of the Association of Flight Attendants-CWA (AFA). AFA represents 60,000 Flight Attendants at 21 airlines throughout the United States and is the world's largest Flight Attendant union. I am here to say the skies are safer today than they were before 9/11. For much of this thanks is due to the federalized TSA workforce and the thorough security screening of airline passengers, crew, and airport employees.

As a Flight Attendant, I bring a unique perspective to airport security screening. Our nation's Flight Attendants are required to pass through security checkpoints every time we go to work, sometimes entering security checkpoints multiple times a day at different locations around the country and even around the world.

Federalizing airport screening has improved the security of air travel, making Flight Attendant jobs and passenger travel safer today. Simply, federalizing airport screeners has been a resounding success. While we are the last line of defense in aviation security, my Flight Attendant colleagues and I depend on TSA workers to keep our jobs safe. We depend upon the integrity of each layer of security in the airport as well as on the aircraft and must respond when all other screening methods fail. We depend upon a regulated security system that meets the requirements of *The Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Commission Act)*, Pub. L. 110-53.

Prior to TSA, passenger and baggage screening was conducted by private screening companies under contract to airlines, which created a myriad of screening experiences, to put it mildly. We could never be certain if our shoes, hairclip, belt or jewelry would trigger the metal detector or not. Would the airport screener want to search our bags, or would we speed through the checkpoint? I personally recall one specific incident where I was following a passenger through security. I noticed that he had a rather large knife on his belt that didn't alarm through security. I mentioned to him that I was surprised the

2

detector didn't go off and that the screeners didn't notice the 4 inch blade on his hip.   He chuckled and pulled out two additional small knives in one pocket and another pocket full of change. "Happens a lot", he noted. Today, it never happens. We can thank our Federal Transportation Security Officers and the TSA for its diligence and uniformity at security checkpoints.

After Congress created the TSA and the government assumed responsibility for security screening, conditions quickly improved. A federalized workforce creates consistency, and thus greater security, throughout our nation's airports as a key component of a multi-layered aviation security system. When the traveling public or our members encounter discrepancies or problems, a federalized workforce allows for efficient resolution through a central organization versus trying to determine which screening company works in which airport and then searching for the relevant authority.

A federal screening workforce also ensures that the TSA can quickly communicate and adapt to emerging threats with greater ability to transfer personnel from one location to another in times of emergency or crisis. The fact is that our airports and airplanes are much safer today given TSA's access to intelligence data; which drives real-time security based risk assessments. This is an important tool unavailable to private screening companies that would compromise the safety and security of passengers and crew.

Appreciating the success of TSA, AFA is concerned about the growing drumbeat for a return to the old system where security checkpoints were contracted out to the lowest bidder. Given today's aviation security concerns, we believe that a return to a bottom-line driven system that puts security second to profits would be a reckless and unjustified regression from TSA's successful mission to protect the skies.

I commend the TSA and Administrator Pistole's efforts to limit privatization of security at additional airports. AFA opposes efforts to expand Security Screening Partnership (SPP) programs beyond the handful of current locations – a return to the outdated model of the pre-9/11 era in which each airport's security screening is different. We remember

3

all too well inconsistent security policies, passenger confusion, and frequent language barriers of pre-9/11 screening and strongly believe it would be a mistake to return to private screeners.

The passenger experience and the free flow of commerce has also greatly improved from several TSA initiatives over the past several years, including risk-based screening, PreCheck, other trial programs, and Known Crewmember. These programs not only ensure the safety and security of passengers, but do so in a less burdensome fashion that encourages more people to fly. TSA's risk-based screening for frequent and trusted travelers, U.S. service members, children and the elderly has not only created time-saving efficiencies, it allows for greater scrutiny when necessary. Flight Attendants understand the need for and support this layered approach to passenger screening and the expansion of screening alternatives for the most trusted travelers. This is not a belief based on subjective feelings, but rather a careful assessment based on science and data.

TSA's initiatives have been enormously successful. Over four million passengers have been pre-screened and qualify for TSA PreCheck™, an intelligence-driven, risk-based approach to security screening. PreCheck began with only two airlines at four locations. By the end of the year, PreCheck will have been expanded to 35 airport locations with more than five million registered users.

Other risk-based screening has been implemented for travelers under 12 and over 75. According to the TSA, children under 12 make up 3.5% (approximately 60,000) daily of daily screening experiences and senior travelers, over 75, make up 2.4 % (approximately 41,000). It just makes sense to have tailored screening for passengers who fall into a low-risk category to undergo screening appropriate to their traveling profile. Some airports are also adding family-friendly lanes making the screening process less intimidating for families and seniors.

AFA is also supportive of trial programs at five locations that permit members of the armed services to utilize PreCheck security screening lanes. The TSA, in partnership with

4

the Department of Defense (DOD), is testing a program that permits service members with Common Access Cards (CAC) to utilize the PreCheck lanes. The program is currently available at five airports and a sixth will be added soon.

AFA calls for 100 percent screening of all individuals who have access to our airplanes. By applying the appropriate screening levels to low-risk travelers, the experience of all travelers will improve.

The Air Line Pilots Association (ALPA), our counterpart union in the cockpit at many of our carriers, and Airlines for America (A4A) were leaders in the development of the Known Crewmember Program (KCM). ALPA members participated in the initial test phase, which included a limited number of crewmembers in a handful of airports. The test phase successfully demonstrated that an alternative screening program for crewmembers would work and that the program could be expanded to include all crewmembers at significantly more airports. Since its inception and test phase in 2008, the TSA has conducted over 2.3 million KCM screenings.

The Known Crewmember Program is yet another example of a successfully implemented TSA program that is cost effective and creates shorter lines, thus improving the passenger experience. After the successful completion of the KCM test phase, TSA announced, on July 23, 2012, that Flight Attendants would be admitted to the Known Crewmember Program. On October 1, 2012 the first Flight Attendant, a member of AFA, utilized KCM. Today, Flight Attendants at all types of carriers – legacy, regional and niche – are participating in KCM. As a current Flight Attendant at Alaska Airlines, I have been able to utilize KCM at several airports and I am happy to report that the screening is considered by everyone involved to be a huge success.

In addition to completing the screening process in a fraction of the time it used to take, Flight Attendants – like our pilot colleagues – also undergo a comprehensive ten year background check and an annual FAA recertification.

To be clear: KCM, like the other risk-based screening methods, is not a security bypass. KCM utilizes real-time security clearance information to process aviation crewmembers. KCM recognizes the trusted status of Flight Attendants as first responders and the last line of defense, allowing Flight Attendants to report to work with greater ease. Flight Attendants are working more hours than ever before and thousands of my colleagues commute to work by plane. Our lives will be improved by time not spent in a traditional security checkpoint each and every time we pass through a KCM airport.

AFA continues to work with our airlines to press for Flight Attendant population into KCM databases in a timely fashion. We urge every airline that has not yet committed to participation of all of its crewmembers in KCM to do so in order to better assist the TSA in its ability to focus its resources on screening unknown passengers. We expect a majority of the nation's flight crewmembers to be participating in KCM by the end of the year. There are currently 28 airports supporting KCM screening. These KCM airports screen over 100,000 crewmembers

The inclusion of Flight Attendants in KCM eliminates uncomfortable situations where, in order to get to the plane on time, we have to cut to the front of the security line. This will not only benefit our passengers, it will also allow the TSA to provide better service. The program is very good news for everyone.

Nevertheless, more can be done to improve the passenger experience while maintaining safety. For the past several years, AFA has called for the adoption of reasonable uniform standards regulating carry-on baggage. Today, again, AFA also calls upon Congress, the TSA, the FAA and industry to establish standards for carry-on baggage permitted to pass through security checkpoints. Passengers are already familiar with the TSA 3-1-1 program for liquids, aerosols and gels. That is, three ounces in a one-quart clear plastic, zip-top bag. We call upon the TSA to add two numbers to this equation 1+1: One bag, plus one personal item. These bags should then fit through a template on the X-ray

conveyor belt.[1] Creating a uniform national standard for carry-on baggage would reduce passenger confusion, streamline and improve the security of the screening process, and enable Flight Attendants to more efficiently board aircraft.

Moreover, reducing the size and number of carry-on bags security screening would ultimately be enhanced at security checkpoints. With all of our work with the TSA, and with my own extensive traveling experience, I can say with certainty that there are more bags per person and larger bags per person, and that has absolutely had an operational impact at the security checkpoint. By reducing the quantity of carry-on bags, it is estimated that savings of hundreds of millions of dollars could be provided.

Current FAA guidelines for carry-on bags were established more than two decades ago when air travel was much different from today. Air carriers have an individual program to manage the weight, size and number of carry-on bags. This creates a maze of varying programs making it difficult and confusing for passengers. With the formation of global alliances and code share agreements, individual program philosophies add to the confusion since alliance members sell seats on their partners' routes. A ticket purchased from one carrier may be subject to the carry-on bag rules of another.

Limiting the size, type and amount of carry-on baggage, and strictly enforcing such limits, in relation to improving security is not a new concept: it was recommended by the FAA Aviation Security Advisory Committee in 1996. Similarly, after 9/11 the FAA issued guidance to carriers to limit passengers to one carry-on bag and one personal bag (such as a purse or briefcase). This restriction is loosely enforced.

AFA has filed two petitions for rulemaking requesting the FAA to enhance their carry-on baggage rule, citing incidents involving carry-on bags that range from disruption in the cabin, delays in boarding and deplaning, physical and verbal abuse of Flight Attendants and passengers, and injuries and impediments to speedy evacuations. Despite these two

---

[1] Exclusions: any regulations established by the FAA or the TSA should not apply to child safety seat nor a child passenger, assistive devices for disabled passengers, musical instruments, outer garments or to working crewmembers in uniform.

7

requests for rulemaking, the FAA has failed to establish a specific requirement regarding size and number of carry-on bags allowed.

According to federal security guidance, Flight Attendants are charged with observing passengers during the boarding process to identify anything suspicious. Prior to takeoff, Flight Attendants can ask the captain to subject a suspicious passenger to additional security scrutiny. The ability of Flight Attendants to provide this critical and final layer of pre-flight security is severely hampered by the distraction created with carry-on baggage chaos. Frequent flyers see it almost every flight: Flight Attendants are forced to manage excessive numbers of oversized carry-on bags in limited overhead bin space and must remove baggage that doesn't fit from the cabin.

Limiting the size and number of carry-on baggage would create a uniform, enforceable rule across the industry, and enhance security in the process. It will allow for more efficient screening at the checkpoint and also improve the ability of Flight Attendants to more effectively observe passengers for possible security threats. The TSA could make travel more secure and convenient for passengers by issuing a standardized policy on carry-on bags and limiting the size and number of carry-on bags screened at an airport checkpoint.

In conclusion, the passenger experience is better today under the Transportation Security Administration than it was before 9/11. Today, passengers are safer, screenings are becoming more efficient, and as a result, more people are encouraged to fly. Protecting our skies is a difficult job with massive responsibility, but a job that the TSA, as a key partner in the fabric of our nation's aviation security, is well equipped to handle.

8

Testimony of Charles Leocha, Director, Consumer Travel Alliance

Before the U.S. House of Representatives
Committee on Transportation and Infrastructure,
Subcommittee on Aviation

Washington, DC, November 29, 2012

Thank you, Chairman Petri, for giving passengers a seat at this hearing and an opportunity to testify about the effects of the Transportation Security Administration (TSA) on airline travel and suggest improvements to current airport security systems.

My testimony today will focus on the consumers' perception of TSA as a force designed to protect the American public from terrorist actions against our aviation transportation network. These recommended changes will also save hundreds of millions of dollars or allow the funds to be reallocated to counter other real or growing threats.

I will present a workable series of recommendations that takes into account the significant changes in the security landscape since 9/11. For my organization, and other consumer organizations, my testimony is not simply a chance to complain about TSA but an opportunity to offer constructive criticism and thoughtful solutions to today's security realities.

My name is Charles Leocha. I am the director of the Consumer Travel Alliance, a non-profit group created to educate legislators, regulators and their staff about the needs of travel consumers. Earlier this year, I was appointed by Secretary LaHood to the Advisory Committee on Aviation Consumer Protections, created as part of the most recent FAA Reauthorization bill. TSA Administrator Pistole also appointed me to the Consumer Advocacy Subcommittee of the Transportation Security Advisory Board where I have had an opportunity to meet with many members of TSA and hear about their consumer-facing operations such as their ombudsman, programs for the disabled and the TSA Contact Center.

Contact
Charles Leocha, Director, Consumer Travel Alliance, PO Box 15286, Washington, DC 20003
Email: leocha@consumertravelalliance.org; Web: www.consumertravelalliance.org; Tel: 202-713-9596

The Consumer Travel Alliance was closely involved with the last FAA Reauthorization bill. We continue to work toward complete disclosure of airline fees so that consumers can compare the full cost of travel across airlines and the free market can work efficiently for the aviation industry. Our organization has also been active in the debate over the European Emission Trading Scheme and new taxation of airline travel, which we oppose; and the implementation of NextGen to modernize our air traffic control system, which we strongly support. We believe that freedom of movement is a basic right.

Transportation Security Administration consumer overview
The events of 9/11 and subsequent unsuccessful terrorist attacks against the world's aviation system have taught us that aviation security stakes are high. The Department of Homeland Security (DHS) and TSA deserve part of the credit and thanks for keeping us safe. However, the creeping increase in invasiveness of TSA airport search, questions about the effectiveness of degrading searches and of whole-body scanners have unsettled many American citizens.

The positioning of TSA as a law enforcement organization (though it is not), rather than a helpful organization developed to assist passengers fly safely, has generated fear instead of reassurance. Whole-body scanners, hailed by TSA as a necessity for security, have not captured one would-be terrorist, while subjecting masses of our population to a virtual strip search.

Screaming, scared children have been forcibly separated from their parents. Feeble, barely-able-to-stand elders quiver and shake beside their wheelchairs as they are screened while family members are forbidden to assist them. Women are subjected to treatment that would result in the arrest of anyone performing such a search outside of the parallel TSA airport-check-point universe. We all hear the stories.

Worse, TSA has become a subject of derision. Even President Obama noted to laughter during a State of the Union address, that Americans should support high-speed trains as an alternative to flying because, "for some trips, it will be faster than flying — without the pat-down." Only last Friday, I heard the Capitol Steps, a popular comedy group in Washington, D.C., perform a skit and sing a parody about how good the "government is about anticipating terrorist events after they occur." The skit went on about the excesses of TSA "random searches" and "pat-downs."

The litany of negative stories about TSA is constant. Newspaper editors with whom I have discussed TSA actions, all report a vitriolic reaction to stories about TSA. Comments on blogs and letters to the editors go off the charts. The level of citizen frustration is palpable. When security checks are so inconsistent, TSA appears to be a sinister version of Keystone Cops.

The Maginot Line didn't work in WWII; it won't work now
Any security system that is designed to stand on its own is doomed to fail. During WWII the vaunted Maginot Line, built at the cost of hundreds of millions of French Francs, was considered impregnable and extolled as a work of genius. The Germans overran it.

The parallels may even be more prescient — the Maginot Line became a symbol of generals fighting the last war and it consumed such a large budget that other facets of the defensive forces were underfunded.

Today, TSA also finds itself fighting the last war and defending against old threats, in some cases defending against threats that no longer exist. Plus, the focus on passenger screening at airports has reduced the availability of funds to secure the vulnerable back ends of U.S. airports. There has been little discussion about the TSA's role in ensuring that airport employees — overwhelmingly outsourced as baggage loaders, caterers, cleaners, and fuelers — who have access to commercial aircraft are properly screened. Who is minding the airplanes?

Prisons vs. airports
The futility of searches at the airport is best demonstrated by the problems of trying to use a single line of defense against drugs and weapons in prison. Last July, New Mexico had to shut down their prisons to search for weapons and drugs. Even our best efforts at maximum-security prisons don't work. The Bureau of Prisons admits that drugs and weapons smuggling into prisons is almost impossible to stop, even with the most invasive searching techniques, a prisoner-to-guard ratio of 20-40 to 1 and full control over prisoner movements. TSA agents are screening thousands of passengers every day and have no control of the public outside of their security stations.

Our real aviation security comes from constant intelligence, not from last-minute checks of passengers. The elaborate and expensive TSA barricades, snaking lines, whole-body scanners and x-ray machines have been proven to be more for show than they are for actually apprehending a terrorist. Plus, TSA rules are created without comments or the normal rulemaking process. The unintended consequences of our current enforcement procedures are not healthy for our country, its principles or our Constitution.

CTA was one of many groups that protested TSA's lawless actions and joined in a formal petition for rulemaking. Eventually some of the petitioners, led by the Electronic Privacy Information Center (EPIC), sued, and the court upheld their complaint. It ruled that the TSA was required to conduct a public rulemaking and ordered the TSA to do so. To date, TSA has failed to begin the rulemaking process.

Finally, TSA's penchant for hiding behind their claim of national security when asked for details of equipment testing, rationale of rules and screener customer service training is unacceptable. Congress and the American people are paying the bills and should be informed of issues that affect them such as radiation, privacy and customer service.

The terrorism world has changed. TSA hasn't.
All of these recommendations are made based on three basic changes in the counter-terrorism landscape since 9/11. TSA is operating as though none of these significant changes has occurred.

1 Our terrorism watchlist capabilities have improved dramatically.
2 All airplane cockpits have been hardened, locked and fortified.
3 Passengers, now aware of the possibility of having their plane used as a missile, will not allow terrorists to take over an aircraft.

Recommendation #1 — Revise the forbidden items list and focus on explosives
Times have changed. The threat has changed. Our defenses need to change.

Small knives, box cutters, tools, self-defense items, sporting goods, sharp items and other items were deemed dangerous as TSA was formed, post 9/11. Later, shoes were to be removed, then liquids were limited and segregated, and whole-body scanners came into play based on failed terrorist attacks.

Outside of the secured areas of the airport, these items are legal and of no more threat to passengers than if they were in the possession of citizens strolling in front of the New York City library, riding the Metro in Washington, DC, taking the Coast Starlight train along the Pacific or riding a bus in Fort Worth.

Worse, the forbidden list is so long and many of the items so difficult to spot, even with x-ray machines and security personnel pawing through luggage, the rules are not, and cannot be, consistently enforced. An article about TSA screening practices regarding favorite Thanksgiving dinner food items often carried by family members to share for dinner, are, according to TSA experts, "up to the officer."

Recommendation #2 — Dress security screeners in non-threatening uniforms. Retrain all screeners in basic customer service skills.
TSA personnel at airport checkpoints should be positioned as security assistants. Their job is to make sure the traveling public is safe, not law enforcement. They are screeners. They should not be dressed to intimidate. They should be trained to smile at passengers and assist them in making sure they are safe, not to force citizens into submission.

Recommendation #3 — Immediately decommission all backscatter scanners
All Backscatter whole-body scanners should be decommissioned — their radiation effects are not documented and their privacy protection software does not function. TSA has already removed many of these machines. They should not be repositioned. They should be considered a danger to the public.

TSA should release radiation testing and allow independent testing of their whole body scanners. Withholding these results from Congress and the American public as classified is

either foolish or dishonest. Even more important than catching terrorists is the health of our citizens. There is no reason for TSA reticence in this instance.

Recommendation #4 — Only use millimeter-wave whole-body scanners as an optional secondary screening method and return to using the metal detectors for primary screening
These scanners may have better privacy protections; but, even with pat-downs, they are no more effective than metal detectors at discovering anything that might disrupt a flight. Placing passengers in a "hands-up," submissive position does nothing demonstrable for security.

Recommendation #5 — Trusted traveler programs should eventually cover a great majority of the traveling public. Use the terrorist watchlist. Use probable cause.
The intelligence system and our terrorist watchlist are far superior to what was in effect 11 years ago. We should use it. If a terrorist gets to the airport, unnoticed, it is a major intelligence failure by multiple intelligence agencies.

At least a dozen intelligence organizations work to ferret out terrorists. That information is funneled into a national terrorism center where it is analyzed and where every passenger flying in our country is matched against a rigorous, multi-level watchlist. Our intelligence systems and watchlist protocols already cover all traveling Americans. The number of citizens and travelers pulled over to be patted down should be minimal and based on some kind of probable cause.

Recommendation #6 — Stop practice of rescreening international baggage
Rescreening this already-screened baggage is an enormous waste of time and budget money. I believe this is a congressional mandate, not a TSA-generated rule.

Recommendation #7 — Limit TSA responsibilities to aviation and airport security; we have law enforcement personnel that can secure other public venues
There has been a creeping expansion of TSA's field of operations. The organization was created to protect against aviation terrorism. Its mission statement should be limited strictly to aviation security. The DHS for all other venues such as trains, buses, ferries, sporting events, etc. has access to local, state and national law enforcement. The TSA has no business being involved in random traffic stops, screening people attending a political convention or checking Amtrak passengers after they've disembarked a train. It is time to end the VIPR squads that are being deployed, seemingly at random, around the country.

Recommendation #8 — Pay attention to back-end operations of airports
The focus of time, money, and energy on passenger screening has diverted resources from the vulnerable back ends of U.S. airports. As I mentioned earlier, there has been little discussion about the TSA's role in ensuring that transient airport workers are properly screened. Airport employees — overwhelmingly outsourced as baggage loaders, caterers, cleaners, fuelers, etc. — that have access to commercial aircraft should be subject to the same terrorist watchlist rigors as passengers. It seems relevant to ask that the TSA report on the progress of who is minding the airplanes and the airports.

TSA of the future

In preparation for this testimony, I tried to envision a TSA of 2015 or 2020. My vision is dramatically different from what we know today.

- The intimidating presence of TSA will not be evident
- The mass screening of passengers will be replaced for the great majority of passengers with a Trusted Traveler program that seamlessly checks passengers before they fly (while at the same time being respectful of their privacy) and continued maintenance of the terrorist watchlist and no-fly list.
- The terrorism watchlists will also be used for airline and airport employees.
- Metal detectors will be back in use as the primary screening method. All full-body scanners will be decommissioned.
- Additional searches will be conducted based on just probable cause.
- New explosive detection systems will screen passengers as they pass through check-in gates in a non-invasive manner that doesn't place their health at risk and thermal imaging may be employed.

Contact

Charles Leocha, Director, Consumer Travel Alliance, PO Box 15286, Washington, DC 20003
Email: leocha@consumertravelalliance.org; Web: www.consumertravelalliance.org; Tel: 202-713-9596

A Decade Later: A Call for TSA Reform

JOINT MAJORITY STAFF REPORT

112th Congress
November 16, 2011

Table of Contents

Executive Summary

In the wake of September 11, 2001, President George W. Bush signed into law the Aviation and Transportation Security Act (ATSA; P.L. 107-71). Most notably, ATSA created the Transportation Security Administration (TSA). TSA has a vital and important mission and is critical to the security of the traveling public. To fulfill its mission, TSA employs many hard-working, dedicated personnel. It is the government's responsibility, however, to direct the agency's mission and prevent a cumbersome bureaucracy from inhibiting TSA's ability to address and adapt to changing security needs. Almost all western countries have evolved their airport screening systems to meet current aviation threats through federal oversight of private contract screeners. The U.S. must also evolve to provide the most effective transportation security system at the most reasonable cost to the taxpayer.

This report is an examination and critical analysis of the development, evolution, and current status and performance of TSA ten years after its creation. Since its inception, TSA has lost its focus on transportation security. Instead, it has grown into an enormous, inflexible and distracted bureaucracy, more concerned with human resource management and consolidating power, and acting reactively instead of proactively. As discussed more fully in the *Recommendations* section on page 18, TSA must realign its responsibilities as a federal regulator and focus on analyzing intelligence, setting screening and security standards based on risk, auditing passenger and baggage screening operations, and ensuring compliance with national screening standards.

The purpose of this report is to offer constructive recommendations for the improvement of airport screening operations and transportation security. This review of TSA's performance and current mission has been conducted by Majority investigative staff of the House Committees on Transportation and Infrastructure and Oversight and Government Reform. Members of the Committee on Transportation and Infrastructure were responsible for authoring the organic legislation that created TSA, and Members are currently preparing new legislation to reform TSA in accordance with the findings in this report.

Key Findings

I.   TSA Lacks Administrative Competency and is Made Inefficient by its Massive Bureaucracy

➢ With 21 other agencies housed within the Department of Homeland Security (DHS), the status and mission of TSA have gradually eroded to make the agency a tangential and inert unit within DHS's massive structure.

➢ The turnover of five Administrators in less than a decade, with periods of long vacancy between appointments, has obstructed TSA's ability to carry out its mission.

- With more than 65,000 employees, TSA is larger than the Departments of Labor, Energy, Education, Housing and Urban Development, and State, combined. TSA is a top-heavy bureaucracy with 3,986 headquarters personnel and 9,656 administrative staff in the field.

- Since 2001, TSA staff has grown from 16,500 to over 65,000, a near-400% increase. In the same amount of time, total passenger enplanements in the U.S. have increased less than 12%.

- Since 2002, TSA procured six contracts to hire and train more than 137,000 staff, for a total of more than $2.4 billion, at a rate of more than $17,500 per hire. More employees have left TSA than are currently employed at the agency.

- Over the past ten years, TSA has spent nearly $57 billion to secure the U.S. transportation network, and TSA's classified performance results do not reflect a good return on this taxpayer investment.

- On average, there are 30 TSA administrative personnel—21 administrative field staff and nine headquarters staff—for each of the 457 airports where TSA operates.

- TSA's primary mission, transportation security, has been neglected due to the agency's constant focus on managing its enormous and unwieldy bureaucracy.

II. TSA is Failing to Effectively Carry out Agency Operations

- TSA has failed to develop an effective, comprehensive plan to evolve from a one-size-fits-all operation—treating all passengers as if they pose the same risk—into a highly intelligent, risk-based operation that has the capacity to determine a traveler's level of risk and adjust the level of screening in response.

- TSA's operations are outdated—the primary threat is no longer hijacking, but explosives designed to take down an aircraft. Today, aircraft have hardened cockpit doors, armed Federal Air Marshalls and armed pilots. Additionally, passengers and crew offer our first and most effective line of defense. These factors have drastically lowered the risk of a terrorist hijacking using a gun or knife. Consequently, TSA should prioritize its security measures to address the current threat of explosives.

- TSA's passenger and checked baggage screening programs have been tested over the years, and while the test results are classified, their performance outcomes have changed very little since the creation of TSA.

- As recently reported, more than 25,000 security breaches have occurred at U.S. airports in the last decade, despite a massive TSA presence.

- Even though most of the serious terrorist attempts against the U.S. in the last decade have originated overseas, the number of TSA personnel that oversee key international departure points with direct flights into the United States is limited.

> TSA's behavior detection program, Screening of Passengers by Observation Techniques (SPOT), costs a quarter of a billion dollars to operate annually, employing almost 3,000 behavior detection officer full-time equivalents (FTEs). TSA has invested more than $800 million in this program since 2007, and it will require more than $1.2 billion more over the next five years. In spite of this costly program, the Government Accountability Office (GAO) found that 17 known terrorists traveled on 24 different occasions through security at eight airports where TSA operated this program. In fact, GAO found that not one terrorist had been caught by the SPOT program, and the program has not been scientifically validated.

> TSA has tested numerous pilot programs for trusted travelers, including its current PreCheck program, but has failed to develop an expedited screening program that utilizes biometrics to positively identify participants.

> TSA has failed to follow congressional directives to establish biometric credentialing standards and biometric card reader standards. These standards are necessary for the Federal Aviation Administration (FAA) to implement a congressionally-directed requirement for biometric pilot licenses.

> GAO found that TSA's implementation of the Transportation Worker Identification Credential (TWIC), which has cost over half-a-billion dollars, has been crippled by latent programmatic weaknesses. TSA still has not deployed TWIC card-readers to many of the Nation's ports.

> On January 28, 2011, TSA Administrator Pistole halted the expansion of the Screening Partnership Program (SPP), despite the following evidence:

  o An independent consultant found that "private screeners performed at a level that was equal to or greater than that of federal TSOs [Transportation Security Officers]."

  o GAO found that TSA analytics ignored critical data relating to costs.

  o USA Today uncovered covert TSA test results in 2007 that showed significantly higher screener detection capabilities at an SPP airport than at an airport where screening was provided by TSA.

III.   TSA is Failing to Develop and Deploy Effective Technology

> The Nation's 35 largest airports account for nearly 75% of passenger traffic. TSA has failed to prioritize the deployment of in-line explosive detection systems (EDS) at these locations which would ensure the best baggage screening operations for a large portion of air travelers. Less than half of these 35 airports have complete in-line EDS, with some systems only configured to detect at TSA's 1998 explosive detection standards. Additionally, TSA has failed to reimburse airports for design costs incurred in the installation of in-line EDS.

> TSA wasted $39 million to procure 207 Explosive Trace Detection Portals, but deployed only 101 because the machines could not consistently detect explosives in an operational

environment. After lengthy and costly storage, TSA recently paid the Department of Defense $600 per unit to dispose of the useless machines.

➢ TSA deployed 500 Advanced Imaging Technology (AIT) devices in a haphazard and easily-thwarted manner at a total cost of more than $122 million. By 2013, TSA estimates that the total cost to taxpayers for AIT deployment will reach almost half-a-billion dollars. In 2010, GAO examined the AIT devices and found that "it remains unclear whether the AIT would have detected the weapon used in the December 2009 [Underwear Bomber] incident." While TSA continues to use AIT machines, the effectiveness of these devices in detecting explosives is still under review and remains questionable.

➢ TSA warehouses are nearly at capacity, containing almost 2,800 pieces of screening equipment, including 650 state-of-the-art AT-2 carry-on baggage screening machines costing approximately $97 million. TSA's failure to deploy this cutting-edge technology in a timely manner is yet another example of the agency's flawed procurement and deployment program.

TSA's Diverted Mission

Enacted on November 19, 2001, the Aviation and Transportation Security Act created the Transportation Security Administration and charged it with the responsibility of securing civil aviation.[1] The purpose of TSA, as originally intended by Congress, was to provide a coordinated security organization with the primary responsibility of analyzing and disseminating intelligence information and developing a structure to secure the critical interests of U.S. transportation.[2] This structure would provide the agency with the capacity to connect the dots between intelligence analysis and security performance.

> **The original purpose of TSA was to provide a coordinated security organization to analyze and disseminate intelligence information and develop a structure to secure the critical interests of U.S. transportation.**

With regard to aviation security, TSA was directed to "*provide for* the screening of all passengers and property...that will be carried aboard a passenger aircraft"[3] (as opposed to "providing the screening"). For the first two years after enactment, screening at airports was to be carried out by federal employees. Congress, however, also directed TSA to establish two federal screening public-private partnership programs, the security screening pilot program (PP5) and the security screening opt-out program (Screening Partnership Program or SPP).[4] Both of these federal screening programs allow qualified private screening companies, under contract with TSA and with strong federal oversight, to carry out security screening

---

[1] Aviation and Transportation Security Act, Pub. L. No. 107-71 (2001).
[2] Aviation and Transportation Security Act Conference Report, H.R. REP. NO. 107-296, at 2 (2001).
[3] 49 U.S.C. §44901(a) (emphasis added).
[4] 49 U.S.C. §44901(a); see also §§44919 and 44920.

functions at airports that choose to participate in the programs. As stated in the Conference Report:

> Two years after certification, airports can opt out of the federalization of the screener level of the federal workforce if the Secretary determines that these facilities would continue to provide an equal or higher level of security. Companies will be barred from providing screening if they violate federal standards, are found to allow repeated failures of the system, or prove to be a security risk.[5]

ATSA also required TSA to develop standards by which all travelers and their baggage would be screened.[6]

TSA's mission is to establish screening security standards for all modes of transportation. When originally established in the Department of Transportation, TSA was given the broad leeway to complete that mission. In March of 2003, TSA was integrated, along with 21 other federal agencies, into the new Department of Homeland Security (DHS).[7]

With multiple agencies under DHS's administration, TSA's status and mission have gradually eroded as TSA became a tangential and inert unit within DHS's massive structure. Furthermore, TSA has lost focus on its security mission, instead of concentrating on setting and enforcing security standards and protocols. Consequently, TSA is overwhelmed by the operation of its massive personnel bureaucracy.

TSA's Leadership Structure is Flawed

TSA has struggled to maintain continuity of operations due to the turnover of five Administrators in less than a decade. This lack of steady leadership, combined with long periods of time between Administrator appointments, has often left the agency rudderless and floundering. Despite TSA's absence of leadership, the current Administration failed to nominate a viable candidate for TSA Administrator until eight months into its first term. This ultimately led to a period of more than one year without a permanent TSA Administrator. This ever changing leadership negatively impacts the perception of the TSA Administrator within the agency and at DHS. Both the status of TSA and the position of TSA Administrator need to be significantly reformed and elevated.

TSA's Bloated Administration and Bureaucracy

Ten years after its creation, TSA's security mission has evolved from coordinating and disseminating intelligence information and establishing sound security standards and protocols to the full-time occupation of operating a massive bureaucracy. At more than 65,000 employees,

---

[5] Aviation and Transportation Security Act Conference Report, H.R. Rep. No. 107-296, at 64 (2001).
[6] *Id.*, at 19.
[7] Homeland Security Act of 2002, P.L. 107-296.

TSA would rank as the 12th largest cabinet agency and is larger than the Departments of Labor, Energy, Education, Housing and Urban Development, and State, combined.[8]

> Since its inception, TSA has spent nearly $57 billion, and TSA staff has grown from 16,500 to over 65,000, a near-400% increase. During this time, passenger enplanements in the U.S. have increased less than 12%.

Since 2001, TSA has spent nearly $57 billion to secure the U.S. transportation network,[9] and TSA staff has grown from approximately 16,500 in 2001, to over 65,000 today, a near-400% increase.[10] In the same amount of time, total passenger enplanements in the U.S. have increased less than 12%.[11] TSA's massive Washington headquarters supports 3,986 administrative personnel earning on average $103,852 per year.[12] In addition, the agency continues to support an army of 9,656 administrative field staff, on top of the security officers who actually conduct the physical screening.[13] TSA must get out of the human resources business and direct its energy and resources towards securing the American public.

TSA has struggled to manage its massive field staff in an effective and efficient manner. TSA has repeatedly relied on its National Deployment Force (NDF) to fill in the gaps and provide screening services where it cannot keep a sufficient number of staff on board. The NDF was originally created to "support airport screening operations during emergencies, seasonal demands, or other circumstances requiring more staffing resources than are regularly available."[14] In April of 2008, the Department of Homeland Security Office of the Inspector General (OIG) found that TSA is "overly reliant on the deployment force to fill chronic staffing shortages at specific airports in lieu of more cost effective strategies and solutions to handle screening demands."[15] When factoring in the government's obligation to pay salary and benefits, travel, lodging, per diem, and overtime, NDF managers say this program is nearly two-and-a-half times more expensive then locally-hired staff.[16] TSA has ignored the OIG's recommendations, which were designed to protect the taxpayer investment and to help the agency become a more effective regulator of transportation security.

TSA's Personnel Failures

TSA's personnel operations provide another example of the waste and mismanagement that is rife within the agency.

---

[8] Data from U.S. Office of Personnel Management, June, 2011, available at http://www.fedscope.opm.gov/.
[9] Fox News, *7 Ways Air Travel Changed After 9/11*, available at http://www.foxnews.com/slideshow/travel/2011/09/05/7-ways-air-travel-changed-after-11.
[10] Email from TSA Legislative Affairs to Simone Perez, Committee on Transportation and Infrastructure (July 13, 2011).
[11] Enplanement data provided by the Department of Transportation Bureau of Transportation Statistics.
[12] Email from TSA Legislative Affairs to Simone Perez, Committee on Transportation and Infrastructure (July 13, 2011).
[13] *Id.*
[14] DHS Office of Inspector General, *The Transportation Security Administration's National Deployment Force* (April 2008) (OIG-08-49), at 1.
[15] *Id.*
[16] *Id.*

> **Training**—Since 2002, TSA procured six contracts to hire and train its staff, for a total of more than $2.4 billion.[17] This massive expense to the taxpayer was incurred to employ and train slightly more than 137,000 staff at a rate of more than $17,500 per hire.[18]

> **Attrition**—A 2008 investigation by the DHS OIG found that TSA suffers from low employee morale, resulting in a 17% voluntary attrition rate.[19] TSA's inability to retain its workforce compounds its already astronomical training costs. Private screening contractors conduct security screening more efficiently and train their screeners to TSA standards at a lower cost.[20] At San Francisco International Airport (SFO), the cost to train a private screener to TSA standards is $6,222, more than $11,000 less, per screener, than their federal counterparts.[21]

> **Recruiting and Hiring**—Despite TSA's claims that it operates as an intelligent risk-based organization, TSA advertised for employment at the Washington Reagan National Airport on pizza boxes and on advertisements above pumps at discount gas stations in the D.C. area.[22] It has also been reported to the Committee on Transportation and Infrastructure on multiple occasions that TSA does not consistently conduct criminal and credit background checks on new and existing employees. The failure to implement an intelligent hiring strategy, combined with the lack of background investigations, has resulted in high termination rates and employee turnover.

TSA is Failing to Achieve Operational Success

"The ability of TSA screeners to stop prohibited items from being carried through the sterile areas of the airports fared no better than the performance of screeners prior to September 11, 2001."
Richard Skinner, Former DHS Inspector General, January 26, 2005

TSA Aviation Security Failures

Earlier this year, a TSA investigation into improper screening practices at Honolulu International Airport resulted in the firing of 28 personnel and the suspension of 15 others.[23] At the request of

---

[17] House Committee on Transportation and Infrastructure, *TSA Ignores More Cost-Effective Screening Model*, Appendix 3, June 3, 2011, available at http://republicans.transportation.house.gov/Media/file/112th/Aviation/2011-06-03-TSA_SPP_Report.pdf [hereinafter T&I SPP Report].
[18] Email from TSA Legislative Affairs to Rachel Weaver, Committee on Transportation and Infrastructure (May 23, 2011).
[19] DHS Office of Inspector General, *Transportation Security Administration's Efforts to Proactively Address Employee Concerns* (May 2008) (OIG-08-62).
[20] T&I SPP Report, Appendix 2.
[21] *Id.*
[22] Ed O'Keefe, *TSA Using Pizza Boxes to Recruit New Workers*, Washington Post, July 14, 2010, available at http://voices.washingtonpost.com/federal-eye/2010/07/tsa_using_pizza_boxes_to_recru.html.
[23] Shane Nelson, *TSA fires 28, suspends 15 following Honolulu Airport Investigation*, Sept. 26, 2011, available at

Congressional leaders,[24] the DHS OIG has agreed to investigate why such a significant number of the federal screener workforce at Honolulu International Airport failed in its performance of critical transportation security responsibilities.[25]

> **The House Committee on Oversight and Government Reform reported that despite massive TSA presence, more than 25,000 security breaches have occurred at U.S. airports since November, 2001.**

TSA's operations are out-moded—the primary threat is no longer hijacking, but explosives designed to take down an aircraft. The U.S. has avoided another successful terrorist attack primarily through the actions of passengers and crew, foreign intelligence agencies, and Customs and Border Protection, along with good luck. Today, aircraft have hardened cockpit doors, on many flights there are armed Federal Air Marshalls and armed pilots, and most importantly, it is ingrained in the minds of passengers and crew that potential hijackers must be resisted. These factors have combined to drastically lower the risk of hijacking from a terrorist with a gun or knife. TSA should focus its resources on preventing terrorists from smuggling explosives onto an aircraft. Today, TSA's screening policies are based in theatrics. They are typical, bureaucratic responses to failed security policies meant to assuage the concerns of the traveling public.

There are almost daily reports of TSA failures, but even more alarming is TSA's inability to quickly analyze and take advantage of available intelligence, as well as TSA's poor use of the enormous resources provided to it since 9/11. Despite the fact that most of the terrorist attempts against the U.S. in the last 10 years have originated with foreign nationals or were developed by those located outside the United States, the number of TSA personnel that are working outside the U.S. with other governments and organizations is limited. The following are some of the high-profile attempted terrorist attacks since 9/11:

> ➢ **Shoe Bomber**—On December 22, 2001, on a flight from Paris to Miami, Richard Reid, a British citizen, attempted to blow up the aircraft by using an explosive concealed in his shoe. Passengers and flight attendants stopped Reid from carrying out his attack.[26]

> ➢ **Underwear Bomber**—On December 25, 2009, a Nigerian named Umar Farouk Abdulmutallab attempted to ignite plastic explosives in his underwear on board a Northwest Airlines flight from Amsterdam to Detroit.[27] Passengers and flight attendants took action to subdue Abdulmutallab before he could successfully detonate the bomb.[28]

---

http://www.travelweekly.com/Hawaii-Travel/TSA-fires-28,-suspends-15-following-Honolulu-Airport-investigation.
[24] Letter from John L. Mica, Chairman, Committee on Transportation and Infrastructure, and Jason Chaffetz, Chairman, Subcommittee on National Security, Homeland Defense and Foreign Operations, Committee on Oversight and Government Reform, to Charles K. Edwards, Acting Inspector General, DHS (June 21, 2011).
[25] Shane Nelson, *TSA fires 28, suspends 15 following Honolulu Airport Investigation*, Sept. 26, 2011, available at http://www.travelweekly.com/Hawaii-Travel/TSA-fires-28,-suspends-15-following-Honolulu-Airport-investigation.
[26] *Timeline: The shoe bomber case*, CNN, Jan. 7, 2002, available at http://edition.cnn.com/2002/US/01/07/reid.timeline.
[27] Kevin Krolicki & Jeremy Pelofsky. *Nigerian charged for trying to blow up U.S. airliner*, Reuters, Dec. 26, 2009, available at http://af.reuters.com/article/worldNews/idAFLDE5BP03M20091226.
[28] *Id.*

➢ **Times Square Bomber**—On May 1, 2010, Pakistani-born Faisal Shahzad attempted to detonate a car bomb in Times Square. Officials placed Shahzad on the no-fly list on May 3; however, he was still able to board an aircraft, even after paying cash for the ticket, and it was not until a post-boarding check that airline officials discovered that Shahzad was on the no-fly list.[29]

➢ **Toner Cartridge Bomb Plot**—On October 29, 2010, foreign officials found bombs, originating in Yemen, hidden in printer cartridges on cargo planes bound for the United States.[30] Authorities were only able to locate the bombs because foreign intelligence provided tracking numbers for each package.[31]

TSA Security Program Failures

TSA's failure to develop a risk-based security plan has resulted in a one-size-fits-all method of screening. The implementation of a risk-based security plan will require fewer, better-trained, better-qualified personnel that are capable of differentiating between passengers based on risk.

TSA's Failed Screening Passengers by Observation Techniques (SPOT) Program
Staff of the Subcommittee on Investigations and Oversight of the Committee on Science, Space, and Technology assisted in the writing of this section.

The SPOT program trains TSA screeners known as Behavioral Detection Officers (BDOs) to identify persons who may pose a potential security risk in the air transportation system by using behavioral indicators such as stress, fear, or deception that travelers allegedly exhibit in response to the fear of being discovered.[32] However, GAO recently reported that "a scientific consensus does not exist on whether behavior detection principles can be reliably used for counterterrorism purposes, according to the National Research Council of the National Academy of Sciences."[33] While the SPOT program was initially established to detect terrorist threats to the aviation transportation system, TSA has broadened the program's mission to include the identification of behaviors indicative of criminal activity.[34] Critics of the program have argued that this

> GAO reported that since the SPOT program's inception, at least 17 known terrorists have flown on 24 different occasions, passing through security at eight SPOT airports.

---

[29] Scott Shane, *Lapses Allowed Suspect to Board Plane*, New York Times, May 4, 2010, available at http://www.nytimes.com/2010/05/05/nyregion/05plane.html.

[30] Gordon Rayner & Duncan Gardham, *Parcel bomb plot 'aimed at passenger jets'*, Telegraph, Nov. 3, 2010, available at http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/8100602/Parcel-bomb-plot-aimed-at-passenger-jets.html.

[31] Frank Gardner, Dubai bomb was flown on passenger planes, BBC News, Oct. 31, 2010, available at http://www.bbc.co.uk/news/world-middle-east-11661496.

[32] Government Accountability Office, *Aviation Security: Efforts to Validate TSA's Passenger Screening Behavior Detection Program Underway, but Opportunities Exist to Strengthen Validation and Address Operational Challenges* (May 2010) (GAO-10-763).

[33] *Id.*

[34] Department of Homeland Security, *Congressional Budget Justification*, Fiscal Year 2012, available at http://www.dhs.gov/xlibrary/assets/dhs-congressional-budget-justification-fy2012.pdf.

expansion reflects the failure of the program to identify any terrorists, and as a result, program success could only be quantified by broadening the goals to include criminal activity, which has a higher rate of occurrence.[35]

Since 2007, TSA has expended more than $800 million on the faulty program, and will require $1.2 billion more over the next five years.[36] However, out of two billion airline passengers who passed through SPOT airports between May 2004 and August 2008, only 1,100 were arrested, and none were arrested on terrorism charges.[37] Even more disconcerting is the fact that GAO reported that since the SPOT program's inception, at least 17 known terrorists have flown on 24 different occasions, passing through security at eight SPOT airports.[38] The Times Square Bomber, Faisal Shahzad, also passed undetected through a SPOT airport only days after his attempted bombing.[39]

Thus far, this program has been one of TSA's largest failures.[40] According to GAO, TSA never scientifically validated the list of behaviors underpinning the program, never determined whether the techniques could be applied in an airport environment, and never conducted a cost-benefit analysis of the program.[41] Instead, the review that DHS conducted was to "determine whether SPOT is more effective at identifying passengers who may be threats to the aviation system than random screening."[42]

The inadequacy of the DHS review was articulately summed up by Dr. Philip Rubin, Chair of the National Academies Board on Behavioral, Cognitive, and Sensory Sciences, who, in response to questions from an April 6, 2011 hearing conducted by the House Science, Space, and Technology Subcommittee on Investigations and Oversight, stated, "Politicians, policymakers and the lay public, will hear something like 'SPOT is significantly more effective than random screening' and may assume that this program is effective, useful, and has been adequately scientifically evaluated. To this point the effectiveness and usefulness have not been established. The scientific evaluation has been inadequate and has not been approached in a manner that would lead to greater knowledge regarding the program. Establishing scientific credibility has the potential to be helpful to programs of this sort, but that requires full, well thought out, independent, credible, and open scientific review."[43]

---

[35] Sharon Weinberger, *Intent to Deceive? Can the Science of Deception Detection Help to Catch Terrorists?* Nature, Vol. 465127, May 26, 2010, available at http://www.nature.com/news/2010/100526/pdf/465412a.pdf.
[36] Government Accountability Office, *Aviation Security: Efforts to Validate TSA's Passenger Screening Behavior Detection Program Underway, but Opportunities Exist to Strengthen Validation and Address Operational Challenges* (May 2010) (GAO-10-763).
[37] *Id.*
[38] *Id.*
[39] Byron York, *Amid Airport Anger, GOP Takes Aim at Screening*, Washington Examiner, Nov. 15, 2010, available at http://washingtonexaminer.com/politics/2010/11/amid-airport-anger-gop-takes-aim-screening.
[40] Government Accountability Office, *Aviation Security: Efforts to Validate TSA's Passenger Screening Behavior Detection Program Underway, but Opportunities Exist to Strengthen Validation and Address Operational Challenges* (May 2010) (GAO-10-763).
[41] *Id.*
[42] *Id.*
[43] Behavioral Science and Security: Evaluating TSA's SPOT Program, hearing before the House Science, Space, and Technology Subcommittee on Investigations and Oversight, April 6, 2011.

Further, in GAO's written testimony submitted for the same April 6, 2011 hearing, the GAO witness stated, "Congress may wish to consider limiting program funding pending receipt of an independent assessment of TSA's SPOT program. We identified potential budget savings of about $20 million per year if funding were frozen at current levels until validation efforts are complete. Specifically, in the near term, we reported that Congress could consider freezing appropriation levels for the SPOT program at the 2010 level until the validation effort is completed."[44]

In August 2011, TSA began its interactive behavior detection pilot, known as the "Assessor" program. Unfortunately, rather than employing several highly-trained transportation security personnel to observe and question selected high-risk passengers, the demonstration project employed a large, bureaucratic ensemble of Transportation Security Officers (TSOs) who expended an unnecessarily lengthy time performing meaningless interviews with all passengers, regardless of risk level.

When questioned about the protocol for additional screening of individuals who may pose a risk, Committee investigators were informed that risk-identified travelers would be screened by a metal detector and baggage screener. However, TSA's most sophisticated screening equipment, an Advanced Imaging Technology detector, was not in operation because TSA lacked sufficient numbers of trained personnel on duty. While it is irresponsible that this demonstration is a costly and bureaucratic method of screening, it is unacceptable that an operational model cannot be deployed in a manner that utilizes existing advanced technology and resources. While some type of behavior detection is necessary to a risk-based security scheme, TSA's current implementation of SPOT is a failure by almost any standard and must change to incorporate an intelligent interactive component.

TSA is Ignoring Congressional Directives to Utilize Biometrics

Congress has repeatedly directed TSA and DHS to establish biometric standards for aviation security purposes. In 2001, Congress recognized the value of biometric credentials in ATSA, requiring TSA to work with airport operators to consider the deployment of biometric technology to positively identify individuals entering secure areas of airports.[45] ATSA also required TSA to issue guidance for the use of biometric or other technology that positively verifies the identity of each employee and law enforcement officer who enters a secure area of an airport.[46]

In 2004, Congress directed TSA to establish comprehensive technical and operational system requirements and performance standards for the use of biometric identifier technology in airport access control systems

> TSA has failed to comply with congressional requirements that the agency work with airport operators and issue guidance on the use of biometrics for aviation security.

---

[44] Testimony of Stephen Lord, Director, Homeland Security and Justice Issues, Government Accountability Office, before the House Science, Space, and Technology Subcommittee on Investigations and Oversight, April 6, 2011, available at http://science.house.gov/sites/republicans.science.house.gov/files/documents/hearings/2011%2004%2004%20Lord%20Testimony.pdf.

[45] Aviation and Transportation Security Act § 106, 49 U.S.C. §44903.

[46] Id.

and best practices for incorporating biometric identifier technology into airport access control systems.[47] Congress also required TSA, in consultation with the Attorney General, to establish a law enforcement travel credential that incorporates biometric identifier technology and is uniform across all federal and other government law enforcement agencies.[48]

In 2005, Congress directed DHS to utilize the Transportation Security Clearinghouse as the central identity management system for the deployment and operation of the registered traveler program and the Transportation Worker Identification Credential program for the purposes of collecting and aggregating biometric data necessary for background vetting.[49]

TSA will never be able to function as a truly risk-based organization until the agency can differentiate between passengers based on levels of risk. TSA must develop an expedited screening program using biometric credentials that would allow TSA to positively identify trusted passengers and crew members so that the agency can prioritize its screening resources on select individuals.

TSA's first use of biometrics was the Transportation Worker Identification Credential (TWIC), which was designed to protect access to U.S. ports. According to a recent GAO study, latent programmatic weaknesses cripple its effectiveness to secure U.S. critical infrastructure, and TSA has not deployed TWIC card-readers at many of the Nation's ports.[50] Furthermore, the TWIC program has cost nearly half-a-billion dollars and DHS estimated that the total cost would reach $3.2 billion over ten years.[51] In developing a biometric credential for the aviation sector, TSA must comply with international standards and work with stakeholders in the government and the private sector in order to avoid a repeat of the problems with TWIC implementation.

Undermining the Screening Partnership Program (SPP)

ATSA authorized the development of two models for screening air travelers and their baggage. The first model provided all-federal screening operations at the Nation's airports. The second model, known as the Screening Partnership Program (SPP), was created to enable airport authorities to "opt-out" of all-federal screening and instead use qualified private screening contractors under federal standards, supervision, and oversight.[52] While one goal of the SPP is to reduce TSA screener workforce by utilizing the services of qualified private contractors, TSA administrative staff levels

> "I examined the contractor screening program and decided not to expand the program beyond the current 16 airports as I do not see any clear or substantial advantage to do so at this time."
>
> *TSA Administrator John Pistole, January 28, 2011*

---

[47] Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458 (2004).
[48] *Id.*
[49] Department of Homeland Security Appropriations Act, 2006, Pub. L. No. 109-90 (2005).
[50] Government Accountability Office, *Transportation Worker Identification Credential: Internal Control Weaknesses Need to Be Corrected to Help Achieve Security Objectives* (May 2011) (GAO-11-657), at 39.
[51] *Id.,* at 46.
[52] Aviation and Transportation Security Act § 108, 49 U.S.C. §44920.

continue to increase despite the fact that 16 U.S. airports use private screening contractors.

TSA has continuously thwarted the adoption of the SPP and has a history of intimidating airport operators that express an interest in participating in the SPP. Throughout 2009 and 2010, TSA held hostage all SPP applications from the entire state of Montana, ultimately denying all four airports. Throughout this timeframe, multiple SPP applicant airports reported the use of scare tactics by uniformed federal TSOs directed towards airport passengers.[53] In one instance, TSOs repeatedly informed passengers that it would not be safe to fly under the SPP model, and lobbied the airport board, the press and local government officials to abolish the program.[54]

Then, in January 2011, TSA Administrator Pistole halted expansion of the SPP. This decision was made despite nine years of successful operations, clear direction from Congress in ATSA, and the following findings:

> In December of 2007, Catapult Consultants issued a report to TSA that found "private screeners performed at a level that was equal to or greater than that of federal TSOs."[55]

> Similarly, interviews with private sector screening companies and airport officials indicate that SPP airports have better screener detection capabilities and provide greater customer service, responsiveness, and flexibility at passenger checkpoints.[56]

> GAO found that TSA ignored critical data relating to costs.[57] After TSA took GAO's factors into consideration, the revised study found that the cost to operate the SPP and all-federal screening to be nearly identical.

> The USA Today uncovered covert TSA test results in 2007 that showed significantly-higher screener detection capabilities at San Francisco International, an SPP airport, than at Los Angeles International Airport, where screening is provided by TSA.[58]

In making this announcement, Administrator Pistole stated that he does not see "any clear or substantial advantage" to expand the SPP.[59] This "clear or substantial advantage" standard is not present in ATSA, and Administrator Pistole's adoption of this standard is arbitrary and capricious and in contravention of the law.

Additionally, unions representing TSOs placed significant pressure on TSA officials to consider abolishing the SPP and preserve federal jobs. Contrary to claims by Administrator Pistole that

---

[53] T&I SPP Report, at 13-15.
[54] *Id.*
[55] Government Accountability Office, *Aviation Security: TSA's Cost and Performance Study of Private-Sector Airport Screening* (January 9, 2009) (GAO-09-27R), at 7.
[56] T&I SPP Report, at 12.
[57] Government Accountability Office, *Aviation Security: TSA's Cost and Performance Study of Private-Sector Airport Screening* (January 9, 2009) (GAO-09-27R).
[58] Thomas Frank, *Most Fake Bombs Missed by Screeners*, USA Today, Oct. 22, 2007, available at http://www.usatoday.com/news/nation/2007-10-17-airport-security_N.htm.
[59] E-mail from John S. Pistole, Administrator, TSA, to All TSA Employees, *100 – Screening Partnership Program* (Jan. 28, 2011).

there was no union involvement in his decision to stop the expansion of the SPP,[60] investigative staff of the Committee on Transportation and Infrastructure discovered that a public history exists of union meetings and communications with DHS and TSA officials regarding the SPP.

In a May 6, 2010, newsletter, the American Federation of Government Employees (AFGE) reported that "TSA has told AFGE that the agency will revisit the SPP and will place any contracting out plans on hold until a decision has been reached."[61] In the same newsletter, Eric Wood, a Lead TSO, applauded the union's efforts: "AFGE was able to get TSA management to stop moving forward on our airports application [sic] for SPP... now thanks to all the help from AFGE we were able to convince TSA that SPP was not a program that is good for the mission of TSA."[62]

On December 19, 2010, Cynthia Jenson, President of the AFGE Local 1120 in Montana, sent an e-mail stating, "I have some very good news. AFGE and TSA have agreed that the SPP program will be abolished. They just signed an agreement."[63] Jenson told Committee staff on May 19, 2011, that she "wholeheartedly believed" AFGE had a role in Administrator Pistole's January 28, 2011, decision not to expand the SPP.[64]

> "I have some very good news. AFGE and TSA have agreed that the SPP program will be abolished. They just signed an agreement."
>
> *Cynthia Jenson, President of the AFGE Local 1120 in Montana*

Federal oversight of qualified private contract screeners has shown to be effective all over the world. Almost all western countries operate civil aviation security through the use of federal oversight of private contract screeners. Other than Romania, Poland and Bulgaria, the United States has the only government in the western world that functions as the airport security operator, administrator, regulator, and auditor.[65]

Canadian airports utilize private contract screeners under federal oversight and demonstrate a highly successful private screener model, which contrasts TSA's bureaucratic operation of the SPP at airports in the United States. Just one example of Canada's highly efficient security model is at Quebec City Jean Lesage International Airport (YQB). In 2010, YQB handled approximately 1.2 million air travelers,[66] while its ratio of private contract screeners to federal administrative personnel was approximately 150-to-1.[67] By comparison, in the U.S. under the SPP, at Sioux Falls Regional Airport (FSD), which handled approximately 700,000 air travelers

---

[60] Letter from John S. Pistole, Administrator, TSA, to John L. Mica, Chairman, Committee on Transportation and Infrastructure (Feb. 28, 2011).
[61] AFL-CIO, *What Happens in Montana May Not Stay in Montana*, The TSO Voice, May 6, 2010, available at http://www.afge.org/index.cfm/2010_05_11_TSOVoiceMay6.pdf?fuse=document&documentid=2424.
[62] *Id.*
[63] E-mail from Cynthia Jenson, President, American Federal Government Employees (AFGE) Local 1120, to AFGE Members (Dec. 19, 2010).
[64] Telephone conversation between Cynthia Jenson, President, AFGE Local 1120, and Rachel Weaver, Committee on Transportation and Infrastructure (May 19, 2010).
[65] T&I SPP Report, Appendix 2.
[66] Airports Council International—North America, *Airport Traffic Reports*, 2010, available at http://www.aci-na.org/sites/default/files/_rankings-2010nam_.xls.
[67] Information provided by Security Director, Quebec City Jean Lesage International Airport, to Congressional Delegation (Oct. 22, 2011).

in 2010,[68] the ratio of private contract screeners to federal administrative personnel was 3-to-1.[69] Private screening companies must maintain their own administrative and managerial staff at the SPP airports. Therefore, the extra layer of TSA bureaucracy at SPP airports is both unnecessary and costly. TSA must address its inefficiencies in operating the SPP by eliminating duplicative and unnecessary federal staff at SPP airports, thereby further improving the advantages to the taxpayer of the private contract screening model.

Despite substantial evidence supporting the success and viability of the SPP, TSA still refuses to allow new airports to participate in the program and continues to refuse to provide an explanation of the criteria used to judge the merits of program applications.

TSA Technology Failures

Since 2001, TSA has struggled to implement and deploy its technologies in a cost-effective manner. During that timeframe, TSA has obligated more than $8 billion for the enhancement of passenger and checked-baggage screening.[70]

In-Line Explosive Detection Systems (EDS)

TSA estimated that in-line explosive detection systems for checked baggage would reduce the number of required TSA baggage screeners by as much as 78 percent.[71] However, despite the security, efficiency, and economic benefits of in-line baggage screening, GAO found that TSA is struggling to upgrade its deployed fleet of baggage-screening machines and that some of TSA's deployed machines are detecting explosives at standards from 1998.[72]

TSA also failed to deploy in-line EDS based upon risk and economies of scale. Investigators on the Committee on Transportation and Infrastructure found that less than half of the Nation's 35 largest airports, which handle 75% of all commercial passengers,[73] screen all checked baggage through in-line systems. Of the remaining top-35 airports, six have zero

> Less than half of the Nation's 35 largest airports screen all baggage with in-line technology, and the Committee on Transportation and Infrastructure has received numerous reports that TSA has failed to reimburse airports for agreed-upon costs of installing these systems.

[68] Airports Council International—North America, *Airport Traffic Reports*, 2010, available at http://www.aci-na.org/sites/default/files/_rankings-2010nam_.xls.

[69] Email from TSA Legislative Affairs to Rachel Weaver, Committee on Transportation and Infrastructure (May 23, 2011).

[70] Government Accountability Office, *Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue* (March 2011) (GAO-11-318SP).

[71] Government Accountability Office, *Aviation Security: Systematic Planning Needed to Optimize the Deployment of Checked Baggage Screening Systems* (March 2005) (GAO-05-365).

[72] Government Accountability Office, *Aviation Security: TSA Has Enhanced Its Explosives Detection Requirements for Checked Baggage, but Additional Screening Actions Are Needed* (July 2011) (GAO-11-740).

[73] Federal Aviation Administration, *Aerospace Forecast: Fiscal Years 2011-2031*, at 26, available at http://www.faa.gov/about/office_org/headquarters_offices/apl/aviation_forecasts/aerospace_forecasts/2011-2031/media/2011%20Forecast%20Doc.pdf.

utilization of in-line EDS for baggage screening. Additionally, investigative staff of the Committee on Transportation and Infrastructure have received numerous reports of TSA's failure to reimburse millions of dollars to airports for agreed-upon costs related to the implementation of in-line EDS systems.

Explosive Trace Detection Portals ("Puffers")

From 2004 to 2006, TSA ultimately spent more than $39 million to procure and deploy Explosive Trace Detection Portals, known as "puffers," as part of its passenger screening operations. While TSA procured 207 puffers, it only deployed 101 nationwide because TSA belatedly discovered that the puffers were unable to detect explosives in an operational environment. TSA rushed this untested product to deployment, ignoring internal procedures designed to prevent this type of waste.

GAO found that TSA's lack of a risk-based strategic development and deployment plan and inconsistent communication resulted in delayed and ineffective deployment of this checkpoint screening technology.

Advanced Imaging Technology Devices

Advanced Imaging Technology (AIT) devices allow screeners to see beneath a passenger's clothing to identify "abnormalities" requiring further screening.[74] In early 2011, to replace the puffers, TSA began installing 500 AIT devices, at a total cost of more than $122 million.[75] In September 2011, TSA purchased 300 additional AIT devices. In November 2011, TSA announced plans to complete deployment of 1,000 AITs by the end of 2011. By 2013, TSA estimates that the total cost to taxpayers for AIT deployment will reach approximately $500 million.[76] Despite TSA's great investment in AIT technology, GAO stated, "it remains unclear whether the AIT would have detected the weapon used in the December 2009 [Underwear Bomber] incident."[77] Additionally, Homeland Security Newswire reported in March 2011 that a TSA covert test of AIT machines at Dallas Ft. Worth International Airport resulted in the AIT machines' failure to detect a concealed firearm.[78]

Furthermore, TSA deployed the AIT devices in a haphazard and easily-thwarted manner. In many cases, TSA used AITs as a simple replacement for magnetometers as a means of primary screening. However, due to the limited number of AIT devices that TSA has deployed,

---

[74] AITs include both millimeter-wave technology as well as backscatter x-ray technology.

[75] TSA Oversight Part II: Airport Perimeter Security, Hearing before the House Committee on Oversight and Government Reform, Subcommittee on National Security, Homeland Defense and Foreign Operations, July 13, 2011.

[76] *Id.*

[77] Government Accountability Office, *Aviation Security: TSA Is Increasing Procurement and Deployment of the Advanced Imaging Technology, but Challenges to This Effort and Other Areas of Aviation Security Remain* (March 2010) (GAO-10-484T).

[78] Grant Stinchfield, *TSA Source: Armed Agent Slips Past DFW Body Scanner, Lapses*, MSNBC, Feb. 18, 2011, available at http://www.nbcdfw.com/news/local/TSA-Agent-Slips-Through-DFW-Body-Scanner-With-a-Gun-116497568.html.

passengers are easily able to bypass this technology by choosing a screening lane without these AIT machines in use.

Advanced Technology–2

TSA's failure to properly procure and deploy its screening technologies has led to thousands of pieces of equipment stuck in TSA warehouses. A recent Committee on Transportation and Infrastructure investigation learned that TSA warehouses are nearly at capacity, storing almost 2,800 pieces of passenger and baggage screening equipment. This includes approximately 650 state-of-the-art Advanced Technology–2 (AT-2) carry-on baggage screening machines at a cost of nearly $97 million.[79] TSA's failure to deploy this cutting-edge technology in a timely manner is yet another example of the agency's flawed procurement and deployment program.

TSA has wasted hundreds of millions of dollars in taxpayer funds on failed solutions to securing commercial aviation, ignoring internal protocols to prevent such waste and adopting technologies that have repeatedly failed TSA's own covert tests.

Recommendations

Since its inception, TSA has hired over 137,000 employees, grown into a mammoth bureaucracy of 65,000 employees, spent almost $57 billion, yet has failed to detect any major terrorist threat since 9/11, including the Shoe Bomber, the Underwear Bomber, the Times Square Bomber, and the Toner Cartridge Bomb Plot. Congress created TSA to be a lean organization that would analyze intelligence and set risk-based security standards for the U.S. transportation system. Today, TSA suffers from bureaucratic morass and mismanagement. The agency needs to properly refocus its resources on assessing threats and intelligence, instituting appropriate regulations, and auditing and adjusting security performance. TSA cannot do this effectively as a massive human resources agency.

Accordingly, the Committees on Transportation and Infrastructure and Oversight and Government Reform of the House of Representatives make the following recommendations:

1. **TSA must act with greater independence from the DHS bureaucracy.** Terrorists constantly evolve their methods, and TSA must have similar flexibility to respond quickly and appropriately to any intelligence it receives. Without this ability, TSA will continue to be a solely reactive and ineffective agency that cannot ensure the security of U.S. travelers.

2. **The TSA Administrator's stature must be elevated.** The constant turnover and long vacancy of this vital position has caused great disruption at TSA. With each new Administrator, there have been repeated changes in vision and direction of the agency. In

---

[79] TSA Reform: Exploring Innovations in Technology Procurement to Stimulate Job Growth, Part III, Hearing before the House Committee on Homeland Security, Subcommittee on Transportation Security, November 3, 2011.

order for TSA to be an effective and successful agency, it must have stable leadership that can make both short- and long-term plans for improving the agency and providing effective and cost efficient aviation and transportation security. The TSA Administrator must be a priority appointment for the President, along with other agency heads and Cabinet-level Secretaries, and the length of the term of the TSA Administrator's appointment and compensation should be reexamined.

3. **TSA must function as a federal regulator, analyzing intelligence, setting screening and security standards and protocols based on risk, auditing passenger and baggage screening operations, and enforcing national screening standards.** TSA needs to evolve out of the human resources business and focus on analyzing and disseminating intelligence information, developing a regulatory structure to secure the critical interests of the U.S. transportation sector, and enforcing these regulations to maintain a standardized set of practices throughout the country.

4. **TSA should expand and revise the Screening Partnership Program so that more airport authorities can transition airport screening operations to private contractors under federal supervision.** Instead of vesting all discretion with TSA to approve airport opt-out applications, the TSA Administrator should pre-qualify private screening companies that are capable of providing effective passenger and baggage screening services. Then, when an airport makes the decision to apply to the Screening Partnership Program, TSA can select from the pre-qualified contractors.

5. **The TSA Administrator must set performance standards for passenger and baggage screening operations based on risk analysis and common sense.** Detailed, specific, articulated metrics by which TSA will measure screening performance are critical to effective airport security operations. Without a clear list of standards, TSA will not be able to adequately measure and systematically improve screener performance.

6. **The number of TSA administrative personnel must be dramatically reduced.** TSA's massive bureaucracy must be streamlined so that TSA can focus on analyzing intelligence and setting risk-based security standards without being bogged down by managing its bloated administration.

7. **The number of TSA personnel stationed abroad and the number of TSA personnel that oversee key international departure points with direct flights into the United States and are engaged with other governments and organizations must be adjusted in order to effectively respond to the international threat to the U.S. transportation network.** Most of the terrorist attempts against the U.S. in the last 10 years have originated with foreign nationals or were developed by those in other countries, and TSA must adapt to this threat and deploy its resources accordingly.

8. **TSA should require that the screening of all passengers and baggage on in-bound flights is equivalent to U.S. domestic screening standards.** Rescreening passengers after an international flight lands in the U.S. does not avert the risk to U.S. citizens, while en route to the U.S.

9. **TSA must develop an expedited screening program using biometric credentials that would allow TSA to positively identify trusted passengers and crew members so that the agency can prioritize its screening resources based on risk.** TSA will never be able to function as a truly risk-based organization until the agency can differentiate between passengers based on levels of risk.

10. **TSA performance results should be made public after 24 months or when deemed appropriate for security purposes, so that passengers can know the level of security they receive.** Public reporting of performance evaluations provides transparency and will incentivize TSA to operate at the highest standards.

11. **A qualified outside organization must conduct a comprehensive, independent study of TSA's management, operations, and technical capabilities, and make recommendations to increase TSA's efficacy and its ability to better analyze intelligence and set risk-based, common sense security standards.** In conducting the study, the organization should consult with Congress, the TSA Administrator, TSA employees, aviation passengers, airport operators, and other representatives of the transportation industry. Finally, the TSA Administrator should review the organization's report and implement the recommended reforms.

"After countless expensive detours, it is time for TSA to refocus its mission based on risk and develop common sense security protocols."
John L. Mica, Chairman, Committee on Transportation and Infrastructure

Contacting the Committees

For general inquiries:

**Committee on Transportation
and Infrastructure**
Phone: (202) 225-9446
Fax: (202) 225-6782
http://transportation.house.gov/

**Committee on Oversight and
Government Reform**
Phone: (202) 225-5074
Fax: (202) 225-3974
http://oversight.house.gov/

For information regarding this report:

Sean McMaster
Oversight and Investigations
Committee on Transportation and
Infrastructure
(202) 225-9446

Frederick R. Hill
Director of Communications
Committee on Oversight and
Government Reform
(202) 225-0037

For information regarding the SPOT section of this report:

Tom Hammond
Subcommittee on Investigations and Oversight
Committee on Science, Space, and Technology
(202) 225-8772

**Committee on Transportation
and Infrastructure**
John L. Mica, Chairman
2165 Rayburn House Office Building
Washington, D.C. 20515

**Committee on Oversight and
Government Reform**
Darrell E. Issa, Chairman
2157 Rayburn House Office Building
Washington, D.C. 20515

Department of Homeland Security
Office of Inspector General

TSA Management and Oversight at Honolulu
International Airport

OIG-12-128   September 2012

91

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

SEP 27 2012

MEMORANDUM FOR: John W. Halinski
                   Deputy Administrator
                   Transportation Security Administration

FROM: Anne L. Richards
                   Assistant Inspector General for Audits

SUBJECT: *TSA Management and Oversight at Honolulu International Airport*

Attached for your action is our final report, *TSA Management and Oversight at Honolulu International Airport.* We incorporated the formal comments from the Transportation Security Administration in the final report.

The report contains four recommendations aimed at improving airport screening operations. Your office concurred with all recommendations. Based on information in your response to the draft report, we consider recommendations 2 and 3 resolved and open. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions and of the disposition of any monetary amounts.

Recommendations 1 and 4 remain unresolved and open. As prescribed by the Department of Homeland Security Directive 077-1, Follow-Up and Resolutions for the Office of Inspector General Report Recommendations, within 90 days of the date of this memorandum, please provide our office with a written response that includes your (1) agreement or disagreement, (2) corrective action plan, and (3) target completion date for each recommendation. Also, please include responsible parties and any other supporting documentation necessary to inform us about the current status of the recommendation. Until your response is received and evaluated, the recommendations will be considered open and unresolved.

Consistent with our responsibility under the *Inspector General Act*, we are providing copies of our report to appropriate congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post a redacted version of the report on our website.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Please call me with any questions, or your staff may contact Mark Bell, Deputy Assistant Inspector General for Audits, at (202) 254-4100.

Attachment

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Table of Contents

Appendixes

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Abbreviations

DHS	Department of Homeland Security
EDS	Explosive Detection System
ETD	Explosive Trace Detection
FSD	Federal Security Director
FY	fiscal year
HNL	Honolulu International Airport
OIG	Office of Inspector General
SOP	standard operating procedure
TSA	Transportation Security Administration
TSO	Transportation Security Officer
TSM	Transportation Security Manager

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Executive Summary

Representatives John Mica and Jason Chaffetz requested a review to determine why a portion of the Transportation Security Administration's (TSA) screener workforce at Honolulu International Airport did not perform critical transportation security screening of baggage. The request came after TSA investigated allegations of improper screening of checked baggage at the airport and took disciplinary and administrative actions. The objective of our audit was to determine whether TSA ensured that Transportation Security Officers complied with baggage screening procedures at Honolulu International Airport.

Although ignoring security procedures is never justified, Transportation Security Officers at one location in Honolulu International Airport did not screen all checked baggage as required during the last few months of 2010. The responsibility for screening the baggage belongs to the individual Transportation Security Officers, but this situation might not have occurred if TSA —

- Developed changes in screening procedures comprehensively and then thoroughly evaluated the effects of such changes;
- Supervisors provided better oversight of Transportation Security Officers and baggage screening operations; and
- Provided screening operations at the affected location with adequate staff and screening equipment in a timely manner.

Without ensuring that baggage is screened as appropriate, TSA risks the safety of the traveling public by allowing unscreened baggage on passenger aircraft.

We made four recommendations to TSA that, when implemented, should assist the agency with developing and managing changes to security procedures. The recommendations should also help TSA provide more effective oversight of airport screening operations. TSA concurred with the four recommendations.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Background

TSA protects the Nation's transportation systems to ensure freedom of movement for people and commerce. TSA reports that its vision is to set the standard for excellence in transportation security through its people, processes, and technology.

As part of TSA's mission, all individuals, accessible property, and checked baggage must be screened using the screening methods contained in TSA's standard operating procedures (SOPs). TSA's *Checked Baggage Screening Standard Operating Procedures* describe uniform procedures and standards for screening baggage to deter, detect, and prevent the carriage of any prohibited items, such as explosives, incendiaries, or weapons, onboard aircraft. TSA periodically modifies its SOPs to adjust to the current threat environment, the addition of new equipment, or passenger concerns.

TSA primarily uses the Explosive Detection System (EDS) or Explosive Trace Detection (ETD) to screen checked baggage.

- EDS screening of checked baggage requires Transportation Security Officers (TSOs) to place checked baggage in a machine to screen it by x ray for prohibited items. EDS screening of checked baggage is mandatory at locations where the equipment is available.

- ETD screening of checked baggage relies on manual procedures combined with technology to identify small amounts of explosives. ETD screening requires TSOs to ████████████████████████████████████ ████████████████████████████████ TSOs swab baggage and place the swab in a unit that uses ETD technology to analyze the content for potential explosive residue.

Prior to January 2010, TSA's SOP for using ETD required that ███████ of checked bags receive ██████████████ (testing the ████████████████████████ ██████████████████████████████████████ (40/40/20 protocol). TSA explained that although the 40/40/20 protocol was initially effective and efficient for random and unpredictable screening, the changing threat environment warranted new procedures. Appendix H contains a detailed description of TSA's checked baggage screening searches.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

TSA's Office of Security Operations explored options to replace the 40/40/20 protocol with a procedure that improved the probability of detection while maintaining an acceptable level of efficiency using TSA staffing allocation standards. TSA decided to ███████████████████████ and use a new ETD method that required a███████████ ██[1] Selectee bags would continue to be screened using███████████ procedures.

Beginning in January 2010, TSA required TSOs to ████████████████████████████ of checked bags ███████████████████ when using the ETD screening methodology at all airports, including Honolulu International Airport (HNL). The new SOP allowed use, at times, of alternate screening procedures (mitigation procedures). Mitigation procedures enable staff to use alternate procedures for timely screening during specific, short-term, special circumstances, such as unexpected increases in the volume of checked baggage. Authority was delegated to the Federal Security Director (FSD) at an airport to implement such procedures for 15-minute increments to decrease the security risks associated with excess baggage.
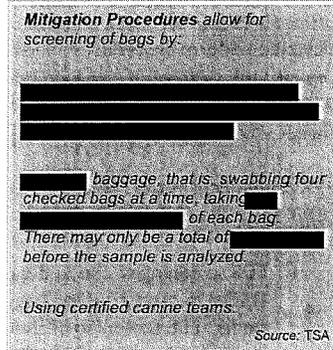
Mitigation Procedures allow for screening of bags by:

███████████████████████

███████████████████

███████ *baggage, that is, swabbing four checked bags at a time, taking*███ *of each bag.* *There may only be a total of*█████ *before the sample is analyzed.*

Using certified canine teams.

Source: TSA

In December 2010, a confidential source notified TSA officials and provided video evidence showing some TSOs failing to follow required screening procedures at the Overseas Terminal (Lobby 4) screening location at HNL. Although some employees adhered to the agency's screening procedures, others circumvented these procedures and cleared bags for transport without the required screening.

Among other things, the evidence showed TSOs opening bags, placing notices of inspection inside, and transporting them back to the airline without screening them. The videos also showed TSOs marking baggage as "cleared" before screening,

*A **notice of inspection** is a document TSOs place inside checked baggage indicating the baggage has been opened for inspection by TSA.*
Source: TSA

---
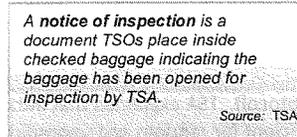
[1] ███████████ is a special requirement for individuals selected by a computer-assisted passenger screening system or another process as determined and approved by TSA.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

███ a cart loaded with baggage, and screening baggage by swabbing only the ███

In response to the allegations of screening violations, TSA's Office of Inspection performed an investigation between December 31, 2010, and March 23, 2011. The investigation team interviewed 191 employees and reviewed documentation and video evidence. Although one TSO admitted to circumventing screening procedures as early as January 2010, the investigation focused only on the period between September and December 2010. TSA took personnel actions against employees who did not properly screen checked baggage during the last few months of 2010 in the Overseas Terminal (Lobby 4).

In June 2011, Representative John Mica and Representative Jason Chaffetz requested a review to determine why a portion of TSA's screener workforce at HNL failed to perform critical transportation security screening. The Representatives requested that the Office of Inspector General (OIG) provide "a complete analysis of the failure of TSA's oversight and supervision of screening operations, protocols, and procedures," including corrective and disciplinary actions. They also requested that we review performance evaluations, guidance, training requirements, and use of the National Deployment Force. The Representatives' letter is in appendix C; additional information responding to their questions is in appendixes D, E, and F.

> *TSA's **National Deployment Force** deploys Transportation Security Officers to support airport screening operations during emergencies, seasonal demands, or other circumstances requiring more staffing resources than are regularly available.*
> Source: TSA

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Results of Audit

Although ignoring security procedures is never justified, TSOs at one location in HNL did not screen all checked baggage as required during the last few months of 2010. The responsibility for screening the baggage belongs to the individual TSOs, but this situation might not have occurred if TSA —

- Developed changes in screening procedures comprehensively and thoroughly evaluated the effects of such changes;
- Supervisors provided better oversight of TSOs and baggage screening operations; and
- Provided screening operations at the affected location with adequate staff and screening equipment in a timely manner.

Without ensuring that baggage is screened as appropriate, TSA risks the safety of the traveling public by allowing unscreened baggage on passenger aircraft.

Effects of Changes to Screening Procedures Not Fully Evaluated

TSA's fragmented process of developing changes to screening procedures and not fully evaluating the effects of new procedures may have contributed to the screening violations at HNL.

Developing Changes to Screening Procedures and Evaluating Effects

TSA had a fragmented and inconsistent process for developing and evaluating changes to its SOP for baggage screening. TSA relied on different numbers and locations of airports when studying proposed changes to the SOP. TSA had difficulty providing a comprehensive document or centralized point of contact to explain the studies and analysis to support decisions driving this and other changes to SOPs. Nor did TSA have a comprehensive document that showed whether the procedural changes would have an adverse effect on unique airports, such as HNL, which has a high volume of checked baggage and densely packed boxes that require screening.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Between 2007 and 2010, TSA headquarters conducted four pilot studies on the effects of various ETD protocols on checked baggage screening. However, these studies did not contain sufficient data and analysis to guide procedural changes nationwide. As shown in table 1, TSA was not consistent with the airports tested. According to TSA officials, the inconsistencies were due to changes in the equipment on hand and other factors.

No.	Category	2007	2008	2009	2010
1	X	√			
2	X	√			
3	I		√	√	
4	I	√	√	√	
5	I	√	√	√	√
6	II	√			
7	II		√	√	
8	II				√
9	II	√	√	√	
10	II		√		
11	III		√		
12	III	√			
13	III		√		
14	III	√			
15	III		√		
16	III		√		
17	IV	√			
18	IV				√
19	IV	√			
20	IV		√		
21	IV				√
22	IV		√		
23	IV		√		

Table 1: Airports Evaluated in Pilot Studies*

Source: OIG based on TSA information.
*TSA classifies the Nation's airports into one of five categories (X, I, II, III, and IV) based on various factors such as the number of annual takeoffs and landings. In general, Category X airports have the largest number of passengers boarding aircraft and Category IV airports have the smallest number.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Between 2007 and 2010, TSA conducted four pilot studies of ETD protocols:

- In a 2007 study, TSA reviewed 10 Category X through IV airports using four different screening ETD protocols. The results showed that the average search time to screen ▮▮▮▮▮ of checked baggage ▮▮▮▮▮ ▮▮▮▮▮ was 320 seconds per bag; using the 40/40/20 protocol took an average of 161 seconds per bag.

- In a 2008 study of 13 Category I through IV airports, data was collected on ETD screening with ▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮

  The results showed that Category I airports had problems screening the checked baggage in a timely manner. The report recommended providing EDS machines to two airports with high numbers of passengers to relieve them of ETD screening.

ETD Protocols Studied

Source: TSA
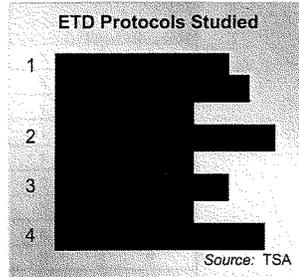
- In a 2009 study, TSA tested an additional five Category I and II airports. The report concluded that implementing ETD using the ▮▮▮▮▮ protocol increased screening time over using the 40/40/20 protocol. However, when implementing the ▮▮▮▮▮ protocol in January 2010, TSA could not demonstrate how it used this information.

- In a 2010 study conducted in April and May after implementing the ▮▮▮▮▮ protocol, TSA tested it at four Category I, II, and IV airports. Although results were limited, they showed that those airports were meeting the average screening time and recommended ending additional data collection. TSA did not test a Category X airport during this study.

At the time of the change to the *Checked Baggage Screening SOPs* in January 2010, HNL and ▮▮▮▮▮▮▮▮▮▮▮▮ were the only Category X airports with locations using ▮▮▮▮▮▮▮▮▮ on checked

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

baggage. TSA did not test these airports in any of the four pilot studies. Therefore, TSA did not know the effects of changes to the SOPs on its largest airports.

Although none of the pilot reports thoroughly explained TSA's methodology for selecting airports for the studies, TSA indicated that it focused on airports that relied heavily on ETD-only screening. Additionally, although TSA officials explained that they tried to be consistent in their choices of airports, only 1 of the 23 airports was tested in all four pilot studies, as shown in table 1. Our statistician reviewed the study information provided by TSA and concluded that TSA documentation did not address a specific methodology that TSA used to select airports for pilot testing.

More Direct Supervision of Screening Operations, Better Supervisory Guidance, and Training Needed

The TSOs' decision not to follow screening procedures could have been due in part to limited direct supervision. Also, clearer guidance on direct observation of screening operations and better training of supervisors might have addressed this situation.

Direct Supervision

Screening procedures were circumvented, in part, because of Supervisory TSOs' limited direct supervision of employees at HNL. TSA management at HNL did not ensure that screening managers and supervisors were regularly present, observing operations, and performing all responsibilities required by TSA management directives and SOPs.

Although the level of supervision of checked baggage screening operations is not recorded or measured, our video review, TSA's investigation report, and employee interviews showed TSA management provided varying levels of supervision. Some TSOs believed management and direct oversight was sufficient, but the majority stated that management, including Lead TSOs and Supervisory TSOs, provided occasional, little, or no direct supervision. For example:

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

- One Transportation Security Manager (TSM) said that he observed the Lead TSO, Supervisory TSO, and another manager spending too much time in the office and not managing staff at the baggage screening locations.

- One Supervisory TSO said that TSMs were not involved at all at baggage screening locations.

- One Supervisory TSO confirmed that there was no local policy for direct supervision. The Supervisory TSO would have liked more direct contact with the TSMs and did not believe managers spent enough time at screening locations.

Supervisory Guidance

TSA has directives and procedures on management and oversight responsibilities, but they do not include clear guidance on direct supervision of screening operations, and thus allow different interpretations and implementation. TSA's directives and procedures include its *Screening Management SOP* and the *Performance Accountability and Standards System Management Directive No. 1100.43-1 and User Guidance*.

TSA's *Screening Management SOP* includes staffing guidelines, duties, and responsibilities to ensure that checked baggage screening meets statutory requirements. According to this SOP, the Supervisory TSO is responsible for implementing security screening standards at all screening locations. The SOP further explains that a Supervisory TSO must be present at each screening location open for operation or designate a Lead TSO to act on his or her behalf.

The SOP identifies more than 40 Supervisory TSO tasks to ensure that each screening location is operating properly. These tasks include the following:

- Monitoring TSO and Lead TSO performance;
- Maintaining the proper staffing level at each screening location;
- Ensuring that TSOs are knowledgeable about all SOPs;

- Correcting improper screening or behavior; and
- Ensuring that Notice of Inspection cards are properly used and controlled.

Although the SOP includes Supervisory TSO responsibilities and requirements for completing duties, it does not include specific metrics, leaving the responsibilities and requirements open to interpretation. For example, the SOP requires Supervisory TSOs or designated Lead TSOs to monitor TSO performance, monitor all screening activities, and ensure compliance with all applicable SOPs. The SOP also requires them to correct improper or faulty application of screening procedures to ensure effective, vigilant, and courteous screening. However, rather than include more specific details on oversight requirements, the SOP focuses on screening equipment operation, safety concerns, and opening and closing of screening locations.

The *Performance Accountability and Standards System TSA Management Directive No. 1100.43-1 and User Guidance* includes criteria for evaluating TSOs' and Lead TSOs' technical proficiency, competencies, readiness for duty, training and development, and collateral duties. However, it does not contain means of measuring or evaluating the quality or quantity of direct supervision. For Supervisory TSOs and Screening Managers, this directive has similar criteria and provides criteria for supervisory accountability factors. Specifically, it includes a team-based measure that holds Supervisory TSOs and TSMs accountable for their direct reports in "Readiness for Duty" and "Training and Development."

Supervisory Training

TSA provides Supervisory TSOs with training courses focused on general supervisory skills, but does not provide sufficient training on the quality and quantity of observation and supervision; or how often managers, Supervisory TSOs, and Lead TSOs should be physically present to observe screening operations. We attribute this training deficiency to the need for supervisory requirements in TSA's oversight-related guidance.

The Supervisor Technical Training course provides Supervisory TSOs and Lead TSOs with general supervisory skills to manage checkpoints and checked baggage screening locations. The training course discusses key topics such as Supervisory TSO job functions, communication, situational awareness, and managing screening operations. For example, the definition of situational awareness

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

includes understanding current conditions, recognizing potential hazards, planning, decision-making, understanding consequences of loss, and being proactive. The course provides information on managing multiple security incidents at checkpoints and checked baggage screening locations, but does not thoroughly address balancing Supervisory TSO administrative functions with direct observation.

Before TSA required Supervisory TSOs to take the Supervisor Technical Training course, it required them to take COACH! Training. This training helped Supervisory TSOs build on existing leadership skills with tools for checkpoint and checked baggage locations, but it did not directly address oversight and observation. TSA also offers TSMs a course—Leading People and Managing Operations—to provide general supervisory skills to manage responsibilities and challenges at checkpoints and checked baggage screening locations.

Although these three courses discuss key topics such as working with stakeholders, communication, and screening operations, TSA training could give more guidance to Supervisory TSOs and managers on how best to provide leadership presence at screening locations to ensure that TSOs are complying with screening procedures.

Inadequate Staffing and Need for Equipment at Affected Location

TSA management at headquarters and HNL did not provide the staffing and more efficient equipment needed for screening operations at the affected location. Data was available for analysis, but TSA management at headquarters used a limited selection of information to predict and prepare for staffing demands. Furthermore, TSA management at HNL did not allocate staff appropriately to handle the volume of checked baggage that needed screening. Although requested, TSA headquarters did not provide the affected screening location with more efficient equipment to screen checked baggage, causing local TSA management to implement temporary solutions and mitigation procedures.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Use of Data for Allocating Staff

TSA headquarters was aware that airports with high annual numbers of passengers boarding aircraft had difficulty screening checked baggage in a timely manner using ETD screening protocols. Yet TSA did not optimize its use of the available information and data to predict and prepare for staffing demands. TSA's pilot testing of new ETD protocols did not include significant testing of Category X airports, which have the largest number of passengers boarding aircraft.

TSA's Office of Security Operations conducted a 2008 pilot study of 13 airports, which included testing of three Category I airports, using an ETD protocol of ███████████████████████████ and ███████████████████████
Following the study, TSA issued a memo proposing that Category I airports revert to the 40/40/20 protocol "in an effort to maintain operational flow and meet departure schedules."

At Category I airports, between 1.25 million and 5 million passengers board aircraft annually, whereas at Category X airports such as HNL, which were not tested in the study, more than 5 million passengers board annually. Because TSA did not test its ███████ ETD protocol at Category X airports, it did not know whether these larger airports had difficulties screening checked baggage using the proposed new ETD screening protocol.

According to TSA management at HNL, some passengers who travel to Asian nations check very large boxes, called Balikbayan boxes (see exhibit 1). Measuring 18"x 18"x 24", these densely packed boxes are much larger than the 8"x 12"x 20" bag TSA used to estimate the length of time needed to screen using ETD. There was no study to evaluate the effect of these boxes under the changed SOPs.

Exhibit 1: Balikbayan Boxes

Source: OIG

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Local TSA management explained that they frequently shifted staff from other checked baggage screening locations to assist the affected screening location during peak times. On daily reports, screening managers documented staffing levels by specific screening location, but we could not determine how TSA used these reports to address the staffing problem, such as finding trends in the number or frequency of TSOs moved. Without tracking these staffing decisions, TSA management at HNL could not predict when such staffing would be needed in the short term or provide TSA headquarters with useful information for future staffing decisions.

Mitigation Procedures

TSA allowed airports to use mitigation procedures when using ETD screening under the new ███████ protocol. According to TSA, the FSD at an airport may implement mitigation for 15-minute increments to decrease the security risks associated with excess baggage. The decision to implement mitigation procedures places direct responsibility on the FSD for deviating from standard checked baggage screening protocols. This option recognizes that timely screening cannot be conducted at all times, and it may create a misunderstanding among TSOs on the acceptability of applying alternate screening practices.

The affected screening location at HNL documented using mitigation procedures 30 times from January 13 through February 11, 2010. We did not find documentation that mitigation procedures were used after February 11, 2010; however, we noted that HNL screened an increasing volume of checked baggage with the same staffing allocation at the affected screening location. HNL management implemented additional actions, such as adding ETD machines or transporting baggage to other screening locations with EDS equipment, but these options were burdensome to TSOs.

To expedite the screening process for unexpected high-volume baggage needing to be screened, TSA allows airports to use various levels of screening and to intermittently use mitigation procedures under specific circumstances. Although bypassing security measures is never justified, these practices may have led

108

some TSOs to believe that ███████████████████████ was not always possible, and that it was acceptable to not always perform such searches.

Equipment

TSA headquarters did not provide HNL with the requested EDS screening equipment in a timely manner. HNL requested an EDS machine for the screening area in August 2008 because of safety concerns at the affected location. The request noted that safety is the over arching concern related to this request. More specifically, the check-in area of Lobby 4 is very congested because many of the flights are scheduled around the same time, causing the baggage to accumulate in a confined area. This causes a safety issue for the passengers as well as the Officers.

TSA headquarters confirmed receipt of HNL's request and added it to an unfunded requirements list. However, a prior OIG audit showed that new and used equipment was stored in a warehouse awaiting delivery to airports for more than 1 year at the time HNL was requesting the EDS equipment.[2]

In 2009, TSA headquarters informed HNL that the equipment would arrive in June 2010, 18 months after it was requested. TSA officials later explained that there were delays with the system integration contractor, pushing estimated delivery and installation to December 2010. The equipment arrived in December 2010, as the TSA Office of Inspection investigation began.

Without the more efficient EDS equipment, TSA management at HNL implemented labor-intensive interim options to ensure that all baggage was screened. For example, HNL established a pod of four additional ETD screening stations in the affected screening location. Local TSA management also instructed TSOs to transport baggage to another area approximately 500 feet away for EDS screening, which TSOs explained was physically demanding. TSOs had to load carts, navigate through crowds of passengers, unload and screen the

---

[2] DHS OIG Audit Report, *Management of the Transportation Security Administration's Logistics Center*, OIG-10-14, November 2009.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

baggage, and then return the loaded carts to the original area. See appendix G for a diagram of this location.

Conclusion

TSA does not know the extent to which baggage was not screened during 2010 at HNL, placing the safety of the traveling public at risk by allowing unscreened baggage on passenger aircraft. There is no acceptable justification for TSOs to bypass their security mission; however, TSA allowed various levels of screening and intervals of mitigation that TSOs could easily misinterpret as meaning that ███████████ screening was not always possible or needed.

To ensure compliance with its SOPs, TSA should fully evaluate the effects of changes to them. TSMs and Supervisory TSOs need to provide sufficient direct oversight to ensure that all baggage is screened according to approved procedures. Finally, TSA needs to ensure that airports have the appropriate staffing and equipment to conduct screening in accordance with SOPs.

Recommendations

We recommend that the Transportation Security Administration Deputy Administrator:

Recommendation #1:

Create and document protocols to ensure that sufficient information is gathered and used for thorough analysis when deciding to modify standard operating procedures. These protocols should be well documented and ensure comprehensive, transparent, and logical approaches with detailed support, while allowing for flexibility to address urgent threats.

Recommendation #2:

Revise the position descriptions to clarify the roles and responsibilities for checked baggage supervisors and managers and define the expectations for

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

direct supervision. This should ensure that assigned staff are performing screening duties in accordance with all standard operating procedures.

Recommendation #3:

Ensure that supervisors and managers are trained on their responsibility and accountability to ensure that all screening operations are performed as required.

Recommendation #4:

Develop and implement performance metrics to evaluate the supervision of checked baggage areas as part of supervisory performance plans and evaluations. These metrics should include frequent direct observation of baggage screening activities.

Management Comments and OIG Analysis

TSA provided comments to the draft of this report. A copy of the response in its entirety is included in appendix B. TSA also provided technical comments and suggested revisions to sections of the report. When appropriate, we made changes to reflect the suggested revisions.

According to its response to the draft report, TSA agreed with our recommendations to improve the agency's management and oversight of its security screening operations. TSA had concerns with the report's conclusion and evidence that the screening violations at HNL Lobby 4 might not have occurred if TSA developed changes to its screening procedures more comprehensively and fully evaluated the effects of such changes. TSA further asserted that perceived shortcomings in the process of evaluating changes to checked baggage screening procedures did not cause TSOs to decide to circumvent those procedures.

Our report recognizes that ignoring security procedures is never justified, and individual TSOs are responsible for screening baggage. However, we maintain that a more comprehensive approach to revising screening procedures may have helped TSA reduce the need for and use of mitigation procedures and would have ensured that all affected airports were considered.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

We reviewed the documentation that TSA provided demonstrating the agency's data collection effort. Although this effort lasted for several years, TSA only tested the proposed ETD screening procedures in two Category X airports in one 2007 study, and HNL was not one of those two airports. Additionally, TSA did not re evaluate any additional Category X airports in subsequent pilot studies of this change to the SOPs. Without such data, the agency cannot be certain whether the manner in which the SOPs were developed was related to the HNL officers' failure to follow the SOPs. Further, we maintain that allowing the use of mitigation procedures demonstrates that TSA recognized changes to the SOPs might be a problem for some airports.

TSA also asserted that we did not provide evidence to support our conclusion that mitigation procedures affected baggage screening, and that we ignored credible evidence in TSA's investigation. We reviewed both TSA's Report of Investigation and video evidence, and we agree that TSOs did not conduct the required screening. TSA's Report of Investigation, as well as our interviews, showed that TSOs revealed the violations began after January 2010, when the SOPs changed, not prior to the revisions. TSOs at HNL knew that mitigation procedures were used frequently once the ▮▮▮▮ protocol was initially implemented, and they had to screen an increasing amount of checked baggage at the affected location. For these reasons, officers could have inferred that TSA airport management considered mitigation acceptable.

In its response, TSA further noted that HNL was the only location at which procedures were not followed. However, the agency did not provide evidence to support this assertion, nor did it demonstrate it reviewed all airports. In fact, had the confidential source not provided evidence to TSA, the agency might have remained unaware of the violations at HNL.

Finally, TSA is responsible for knowing the extent to which baggage is not screened and ensuring the safety of the traveling public.

TSA Response to Recommendation #1: TSA concurred with the recommendation. The agency agreed it should improve its process to develop, evaluate, and

112

document changes to its screening procedures. TSA anticipates implementing the new process by June 30, 2013.

OIG Analysis: This recommendation will remain open and unresolved until TSA provides a more detailed corrective action plan and a copy of the approved process.

TSA Response to Recommendation #2: TSA concurred with the recommendation and has taken steps to implement corrective action. TSA conducted a job analysis study and reviewed job duties, responsibilities, and competencies for Supervisory TSOs, Lead TSOs, and TSOs. TSA plans to use the results of the study to update position descriptions. TSA expects the revised position descriptions to be completed by December 31, 2012.

OIG Analysis: This recommendation is resolved, but will remain open until TSA provides the results of the job analysis study and the revised position descriptions.

TSA Response to Recommendation #3: TSA concurred with the recommendation and has begun to implement the recommendation. In July 2012, TSA launched a 2-week training course titled, "Essentials of Supervising Screening Operations." The course provides Supervisory TSOs with both technical and leadership training to address integrity, responsibility, and TSA's mission and vision. TSA expects that the agency's 4,400 Supervisory TSOs will complete the training by February 2014. Additionally, TSA plans to expand its training portfolio for managers, Supervisory TSOs, Lead TSOs, and other levels of field leadership.

OIG Analysis: This recommendation is resolved, but will remain open until TSA provides the curriculum for the "Essentials of Supervising Screening Operations" and evidence that its Supervisory TSOs have completed the training.

TSA Response to Recommendation #4: TSA concurred with the recommendation and has begun to implement the recommendation. TSA chartered an Integrated Project Team to identify specific metrics that will allow

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

TSA managers nationwide to more effectively monitor baggage screening operations.

OIG Analysis: TSA's planned actions address the recommendation. It will remain open and unresolved until TSA provides the Integrated Project Team charter and related reporting requirements and metrics.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Appendix A
Objectives, Scope, and Methodology

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the Department.

The objective of our audit was to determine whether TSA ensured TSOs were complying with baggage screening procedures at HNL. We conducted this audit in response to a request by two members of Congress: Representative John Mica, Chairman of the Committee on Transportation and Infrastructure; and Representative Jason Chaffetz, Chairman of the Subcommittee on National Security, Homeland Defense, and Foreign Operations, Committee on Oversight and Government Reform. The Representatives questioned why a portion of the TSA screener workforce at HNL failed in their performance of critical transportation security screening responsibilities.

To answer our objective and respond to the Congressmen, we interviewed officials and personnel from the following offices at TSA headquarters:

- Office of Security Operations;
- Office of Security Capabilities;
- Office of Inspection;
- Office of Human Capital;
- Office of Professional Responsibility; and
- Office of Training and Workforce Engagement.

We interviewed HNL airport operator staff, TSA officials, TSMs, and all levels of TSOs. We attempted to meet with all 48 individuals involved in the security system failure, including those suspended and terminated. Only 23 of the 48 individuals were available or willing to meet. The 48 individuals included 3 members of the FSD's staff, 2 TSMs, 4 Supervisory TSOs, 6 Lead TSOs, and 33 TSOs. The 23 individuals we met with included 1 member of the FSD's staff, 1 TSM, 2 Supervisory TSOs, 1 Lead TSO, and 18 TSOs.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

We reviewed TSA's Report of Investigation and related personnel actions. We reviewed video evidence included in the investigation files and made direct observations of the screening location. We analyzed SOPs for checked baggage and screening management issued between April 2009 and March 2011.

We reviewed TSA documentation for staffing allocations and checked baggage throughput, requests for additional staffing and equipment, and costs associated with the use of the National Deployment Force.

Using IDEA software, we randomly selected a statistically valid sample of 194 out of 680 TSOs at HNL and reviewed their training files for October 2009 through March 2011.[3] We reviewed TSA's National Training Plan for TSOs, Lead TSOs, and Supervisory TSOs from the timeframe under review and selected three training courses per quarter to review. We also reviewed three one-time training courses that were relevant to the checked baggage security incident at HNL. We reviewed a total of 21 training courses. (See appendix D.)

We used the same statistically valid sample size to review TSO performance evaluation files from fiscal year (FY) 2009 through FY 2011. We reviewed disciplinary files for January 2009 through September 2011. We looked at these files to determine whether TSOs met performance criteria and whether they had disciplinary action taken associated with checked baggage screening. (See appendix E.)

In addition to the statistically valid sample, we reviewed the performance evaluations, disciplinary files, and training files for the 43 TSOs involved in the security system failure as identified by TSA's Office of Professional Responsibility.

We conducted this performance audit between August 2011 and February 2012 pursuant to the *Inspector General Act of 1978*, as amended, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe that

---

[3] Given a population of 680 TSOs, a 90 percent confidence interval, 5 percent sampling error, and 50 percent population proportion, the statistically valid sample size is 194 TSOs.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objectives.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Appendix B
Management Comments to the Draft Report

**Transportation
Security
Administration**

AUG 3 1 2012

INFORMATION

MEMORANDUM FOR: Anne L. Richards
                   Assistant Inspector General for Audits
                   U.S. Department of Homeland Security (DHS)

FROM: John S. Pistole
                   Administrator

SUBJECT: *TSA Management and Oversight at Honolulu International
                   Airport – Sensitive Security Information*
                   OIG Project No. 11-140-AUD-TSA

Purpose

This memorandum constitutes the Transportation Security Administration's (TSA) response to
the DHS Office of the Inspector General (OIG) draft report entitled, *TSA Management and
Oversight at Honolulu International Airport – Sensitive Security Information*, OIG Project No.
11-140-AUD-TSA.

Background

As DHS OIG describes in the report, TSA primarily uses either Explosives Detection Systems
(EDS) or Explosives Trace Detection (ETD) to screen checked baggage. EDS screening requires
Transportation Security Officers (TSOs) to place checked baggage in a machine that uses x-ray
to screen for explosives and other prohibited items. ETD screening requires TSOs to manually
swab parts of the bags, and analyze the swabs for trace amounts of explosives residue.

Prior to January 2010, TSA's Checked Baggage Screening Standard Operating Procedures (SOP)
for ETD required that ███████████ of checked bags receive ███████████████████████
███
(40/40/20 protocol).

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

2

In January 2010, TSA changed the SOP and began requiring TSOs to conduct ▇▇▇▇ searches ▇▇▇▇ of bags ▇▇▇▇ protocol). Honolulu International Airport (HNL) did not have EDS technology available to screen bags in Lobby 4. Consequently, TSOs at Lobby 4 were required to conduct ▇▇▇▇ ▇▇▇▇ unless they transported the bags to another lobby area within the airport terminal equipped with EDS technology.

In December 2010, a confidential source notified TSA officials that some HNL TSOs were clearing checked baggage for transport on a commercial passenger aircraft without conducting the required screening. TSA's investigation into the allegation revealed that over the course of several months many employees working at HNL Lobby 4 failed to follow the ▇▇▇▇ for ETD screening of checked baggage. More than 40 TSOs, Lead TSOs (LTSO), and Supervisory TSOs (STSO) submitted sworn statements to TSA investigators that, taken together, described widespread and frequent failures by TSA employees working the morning shift in Lobby 4 to follow the screening protocol. HNL officers admitted to TSA investigators that the SOP violations included marking checked bags as "clear" and sending them onto airplanes without any screening. The HNL officers also admitted to conducting only ▇▇▇▇ instead of the ▇▇▇▇ mandated by the SOP.

TSA ultimately took disciplinary action against more than 40 HNL officers for failing to conduct required screening, and against two Transportation Security Managers (TSM) and three members of the Federal Security Director's (FSD) staff for careless or negligent performance of their duties. Disciplinary action ranged from 14-day suspension to removal from the Agency.

In June 2011, Congressman John Mica and Congressman Jason Chaffetz requested that DHS OIG conduct a review to determine why a portion of TSA's HNL screening workforce failed to perform critical transportation security screening. The Congressmen asked for "a complete analysis of the failure of TSA's oversight and supervision of baggage and passenger screening operations, protocols, and procedures at HNL."

DHS OIG conducted its review and analysis between August 2011 and February 2012, and has provided TSA with its draft report, *TSA Management and Oversight at Honolulu International Airport* (OIG Project No. 11-140-AUD-TSA). Overall, DHS OIG concluded that the responsibility for performing required security duties rests with individual employees, but that Agency factors also contributed to the security failure at HNL. The contributory factors identified by DHS OIG involved the oversight of TSOs, the training of STSOs, the development and management of changes to screening procedures, staffing of the security screening workforce, and the deployment of security technology hardware.

Discussion

TSA concurs with DHS OIG's recommendations to improve TSA's management and oversight of its security screening operations. As discussed further below, TSA has already begun implementing some of DHS OIG's recommendations. While TSA agrees with DHS OIG's

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

3

recommendations for improving training, management, oversight, and the process for testing and evaluating SOP changes, we have several concerns with DHS OIG's conclusions in the draft report.

TSA disagrees with DHS OIG's claim that the screening violations at HNL Lobby 4 morning shift might not have occurred if TSA developed changes in screening procedures more comprehensively and fully evaluated the effects of such changes. The manner in which the SOPs were developed had nothing to do with the HNL officer's failure to properly follow the SOP. TSA's investigation revealed that Checked Baggage Screening SOP violations became almost normal practice in HNL Lobby 4, and at times some HNL officers were not screening any bags at all. The willful nature of the officers' violations and the lack of sufficiently diligent management oversight, does not support the conclusion that the situation at HNL Lobby 4 could have been prevented by a more streamlined, better documented, process for evaluating SOP changes.

TSA provided documentation to DHS OIG that demonstrated TSA's complex and comprehensive data collection and analysis effort conducted over a period of several years at a number of different airports prior to implementing the ▉▉▉▉ protocol. TSA agrees that improvements may be made in this area and has agreed to implement DHS OIG's recommendation. However, TSA does not agree that any perceived shortcomings in the process for evaluating changes to TSA's screening procedures caused the officers to make the decision not to comply with TSA's SOP. As DHS OIG notes in the draft report, TSA's investigation revealed that from September to December 2010, violations of the Checked Baggage Screening SOP had become almost normal practice at HNL Lobby 4. If TSA's process for implementing SOP changes was a factor in the ongoing screening failures, it would be expected that such ongoing failures would have been seen at other airports and that did not occur. If there were identifiable problems with implementing the screening protocols at HNL Lobby 4 as the result of its configuration those problems should have been raised up through the chain of supervision for remediation.

TSA also disagrees with DHS OIG's conclusion that the availability of checked baggage mitigation procedures could have easily led some TSOs to believe that screening ▉▉▉▉▉▉ of checked baggage was not always possible or necessary. Mitigation procedures are permitted to account for unpredictable and unique circumstances where adhering to the standard protocols could result in additional security and safety issues. TSA has longstanding limits and tight controls for checked baggage mitigation and TSOs are aware that such actions may only be used in limited situations under specific circumstances. The DHS OIG draft report provides no evidence to support the claim that the existence of mitigation procedures for the ▉▉▉▉ protocol "may have led some TSOs to believe that ▉▉▉▉▉▉▉▉▉▉▉▉▉▉▉▉▉ was not always possible, and that it was acceptable to not always perform such searches."

TSA first established a process for allowing alternative or mitigation procedures for checked baggage screening in 2005 to address special circumstances, such as unexpected checked baggage volume. TSA's SOP clearly provides that mitigation procedures can only be used under "specific, short-term, special circumstances" not as a matter of routine screening operations.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Mitigation procedures may only be authorized by an FSD or their designee, and cannot be approved by anyone below the position of Assistant FSD for Screening (AFSD-S). Also, mitigation procedures are only used in 15-minute intervals, and each use must be documented and reported to TSA Headquarters.

DHS OIG not only failed to offer evidentiary support for its conclusion about the impact of checked baggage mitigation procedures, they ignored the most credible evidence in TSA's investigation. TSA's investigation contained sworn statements of more than 40 TSOs, LTSOs, and Supervisory TSOs who admitted to knowingly violating TSA's screening procedures and clearly demonstrates that there was no ambiguity about the screening requirements at HNL Lobby 4.

Conclusion:

TSA appreciates the opportunity to provide feedback to DHS OIG on its draft findings and recommendations.

DHS OIG provided four recommendations for TSA and our comments follow each recommendation:

Recommendation #1: Create and document protocols to ensure that sufficient information is gathered and used for thorough analysis when deciding to modify standard operating procedures. These protocols should be well documented and ensure comprehensive, transparent, and logical approaches with detailed support, while allowing flexibility to address urgent threats.

TSA concurs. TSA agrees that it should improve its process for developing, evaluating, and documenting changes to its screening procedures. TSA also appreciates that DHS OIG recognizes that this process should remain flexible to allow the agency to address urgent threats and vulnerabilities. TSA anticipates implementing this new process by June 30, 2013.

Recommendation #2: Revise the position descriptions to clarify the roles and responsibilities for checked baggage supervisors and managers and define the expectations for direct supervision. This should ensure that assigned staff are performing screening duties in accordance with all standard operating procedures.

TSA concurs. TSA has already taken steps to implement this recommendation. As part of a comprehensive job analysis study, TSA recently conducted a thorough review of job duties, responsibilities, and competencies for STSOs, LTSOs, and TSOs. The results of this study are scheduled to be released by September 30, 2012. TSA anticipates updating the position descriptions of these positions, while clearly delineating the role and oversight responsibility of STSOs, including checked baggage STSOs. The revised position descriptions are expected to be completed by December 31, 2012.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

In addition, TSA plans to review the position descriptions for TSM, Deputy AFSD, AFSDs, AFSD-S, AFSD-MS, DFSD and FSD in 2013 to ensure that supervisory responsibilities are clearly articulated. This update should be completed by August 31, 2013.

Recommendation #3: Ensure that supervisors and managers are trained on their responsibility and accountability to ensure that all screening operations are performed as required.

TSA concurs. TSA has already taken steps to implement this recommendation. In October 2011, TSA implemented a new competency requirement for all screening employee performance plans, titled "Application of Standard Operating Procedures." This competency is defined as an employee's ability to retain and implement knowledge of all applicable SOPs related to their position and requires that STSOs hold themselves and their subordinates accountable for acquiring, demonstrating, maintaining, implementing, and applying proper screening-related knowledge and skills; including the appropriate use of technology and other tools to perform routine and non-routine assignments in accordance with SOPs, directives, and other policies.

In July 2012, TSA launched a new training course titled 'Essentials of Supervising Screening Operations'. This 2-week course is specifically designed to help STSOs establish a true leadership presence at the checkpoint and checked baggage screening locations by providing them the tools they need to understand their leadership strengths, as well as how to use their strengths to effectively evaluate TSO on-the-job performance and take corrective actions as needed, to include coaching and mentoring. This course also provides STSOs with technical training to review and support the security screening measures they are responsible for carrying out, as well as administrative training so they have an opportunity to review the roles and responsibilities for themselves and their officers and identify areas where improvements can be made. The goal of this training is to establish a cadre of STSOs that take responsibility for the critical role they have in the successful accomplishment of TSAs mission. The training addresses integrity, responsibility, core values as well as TSA's mission and vision, so they are all operating from the same basic platform. This training is required for all current and newly selected STSOs. TSA expects that by February 2014 all 4,400 STSOs will have attended this training.

TSA will be building its training portfolio to support the expansion of courses that include similarly tailored training for TSMs and other levels of TSA's field leadership team, while also continuing to build a comprehensive training portfolio for the STSO and LTSO cadres. The specific project plans have not yet been developed for these additional courses; however, project plans will be developed some time in FY 2013.

Recommendation #4: Develop and implement performance metrics to evaluate the supervision of checked baggage areas as part of supervisory performance plans and evaluations. These metrics should include frequent direct observation of baggage screening activities.

TSA concurs. TSA has already taken steps to implement this recommendation. TSA chartered an Integrated Project Team to identify specific metrics that will allow TSA managers across the nation to more effectively monitor checked baggage screening operations. STSOs will be

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

6

required to personally observe, collect, and report specified data to senior management. Senior management will be better informed about the need to follow up and evaluate the actions of a supervisor or a work unit, in response to any noted anomalies. TSA anticipates that this data and the associated reporting requirements and metrics for checked baggage screening will be established at federalized airports across the Nation by July 31, 2013.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Appendix C
Representatives Mica and Chaffetz Request Letter

Congress of the United States
Washington, DC 20515

June 21, 2011

Charles K. Edwards
Acting Inspector General
U.S. Department of Homeland Security
245 Murray Drive, SW
Bldg 410 / Mailstop 2600
Washington, DC 20528

Dear Acting Inspector General Edwards:

We, along with our colleagues in Congress, continue to be concerned with the Transportation Security Administration's (TSA) management and oversight of its Federal screener operations. The recent proposed firings of a significant number of TSA employees, including members of the TSA's own leadership team, at Honolulu International Airport (HNL) highlight the conflict that exists when TSA acts as both the operator and regulator of the aviation screening programs. It is imperative the Federal agency responsible for maintaining aviation security operates in an effective and efficient manner.

We request your office conduct a complete investigation and thorough review of why a significant portion of the TSA screener workforce at HNL dramatically failed in their performance of critical transportation security screening responsibilities. Specifically, we are interested in the following information:

- A complete analysis of the failure of TSA's oversight and supervision of baggage and passenger screening operations, protocols and procedures at HNL.

- A detailed summary of the security system failure.

- A review of HNL Transportation Security Officers (TSO) performance indicators, past evaluations, and all performance related disciplinary actions.

- An examination of whether the initial and recurrent training requirements for TSOs at HNL were current and consistent with national training requirements.

124

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Mr. Charles K. Edwards
June 21, 2011
Page Two

- The number of individuals involved their title and position, and current wage level.

- Summary of corrective and disciplinary action.

- A review of the TSA's processes to remove non- or underperforming TSO's in general, and at HNL in particular.

- A review of the TSA's plans to staff HNL screening operations until permanent TSO replacements can be hired and trained, and if the TSA plans to deploy the National Deployment Force, an audit of the total cost of such a deployment.

We request you conduct a thorough investigation with a report of your findings and recommendations. Additionally, we request a complete briefing by you and your staff regarding your investigation. Please contact Sean McMaster, with the Committee on Transportation and Infrastructure at 202-226-8048 and Mitchell Kominsky with the Committee on Oversight and Government Reform at 202-225-5074 with any questions.

Sincerely,
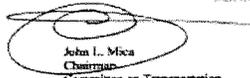
John L. Mica
Chairman
Committee on Transportation
& Infrastructure

Jason Chaffetz
Chairman
Subcommittee on National Security,
Homeland Defense and Foreign
Operations
Committee on Oversight &
Government Reform

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Appendix D
Review of Training

The initial and recurrent training requirements for TSOs at HNL were current and consistent with TSA national training requirements. However, some TSOs did not meet all annual training requirements in FY 2010 and the first two quarters of FY 2011. The HNL Training Manager explained that some TSOs were not given enough time to complete required training, while others were not effectively using their time in the training labs.

The Basic TSO Training Program requires all TSO candidates to complete a minimum of 40 hours of classroom training and 60 hours of on-the-job training. HNL follows TSA's New Hire Training Program, which requires new TSOs to complete seven Web-based training modules followed by 47 hours of classroom training and 65 hours of on-the-job training for checkpoint certification. New TSOs have to complete the Checked Baggage training section, which requires 16 hours of classroom training and 30 hours of on–the-job training, to receive certification for checked baggage. Of the 194 TSOs in our sample, 10 were new and subject to initial training during our scope-of-training review. All 10 TSOs completed the basic training requirements.

All TSOs are required to take prescribed annual training courses to maintain proficiency with skills learned during basic training and to remain current with procedural changes, as well as new threat items. Recurrent training must be conducted in accordance with the National Training Plan. We selected the most relevant 21 courses to review during FY 2010 and the first two quarters of FY 2011. We randomly selected a statistically valid sample of 194 TSOs at HNL and those 43 TSOs who were involved in the security system failure[4] who are required to complete recurrent training requirements. The review of the statistical sample revealed the following completion rates:

- 65 TSOs (33.5 percent) completed all 21 courses.
- 91 TSOs (46.9 percent) completed 18 to 20 courses.
- 19 TSOs (9.8 percent) completed 15 to 17 courses.
- 13 TSOs (6.7 percent) completed 10 to 14 courses.
- Five TSOs (2.6 percent) completed one to nine courses.
- One TSO (0.5 percent) did not complete a training course.

---

[4] Fifteen of the 43 TSOs were also included as part of the statistically valid sample of 194 TSOs.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Our review of the 43 TSOs involved in the security system failure revealed the following results:

- 22 TSOs (51.16 percent) completed all 21 courses.
- 15 TSOs (34.88 percent) completed 18 to 20 courses.
- Six TSOs (13.95 percent) completed 15 to 17 courses.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Appendix E
Review of Performance Indicators and Disciplinary Actions

TSA has issued guidance for measuring performance and removing non- or underperforming TSOs. Each fiscal year, TSA's Office of Human Capital develops performance criteria requiring TSOs to complete assessments to maintain certifications and screening functions, as well as measures for on-the-job performance. Additionally, TSA has issued guidance for progressive disciplinary actions that can be taken against an employee in response to unacceptable performance or conduct. We reviewed the performance indicators used to evaluate TSOs for the previous 3 fiscal years and the disciplinary actions issued at HNL.

Performance Indicators and Evaluations

PASS is a pay-for-performance management system serving many purposes for TSA employees, one of which is to measure and evaluate TSOs and TSMs. TSA measures TSOs and TSMs annually on items such as technical proficiencies, mandatory training, readiness for duty, and competencies (such as critical thinking, customer service, and decisionmaking). TSMs and Supervisory TSOs are responsible for rating, reviewing, and approving a TSO's evaluation.

Technical proficiency: Assesses TSOs' ability to perform their screening function. It assesses their ability to master screening equipment and procedures. The TSO's screening function and certification determine the assessments required for the fiscal year. For each required technical proficiency assessment, TSOs must satisfy the requirements and pass with three possible attempts. After each failed attempt, the TSO is removed from the screening function and receives training and coaching before another assessment is administered. The TSO is either retained and trained, or removed from employment.

We reviewed the technical proficiencies for the 43 TSOs involved in the security system failure, as well as a statistically significant sample for FYs 2009–2011. Our review indicated that 100 percent of both the 43 TSOs and the sample passed the technical competency on ETD of checked baggage in FY 2009, FY 2010, and FY 2011.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Mandatory training: Measures completion of required training items. This component was removed from performance evaluations in FY 2011 because TSA determined that it was not a performance component but merely a compliance with the National Training Plan. TSA put the responsibility on FSDs to monitor this requirement in a different format. In FY 2009, 99.74 percent of the TSOs in our statistical sample and 99.86 percent of the TSOs involved in the security system failure completed the mandatory training. In FY 2010, 98.43 percent of the TSOs in our statistical sample and 99.45 percent of the TSOs involved in the security system failure completed the mandatory training.

Readiness for duty component: Measures a TSO's and TSM's dependability and professional presence. Specifically, this component measures items such as whether supervisors, managers, or rating officials have received corrective or progressive disciplinary action throughout the fiscal year for unscheduled leave, or uniform and appearance.

Competencies: Measures an employee's behavior and performance standards that are the most critical to job performance. For TSMs and Supervisory TSOs, it includes supervisory accountability and management proficiencies. Table 2 displays the competencies on which the TSOs and TSMs are rated.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Table 2: Competencies for Screening Workforce				
Competency	TSO	Lead TSO	Supervisory TSO	TSM
Critical Thinking	✓	✓	✓	✓
Customer Service/Interpersonal Skills	✓	✓	✓	✓
Decisionmaking	✓	✓	✓	✓
Oral Communication	✓	✓	✓	✓
Coaching and Mentoring		✓	✓	✓
Conflict Management			✓	✓
Promoting a Performance-Based Culture at TSA			✓	✓
Readiness for Duty			✓	✓
Team Building			✓	
Training and Development			✓	✓
Critical Incident and Management Reporting				✓
Program and Policy Compliance and Accountability				✓
SOP Compliance				✓
Staffing and Operational Needs				✓

Source: DHS-OIG.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Competencies are evaluations that place employees into one of four different groups, with group 0 as the lowest and group 3 as the highest rating. Our review of the competencies indicated that a majority of the employees sampled were placed in the highest group. Interviews with TSMs and Supervisory TSOs at HNL showed that TSA does not have a consistent process for assigning these scores, and the score is subject to the perspective of the rating official. (See table 3.)

Table 3: FY 2009 Through FY 2011 Competency Ratings for the Statistical Sample of 194 TSOs						
	FY 2009		FY 2010		FY 2011	
Rating	**0–2**	**3**	**0–2**	**3**	**0–2**	**3**
Critical Thinking	N/A	N/A	18%	82%	14%	86%
Customer Service/Interpersonal Skills	21%	79%	16%	84%	15%	85%
Decisionmaking	23%	77%	17%	83%	13%	87%
Oral Communication	23%	77%	13%	87%	13%	87%
Coaching and Mentoring	N/A	N/A	15%	85%	6%	94%
Conflict Management	18%	82%	9%	91%	20%	80%
Promoting a Performance-Based Culture at TSA	27%	73%	9%	91%	N/A	N/A
Readiness for Duty	0%	100%	9%	91%	N/A	N/A
Team Building	0%	100%	0%	100%	7%	93%
Training and Development	0%	100%	9%	91%	N/A	N/A

Source: OIG analysis of performance evaluations.
Note: Several competency factors changed between FY 2009 and FY 2011.
Factors not assessed during a fiscal year are designated N/A, or not applicable.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

We selected a statistically valid sample of 194 TSOs and reviewed their group number on their performance evaluations for FYs 2009–2011. (See table 3.) In addition, we selected the 43 TSOs involved in the security system failure and reviewed their group numbers on their performance evaluations for the same fiscal years.[5] (See table 4.)

Table 4: FY 2009 Through FY 2011 Competency Ratings for the 43 TSOs Involved in the Security Failure						
	FY 2009		FY 2010		FY 2011	
Rating	0–2	3	0–2	3	0–2	3
Critical Thinking	N/A	N/A	2%	98%	0%	100%
Customer Service/Interpersonal Skills	14%	86%	0%	100%	11%	89%
Decisionmaking	12%	88%	2%	98%	0%	100%
Oral Communication	17%	83%	0%	100%	0%	100%
Coaching and Mentoring	N/A	N/A	0%	100%	0%	100%
Conflict Management	0%	100%	0%	100%	0%	100%
Promoting a Performance-Based Culture at TSA	0%	100%	0%	100%	N/A	N/A
Readiness for Duty	0%	100%	0%	100%	N/A	N/A
Team Building	0%	100%	0%	100%	0%	100%
Training and Development	0%	100%	0%	100%	N/A	N/A

Source:
Note: Several competency factors changes between FY 2009 and FY 2011. Factors not assessed during a fiscal year or with no sampled employees rated are designated N/A, or not applicable.

---

[5] Seventeen, 18, and 5 TSOs for FYs 2009 through 2011, respectively, were also included as part of the statistically valid sample of 194 TSOs.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Disciplinary Actions

Several different actions—corrective, disciplinary, and adverse—can be taken to address unacceptable performance and conduct by a TSO.

- Corrective actions: Administrative and nondisciplinary actions that inform an employee about unacceptable performance or conduct that should be corrected or improved. Examples of corrective actions include Letters of Counseling, Letters of Guidance and Direction, or Letters of Leave Restriction.

- Disciplinary actions: Actions taken against an employee for failing to perform duties acceptably, interfering with others' performance, or exhibiting conduct that adversely affects the agency's ability to accomplish its mission. Examples of disciplinary actions include Letters of Reprimand and suspensions of 14 days or less.

- Adverse actions: The most severe actions, including suspensions of more than 14 days, involuntary demotion, or removal.

All actions are initiated, completed, and filed by TSA airport management staff, including the Supervisory TSO, TSM, Assistant FSD, and FSD. The Supervisory TSO issues corrective actions and Letters of Reprimand, and can propose suspensions, while all other issuances must be at the TSM level or higher. The classification of a disciplinary and adverse action is determined by multiple factors. Factors include the nature and seriousness of the offense; whether the offense was intentional, technical, or inadvertent; employee's job level; record of past disciplinary and adverse actions; length of service; performance on the job; and consistency of the penalty with other similarly imposed offenses.

HNL issued 116 disciplinary and adverse actions between January 2009 and September 2011. We reviewed disciplinary and adverse actions taken against TSOs selected in our random statistical sample of TSOs at HNL.

Our review showed that TSA issued 16 actions from January 2009 through September 2011. (See table 5.)

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Table 5: Summary of Types of Disciplinary and Adverse Actions Taken				
Action Taken	**2009**	**2010**	**2011**	**Total**
Last Chance Agreement	0	0	1	1
Letter of Reprimand	3	1	4	8
Three-Day Suspension	0	1	1	2
Seven-Day Suspension	1	1	2	4
Fourteen-Day Suspension	0	1	0	1
Total	**4**	**4**	**8**	**16**

Source: d

In addition to our statistically valid sample, we reviewed actions for those TSOs involved in the security system failure.[6] Our review showed that TSO issued 10 actions from January 2009 through September 2011. (See table 6.)

Table 6: Summary of Types of Disciplinary and Adverse Actions Taken				
Action Taken	**2009**	**2010**	**2011**	**Total**
Last Chance Agreement	0	0	0	0
Letter of Reprimand	5	3	0	8
Three-Day Suspension	0	1	0	1
Seven-Day Suspension	0	1	0	1
Fourteen-Day Suspension	0	0	0	0
Total	**5**	**5**	**0**	**10**

Source: d

Disciplinary and adverse actions were issued to TSOs for failing to ███████████████
██████ of an oversized item using ETD protocol, improperly escorting emergency personnel through a checkpoint, and multiple violations of leave restrictions. We also reviewed the corrective actions taken for a statistical sample of the TSOs employed at HNL for calendar years 2009 to September 2011 and those TSOs involved in the security system failure and not in the statistical sample. Instances for which a corrective action was issued included failing to mark checked bags as clear, allowing an airline porter to take unscreened bags, and leaving luggage in an EDS machine overnight.

---

[6] Fourteen of the 43 TSOs were also included as a part of the statistically valid sample of 194 TSOs.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Appendix F
Staff Involved in Security Failure

No.	Position	Pay Band	Salary Minimum	Salary Maximum	Personnel Action
1	FSD	SES			Removal/Pending Appeal
2	Assistant FSD Screening	K	$89,338	$138,479	Retirement
3	Deputy Assistant FSD Screening	J	$74,732	$115,833	Removal/Pending Appeal
4	TSM	I	$61,256	$94,999	Removal/Pending Appeal
5	TSM	H	$50,273	$71,091	Removal/Pending Appeal
6	Supervisory TSO	G	$41,216	$63,860	Resignation
7	Supervisory TSO	G	$41,216	$63,860	Removal
8	Supervisory TSO	G	$41,216	$63,860	30-day suspension
9	Supervisory TSO	G	$41,216	$63,860	21-day suspension
10-14	Lead TSO	F	$35,214	$52,877	Removal
15	Lead TSO	F	$35,214	$52,877	21-day suspension
16	TSO	E	$30,685	$46,084	Retirement
17-33	TSO	E	$30,685	$46,084	Removal
34	TSO	E	$30,685	$46,084	Cleared
35-42	TSO	E	$30,685	$46,084	30-day suspension
43-44	TSO	E	$30,685	$46,084	21-day suspension
45	TSO	E	$30,685	$46,084	14-day suspension
46-48	TSO	D	$26,722	$40,084	Removal

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Appendix G
HNL Airport Configuration
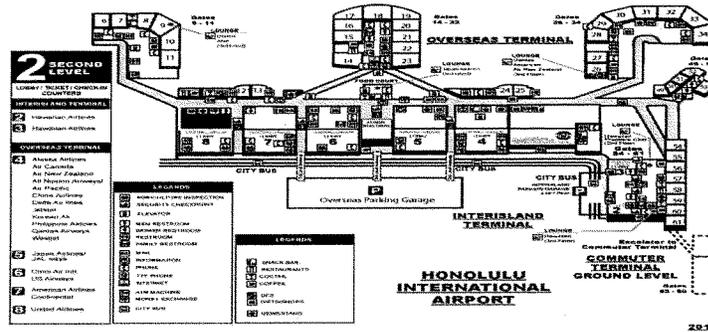
Source: HNL W b

The security system failure at HNL occurred in the screening area identified as Lobby 4, or the Overseas Terminal. The diagram below shows a closer look at the security set up of this area at the time of the security failure.

Source:

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security
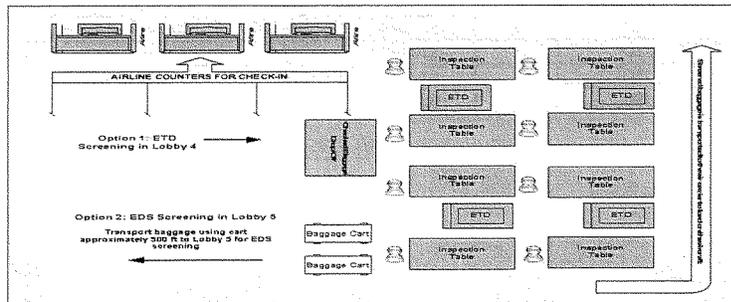
Appendix H
Types of Checked Baggage Screening Searches

Checked Baggage Screening SOP, Revision 4, April 2009

TSOs must sample and analyze the

TSOs must   inspect
TSOs must sample and analyze
making no more than
before analyzing the sampling media.

In addition to the steps performed in the
TSOs must sample and analyze all items in the baggage that are the
size of a   or larger and conduct a physical search of any bag, box,
or other container discovered inside the checked baggage that is the size of a
or larger.

Checked Baggage Screening SOP, Revision 5, January 2010

TSOs must perform a
inspection of all items the size of a   or larger. TSOs must also
sample the   as well as taking   of the   of
or larger and the

Checked Baggage Screening SOP, Revision 5, Change 2, March 2010

TSOs must perform a brief   inspection of
the bag and its contents. TSOs must also sample the   of the bag   as well
as taking   of the
or larger and the

137

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Appendix I
Major Contributors to This Report

Patrick O'Malley, Director
Christine Haynes, Audit Manager
Kevin King, Auditor-In-Charge
Gwendolyn Priestman, Program Analyst
Enrique Leal, Auditor
Elizabeth Clark, Program Analyst
Maureen Duddy, Independent Referencer
Kevin Dolloson, Communications Analyst

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Appendix J
Report Distribution

Department of Homeland Security

Secretary
Deputy Secretary
Chief of Staff
Deputy Chief of Staff
General Counsel
Executive Secretary
Director, GAO/OIG Liaison Office
Assistant Secretary for Office of Policy
Assistant Secretary for Office of Public Affairs
Assistant Secretary for Office of Legislative Affairs
Acting Chief Privacy Officer

Office of Management and Budget

Chief, Homeland Security Branch
DHS OIG Budget Examiner

Transportation Security Administration

Administrator
Assistant Administrator, Office of Security Operations
Transportation Security Administration Audit Liaison

Congress

Congressional Oversight and Appropriations Committees, as appropriate