

**CHALLENGING THE STATUS QUO AT TSA:  
PERSPECTIVES ON THE FUTURE OF TRANSPORTATION SECURITY**

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**HEARING**

BEFORE THE

**SUBCOMMITTEE ON TRANSPORTATION  
SECURITY**

OF THE

**COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES**

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## **CHALLENGING THE STATUS QUO AT TSA: PERSPECTIVES ON THE FUTURE OF TRANSPORTATION SECURITY**

**Tuesday, July 10, 2012**

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

The subcommittee met, pursuant to call, at 12:32 p.m., in Room 311, Cannon House Office Building, Hon. Mike Rogers [Chairman of the subcommittee] presiding.

Present: Representatives Rogers, Cravaack, Turner, Jackson Lee, and Barber.

Mr. ROGERS. The Committee on Homeland Security, Subcommittee on Transportation Security will come to order. The subcommittee is meeting today to receive testimony on new and effective ways to secure critical transportation infrastructure. I would like to welcome everyone to the hearing and thank our witnesses for being here.

I do want to give you a heads-up. We are scheduled to be called for a procedural vote, just one vote, thank goodness, any minute. So rather than keeping you all waiting and us holding you up here while we are waiting for them to call us to vote, I thought we would go ahead and start. I talked with a Democrat staff and Ranking Member Jackson Lee is on her way; we will go ahead and start.

I will make my opening statement. She will make hers, and we will try to get as many of yours done as we can. Then we will have a brief recess, about 15 minutes. We will go make that vote and come back, then we will pick back up and go from there. So I apologize for the inconvenience, but they don't ask me about these things. They just kind of tell me. So I appreciate your patience on that. Let me start by saying that giving up on TSA without having something better to fill its place is not an option. For all its faults, the fundamental reason TSA was set up after 9/11 was to deploy enhanced security measures to prevent another attack on aviation. That security mission is just as important today, if not more important, than it was 11 years ago.

Having said that, letting TSA carry on the way it has for the last 11 years is equally not an option. TSA's poor conduct is sending a strong message to the American taxpayer. The message is TSA doesn't care or doesn't know how to best serve and protect the traveling public. I am convinced we need to undertake a major reform

to the Federal Government's role in our airports. I look forward to discussing some of those reforms here today.

The fact is Band-aid measures won't solve TSA's problems. This is going to require a great deal of collective thought and ingenuity. The PreCheck program is a great first step, but at this stage, PreCheck doesn't benefit the average traveler in meaningful ways, and it is not clear where the program will go from here.

Today's hearing is a chance to have an open discussion about ideas for meaningful reform at TSA. Building upon the success of PreCheck program, the private sector screening program, known as SPP, and others, I remain committed to fixing TSA and holding it accountable to do the job it was meant to do in the first place. But we need to make our transportation systems as secure as possible at the lowest cost possible and with the least intrusion to passengers.

I want to extend a sincere thanks to the panel of witnesses we have here today for contributing their insight in this effort. With that, I will now suspend waiting for the Ranking Member and we will go to the opening statement of our first witness.

There is a beeper—let us try to get at least two of these opening statements in and then I will recess.

The first witness is Dr. Richard Bloom, who currently serves as associate vice president for academics and the director of terrorism and espionage and security studies at Embry-Riddle Aeronautical University.

Prior to his current position, Dr. Bloom served as president of the Military Psychology Division of the American Psychological Association.

Dr. Bloom carries out policy analysis and reviews applied research in aviation security threat assessment, terrorism and intelligence collection and analysis, covert action, counterintelligence, personnel security, and the psychology of information warfare.

The Chairman now recognizes Dr. Bloom for your 5-minute opening statement.

**STATEMENT OF RICHARD W. BLOOM, ASSOCIATE VICE PRESIDENT FOR ACADEMICS, DIRECTOR OF TERRORISM, ESPIONAGE, AND SECURITY STUDIES, EMBRY-RIDDLE AERONAUTICAL UNIVERSITY**

Mr. BLOOM. Well, thank you, Mr. Chairman, and thank you all Members of the subcommittee.

There are a number of things I would like to share about the future of the Transportation Security Administration. No. 1, I think we need qualitative and quantitative analyses of how effective TSA is at the moment and how much it has been in terms of how it's prevented, deterred, successfully resolved any incidents of terrorism and other crime as well, especially because terrorism and other kinds of crime are becoming more and more interrelated.

As to the comparative analysis of the effectiveness of public and private approaches to security, I think that is not really the right question. The right question should be: What principles do we need to have the right people doing the right things, based on risk?

No. 2, if we keep TSA, I think we need to ensure there are firewalls between whatever regulatory authorities might have and

whatever security services they may be providing. We also need to decide whether it is too focused on aviation and too little focus on other transportation modalities. We also have to make a decision whether U.S. Government security efforts in general are too focused on transportation, to the exclusion of other terrorist and crime targets, given the infinite number of the latter.

We have to have a greater perspective than transportation securities related to global, international, and regional cooperation, including that between transportation, security, and custom authorities.

We have to focus less on how many and what kind of resources are enough for adequate transportation security and focus more on how do we get the most security with whatever resources are available.

We have to move away from a vulnerability impact approach towards a better threat approach, towards an optimal risk estimate approach, but there are many complexities in doing that.

Risk estimates have to continuously change because threat vulnerability in the world in general continually change. We have to develop and field various layers of transportation security so that they continuously change as risk estimates continuously change.

There needs to be more equal integration of offensive and defensive security approaches. By offensive approaches, I am talking about perception management: How do we get fewer people to want to engage in or support terrorism or violate security?

Also intelligence collection and analysis, we can identify the threat and then neutralize them, incarcerate them, detain them, whatever, and then of course the defensive approach is what the general public is more familiar with, the technology, the profiling, the behavioral detection and so on.

They need to be, offensive and defensive, more fully integrated together.

Very important, how transportation security personnel are selected, trained, and managed: Do they have the right stuff? Do we know what the right stuff actually is?

Does training best conform with knowledge and skills associated with supporting security in the present and in the future? Are they treated right; salaries, benefits, awards, recognition, day-to-day respect?

This is especially the case, given that terrorists have publicly stated that hurting their targets economically is a priority.

Transportation security initiatives continue to be too focused on technology and technological fixes, not on the thought process involved in attacking and countering attacks.

Terrorism ultimately is psychological. While its intermediate consequences are death, destruction, casualties, and damage, its ultimate consequences are to create and maintain desired perceptions and behaviors of specific targets surviving terrorist acts.

TSA seems to be focused on terrorism's intermediary consequences without being integrated with U.S. Government and allied efforts on terrorism's ultimate consequences.

Too many people in the United States expect total safety and security. This is an unreasonable mass psychology. At the moment, from the terrorist perspective, both objective success and objective

failure qualify as subjective success, again because terrorism is ultimately psychological.

TSA needs to better address this as it communicates to populations Nationally and internationally.

Finally, our transportation security programs and their cost, including the existence and functioning of TSA, actually wins for terrorists because the economic resources utilized could be better used in other ways to strengthen our country.

Thank you.

[The prepared statement of Mr. Bloom follows:]

PREPARED STATEMENT OF RICHARD W. BLOOM

JULY 10, 2012

OPPORTUNITIES FOR STATUS QUO CHALLENGE

Develop qualitative and quantitative analyses of TSA's effectiveness and cost to answer question of whether TSA should continue to exist. Effectiveness would include measures of prevention, deterrence, and the successful resolution of terrorism and other crime. Comparative analyses of various public and private approaches should also be part of addressing effectiveness and cost.

Assess whether TSA should have regulatory authority over the security services it also provides. For example, does the Japanese experience with nuclear energy provision and regulation suggest that TSA's dual responsibilities mitigate against regulatory and service success?

Continue to assess whether TSA is too focused on aviation, too little focused on other transportation modalities. Continue to focus on whether overall U.S. Government security efforts are too focused on transportation to the exclusion of other terrorist and crime targets.

Regardless of the future of TSA, U.S. Government concerns about transportation security can only be resolved by more global, international, and regional cooperation including that between transportation security and customs authorities.

Better differentiate among the three main definitions of security in TSA policies, programs, and procedures: (1) How secure we think we are; (2) how secure we actually are; and (3) what we do to achieve either or both of the first two—as a means to create more coherent policy and programs.

Better address that what contributes to security one moment may also contribute to violating it another moment—based on the creativity and ingenuity of those seeking to violate transportation security through terrorism and other crime.

Focus less on how many and what kind of resources are enough for adequate transportation security. Focus more on how do we get the most security with whatever resources are available. This is especially true with the United States and its allies facing fiscal and economic challenges globally, regionally, and domestically that necessitate budget reductions or trade-offs with other priorities.

Continue to move away from a vulnerability-impact approach, away from a better threat approach, and towards an optimal risk estimate.

Approach the ideal that risk estimates should continuously change because threat, vulnerability, and the world in general continuously change.

Develop and field the various layers of transportation security so that they continuously change as risk estimates continuously change.

More equally develop and field in an integrated fashion both offensive and defensive approaches. They should continuously match changes in risk estimates.

The offensive approach includes perception management and intelligence collection and analysis. In perception management, various communication strategies are used to decrease how many people worldwide want to attack transportation or support those who do. For intelligence collection and analysis, information helps identify people intending to attack transportation or support those who do. Then—in a legally and ethically appropriate fashion—these people are detained, incarcerated, and/or neutralized.

The defensive approach includes technologies and human activities to catch people and things constituting an attack on transportation—often near the location of the attack. This includes physical barriers; motion detectors; closed circuit television; explosive, weapons, radiation, and other threat detection systems; behavioral detection and profiling systems; education, training, and assessment of human operators who engage in technology-, eye-, and hand-mediated searches; hardening of transpor-



tation cargo packaging; optimal configuring of transportation cargo; and various supply chain security programs.

Resolve the challenge of time. Time works against transportation security. It's pretty easy to learn about specific security measures, and this provides the opportunity for people and organizations who seek to attack transportation to pre-empt, counter, work around, or just attack elsewhere. As resources continue to be sunk into a specific offensive or defensive approach, many of those who seek to attack transportation already have made allowances for security measures that have not even been fully fielded.

Resolve the challenge of intelligence. While accurate and relevant information is crucial to our understanding the threats and vulnerabilities from which risk estimates come, this information is almost always incomplete, contradictory, and ambiguous. There also are many difficulties in sharing and transmitting this information to transportation security personnel in a manner that is timely, responsive, and secure. Too often, then, transportation security personnel are flying blind . . . or at least with impaired vision. There are always multiple threats, rarely actionable intelligence.

Resolve the challenge of technology. Estimates of security technologies' effectiveness almost always keep decreasing as we move from the laboratory, to field test, to an every-day travel and operational environment. In fact, given the usually low probability of a terrorist attack or other security violation—save for actionable intelligence—statistically supporting the security effectiveness and utility of technologies is a very difficult thing to do.

Resolve the challenge of profiling, behavioral detection, and interviewing techniques in operational environments. It's just extremely difficult to link specific aspects of people—sweating, facial expressions, clothing, how they talk, what they talk about, where they are in an airport or on-board an aircraft, let alone what they may be thinking and feeling to terrorist and criminal intent and behavior. And much more attention needs to be focused on the profiling of situations and environments. Profiling efforts should continue for shipments and things, as well as people.

Resolve the challenge of how transportation security personnel are selected, trained, and managed. Let's see, these folks are being entrusted with our lives. Do they have the right stuff and do we know what the right stuff is—how to best think, what motivations are appropriate for wanting the job, what powers of concentration are appropriate, what types of emotional functioning are the right ones, what behavioral capabilities are necessary including fatigue tolerance and tolerance for people behaving at their worst? Does training best conform with knowledge and skills associated with actually identifying and stopping today's and tomorrow's terrorist and criminal attacks, not yesterday's? Are transportation security personnel treated right—salaries, benefits, awards, and recognition, day-to-day respect?

Resolve the challenge of the layers of security looking right. What does this mean? If the layers look predictable and are predictable, we have a big problem. This is because surveillance, reconnaissance, and probing transportation security systems too often occur by potential terrorist and criminal planners. Even the everyday security violations like people going through the wrong door, entering restricted areas accidentally, or leaving baggage unattended are studied by potential terrorists for clues to the likely responses of transportation security systems when a real attack occurs. A better choice is looking predictable but being unpredictable. A best choice is looking unpredictable and being unpredictable.

Resolve the challenge of culture. Cultural blinders impede how we understand other people. Let's face it, even well-intentioned people can be victims of their own racial, ethnic, ideological, and other prejudices. These make it very difficult to implement some of the offensive and defensive approaches to transportation security. As we try to win hearts and minds of people throughout the world, we may be creating enemies or just not affecting people at all—or affecting different kinds of people in unknown ways. As just one example, when we neutralize terrorists with violence, we may be increasing their total number and losing opportunities to interrogate for valuable information. This doesn't excuse or condone the threat. It does show the difficulties in maintaining acceptable levels of security.

Resolve the challenges of transportation security cost and value. Governments and businesses continue to grapple towards accurate calculations on the trade-offs of security overhead, impact on security, profit-and-loss implications. What are needed are qualitative and quantitative analyses and measures of deterring, preventing, and successfully managing transportation terrorism and other crime—including measures of false positives and false negatives in operational environments. This is especially the case given that terrorists have publicly stated that hurting their targets economically is a priority. Are transportation security programs and their costs—including the existence and functioning of TSA—actually wins for terrorists?

Minimize the noxious consequences of partisan politics and turf battles. Yes, there are highly competent political leaders with backbone and character who do the right thing. But there are others who engage in public posturing, outright lying, making true-believer statements based on sheer ignorance, supporting positions based on trading favors, doing whatever it takes to get elected, and all the rest. This has been the case throughout history for all known cultures. Even our truly great political leaders often have to make compromises with such people . . . and transportation security can suffer. This occurs in the context of a constant tension among the budgetary interests of government, industry, academia, and the general public versus legitimate transportation security needs.

Resolve the challenge of transportation cargo value. For example, much less attention and fewer resources have been addressed to the threat facing air cargo than to that facing passengers. Many citizens and legal authorities seem to have less concern about aircraft carrying only cargo and a crew than about commercial passenger flights with cargo. That air cargo containing explosive materiel or other noxious agents, whether on commercial passenger aircraft or on flights without commercial passengers, can endanger large numbers of people seems to be ignored, discounted, or repressed. Depending on the type of attack, the consequences could include large numbers of human casualties; a small number of casualties with high symbolic value; and symbolic, significant, and even catastrophic damage and destruction to communications, energy, and other infrastructure of National and international significance—all with potentially huge economic damage.

Resolve the challenge of transportation cargo variety. Cargo varies in content, how the content is packaged and situated, and the configuration and other characteristics of the transport vehicle. The associated screening challenges include physical damage related to the method of screening; levels of screening specificity and sensitivity related to the cargo content; and terrorist knowledge of screening methods.

Resolve the challenge of supply chain links and nodes. The biggest problem here is the number of entities involved in the cargo supply chain. A partial, generic list of supply chain entities: Manufacturers, manufacturing facilities, freight forwarding facilities, shipping facilities, third-party logistics providers, warehouses, other distribution centers, independent cargo screening facilities, and more. The associated screening challenges include physical damage related to the method of screening; levels of screening specificity and sensitivity related to the cargo content; and terrorist knowledge of screening methods.

Resolve the challenge of the cargo security puzzle. What is this puzzle? Implementing total, comprehensive, and intrusive screening can significantly hurt our economy through huge costs of implementation. [And there still will be significant error rates]. But partial and less comprehensive and less intrusive screening also can significantly hurt our economy through its very incompleteness leading to a greater probability of successful terrorist attacks. The same applies to doing nothing. Any way you cut it, terrorism seems to have a good shot at being successful. Other transportation-related crime much more so. Again, the costs of transportation cargo security may be an example of terrorist on-going success. The key to counter-terrorism and other counter-crime successes is optimal intelligence collection, analysis, and dissemination in a secure, responsive, and timely fashion.

Resolve the insider threat to transportation security. Psychological research on how good people can go bad and bad people can go good need to be studied, implemented, and assessed.

#### CONCLUSIONS

Terrorism ultimately is psychological. While its intermediate consequences are death, destruction, casualties, and damage, its ultimate consequences are to create and maintain desired perceptions and behaviors of specific targets surviving terrorist acts. TSA seems to be focused on terrorism's intermediary consequences without being integrated with U.S. Government and allied efforts on terrorism's ultimate consequences.

Specific kinds of public discourse and classified analyses of terrorism—including resulting estimates of threat, vulnerability, and risk—are themselves targets of terrorism. So are specific security programs. TSA seems to be inadequately focused on the potential for its actions to support desired terrorist consequences.

Too many people in the United States expect total safety and security—an unreasonable mass psychology that has not been addressed adequately by political and security leaders. At the moment, from the terrorist perspective, both objective success and objective failure qualify as subjective success . . . again because terrorism

is, ultimately, psychological. TSA needs to better address this as it applies to transportation security.

Transportation security initiatives continue to be too focused on technology and technological fixes, not on the thought processes involved in attacks and countering attacks.

It's less important to find some minimum resource threshold below which transportation security is unacceptably endangered. More important is to do what's best with the resources we have. In our favor, resources not directly allocated to support security can be still contribute to counterterrorism success and failure.

Transportation is only one of an infinite number of targets for terrorism and other crimes like illicit trafficking and theft. Unless TSA can be shown to provide more value than cost in an era of competing budgetary and security needs, its disestablishment should be seriously considered.

Prudence and good judgment are essential as we move forward. Yet, in the history of the world, both are usually in short supply.

Mr. ROGERS. I thank the gentleman for his opening statement.

We have now been joined by my friend and colleague from Texas, Ms. Jackson Lee, and she is now recognized for her opening statement.

Ms. JACKSON LEE. Mr. Chairman, thank you for your courtesies.

Just for the record I will indicate that many times, as usual, Judiciary Committee is engaged in a markup so I thank you, Mr. Chairman, for your courtesies.

I always am just very happy to see all of the witnesses but I am even happier to be able to welcome Mr. Barber of Arizona as a new Member of the committee.

It is important to note that he comes from a very important State, the State of Arizona, and he has had a very important predecessor, Ms. Giffords, and of course he brings to this committee a commitment and concern about securing the homeland.

I think it is extremely important to add to our western presence and, Mr. Barber, you have welcomed and thank you so very much for your service to this country.

Mr. BARBER. You are very welcome.

Ms. JACKSON LEE. Thank you.

Let me indicate, I always start by indicating that on 9/11 Transportation Security Administration and TSO officers were not in place and we lost thousands of lives.

It is all right to ask and analyze the going forward of the Texas, excuse me, the Transportation Security Administration, but as I listen to our witnesses today many of you may have taken some mode of transportation. Many of you may have flown. A flight attendant flies often.

All of the critiquing does not take away the value of the Transportation Security Administration and TSO officers. I will be listening as I am in and out on solutions.

Solutions is the key of what we must proceed on. Terrorists remain determined to attack our transportation system and we must match their determination with our vigilance.

Our perspective on transportation security changed after September 11. We established a 9/11 Commission and passed legislation, which was based on the Commission's recommendation. I think we have done quite well.

We have not had a terrorist act on our soil. Yes, there have been a number of threats, those that have not been public. But with the combined labor of TSO officers, others on the front lines, intelligence collaboration, we are not what we were pre-9/11.

We must all remember that in the wake of 9/11 our first step was the creation of TSA and the replacement of contract guards with Federal employees at this Nation's airport checkpoints.

I travel throughout this Nation and I stop and talk to TSO officers. They are former police persons, military persons, and they are public servants and they are serving their Nation.

I will have great quarrel with any testimony that offers to suggest we need to change them out and that there is a status quo. What I will say is I am always prepared to ensure a more efficient, effective, experienced group of public servants and I welcome, in collaboration with the Chairman, to do so.

The American public needed to know that each passenger would be screened and each bag would be checked. We owed it to the 3,000 people who died that day to ensure that this would not happen again.

Mr. Chairman, I welcome our efforts, as I said, to continue to improve they system that secures our Nation's skies. Today we will take a closer look at TSA's risk-based approach and the agency's efforts to effectively address threats in transportation security.

There have been many changes and they are looking forward to those changes. The threat to inbound passenger and cargo flights remains a reality.

These threats can only be resolved if Members of this body are not afraid to ask difficult questions or embrace complex answers, but not take a widespread view that we must throw out the Transportation Security Administration or TSO officers.

Our witnesses today will discuss various ideas for improving TSA's risk-based approach to securing our aviation sector. As the authorizing committee for TSA, it is certainly appropriate for us to hear and consider ideas from those who do not work for TSA. In particular I look forward to hearing from Ms. Alonso, a flight attendant who will provide her front-line perspective on how TSA can enhance its layered security.

As we know, flight attendants do not just serve beverages. They are often the first crewmembers to recognize and address safety and security problems.

As a most recent example, this just took place a week ago in China, crewmembers and passengers foiled a hijacking of the six people attempted to break into the cockpit door.

Further, just this year we have had a number of instances in which the decisive actions of flight personnel ensured the safety and security of passengers. In each of these instances, in-cabin security was the last line of defense in thwarting potential terrorist acts.

To further reiterate, the threats we face in aviation, must remember these incidents that frame our security discussions today, I will just highlight December 22, Flight 63, American Airlines to Miami from Paris, self-proclaimed al-Qaeda operative attempted to detonate an explosive device.

December 25, Umar, the Christmas day bomber, also remembered as the underwear bomber, attempted to detonate his underwear. Finally, on May 22, American Airlines 787 from Paris to Charlotte was diverted to Bangor after a passenger claimed to have an explosive device in their body.

All these incidents took place of flights inbound to the United States. Ms. Alonso was on the flight in May. I look forward to hearing her testimony concerning this incident. Her testimony will offer the kind of operational insight we need to examine what should be done when all other layers of security have been compromised.

Yes, we need to expand TSA to other modes of transportation. Yes, we need to be efficient, effective, and even look closely at how we use the personnel at TSA, but I will be continuously committed to the structure that we put in place. Let us look for solutions and answers as we work to improve the security of this Nation.

I yield back.

Mr. ROGERS. I thank the gentlelady.

The Chairman now will recess the committee for—subject to the call of the Chairman, which should be about 15 minutes.

[Recess.]

Mr. ROGERS. This subcommittee hearing is called back to order. While we are waiting for the Ranking Member to return from the vote, we will go ahead and pick back up with our testimony. I want to thank Dr. Bloom for his opening statement, and turn now to our second witness.

Mr. Robert Poole currently serves as director of transportation policy at the Reason Foundation. Mr. Poole co-founded the Reason Foundation in 1978 and served as its president and CEO until 2000. Mr. Poole has written hundreds of articles, papers, and policy studies on privatization in transportation issues, and currently writes a monthly column on transportation issues for the Public Works Financing. The Chairman now recognizes Mr. Poole for his opening statement. You are recognized for 5 minutes.

**STATEMENT OF ROBERT W. POOLE, JR., SEARLE FREEDOM TRUST TRANSPORTATION FELLOW, DIRECTOR OF TRANSPORTATION POLICY, REASON FOUNDATION**

Mr. POOLE. Thank you for having me, Mr. Chairman. I have been researching aviation security since 2001, and I have been studying competitive contracting of public services since I wrote the first book on the subject in 1980.

When Congress enacted the ATSA legislation after 9/11, it built in a conflict of interest for the TSA. That agency is in charge of aviation security regulation, but it also operates the largest component of airport security, passenger and baggage screening. TSA regulates airports, airlines, rail roads, and transit at arm's length, but when it comes to passenger screening, TSA basically regulates itself.

Self-regulation is inherently problematic. The tendency of any large organization is to defend itself against criticism and make its image as positive as possible. So when screeners perform poorly, TSA defends itself and minimizes the problem. In addition, having TSA operate the screen conflicts with the idea of unified airport security accountable to a single airport security official.

The U.S. model that combines regulation and screening is also out of step with other countries. I did a report for the OECD on screening in 2008. I compared the way it is done in Canada, the European Union, and the United States. In Canada and the European Union, security regulation is done by a National agency, like

here, but screening is done either by the airport or by security companies.

Separation of regulation from service provision is also called for by ICAO security regulations. Member states are supposed to notify ICAO if their practice differs from the standard. The United States has never notified ICAO that we are in noncompliance. Oddly enough, the United States came close to adopting this international model.

Following 9/11, the House version of ATSA, which passed by a large margin, removed airport screening from the airlines where it should never have been and made it an airport responsibility under new Federal regulation and oversight. But many officials and commentators incorrectly believed that flawed screening what was enabled the 9/11 attacks to succeed, which was not the case.

So therefore they insisted on Federalizing screening, meaning creating a Federal workforce to take it over. That approach passed the Senate unanimously. In the conference committee, unfortunately from my standpoint, the Senate version prevailed with the House only getting a five-airport pilot program for opt-out, and the promise that all other airports could eventually opt out.

So when TSA created the SPP opt-out program, it designed a highly-centralized version of competitive contracting. When most governments want to contract for a service, they issue an RFP, select the best proposal, sign a contract and manage the relationship.

So you would expect that, as in Europe, the airport would issue the RFP to companies that TSA had certified. The airport would select the best proposal from among those companies and then contract with that company, and TSA would regulate the overall situation. But that is not how SPP works.

Instead, the airport asks TSA if it may opt out. If TSA approves, then TSA selects a contractor and assigns it to the airport. TSA signs the contracts and manages the contracts, leaving the airport out of the loop. TSA also spells out in detail the procedures and the equipment that the company must use, and the legislation mandates that screening companies pay the same wages and benefits as TSA.

Contrast that with the performance contracting approach, as in Europe. If we had that approach, TSA would certify qualified companies, would define the outcome measures that are supposed to be achieved for airport screening. The companies could design their own procedures and use various approved technologies to achieve the required outcomes.

This would allow screening companies to innovate. For examples, screeners could be cross-trained to do other airport security tasks, thereby strengthening other aspects of airport security and enriching the screener's work experience.

Now even with all the constraints on today's contractors, the private sector is delivering more cost-effective screening. The House T&I Committee in 2011 compared TSA's screening at LAX with contract screening at SFO. They found SFO's contract screening is 65 percent more productive than TSA's screening at LAX. If the SFO model were implemented at LAX, the savings would be \$42 million per year.

And this—the reasons for this higher productivity, much higher turnover of TSA screeners, to recruitment and training costs are higher. TSA has to use its National deployment force, which is very expensive, to fill in the gaps caused by that high attrition rate. Security companies also do a much better job of using part-time screeners to cover the peak periods instead of having all—almost all full-time people.

I have two recommendations for reform of the program. First, reduce the centralized nature of SPP by permitting each airport to choose its own screening company from among those TSA has certified, and let the airport manage the contract under TSA's overall regulatory oversight at the airport.

Second, and probably longer-term, Congress should revise the ATSA legislation to remove the built-in conflict of interest, devolving all screening to the airport. Each airport could either operate and manage the screening itself, as many airports in Europe do, or contract with a TSA-approved company.

In either case, current TSA screeners should—would and should have first preference for the screening jobs. This change would produce greater accountability for screening performance, and it would bring the United States into conformity with ICAO regulations.

Thank you for this time, and I will be happy to answer questions later.

[The prepared statement of Mr. Poole follows:]

PREPARED STATEMENT OF ROBERT W. POOLE, JR.

JULY 10, 2012

My name is Robert Poole. I am the director of transportation policy at the Reason Foundation. Much of my work deals with aviation policy, including airport security. Prior to my current position at Reason, my principal area of expertise was competitive contracting of public service delivery; I am the author of the first full-length book on the subject, back in 1980 (*Cutting Back City Hall*, Universe Books, 1980).

A MAJOR DESIGN FLAW IN TSA

I served as an advisor to the House Transportation & Infrastructure Committee in the days following the 9/11 attacks, as Congress was grappling with how to improve aviation security. The legislation that created the TSA—the Aviation & Transportation Security Act (ATSA) of 2001—built in a conflict of interest in the new agency. On the one hand, TSA is designated as the agency that establishes transportation security policy and regulates those that provide transportation operations and infrastructure (airlines, airports, railroads, transit systems, etc.). But on the other hand, TSA itself is the operator of the largest component of airport security—passenger and baggage screening.

When it comes to screening, therefore, TSA has a serious conflict of interest. With regard to all other aspects of airport security—access control, perimeter control, lobby control, etc.—security is the responsibility of the airport, under TSA's regulatory supervision. But when it comes to screening, TSA regulates itself. Arm's-length regulation is a basic good-government principle; self-regulation is inherently problematic.

First, no matter how dedicated TSA leaders and managers are, the natural tendency of any large organization is to defend itself against outside criticism and to make its image as positive as possible. And that raises questions about whether TSA is as rigorous about dealing with performance problems with its own workforce as it is with those that it regulates at arm's length, such as airlines and airports. This comes up again and again in news stories—such as a *USA Today* investigation in 2007 found that TSA screeners at Chicago O'Hare and LAX missed three times as many hidden bomb materials as did privately-contracted screeners at SFO. TSA's

2007–08 studies comparing TSA and private screening costs were criticized by GAO as highly flawed and misleading.

Second, having TSA operate airport screening conflicts with the idea of each airport having a unified approach to security, with everyone responsible to the airport's security director. Numerous examples of divided security have been reported at airports over the past decade, where certain responsibilities have fallen between the cracks and neither the airport nor the TSA was on top of the problem. Examples include video surveillance cameras at Newark and access control doors at Orlando.

#### OUT OF STEP WITH OTHER COUNTRIES

In 2008 the OECD's International Transport Forum commissioned me to do a research paper comparing and contrasting aviation security in the United States, Canada, and the European Union. In the course of that research, I was surprised to discover that the conflict of interest that is built into TSA does not exist in Canada or the E.U. countries. If you go to Canada or any of the major E.U. countries, airport screening looks similar to what you experience at U.S. airports. But the way in which this service is provided and regulated is quite different. In all these cases, the policy and regulatory function is carried out by an agency of the national government, as in the United States. But actual airport screening is carried out either by the airport itself or by a Government-certified private security firm. Legally, in Europe airport security is the responsibility of the airport operator. Whether the screening is carried out by the airport or a security company varies from country to country, but in no case is it carried out directly by the National Government aviation security agency.

In Canada, the legislative body created an aviation security agency following 9/11—the Canadian Air Transport Security Authority (CATSA). Transport Canada remains responsible for airport security policy and regulation, while CATSA is responsible for the mechanics of airport security, such as development of biometric ID cards and implementing a system of airport screening. But rather than providing the screening function itself, CATSA certifies private security companies and contracts with them to provide screening services at the 89 airports where such services are provided.

Separation of aviation security regulation from the provision of security services is called for by the International Civil Aviation Organization (ICAO), to which the United States (along with 188 other countries) is a signatory. This policy is found in ICAO Annex 17, Standard 3.4.7. Under the Chicago Convention which created ICAO, "contracting states are required to notify [ICAO] of any differences between their national regulations and practices" and ICAO's international standards. On this point, the United States has failed to notify ICAO that it does not comply.

#### THE UNITED STATES CAME CLOSE TO ADOPTING THE EU/ICAO MODEL

In the difficult months following the 9/11 terrorism attack, there was intense political pressure to improve U.S. aviation security. Despite the fact that the low-quality airline-operated screening was not responsible for the 9/11 disaster, numerous commentators and public officials called for "Federalizing" airport screening. The Senate's version of ATSA embodied this view, calling for a new Federal workforce to be parachuted into some 450 U.S. airports; it passed 100–0. The House, by contrast, took somewhat more time and learned that only two other countries had delegated airport screening to airlines as an unfunded mandate (Bermuda and Canada). They also heard testimony about the performance contracting model widely used in Europe well before 2001, a fact documented in a GAO report that year.

The resulting House bill removed screening from the airlines and shifted it to airports, under Federal regulatory supervision and permitted E.U.-type performance contracting. Both airport organizations, ACI-NA and AAAE, supported the House bill, which passed by a wide margin, 286–139. But in the subsequent conference committee, the Senate version of Federalizing security largely prevailed. The only consolation prize given to the House was a five-airport opt-out pilot program, and the promise that eventually all airports would be given the right to opt out of TSA-provided screening.

#### TSA CONTRACTING VS. PERFORMANCE CONTRACTING

Competitive contracting has been widely used at local, State, and Federal levels of government. In recent decades, it has been embraced by elected officials of both parties as a way of achieving greater value for the taxpayer's dollar. One of the most influential books on the subject was *Reinventing Government* by David Osborne and Ted Gaebler, advisors to Vice President Gore's National Performance Review project. Under this approach, a government wanting a service delivered



more cost-effectively must define the outcomes it wishes to achieve, leaving qualified bidders free to propose their own procedures and technology for achieving those outcomes. Such contracts typically stress measurement of outcome variables, and often provide financial penalties and bonuses.

By contrast, under the Screening Partnership Program (SPP) set up by TSA's interpretation of the opt-out provisions in the ATSA legislation, the entire process is micromanaged by TSA. Instead of permitting the airport in question to issue an RFP to TSA-certified firms, TSA itself selects the company and assigns it to the airport. And TSA itself manages the contract with the screening company, rather than allowing the airport to integrate screening into its overall security program, under TSA supervision and regulation. Moreover, TSA spells out procedures and technology (inputs) rather than only specifying the desired outcomes of screening, thereby making it very difficult for screening companies to innovate. Moreover, the ATSA legislation mandates that compensation levels for private screeners be identical to those of TSA screeners.

Under a performance contracting approach, with screening devolved to the airport level, TSA would continue to certify screening companies that met its requirements (e.g., security experience, financial strength, screener qualifications, training, etc.). It would also spell out the screening performance measures (outcomes) that companies or airports would be required to meet. Airports would be free to either provide screening themselves (with screeners meeting those same TSA requirements) or to competitively contract for a TSA-certified screening company. Companies bidding in response to the airport's RFP would propose their approach to meeting the performance requirements, in terms of staff, procedures, and technology. This could include, for example, cross-training screeners to carry out other airport security duties, such as access and perimeter control. The airport would select the proposal that offered the best value, subject to TSA approval. TSA, in its role as regulator, would oversee all aspects of the airport's security operations, including screening.

#### EVEN TODAY'S LIMITED SPP SHOWS PRIVATE-SECTOR BENEFITS

Observers such as the GAO have noted how little flexibility private screening contractors have over the variables involved in providing this service, given the narrow confines of ATSA and TSA's highly centralized way of implementing SPP contracts. Yet the limited available information suggests that even within those constraints, the private sector is more flexible and delivers more cost-effective screening.

The most dramatic data come from a study carried out by the staff of the House Transportation & Infrastructure Committee in 2011. They obtained data on screening at two major airports, LAX with TSA screening and SFO with contractor screening. Both are Category X airports, the highest level in TSA's categorization of airports. The study found that the company at SFO is dramatically more productive, processing an average of 65% more passengers per screener than TSA screeners at LAX. If the screeners at LAX had comparable productivity, the screener workforce at LAX could be 867 persons smaller, saving \$33 million per year.

Given that the company serving SFO is required by law to pay the same wages and benefits to its screeners as TSA, and to use essentially the same procedures and equipment, what accounts for this enormous difference in productivity? One factor is a 58% higher attrition rate for LAX screeners, compared with those at SFO. That means significantly greater recruitment and training costs for screening at LAX. Another result of higher turnover is that the LAX screener workforce needs to be backed up by the expensive TSA National Deployment Force, to fill in temporary vacancies. No such backup is needed at SFO. Third, the private sector has done better than TSA at hiring and retaining part-time screeners to handle peak periods, rather than staffing up with enough full-timers to handle peaks and therefore paying some of them for unproductive off-peak hours. Overall, the study estimated that screening at LAX would cost \$42 million less per year if it were carried out via an SFO-type screening contract.

Neither the outside study that TSA commissioned from Catapult Consultants in 2007 nor TSA's own study that was sharply criticized by the GAO identified these major productivity differences. Both focused mostly on accounting costs, omitting various overhead costs and extras such as the cost of using the National Deployment Force. Those essentially "inside" studies created the misleading impression that it costs more, rather than less, to contract with qualified security firms for airport screening.

#### RECOMMENDATIONS

Based on the foregoing assessment, I have two recommendations for improving airport screening.

The most urgent one is to further reform the current SPP. Recent legislation that puts the burden of proof on TSA in denying an airport's request to opt out of TSA-provided screening is a modest step in the right direction, but does not correct TSA's overly centralized approach. SPP should be further reformed so that:

- The airport, not TSA, selects the contractor, selecting the best-value proposal from TSA-certified contractors.
- The airport, not TSA, manages the contract, under TSA's overall regulatory oversight of all security activities at the airport in question.

I believe these changes could be made by directing TSA to adopt them as policy changes, without the need to revise the actual language of the ATSA legislation.

Second, I recommend revising the ATSA legislation to remove the conflict of interest that Congress built into that law. The revision would devolve the responsibility for passenger and baggage screening from TSA to individual airports, as part of their overall security program. Airports would have the option of either hiring a qualified screener workforce or contracting with a TSA-certified security firm. As is already standard practice when airports join SPP, current TSA screeners would have first right to screening positions at the airports shifting over, subject thereafter to the airport's or the company's rules and human resources policies. This change would produce greater accountability for screening performance and would also bring the United States into full conformity with ICAO regulations.

This concludes my testimony. I would be happy to answer questions.

Mr. ROGERS. Thank you, Mr. Poole, for your testimony. Our third witness, Mr. Ozzie Nelson. I like that. I grew up in that era. Some of these youngsters back here don't know who that is, but I think that is pretty cool. Currently serves as senior fellow and director of Homeland Security and Counterterrorism Program at the Center for Strategic and International Studies.

Mr. Nelson joined CSIS in September 2009 after retiring from the U.S. Navy where he served in a variety of senior policy and operational positions. In 2005, he was selected to serve as an inaugural member of the National Counterterrorism Center's Directorate of Strategic Operational Planning.

Prior to his assignment at the NCTC, Nelson served as associate director for maritime security in the Office of Combating Terrorism on the National Security Council staff at the White House where he led the development of the National Strategy on Maritime Security.

The Chairman now recognizes Mr. Nelson for 5 minutes to summarize his testimony.

**STATEMENT OF RICK "OZZIE" NELSON, SENIOR FELLOW AND DIRECTOR, HOMELAND SECURITY AND COUNTERTERRORISM PROGRAM, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES**

Mr. NELSON. Thank you.

Good afternoon Chairman Rogers, Ranking Member Jackson Lee, and distinguished Members of the subcommittee. Thank you for the opportunity to testify today. I would like to take this time to discuss how the Transportation Security Administration Congress and the American people can work together to enhance aviation security in the coming years.

The manner in which the TSA was created and the requirements we have placed on it have, unfortunately, led to an inherently flawed system. The TSA was not carefully designed but instead cobbled together and stood up in the middle of a crisis just a few short months after 9/11.

Further, we charged it with the immense responsibility of mitigating every potential risk to America's transport system. In doing

so, we created an unworkable “zero-failure” construct in which no risk was acceptable.

The hurried creation untenable model has constrained TSA and fueled bad policy and bad practice. If TSA is to become the agency we want it to be, then we must give it the support and operational freedom it needs to evolve.

At the same time, we must remain cognizant of continued threats to the homeland. While the core of al-Qaeda that perpetrated 9/11 has been significantly reduced, its international affiliates continue to pose a threat to the aviation system.

Our remarks today will focus on three key areas where I believe evolution can occur: Risk-based strategies, science and technology, and strategic communications.

The first step in TSA’s evolution must be the full embrace of intelligence-driven, risk-based models of security. While significant progress has been made under Administrator John Pistole, the system still tends to treat every passenger like a potential terrorist, wasting time and resources in extensive screening and monitoring procedures.

Adopting a model of security based on risk in which limited resources are applied strategically would increase the effectiveness of our overall security efforts and decrease the cost associated with the screening of millions of individuals every day.

Keys to the success of this risk-based model would be information intelligence-sharing efforts. While significant progress has been made in improving information sharing at the Federal level, we still need to perfect sharing with State and local entities as well as the private sector.

Further, given the international nature of aviation systems, we must improve with our international partners.

Thankfully, TSA has already moved in this direction through such efforts as a PreCheck program. However, we must seek to expand these types of trusted traveler programs.

As we move forward, we must remember that with these efforts, risk-based screenings do involve an inherent degree of risk. In implementing them, we must be willing to accept the potential consequences. We simply cannot revert to a broken “zero failure” model if and when there is another terrorist incident. But we must commit ourselves to making a risk-based model work.

Yet adopting risk-based security will not be enough. In today’s atmosphere of fiscal austerity, technology represents another means to increase efficiency without compromising security. Therefore, it is essential that the Department of Homeland Security’s Sciences and Technology budget be maintained.

While there may be immense short-term pressure to cut S&T funding, Congress must think of the long-term savings and efficiencies the technology represents.

For instance, S&T recently created technology for detecting explosives in checked luggage that is ten times more powerful than existing systems, yet still costs the same.

It will be necessary moving forward to incentivize private companies to invest in homeland securities. An important step would be for DHS to issue clear requirements for technology acquisition and provide multi-year funding guidance which will help private indus-

try and direction insurance that need to develop these two technologies.

It would also be worthwhile to investigate the feasibility of a venture capital firm that would identify and invest in companies developing cutting-edge technologies applicable to homeland security. In developing such a model, TSA could look to the relationship between In-Q-tel and the intelligence community.

Yet, even if the technologies are improved, TSA will continue to face challenges with its public images and hindering its evolution. Few, if any, U.S. Government agencies interact in such a consistent and personal level with the general public as does TSA.

While TSA has already begun implementing image-building and communications initiatives such as "TSA Cares", it will be impossible for TSA to improve its image significantly if Government officials continue to use the agency as a source of political rhetoric. TSA can grow into a respected, efficient, and effective institution only if it is depoliticized.

TSA also needs to communicate with and utilize travelers to a greater degree for everyone's mutual benefit. TSA should explore programs such as DHS's "If You See Something, Say Something" campaign by educating travelers on what they can do for aviation's safety and then trusting them to do this. TSA can utilize passengers in a constructive manner.

Finally, TSA would benefit immensely from a greater degree of leadership continuity. TSA's challenging, and unfortunately highly politicized, mission demands leadership that transcends the political cycle.

The administrator position should perhaps be treated similar to the director of the FBI, which is a set 10-year term. Since its inception, TSA has had five administrators, while in this time, the FBI has had one director.

Extending the terms of the TSA administrator would help them depoliticize the position while increasing their ability to institute long-term plans and evolve the organization to what we need it to be.

In conclusion, there are a variety of means by which we can meet the challenges transportation security, particularly aviation, faces.

I want to recognize that TSA is already on the right path toward finding innovative ways to meet these challenges and Administrator Pistole should be commended for his leadership.

I look forward to your questions. Thank you for the opportunity to testify.

[The prepared statement of Mr. Nelson follows:]

PREPARED STATEMENT OF RICK "OZZIE" NELSON

JULY 10, 2012

Good afternoon Chairman Rogers, Ranking Member Jackson Lee, and distinguished Members of the subcommittee. Thank you for the opportunity to testify today. I will be discussing how the Transportation Security Administration (TSA), Congress, and the American people can work together to enhance aviation security in the coming years.

The manner in which the TSA was created and the requirements we have placed on it have, unfortunately, led to an inherently flawed system. Following the fall of the Soviet Union, we had an opportunity to prepare ourselves to meet new threats, including to our transportation sector. Yet instead of creating homeland and trans-

portation security agencies then, we waited until we were in a crisis. After September 11, we cobbled together and stood up the TSA in a matter of a few brief months. Further, we charged this new entity with the immense responsibility of mitigating every potential risk to America's transport system. In doing so, we created an unworkable "zero-failure" construct in which no risk was acceptable. The TSA is expected to maintain absolute security without infringing upon passengers' civil liberties or making travel a cumbersome experience—an unreasonable and arguably unattainable goal. In 2011, an average of 2.2 million airline passengers passed through TSA airport checkpoints every day.<sup>1</sup> This figure does not take into account passenger transit on all the other forms of mass transportation that the TSA is charged with protecting. Given this enormous volume of passengers, it is impossible for any agency to completely mitigate all risk to our transport system, yet we have been forcing TSA to operate under a model that promotes this goal, fueling bad policy and practice. If TSA is to become the agency we want it to be, then we must give it the support and operational freedom to do so.

At the same time, we must remain cognizant of continued threats to the homeland. While the core of al-Qaeda that perpetrated 9/11 has been significantly reduced, its international affiliates—including al-Qaeda in the Arabian Peninsula and a host of al-Qaeda-inspired homegrown terrorists, among others—continue to pose a threat to the aviation system. For whatever reason, al-Qaeda and its affiliates remain obsessed with attacking the aviation system. While this conveniently allows us to focus our resources on aviation, we must not be complacent. The threat will change over time and our enemies will seek to exploit vulnerabilities in other sectors of transportation system. If TSA is to meet these threats, it must be allowed to evolve beyond its current construct.

My remarks today will focus on three key areas where I think improvements can be made: Risk-based strategies, science and technology, and strategic communications. I hope that my remarks will serve to advance the homeland security dialogue between the TSA, Congress, and the American people.

#### RISK-BASED STRATEGIES

The first step in TSA's evolution must be to fully embrace intelligence-driven, risk-based models of security. While significant progress has been made under Administrator John Pistole, the system still tends to treat every passenger like a potential terrorist, wasting time and resources in extensive screening and monitoring procedures. The concept of risk-based security transcends presidential administrations, yet we continue to slow the agency's evolution towards this goal.

Instead of applying the same security measures to all situations and individuals regardless of how likely they are to pose a threat, a risk-based approach would take advantage of intelligence and information to allocate security resources where they are most likely to be needed. These measures would increase the effectiveness of our security efforts and decrease the costs associated with screening millions of individuals every day.

Information and intelligence sharing are keys to a successful risk-based security model. By its very nature, risk-based security relies on having access to timely and accurate information. Obviously, significant progress has been made in improving information sharing at the Federal level. However, for DHS and TSA to build a truly effective information-sharing regime and meet their unique goals, they will have to enhance sharing with State and local entities as well as the private sector. State and local law enforcement represent the first line of defense against terrorism and private industry owns 85% of all critical infrastructure, yet we have not perfected systems for sharing with these actors. Further, given the international nature of the aviation system, we must improve our efforts to share with our international partners through such efforts as shared Passenger Name Records (PNR). This type of sharing with multiple partners and sectors will be critical to implementing a risk-based model.

The TSA is already moving towards risk-based security. One way they are doing this is through the PreCheck program, in which low-risk passengers can bypass certain security measures. PreCheck was initially implemented last fall and currently operates at 16 airports Nation-wide, with plans to expand to 19 more airports by the end of 2012. This program has been implemented in phases, with only certain airlines and airports participating. This has allowed TSA to closely monitor the impact of the program. Yet in order to fully realize the benefit of PreCheck, the program should be expanded to include a greater number of trusted travelers from a variety of sources. Further, trusted travelers enrolled in the program should be pro-

<sup>1</sup>[http://www.transtats.bts.gov/Data\\_Elements.aspx?Data=1](http://www.transtats.bts.gov/Data_Elements.aspx?Data=1).

vided an ID number that would be recognized across all airlines and airports, greatly increasing PreCheck's interoperability.

Given the great potential risk-based models hold for security, these efforts should not only be supported by Congress and the public, but also expanded, so that risk-based security models are the norm rather than the exception. Yet we must remember that these efforts do involve an inherent degree of risk; in implementing them, we must be willing to accept not only the risks, but the potential consequences. We cannot simply revert to a broken "zero-failure" model if and when there is another terrorist incident. For aviation security to evolve, Congress, the public, and TSA must commit themselves to making a risk-based model work.

#### SCIENCE AND TECHNOLOGY

In today's atmosphere of budget cuts and fiscal austerity, technology represents another means to increase efficiency without compromising security. In the long run, investment in new technologies will enhance TSA's threat detection abilities while at the same time potentially reducing other costs.

To this end, it is essential that the Department of Homeland Security's (DHS) Science and Technology (S&T) budget be maintained. While there may be immense short-term pressure to cut S&T funding, Congress must think of the long-term savings in efficiency that technology represents. Research and development allows technologies to be designed to specifically target the threat, instead of having to alter other technologies to serve the intended purpose. The rapid creation of the TSA led to the agency using existing technologies that needed to be modified or creatively manipulated to serve the required purposes. Now, the S&T is at the point where it is able to develop technologies that specifically fit the form and function of the TSA. For instance, S&T recently created a technology for detecting trace amounts of explosives and drugs on checked luggage that is ten times more powerful than existing systems, yet still costs the same. If S&T funds are slashed, such advances as well as the security and efficiency increases they bring with them will be difficult to realize.

In order to promote the development of products specifically for homeland security applications, it will also be necessary to incentivize private companies to invest in these technologies. DHS must be encouraged to develop partnerships with industry. An important step would be for DHS to issue clear requirements for technology acquisition, which will help to incentivize private companies. Further, multi-year funding guidance from TSA would decrease uncertainty for technology vendors, allowing them to invest in technologies that may require multiple years to develop. It would also be worthwhile to investigate the feasibility of a venture capital firm that would identify and invest in companies developing cutting-edge technologies applicable to homeland security. In developing such a model, TSA could look to the relationship between In-Q-tel and the intelligence community. Such efforts will be essential to developing a mature homeland security industrial base, realizing long-term savings, and increasing security.

#### STRATEGIC COMMUNICATIONS

Yet even if technologies are improved upon, TSA will continue to face challenges with its public image. Few, if any, U.S. Government agencies interact on such a consistent, personal level with the general public as does TSA. It will be difficult for TSA to evolve without the support of the public, yet this support is unlikely if the TSA continues to be viewed as an adversary, rather than as a public good like police or firefighters. TSA must enhance its image and communicate with the public in a way that builds mutual trust.

While TSA has already begun implementing image-building and communications initiatives such as "TSA Cares", it will be impossible for TSA to improve its image and public relations significantly if Government officials continue to use the agency as a source of political rhetoric. Although airport security measures are tedious to all, their goal is to keep Americans safe. Thus, TSA policies should be framed as serving the public good, instead of unnecessary, cumbersome red tape. Transportation security and the TSA need to be de-politicized if they are to evolve, yet this will not occur if short-term political points are consistently scored at the agency's expense. The TSA can grow into a respected, efficient, and effective institution, but only if supported, rather than undercut.

TSA also needs to communicate with and utilize travelers to a greater degree. Despite the perceived hassle of security measures, it is in everyone's best interest to promote aviation security. TSA should explore programs such as DHS' "If You See Something, Say Something" campaign, which capitalizes on the vigilance of the travelers themselves. Furthermore, passengers have shown themselves to be

proactive about their safety. For example, Dutch filmmaker Jasper Schuringa was the first to subdue Umar Farouk Abdulmutallab when he tried to light an explosive in his underwear. By educating travelers on what they can do for aviation safety, and then trusting them to do this, TSA can take advantage of thousands of watchful eyes.

Finally, TSA would benefit immensely from a greater degree of leadership continuity. TSA's challenging, and unfortunately highly politicalized, mission demands leadership that transcends the political cycle. The administrator position should be afforded a greater degree of continuity, perhaps treating it similar to the director of the Federal Bureau of Investigation, which has a set 10-year term. Since its inception TSA has had five administrators, with some serving less than a year. No matter their skills as leaders or managers, no one can be expected to implement a charter such as TSA's in short, 1- or 2-year bursts. In contrast, since 9/11 the FBI has had one director, which has allowed the organization to alter its operations and structures to meet the evolving threat and to usher in some of the agency's most significant bureaucratic changes in its history. If the leadership of the TSA were kept in place for longer—spanning Presidential administrations—it would allow TSA to escape politics and the political cycle, increasing their ability to institute long-term plans and evolve into the organization we need it to be.

#### CONCLUSION

In conclusion, there are a variety of means by which we can meet the challenges transportation security, particularly aviation, faces. These include the implementation of risk-based security models, an emphasis on science and technology, and improvements in strategic communications.

However, I want to recognize that TSA is already on the right path toward finding innovative ways to meet these challenges and Administrator Pistole should be commended for his leadership. Many of the suggestions I have made today are already being considered or implemented by the TSA. Though the TSA is still working to address the challenges born out of its creation, it does not need increased regulation. Instead, to continue to innovate and evolve the TSA needs the support of Congress and the American people. Thank you.

Mr. ROGERS. Thank you, Mr. Nelson. That was some very intriguing thoughts.

Our next witness, Mr. Tom Blank, currently serves as executive vice president at the Gephardt group.

In 2006, Mr. Blank served as the TSA as the acting deputy administrator where he oversaw relationship-building with aviation stakeholders during a series of major changes following 9/11.

Mr. Blank created the first ever Office of Transportation Security Policy and was later tasked as TSA's chief support systems officer in charge of technology development, Nation-wide deployment of Federal screener force, and the agency-wide reform in its acquisition function.

The Chairman now recognizes Mr. Blank for 5 minutes to summarize his testimony.

#### **STATEMENT OF TOM BLANK, EXECUTIVE VICE PRESIDENT, GEPHARDT GOVERNMENT AFFAIRS**

Mr. BLANK. Chairman Rogers and Members of the subcommittee, thank you for the invitation to appear here today.

As a former TSA senior executive, I can attest to the commitment of the agency's men and women who do their utmost 24/7 to keep Americans secure and all modes of transportation functions freely.

As this subcommittee weighs the future of TSA, it is important that you consider steps that will support TSA in enhancing its consistency, credibility, and currency.

First, consistency in management, organization, and leadership.

In the years following TSA's creation with the signing of the Aviation and Transportation Security Act in November 2001, the Congress has acted to change a range of the act's original provisions.

ATSA created the post of under secretary for transportation security as the third-ranking position in the U.S. Department of Transportation hierarchy and accorded the post the same executive rank as the DOT Deputy Secretary. Most importantly, ATSA created the post with a stated term of 5 years.

Over the intervening years, the 5-year term provision was removed and the executive rank of the TSA administrator was reduced.

I submit that, at the least, the 5-year term stipulation be reinstated because it will help assure leadership consistency and non-partisanship over the long term. It will help make management of the agency more predictable and permit the overall organization to focus more intently on mission execution.

Since TSA was created nearly 11 years ago, there have been six TSA administrators, including one long-term acting leader, and the same number of deputy administrators, including my brief acting tenure and the most current appointee who just assumed his post.

With changes at the top usually come a re-wiring of the organization chart and a reallocation of responsibilities. From consistency in leadership would come broad policy and operational buy-in by Government and private-sector stakeholders. Such buy-in from stakeholders remains critical to TSA's homeland security mission success. This 5-year term provision mirrors that for the FAA administrator for many of the same reasons. Second, credibility by taking steps to reduce adverse aviation passenger experiences at the checkpoint. A potential path to achieving this credibility is the empowerment of the TSA's workforce of checkpoint supervisors to intervene in screening processes and to diffuse those situations that often intrigue the news media.

TSA does have more than 3,000 management personnel designated as checkpoint supervisors present at most checkpoints in the Nation's largest airports. These personnel should be authorized to intervene in "special situations" involving unnecessary scrutiny of children and elderly travel and elderly travelers and to pass them through.

In a recent appearance before this subcommittee, TSA Administrator Pistole acknowledged that this approach had merit and noted that the agency is moving to provide the necessary training to the 3,000 checkpoint supervisors.

Third, currency, by having the most advanced security technology capability possible at all times.

Having the most advanced security technology to help ensure the agency stays ahead of the terrorist threat will require the Congress to provide TSA with innovative financing authority and to facilitate the use of independent third-party testing to more effectively and cost-efficiently bring technologies to use by the agency.

The subcommittee should give due consideration to the concept of a voluntary multi-billion dollar tax credit bond program under which airports would issue debt to pay for security equipment and the necessary infrastructure to support TSA operations.



I would suggest that this is spending that is not avoidable and such an approach may support efficiency and more common-sense planning. It is also private-sector dollars what would be leveraged by Federal action.

For instance, TSA is required by ATSA to screen checked baggage using Explosives Detection Systems; an advanced X-ray technology. Across the system this equipment is now headed toward the end of its useful life and will soon have to be replaced. Despite TSA's best efforts, that will be a budget-buster if it all needs replaced within a short time frame which could easily happen.

The subcommittee has heard testimony about TSA's Risk-Based Screening program. RBS is supported by new and emerging technology. The full benefits of RBS will not be realized as swiftly as everyone might like if the TSA is left to advocate year over year for budget resources to support it.

Once again, I greatly appreciate the opportunity to share my thoughts about future changes that will support TSA becoming widely known for consistency, creditability, and currency.

I would be pleased to answer any questions.

[The prepared statement of Mr. Blank follows:]

PREPARED STATEMENT OF TOM BLANK

JULY 10, 2012

Good afternoon. First, let me extend my appreciation to you, Chairman Rogers, and to Ranking Member Jackson Lee for the invitation to appear before you today. The work the subcommittee is doing by conducting a series of hearings on critical issues confronting the U.S. Transportation Security Administration (TSA) will support improvements in efficient and effective operations and an enhanced understanding among all stakeholders of the significant challenges the TSA confronts each and every day. As a former TSA senior executive, I can attest to the commitment of the agency's men and women who do their utmost 24/7 to keep Americans secure and all modes of transportation functioning freely. To serve at TSA following the horrific attacks of 9/11/01 remains, for me, a high honor, and my testimony today is delivered in the spirit of a continuing devotion to TSA's mission and to those who serve there.

As this subcommittee weighs the future of TSA, it is important that you consider steps that will support TSA in enhancing its consistency, credibility, and currency. I do not mean to suggest that TSA lacks these attributes, but there are changes that would help the agency operate more efficiently and effectively, reduce criticism of the TSA, and allow the agency to be recognized for the invaluable contribution to homeland security that it makes every day.

First, consistency—in management, organization, and leadership.

In the years following TSA's creation with the signing of the Aviation and Transportation Security Act (ATSA) on November 18, 2001, the Congress has acted to change a range of the Act's original provisions. It is now time to review certain of these original provisions and ask whether or not they should be restored going forward.

ATSA created the post of under secretary for transportation security as the third-ranking position in the United States. Department of Transportation hierarchy and accorded the post the same executive rank as the DOT deputy secretary. Most importantly, ATSA created the post with a stated term of 5 years.

Over the intervening years, the 5-year term provision was removed and the executive rank of the TSA administrator was reduced. This was done following the creation of the Department of Homeland Security so that TSA would fit into an organizational structure that has since been abolished.

I submit that, at the least, the 5-year term stipulation be reinstated because it will help assure leadership consistency and non-partisanship over the long term. It will help make management of the agency more predictable and permit the overall organization to focus more intently on mission execution and efficient use of resources.

Since TSA was created nearly 11 years ago, there have been six TSA administrators, including one long-term acting leader, and the same number of deputy administrators, including my brief acting tenure and the most current appointee who just assumed his post. The turnover in other TSA senior leadership positions is much the same story, often driven by the changes at the top.

With changes at the top usually come a re-wiring of the organization chart and a reallocation of responsibilities.

I suggest the ATSA provision for a 5-year term for the TSA administrator was intended to support long-term consistency in leadership, management, and to assure organizational stability. From consistency in leadership would come broad policy and operational buy-in by Government and private-sector stakeholders. Such buy-in from stakeholders remains critical to TSA's homeland security mission success. This 5-year term provision mirrors that for the FAA administrator for many of the same reasons.

Related to the provision for a 5-year term is the original executive rank of the TSA administrator. If the post retained the same rank ATSA accorded it, the TSA administrator would be an official of near-equal status as the DHS deputy secretary. It may seem like a small matter—the designation of a Federal post on the OPM Executive Schedule. But the complexity and global visibility of the TSA administrator position is such that, in fact, rank does matter in dealing with agency counterparts across the Executive Branch and in working with international partners. ATSA accorded a very senior rank to the TSA administrator position in recognition that the agency would require the ability to be flexible, swift, and responsive without having to engage in cumbersome departmental or intergovernmental bureaucratic deliberations over certain policy and resource allocation matters.

Second, credibility—by taking steps to reduce adverse aviation passenger experiences at the checkpoint.

If TSA can significantly reduce adverse experiences, the agency's overall credibility as a bulwark of post-9/11 homeland security will go up markedly. A potential path to achieving this credibility is the empowerment of the TSA's workforce of checkpoint supervisors to intervene in screening processes and to diffuse those situations that often intrigue the news media for days on end when they represent only a rare exception to the experience of 2 million passengers each day. To be sure, TSA cannot permit individual line officers to set aside security procedures as they see fit. However, TSA does have more than 3,000 management personnel designated as checkpoint supervisors present at most checkpoints in the Nation's largest airports. These personnel should be authorized to intervene in "special situations" involving unnecessary scrutiny of children and elderly travelers and to pass them through.

While TSA is making changes to procedures aimed at reducing adverse passenger experiences by procedural adjustments, the experienced front-line checkpoint supervisors can get TSA out of the headlines expeditiously thus elevating overall agency credibility. In a recent appearance before this subcommittee, TSA Administrator Pistole acknowledged that this approach had merit and noted that the agency is moving to provide the necessary training to the 3,000 checkpoint supervisors. This should occur on an expedited basis.

Third, currency—by having the most advanced security technology capability possible at all times.

Having the most advanced security technology to help ensure the agency stays ahead of the terrorist threat will require the Congress to provide TSA with innovative financing authority and to facilitate the use of independent third-party testing to more effectively and cost-efficiently bring technologies to use by the agency.

Innovative financing authority has been discussed and the subcommittee has heard testimony on this topic previously. Further, the Essential Technology Taskforce Report presented to Secretary Chertoff in 2008 outlined several approaches. I would suggest that the subcommittee give due consideration to the concept of a voluntary multi-billion dollar tax credit bond program under which airports would issue debt to pay for security equipment and the necessary infrastructure to support TSA operations.

This approach has not gained strong support in these lean budget times given that the tax credits would show up as an increase in spending under Congressional Budget Office rules. However, I would suggest that this is spending that is not avoidable and such an approach may support efficiency and more common-sense planning. It is also private-sector dollars what would be leveraged by Federal action.

For instance, TSA is required by ATSA to screen checked baggage using Explosives Detection Systems; an advanced X-ray technology. Across the system this equipment is now headed toward the end of its useful life and will soon have to be replaced. Despite TSA's best efforts, that will be a budget-buster if it all needs replaced within a short time frame which could easily happen. As it is, the agency

is not moving toward replacement in the most efficient way since long-term infrastructure approaches, in many instances, are being put on hold.

Further, those of us who have been engaged in the budgeting process for a Federal agency know that winning approval for capital equipment expenditures is never easy outside of an emergency. If TSA had innovative financing authority the agency could develop a strategy to keep its technology completely current.

The same holds true for passenger checkpoint technologies as the current generation of X-ray and personnel scanners ages and better, faster versions become available.

Concerning independent, third-party testing of security technologies, TSA can better leverage its limited resources to more quickly facilitate the development and testing of technologies to TSA standards in preparation for final certification and deployment by the agency.

With third-party testing, vendors can proceed more expeditiously to develop and test the technologies that TSA requires; better leveraging their limited resources and expediting development. TSA benefits from more rapid and efficient development of technologies and enhances its credibility by being able to point to the independent testing.

From a budget standpoint, again recognizing the continued budget constraints our Government must operate under and the need to show the taxpaying public we are providing them with their "money's worth," independent, third-party testing should depend primarily on reallocation of existing resources, and in some case will rely on private or other-than-Government funding.

The subcommittee has heard testimony about TSA's Risk-Based Screening program. RBS is supported by new and emerging technology. The full benefits of RBS will not be realized as swiftly as everyone might like if the TSA is left to advocate year over year for budget resources to support it. In addition, with innovative financing authority and independent, third-party testing will come the best possible leverage of dollars to be invested in the technology required to keep our security regime robust and ahead of the terrorist threat.

So, assurance that TSA's full suite of security technologies is maintained as current is the third future need I suggest the subcommittee consider.

Chairman Rogers and Ranking Member Jackson Lee, once again, I greatly appreciate the opportunity to share my thoughts about future changes that will support TSA becoming widely known for consistency, credibility, and currency.

I would be pleased to answer any questions the Chairman, Ranking Member or other Members of the subcommittee may have.

Mr. ROGERS. Thank you, Mr. Blank.

Which equipment did you talk about being at the end of its life expectancy and would be a budget-buster?

Mr. BLANK. The baggage screening equipment—

Mr. ROGERS. Okay.

Mr. BLANK [continuing]. And explosive detection systems.

Mr. ROGERS. All right.

Now I know that a couple of major airports I recently toured, they are in the process of replacing that now. Are you saying that there is a problem across the spectrum of airports?

Mr. BLANK. It is not across the spectrum. Some of the largest airports are being taken care of. TSA is not completely without a plan.

But when we look at 450 airports—

Mr. ROGERS. Okay.

Mr. BLANK. We don't even have EDS at all 450 airports—

Mr. ROGERS. Okay.

Mr. BLANK [continuing]. Today.

Mr. ROGERS. All right. You shook me up there for a minute.

All right. We have saved the best for last. No pressure. Our final witness is Ms. Colby Alonso, who currently serves as a flight attendant with US Airways and who will be testifying on behalf of the Association of Flight Attendants and Communication Workers of America.

The AFA represents nearly 60,000 flight attendants employed by 21 different airlines. It is the world's largest flight attendant union.

Ms. Alonso also has 16 years of experience as a flight attendant. In May, Ms. Alonso was working on US Airways Flight 787 from Paris to Charlotte when she responded to a woman's claim that she had a device implanted inside her. Thankfully, the claim turned out to be false.

The Chairman now recognizes Ms. Alonso for 5 minutes to summarize her opening statement.

**STATEMENT OF COLBY ALONSO, ASSOCIATION OF FLIGHT ATTENDANTS**

Ms. ALONSO. Thank you, Chairman Rogers, and Members of the committee for allowing me to speak on our perspectives regarding the future of transportation security.

As you said, I am a member of the Association of Flight Attendants, which represents 60,000 flight attendants at 21 different airlines and is the world's largest flight attendant union.

As FAA-certified safety professionals, flight attendants are required to be on-board commercial aircraft to fight fires, to provide first aid, to handle emergency situations, and to command evacuations when necessary.

Our responsibilities for ensuring the security of passengers on the aircraft and protecting the flight deck and cabin from an attack are vast and make us an integral part of security.

As a 16-year flight attendant, I take pride in my role as an on-board aviation safety and security professional. I appreciate the opportunity to recount my experience from May 22, 2012, as a front-line first responder.

On that day I was working as the French translator on US Airways Flight 787 from Paris to Charlotte, North Carolina. Following our initial in-flight service, a female passenger called me to her seat and handed me a note written in French for the captain.

Since the captain did not speak French, I asked the passenger if I could read it. The note stated she had been surgically implanted with a device that was out of her control.

I reconfirmed my understanding of the note was correct. I asked her if she thought the device would solely harm her or if it could possibly harm others or the aircraft.

She didn't know and could not confirm it wouldn't.

I proceeded to the forward galley with the note, her boarding pass, and passport. I briefly explained the situation to the cabin service director then entered the cockpit to brief the captain.

The captain suggested I make an announcement seeking medical assistance for a passenger in need. It took two announcements before any doctors responded. I requested their help and discretion.

We escorted the female passenger to the back galley and requested her permission for the doctors to examine her. Their joint assessment was that there was nothing visible or tangible to indicate she posed any threat.

I relayed this information to the captain. It was decided that out of caution we would divert to Bangor, Maine. Instructions were given to restrain the passenger, which she willingly allowed.

Once on the ground in Bangor, Federal officers came on board and removed the passenger, after which the captain explained the real circumstances of our diversion to the passengers.

The FBI then came on and took my statement, the original note, and my rough translation.

Our flight eventually continued on to Charlotte. Fortunately, the threat we encountered did not end tragically and was addressed the best we could, given our limited resources and the operational environment.

I am required to attend recurrent training at my airline yearly in order to remain qualified. This training includes a security module that gave me a foundation to respond to the threat I encountered that day.

But I also believe there are many improvements that should be made in order to be better prepared in the future.

When I was hired, my initial security training was based on a 1970s hijacking scenario of a dissident who wanted to go to Cuba. The old strategy emphasized a negotiated resolution.

Today's security training requirements, known as Common Strategy II, were created after the events of 2001 to respond to the ever-present aggressive threat defensively.

It has been more than 10 years since the change to Common Strategy II. It is time for an independent panel to review flight attendant security training.

Otherwise, we run the risk of again stagnating our approach to security training, as we did in the years prior to 9/11. Flight attendant self-defense training is essential to a comprehensive counterterrorism strategy.

The TSA offers a voluntary 1-day crewmember self-defense training course. I took the course on a day off in Charlotte on my own time and at my own expense.

AFA has long called for making the concepts of this voluntary self-defense training mandatory. Flight attendants are not asking to become martial arts experts but our level of preparedness is inconsistent.

Additionally, AFA has also pressed for alternative screening for flight attendants. As a flight attendant, I am subject to the same level of screening and background checks as pilots, with the exception of those pilots participating in the FFDO program.

Our advocacy on alternative screening methods is all the more important and relevant as TSA moves to implement risk-based passenger security screening.

Alternative screening initiatives for frequent travelers as well as for active-duty service members should not be further expanded while the inclusion of flight attendants into the known crewmember program still has no concrete dates or milestones set.

Lastly, regarding Flight 787, the only way for me to relay information from the doctors to our ground support accurately was through entering the flight deck and using the pilot headset.

AFA supports the development of discreet, secure, hands-free wireless communication systems. The hands-free concept will allow crewmembers under general emergency and security threat conditions the ability to communicate from anywhere in the aircraft at any time, under any circumstance.

AFA recommends a robust, layered security approach that includes intensive self-defense modules into crewmember security training, a risk-based approach to security screening that incorporates flight attendants into known crewmember, and the institution of discreet, portable wireless communication devices for improved and safer two-way communications.

Chairman Rogers and Ranking Member Jackson Lee, thank you for allowing me to talk about being a first responder and the last line of defense in the aircraft cabin.

I will be happy to answer any questions. Thank you.

[The prepared statement of Ms. Alonso follows:]

PREPARED STATEMENT OF COLBY ALONSO

JULY 10, 2012

Thank you Chairman Rogers and Ranking Member Jackson Lee and Members of the committee for holding this hearing and allowing me to speak on our perspectives on the future of transportation security. My name is Colby Alonso and I am a 16-year flight attendant and a member of the Association of Flight Attendants—Communication Workers of America (AFA). AFA represents nearly 60,000 flight attendants at 21 different airlines and is the world's largest flight attendant union. We appreciate having the opportunity to testify at today's hearing on "Challenging the Status Quo at TSA: Perspectives on the Future of Transportation Security."

A flight attendant's duty as a first responder in the aircraft cabin is to ensure the safety, health, and security of passengers. We receive training in fire fighting, first aid, aircraft evacuation, and emergency procedures. Following the 9/11 attacks, flight attendants have been assigned increased responsibilities for ensuring the security of passengers on the aircraft and for protecting the flight deck and cabin from an attack.

This key role in security gives flight attendants an important perspective on the roles and responsibilities of the Transportation Security Administration (TSA) and other agencies that regulate U.S. homeland security. We are pleased to have an opportunity today to share AFA's recommendations on some improvements that can be made to the U.S. aviation security and to express our continued strong support for a Federalized TSA workforce, expedited screening for all airline crewmembers, self-defense training for flight attendants, and to propose the acquisition and deployment of equipment that will assist in responding to emerging security threats.

I take pride in my role as an on-board aviation safety and security professional. I appreciate the opportunity to share with you my experience of May 22, 2012 as a front-line first responder. I was working as the French Language of Destination/Origin (LOD/O) translator on US Airways flight 787 from Paris, France to Charlotte, North Carolina.

As the LOD/O I was at the boarding door during the passenger boarding process, during which time I noticed nothing out of the ordinary. Our flight boarded and departed as normal. However, following our initial in-flight service, things began to change. A female passenger called me to her seat and handed me a note, written in French, and asked me to deliver it to the Captain.

Since the Captain did not speak French I asked her if I could read it. She said yes. The summary of statements from the note were as follows: She was coming to the United States to ask for assistance in saving her life. The note claimed said she had been used as a guinea pig by doctors for the past 10 years, and that she had undergone surgery against her will. She believed that she had been surgically implanted with a device that was out of her control. She said she was afraid to return to France and afraid for her safety because of things she had written.

After I had read the letter and reviewed the details with her, I reconfirmed that my translation was a reflection of her thoughts. I asked her if she thought the device would only harm her or if it could harm others or the aircraft. She apologized and appeared to be remorseful and scared and said she didn't know and could not confirm it wouldn't.

I went to the forward galley with the note and briefly explained to the "A" flight attendant the circumstances of the situation and then went into the cockpit to brief the Captain. I had taken a copy of her writings, boarding pass, and passport with me.

The captain's recommendation was to make an announcement requesting doctors on board because a passenger needed medical care. It took two announcements before one person in coach and one in first class rang their call buttons. I asked them to come to the forward galley and explained the situation quietly to them. I requested their help and discretion. I asked the female passenger to come to the back galley. She did and I interpreted for the doctors asking her permission to examine her. She agreed and showed them multiple scars where she believed incisions were made. They palpated those areas looking for protrusions or abnormalities.

The doctors then gave me their thoughts. They both agreed that given her weight and build they would be able to see and feel if something was implanted. They also believed the scars looked more like ones resulting from an accident and not from a recent surgery. Their joint assessment was that there was nothing visible or tangible to indicate she posed any threat. I relayed this information to the Captain.

It was decided that out of caution we would divert to Bangor, Maine. At the Captain's request I asked the passenger if she would come to the back of the aircraft with me again and she agreed. We escorted her and her belongings to the rear of the aircraft. I was given instructions to restrain the passenger; which she willingly allowed. At the same time we had someone sit in the same row with her on the inboard seat to block her egress to the aisle.

Once on the ground in Bangor immigration/customs officers came on and removed her via the aft left aircraft stairs. They took all her belongings with them. Once she was removed, the captain came on the PA system and explained the real circumstances to the passengers. The FBI came on and took my statement, the original note, and my rough translation.

Our flight eventually continued on to Charlotte where our crew was met by our airline base managers, chief pilot, and corporate security where we were debriefed and gave our statements. Representatives from AFA's Employee Assistance Program (EAP) were also available to support us as needed. We addressed the situation that day the best we could given our limited resources in the operational environment. Fortunately, the threat we encountered did not involve a terrorist; if it had it would have probably ended tragically.

Shortly after the 9/11 attacks AFA called upon Congress to implement many changes, some of which we continue to work toward today. I would now like to elaborate on several of AFA's security recommendations that I believe will help our industry continue to move forward and remain vigilant in pursuit of a safer and more secure aviation industry.

Every 12 months I am required to attend "recurrent" training at my airline to remain qualified to perform my safety, health, and security duties on-board the aircraft. Part of that recurrent training includes a security module. I believe my training gave me sufficient resources to respond to the limited, fortunately non-serious threat encountered that day. I should note that my carrier's training program meets today's regulatory requirements.

The current "Common Strategy II" training requirements were created after the events of 2001 to replace the outdated 1970's scenario of a dissident hijacker who wanted to go to Cuba. The old strategy emphasized a negotiated resolution. Flight attendants were unprepared to deal with the September 11 attacks, primarily because flight attendant training had stagnated. AFA had been and continues to be a consistent advocate for improving flight attendant training. AFA participated in the writing of the Common Strategy II guidance to update and improve flight attendant security training requirements in response to the 9/11 threat. The goal was to ensure crewmembers had the information, skills, and tools necessary to respond to a new form of security threat.

Now more than 10 years since the inception of Common Strategy II, AFA recommends that flight attendant security training be reviewed and updated to ensure that training programs and procedures ensure appropriate, efficient, and effective responses to current and emerging threats. Otherwise, we run the risk of again stagnating with our approach to security training as we did in the years before 9/11. We need a robust system that can counter current and emerging threats, and ensure that we have the best possible security system in place. AFA's recommendations for an efficient, robust, layered security approach incorporates intensive modules on self-defense and situational awareness into crewmember security training, implements a Known Crewmember system as part of a risk-based approach to security screening, and utilizes discreet, portable wireless communication devices for two-way communications between cabin and flight deck personnel.

Flight attendant self-defense training is an essential component of a comprehensive counterterrorism strategy. Today basic security training provided by air carriers includes actual hands-on self-defense training that varies from 5 minutes to

30 minutes. This training module is developed and provided by the air carrier themselves, and is in compliance with existing requirements.

Despite repeated requests by AFA and others for updated training that includes basic self-defense maneuvers to allow flight attendants to defend themselves against a terrorist attack, we still do not receive mandatory training about how to effectively recognize suspect terrorist behavior and how to defend ourselves and others against terrorist attacks aboard the aircraft. We are not asking for flight attendants to be certified black belt martial arts experts. We are asking for flight attendants to be provided with the appropriate and effective training that is required to perform our duties as first responders and the last line of defense for the flight deck.

There is alternate self-defense training developed by TSA called Crew Member Self-Defense Training (CMSDT). This is a voluntary 1-day (6- to 8-hour) course conducted throughout the year at various locations around the country such as community colleges and focuses on hands-on self-defense training. I voluntarily took the course. It was done on my day off in Charlotte, NC. I was not paid nor did I receive any financial assistance to attend. I thought the training was a good start. Every year at recurrent training when our instructors ask if anyone has taken this class I enthusiastically raise my hand. AFA has long called for making the concepts of this voluntary self-defense training mandatory.

For more than 5 years AFA has also pressed for alternative screening for Flight Attendants that accurately reflects our credentials as pre-screened safety professionals. Our advocacy on alternative screening methods is all the more important and relevant as the TSA moves to implement risk-based passenger security screening.

Flight attendants are subject to the same level of screening and background checks as pilots, with the exception of those pilots participating in the FFDO program. As my testimony today reflects, flight attendants are an integral part of the crew and the purpose of our jobs is to ensure in-flight safety and security. As a flight crewmember I have access to the cockpit and sometimes my presence in the cockpit is required. Unfortunately, flight attendants are still not included in the same alternative screening as pilots. TSA has stated that a similar screening process is contemplated for flight attendants, but concrete dates or milestones have yet to be announced.

While TSA continues to consider when to include flight attendants in the Known Crewmember (KCM) Program, the agency has announced that pilots from additional airlines will be included, and that other alternative screening initiatives for frequent travelers and active-duty service members are being developed. AFA supports risk-based screening initiatives designed to make the screening process more efficient without sacrificing security. Flight attendants should be recognized for the security and safety our presence ensures, and should therefore participate in alternative screening. To support security program efficiency and traveler convenience, TSA should move quickly to include all crewmembers in KCM.

Flight attendants have access to the flight deck and are subject to the same 10-year background checks as pilots. Like pilots, we carry a certificate issued by the Federal Aviation Administration. We encourage this committee to request a report from TSA establishing milestones for including flight attendants in an expedited, alternate screening program as mandated for all crewmembers by the 9/11 Commission Act. Other stakeholders agree, as both ALPA and A4A have requested that the TSA expand the program to include flight attendants.

We are disappointed with the slow implementation of flight attendants into KCM. The time is now to rectify the situation. Passengers are being invited to opt-in to expedited security screening programs simply because they log a certain number of miles on U.S. carriers. The Nation's certified flight attendants, serving as the last line of defense for commercial aviation security, surely meet the requirements of the Known Crewmember Program.

Finally, since the aircraft we were flying that day was an older Boeing 767, the only way to communicate during the event to the authorities was through the flight deck headset. When I was recounting the information from the doctors about the exam to our ground support group I had to use the headset in the flight deck.

AFA has supported the development of discreet, secure, hands-free, wireless communications systems, as authorized by the Homeland Security Act of 2002, as one means to prevent a potentially catastrophic security breach by terrorists. The device will allow all crewmembers the ability to communicate from anywhere in the aircraft at any time under any circumstance. Each personal device must have capability for encrypted, bidirectional communications to allow plain language communications during crisis situations; this will ensure security and reduce confusion.

Security of the system is further ensured through use of dedicated hardware components that are accessible only to authorized personnel such as crewmembers and,



potentially, any active law enforcement officers who may have presented credentials to the crew prior to the flight. The hands-free concept will allow crewmembers under both general emergency (e.g., medical crises, emergency evacuations) and security threat conditions to use their hands to protect themselves, the cockpit, other crewmembers, passengers, and the aircraft while continuing to coordinate and communicate with the cockpit, the ground, and the rest of the crew.

Before I end I would like to comment in support of TSA Administrator Pistole's efforts to limit privatization of security services at additional airports. AFA opposes any measures that would require the TSA administrator to allow more privatization. There are many advantages to a Federalized screening workforce. Federalized airport screening has been a success and has improved the security of air travel. A Federalized workforce provides stability throughout our Nation's airports by providing a multi-layered aviation security system from the time a passenger buys a ticket to the time a passenger exits the airport.

When our members encounter discrepancies, a Federalized workforce allows us an efficient means to resolve discrepancies through a central organization versus trying to determine which screening company works in which airport and then searching for the appropriate contact person. A Federal screening workforce also ensures that TSA can adapt quickly to emerging threats and allows greater flexibility to transfer personnel from one location to another in times of emergency or crisis. In a study earlier this year conducted by TSA and examined by the Government Accountability Office (GAO), it is estimated that the cost to TSA of contracted screening is generally between 3 and 9 percent more than the cost of Federal screening. Thus, Federalized screeners actually cost the taxpayer less than private screeners.

In conclusion, flight attendants are first responders and since 9/11 we have also taken on the role as the last line of defense for commercial aviation security. Flight attendants routinely identify and manage threat levels, use our training to de-escalate threats, and provide direction to passengers willing to assist in restraining assailants. We are charged with protecting the cockpit at all costs, including the loss of our own lives. Security doesn't just happen; over 100,000 flight attendants working in the U.S. aviation system ensure that our skies are safe.

Chairman Rogers and Ranking Member Jackson Lee, thank you for allowing me to talk about being a front-line employee and the last line of defense in the aircraft cabin. As my testimony proves flight attendants are trained to perform their jobs and handle any circumstances that may arise. There is still much work to be done. There needs to be an independent panel of subject matter experts commissioned by Congress to evaluate the efficacy of security training to ensure we have the training and tools that meet the changing threats. And, as a safety professional, who's demonstrated that my duties should entitle me to the same screening process as my flight deck flying partners it is way past time to allow flight attendants to participate in the Known Crewmember screening program.

Thank you.

Mr. ROGERS. Thank you for that and for your service.

I will start with my set of questions for the first 5 minutes.

I have to admit I am impressed by the broad array of perspectives that we have seen in your opening statements and your suggestions and observations. I find it intriguing.

I think everybody has pretty much acknowledged that TSA's got, at a minimum, some perception problems and more accurately, some organizational problems that need to be addressed.

If you are familiar with what we have been doing recently in a recent hearing I talked about, as did our witnesses, about the bloated size that we are starting to see in TSA and how that is hindering its public image.

One of the things that I have heard consistently from the public is their complaint about the large number of people who seem to be not doing anything and along with their frustrations about the process they are having to go through for security.

In my last testimony and there is reason for this, over my tenure as Chairman of this committee, it has been my assessment that we have got about one-third of the TSA that could be reduced, as far

as personnel size, and still do the job as efficiently, if not more efficiently and effectively than current.

I know that is nothing magic about that. But I would like to frame the question this way: Would you agree that the TSA is bloated in its personnel structure or size, whether that bloat is 10 percent too many or 40 percent, somewhere within that spectrum would you agree that there is excess that we can afford to trim as a part of our effort to reform and reorganize the TSA? As a yes or no question, let us start with Dr. Bloom.

Mr. BLOOM. I do agree. Just two basic points about that, if I could?

Mr. ROGERS. Well, I want to come back to that.

Mr. BLOOM. Okay.

Mr. ROGERS. I will. I promise.

But Mr. Poole.

Mr. POOLE. I agree certainly, as far as the screening workforce is concerned.

Mr. ROGERS. Right. That is what I am talking about. That is all I am talking about.

Mr. NELSON. "Ozzie?"

Mr. NELSON. No.

Mr. ROGERS. All right.

Mr. Blank.

Mr. BLANK. I agree.

Mr. ROGERS. Yes. Ms. Alonso.

Ms. ALONSO. I would have to defer to AFA International. I don't have the expertise to answer that question.

Mr. ROGERS. Okay.

Mr. Bloom, let us go back to you. I want to hear your two points.

Mr. BLOOM. Well, first of all, there is nothing magical about aviation or transportation. From a terrorist perspective, you have an infinite amount of targets. You are trying to symbolically communicate something through killing people, damaging things, or threatening to.

Whether you use an airport, an aircraft, another transportation modality or whatever, the world is your oyster.

Mr. ROGERS. Well, I am gonna go down that pig trail with you in a few minutes on my next series of questions. So I would ask you this then and I would ask you to keep your response to about 10 seconds or so because my time is gonna run out.

If you were king for a day—and I have heard of what Mr. Nelson and Mr. Blank have already said, but if you were king for a day, what is the one thing you would change immediately about TSA? Ten seconds.

Mr. BLOOM. I would take maybe 20 to 30 percent of the resources and put it into intelligence collection analysis and then use that to apprehend and detain and neutralize more adversaries of the U.S. Government.

Mr. ROGERS. Excellent.

Mr. Poole.

Mr. POOLE. I would devolve screening responsibility to the airport level and remove TSA from delivering service as opposed to regulating,

Mr. ROGERS. Excellent.

Mr. Nelson.

Mr. NELSON. Make a term limit for the administrator of 5 or 10 years.

Mr. ROGERS. That is a good idea. Mr. Blank, I think agrees with you on that.

Mr. BLANK. I do. I do agree. My change would be to empower those checkpoint supervisors to get rid of the mistakes at the checkpoint as much as possible.

Mr. ROGERS. Ms. Alonso.

Oh, I am sorry. Go back to Mr. Blank. She wanted to hear what you said again.

Mr. BLANK. In my testimony I suggested that the checkpoint supervisors, 3,000 personnel at major checkpoints, be empowered to intervene in the screening process as necessary to avoid some of the problems of the treatment of elderly, young people, and other special populations.

Mr. ROGERS. Yes. We have had that from previous witnesses in previous hearings.

Ms. Alonso.

Ms. ALONSO. I would immediately add the flight attendant complement to the Known Crewmember program in order to expedite clearance through security.

Mr. ROGERS. Great.

Mr. Poole, this will be my last question before my time expires. But you made an observation that you just now restated again about—in your opening statement you said that you would like to see TSA approve a group or pool, no pun intended, of contractors who could do the private screening.

That once they were approved, the airports on their own could then contract with anybody who was in that group of people. Tell me more about how that would work.

Mr. POOLE. The way that would work, it would be like all of the other competitive contracting that is out there at Federal, State, and local level. The direct party involved would choose among the pre-qualified set of suppliers—

Mr. ROGERS. Would the contract amount or set of parameters be included in that pre-approved deal?

Mr. POOLE. Depends how much responsibility is devolved but ideally, yes. If it was true performance contracting then the companies would submit proposals that might differ in price, differ in the procedures that they would use.

They would have to use TSA-approved equipment, technology, but they could put it together in possibly different ways. They might also use the people in somewhat different—

Mr. ROGERS. My time has expired but I want to come back to that in my next set of questions. I want to pick that topic back up because I really think that is intriguing.

The Chairman now recognizes the Ranking Member for her opening set of questions.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. Again, Ms. Alonso, let me thank you for your service. You are aware of the legislation that I have had, I hope, trying to increase the training—security training of flight attendants.

Ms. ALONSO. Yes, madam.

Ms. JACKSON LEE. Do you all support that?

Ms. ALONSO. Yes, we do.

Ms. JACKSON LEE. Legislation that would make it a requirement because I want to thank you, and I should thank all the flight attendants who have voluntarily gone to training. But what you are suggesting is that we need to ramp up the training for first responders, flight attendants. Is that not correct?

Ms. ALONSO. That is correct.

Ms. JACKSON LEE. Would it be more helpful if that was required training and periodical training for flight attendants that the airlines would provide?

Ms. ALONSO. Absolutely. The reason there is a need for it is because we have to develop cognitive recognition of terrorist acts based on previous attempts. The current counterterrorism intelligence is not reinforced enough to maintain a basic level that is consistent across the board for flight attendants to address these issues.

Ms. JACKSON LEE. I think it is very important to make note of your intervention, even though you have already reported it by your statement, but what is important is that we are aware that this was a dangerous commentary that this particular passenger was saying. It generated great possibilities of danger, did it not?

Ms. ALONSO. Yes, madam.

Ms. JACKSON LEE. One could not rely upon whether there was a mental health issue. You had to take it seriously, and you did. Is that correct?

Ms. ALONSO. That is correct.

Ms. JACKSON LEE. Mr. Nelson, thank you. It looks as if you answered that the TSA is not too many. I appreciate what Mr. Blank said about giving supervisors authority to intervene. As I indicated, I welcome corrective measures.

Tell me, Mr. Nelson, how you would handle the present population of TSOs in terms of a futuristic view to training, to duty assignment, so that we have a full complement of individuals on the front lines securing the homeland?

Mr. NELSON. Thank you, Ranking Member, for that question. My perspective on saying no is—comes from my military background of trusting the person on the ground. That is Administrator Pistole, who I respect tremendously for his service in the FBI and now as the administrator. If he says that we need this many agents and screening officers, then I agree with that assessment.

Then what it becomes is how—your question. How do you train them appropriately? How do you get them to interact with the public? What we have created is a zero-failure construct. We have to create a career force. After 9/11, there were not a bunch of, you know, DHS Homeland Security officials sitting on the sideline.

We have only been creating that workforce for about 10 years now, and we have to continue to do that. Homeland Security training is very different than intelligence training, very different than DOD training. So even though these individuals may be from military or law enforcement backgrounds, that doesn't make them necessarily a great fit for what they are doing with TSA.

So we need to expand this program as far as training is concerned. We need to have rotations and promote by doing rotation

assignments and things of that nature and being creative about how we manage our personnel. I think that they are moving in that direction, but that is something that is going to take an investment.

Any time you take someone off the front line to go training or education, they are not doing their job. That is an investment we are going to have to make if we want that—the TSA to be the organization—the entity we want it to be.

Ms. JACKSON LEE. So Mr. Nelson, let me just say, professional development, developing a team that is professionally trained, using their previous experience but is professionally geared to the service of their responsibility, which in some instances is aviation.

I have been arguing for using these officers on our mass transit. That is obviously more difficult, but it certainly is important. Is that what you are saying today, developing that professional team that fits into the matrix that is needed to secure the homeland?

Mr. NELSON. Absolutely. Again, we look at the Homeland Security intelligence model as well. Just because it works at the CIA or works at DOD for intelligence doesn't mean it works at DHS. It is a very specific requirement. It requires a very specific background. It requires specific training. So it will leverage the skills that they already have, whether it be law enforcement, aviation, or military. But that training needs to be augmented for the DHS and the TSA's specific requirements. Absolutely.

Ms. JACKSON LEE. Dr. Bloom, why would—or Mr. Bloom, why would you quarrel with what I think are very insightful, instructive comments by Mr. Nelson? No. 1, I agree with the idea of term limiting the administrator. I think 10 years, I think 5 years would be completely undoable. But what—what evidence do you have that it is too large, other than to say that we need to make it more efficient and more professionally trained?

Mr. BLOOM. Well, by no means did I want to quarrel, but based on the public discussion we are having, in my opinion from a terrorist point of view with surveillance, reconnaissance, being able to find out the aspects of technology being used by Transportation Security Administration personnel, by finding out the typical security procedures, either deployed and employed, it is only a matter time between—before these can either be exploited or folks can go around them.

I don't think terrorists are impressed by organizational charts, by bureaucracies, by bureaucratic cultures. I think we have—by studying terrorism in the last 10, 20, 30 years, they take what they—what is in front of them. Anything that is a security procedure can be exploited or gone around, whether it is technology or human practice.

Ms. JACKSON LEE. My time has run. Mr. Bloom, I thank you for that, because you have helped clarify for me your comment, which I think ties closely into me, my perspective and Mr. Nelson, and even Ms. Alonso, which is that we must constantly alter the thinking, training, and strategy—strategic strategy because terrorists are constantly altering.

That has nothing to do with size of the organization, which I believe we should adhere to the administrator, in essence the “general.” But it does adhere to that we have to get more sophisticated

in not having charts and just having bureaucracy and leveraged individuals who have supervisor titles or other titles.

But we have to focus on making this an effective machine against the changing world of terrorism. On that, we have no disagreement. But I don't think we can call that a need for lessening the total population of those who are in the service. We need to use them in a more effective manner. So I thank you for your instructive testimony today. I yield back, Mr. Chairman.

Mr. ROGERS. I thank the gentlelady. The Chairman now recognizes Mr. Turner from New York for any questions he may have.

Mr. TURNER. Thank you, Mr. Chairman. I am not sure, was it you, Mr. Bloom, who talked about the baggage equipment screening? Its life-cycle is coming near an end.

Mr. BLANK. That was me, sir.

Mr. TURNER. I am sorry. If we have to replace all of this, I guess most of this was done in 2002.

Mr. BLANK. December 31, 2002, was the statutory deadline for installing it at commercial airports.

Mr. TURNER. Okay. Just because of the arcane way we book-keep here, we expense the entire item on the year that it is replaced. How big a number would this be?

Mr. BLANK. I don't have a precise number, but it would certainly be many billions of dollars.

Mr. TURNER. All right. Is there a mechanism for some flexibility in this going to third-party leasing over the life-cycle of the equipment, or—

Mr. BLANK. During my tenure at TSA and subsequently in discussions with equipment manufacturers, I have never seen anything, nor am I aware that the private sector has anything, a model, that would say leasing makes sense. I advocated for bonding authority to airports that it would make more sense to do that on an airport-by-airport basis.

Mr. TURNER. But is there—are you running into Government regulations, or—or just bureaucratic stonewall?

Mr. BLANK. What—it is very difficult for an agency to effectively advocate to the Congress for capital expenditures on equipment. They are more effective generally in advocating for expanded personnel—

Mr. TURNER. How true.

Mr. BLANK [continuing]. And usually the capital expenditures get put off until there is a real emergency, and then they will come up to Capitol Hill and say, "We have no choice but to do this." What I am advocating for is a better planning, more efficient, common-sense approach to how we invest our capital dollars.

Mr. TURNER. All right. But in view of the size of the 1-year expenditures, and they are all terminating at about the same time, is there really a practical way to do this outside of third-party leasing?

Mr. BLANK. Well, let me—let me clarify. TSA does have a plan and is executing a plan bit-by-bit, year over—year over year. What I am questioning is, are they going to get there fast enough under their current plan or are we going to have equipment that is out there and that is just not useable before the rate of replacement catches up with the need?

Mr. TURNER. Thank you. I yield back.

Mr. ROGERS. I thank the gentleman. The Chairman now recognizes the—my friend and colleague from Minnesota, Mr. Cravaack, for 5 minutes.

Mr. CRAVAACK. Thank you, Mr. Chairman. Thank you for your panel. I appreciate that. You flew the 860? You are a JSOC.

Mr. NELSON. I was.

Mr. CRAVAACK. Yes. I was at SAC-T, so—SAC LAN back then. I am old.

Mr. POOLE, you mentioned in your testimony that TSA has a built-in conflict of interest, that was a rather interesting statement, by both establishing security policies and then trying to implement those policies because self-regulation is inherently problematic.

You then talk about how the TSA isn't as rigorous in dealing with its own performance problems as it—those that it actually does regulate. It is kind of like the fox guarding the hen house, if you will pardon the expression.

Your proposal is to shift the performance contracting model. Can you give me examples of the screening performance measures and what it would look like as a contractor to implement them?

Mr. POOLE. Well, one would certainly be the kinds of measures that are used now when red teams go in and try to get material past the screening—across things that are prohibited. So the rate of successful interception of—of bogus material or dangerous material.

Another would be cost-effectiveness measures, productivity, the number of passengers screened per hour in accordance with standards. That kind of measure I don't see anywhere being used today. That is the kind of measure that the House T&I Committee used when they compared the contract screening at San Francisco with the TSA screening at LAX and found enormous difference in the actual productivity.

That suggests that the TSA staff are not being used anywhere near as efficiently as the contractors are able to do. So that would be another useful measure.

Mr. CRAVAACK. Well right now the TSA has, what, an \$8 billion budget. How much—how much savings do you see that occurring if you saw that throughout the system?

Mr. POOLE. I think you could probably save 20 to 25 percent. Given that screening is about \$5 billion of the \$8 billion.

You could probably save 20 percent at least of TSA's overall total budget from removing that going to the performance contracting.

Mr. CRAVAACK. You would have a pretty large savings associated with that and, of course, we are also concerned about quality. You would not see any hits in quality whatsoever?

Mr. POOLE. Well the point is that the quality control would be built in through the threat of losing contracts. I mean if you can't guarantee that every contract is going to be carried out to the highest level that you would want. But you have the ability to quickly and decisively replace a failing contractor with another one from the prequalified list. So it builds in a kind of control mechanism that lets you get rid of bad apples, should some arise, fairly quickly.

Mr. CRAVAACK. That kind of dovetails on what you also mentioned reforms in the Security Partnership Program moving away from the TSA's current practice of spelling out procedures, technology, and compensation.

What changes do you anticipate producing in the current SSP airports—SPP, excuse me?

Mr. POOLE. Right. I have not—did not try to spell all that out and I think what we want to do is encourage innovation—

Mr. CRAVAACK. Right.

Mr. POOLE [continuing]. And get away from the one-size-fits-all model that there is only one best way. I don't know a better way to do passenger screening but, you know, given that I support the risk-based approach that TSA is moving toward.

But if you give contractors outcome measures and stress more competition, we may find some methods that are more—that combine people and technology in ways that lead to a more productive system and that is—obviously we want a system that leads to that.

Mr. CRAVAACK. What do you think holds airports back from joining the SPP?

Mr. POOLE. I, you know, this is only speculation, but I think we have created kind of a difficult situation because TSA is their regulator of everything. They are in effect, if they want to join SPP, they are having to basically kick the TSA out and that is a difficult thing for a high—for a very visible airport to do. It creates potential for a not very good relationship in the subsequent years. So we would mostly see small airports doing this so far.

Mr. CRAVAACK. So what do you think would be an incentive to get airports into the SPP program?

Mr. POOLE. Well I think if the airport themselves had a bigger role in it, if they were able to select their own contractor, for example and manage the relationship, I think a lot more of them would be willing to take that course because they would see it as they would have more to gain by developing that relationship rather than having TSA assign someone to them.

Mr. CRAVAACK. Yes, okay. Thank you.

Mr. Nelson, when did you get your wings?

Mr. NELSON. August 1990.

Mr. CRAVAACK. 1990, okay, a little after me.

My time has expired, I have more questions but I will yield back to the Chairman.

Mr. ROGERS. I thank the gentleman.

The Chairman now recognizes the Ranking Member.

Ms. JACKSON LEE. Mr. Chairman, thank you again for your kindness.

Let me quickly impose some very quick questions at the Chairman's courtesy.

Ms. Alonso, I think you are familiar with the Known Crewmember Program operated by the TSA which is receiving high praises by pilots and industry as a good step forward in implementing a risk-based screening process at our checkpoints. This system allows pilots to obtain expedited screening procedures as long as the pilots are validated to be on the job and in good standing.



Can you elaborate why flight attendants or crewmembers could also benefit from the program and whether it should be extended to them and could this be accomplished without compromising security? Then, what protections can be integrated into the system in order to ensure that only working crewmembers in good standing can use the system?

Ms. ALONSO. Yes, thank you Ranking Member Jackson Lee. We are under the same security screening and 10-year background check and scrutiny as the pilots. We also have access to the cockpit and then sometimes are required to be in the cockpit and we are the last line of defense on the aircraft.

For those reasons alone, we feel it should not be a breach of security for us to have the same clearance to go through another alternative screening process.

As far as protections go, it is up to the airlines to keep the database current with up-to-date data and employee records and to require employees that are terminated or separated, for instance on leave, et cetera, to return their IDs in a timely manner and that is mandated by law.

Ms. JACKSON LEE. Just a quick question, in the last FAA bill, it seems that the airlines were required to give you training on serving alcoholic beverages. Do you think that that required training suggests that the idea of securing the airline, the idea of being the first responders in the cabin should also be required training?

Ms. ALONSO. Absolutely. We do feel that currently, having only a voluntary crewmember self-defense training added to our yearly additional recurrent training, which the FAA requires, is not sufficient; 5 to 30 minutes is what is currently in place for flight attendants to be prepared for security breaches. It is developed and provided by the carriers themselves and it just doesn't allow us to be prepared at the level that we should be.

Ms. JACKSON LEE. Well, let me just say, watching you do your work and seeing the doors of the cockpit open and seeing the only ones being able to go while we are in-flight, as flight attendants, I can assure you that I believe that you are warranted in this security and warranted in this training.

Mr. Chairman, I am just going to ask to be put on the record that I hope that we can work together on a cabin security hearing. Ms. Alonso's experience evidences the need of that. So I would look forward to working with you on that, Mr. Chairman.

I have one more quick question.

Mr. Poole, in your testimony, you cite to a *USA Today* investigation in 2007 that found that TSA screeners at O'Hare and LAX missed three times as many hidden bomb materials as did privately-contracted screeners at San Francisco.

I am sure you are aware that a 2006 DHS Office of the Inspector General reported that covenant aviation security officials at San Francisco International Airport compromised OIG covert security testing between August 2003 and August 2004.

Are you at all concerned that a private company seeking to maximize profits and retain a contract may work to high potential deficiencies such as the accompanying did within 2 years after their contract?

Then of course, is it not correct for many of us who believe that the Federal Government, who has a pure perspective, their service is to the American people, not to their pocketbooks would, in essence—and to the American people's pocketbooks, to be efficient but to compromise security is a very dangerous perspective. So why are you pushing complete privatization of TSA?

Mr. POOLE. Well, it is not complete privatization, Ms. Jackson Lee.

What I am arguing for is performance contracting with strong incentives but also sanctions for poor performance and the threat of having contracts revoked is a very powerful threat a business model can't really survive if you stand a good chance of losing the very thing that brings in revenue.

So that is the model. It is not total privatization in any sense. The TSA would still be the regulator and it may be that the need for sanctions should be stronger in the event of contractor malperformance.

Ms. JACKSON LEE. Well, let me just say that those airports that private contractors, I work harmoniously with them and certainly those are in place. But the expansion of the program, I think, is questionable even to the extent of having sanctions. But I appreciate your clarification.

I think all of us collectively at this hearing, Mr. Chairman, are committed to securing the homeland and making TSA the most effective agency that it can be along with our flight crew, both our pilots and our flight attendants who are on the front lines of any airplane that is traveling and traveling both domestically and internationally.

Let me thank you, Mr. Chairman.

I yield back.

Mr. ROGERS. I thank the gentlelady.

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

Mr. Poole, I was talking to you earlier about how this group of approved contractors could—could function and you talked about bidding based on size of airport or whatever.

Is there another example of that outside the—obviously there is not one in TSA, we think it should be there. But is there one that you are trying to model after? Is there another department that does something like that?

Mr. POOLE. Well actually, in the airport screening area itself, Canada has entire—100 percent private-sector screening. There are 12—last I checked, there were 12 certified companies in Canada that—

Mr. ROGERS. The government certifies them?

Mr. POOLE. The government certifies them and in fact it is an agency called CATSA which is the thing that they created in Canada when we created TSA following 9/11.

CATSA certifies the companies that meet its standards.

Mr. ROGERS. Does this CATSA then go in and supervise them at the airports?

Mr. POOLE. That is correct. That is correct.

Mr. ROGERS. You know, one of the things we have had in a previous hearing about from the private sector was that at the airport

where we already have private contractors, the number of TSA personnel supervising is exorbitant. I mean like 100 or more TSA people for a contractor.

Do you all see that? Mr. Blank, have you seen that in any instances or heard any complaints or criticisms about that?

Mr. BLANK. Well, first of all, let me say that many of the things that we are talking about here, I believe and I think TSA would support would require changes in ATSA in order to be able to do—

Mr. ROGERS. Right, right.

Mr. BLANK [continuing]. Under, you know, from a legal perspective.

But in terms in terms of supervisors, I have heard that criticism, but I am not aware of its accuracy that we have a—

Mr. ROGERS. Okay.

Mr. BLANK [continuing]. Bloat of supervisors.

Mr. ROGERS. Mr. Poole, I see you nodding in the affirmative.

Mr. POOLE. I wanted to say that is part of the problem is that the way TSA runs SPP, it is TSA that is the contract manager and the relationship is between TSA and the private company.

In the model I am suggesting, the airport would select, negotiate the contract and manage the relationship, TSA would regulate the overall airport security as it—

Mr. ROGERS. So TSA wouldn't have personnel on the ground supervising?

Mr. POOLE. It wouldn't have the same extent of direct supervision of the contractor. It would be supervising it as part of its overall surveillance of the airport. So the—

Mr. ROGERS. Other than Canada, is there any other country you can think of that does that?

Mr. POOLE. Well almost all of the major European airports, I mean the policy in Europe vary somewhat from country to country but there is no—I was not able to find any European country, any E.U. member that has a combination of regulation and screening provision in the same national government entity.

Mr. ROGERS. Great.

Mr. POOLE. Either the airport that does it or private contractors reporting to the airport.

Mr. ROGERS. Great.

Mr. Nelson and Mr. Blank, both of you brought up in your opening statement a concept that frankly, I am embarrassed to say I hadn't thought of before, that is term limits for the administrator. I think that it is very appealing and then as you heard from the Ranking Member, she finds it very appealing as well.

You all mentioned the FBI Director as an example. I would like to know if there is anybody else—is there another department where this works like the FBI that comes to the top of your head?

Mr. BLANK. I mentioned, I believe, in my statement that the FAA administrator is also a 5-year term.

Mr. ROGERS. Okay.

Let me ask this, and this goes to Mr. Nelson, you made the point that the reason you answered no when I talked about the bloat of the bureaucracy was that Administrator Pistole thinks that is what we need and you support him.

Now, I have great respect for Administrator Pistole. I think he is an extremely competent fella and doing the best he can under the circumstances.

Let me ask it to you this way. We—Mr. Pistole does not have a definite term. He works at the pleasure of the President and under the supervision of the Secretary.

If Administrator Pistole had a 10-year term limit, or 8 years, or whatever, and Mr. Pistole then said we need 70 percent of what we got right now and I can do just fine and I can take that other money and redirect it into some areas that are more helpful as far as threat-based information, would you then think that was whatever that administrator felt like would happen would be what you would still support?

Mr. NELSON. Mr. Chairman, I think I understand that question. I would like to see an evolution towards a more risk-based security model.

Mr. ROGERS. Well, I am talking about the personnel. So here is my concern: The administrator at present serves at the pleasure of the President. This President has a very close relationship with organized labor.

They don't want to see Federal employees be reduced. So even if the administrator felt like we had 20 or 30 or 40 percent too many employees, he can't let them go. Because when he starts letting them go, the President is gonna call him up and go no, we are not gonna go there. See my point?

I like the idea that you all have made that if they had a term the politics would get out of it. It could be the other way around, you know. You could have a Republican President and there was something that the Republican President didn't like.

I like the idea of somebody who is competent and capable having the latitude to make those kind of managerial decisions like we would in the private sector, without the risk of getting a phone call from the White House saying you have irritated a group of or a constituency of mine that I don't want irritated.

See my point? That is one of the things I find appealing about that, plus trying to attract competent, quality people who aren't gonna be worried about getting a phone call any day that they are gone.

So it is an interesting concept. One of my staff just told me that Congressman Wolf has a bill to do something like that so I am gonna see if we can't move something like that along that has got that great potential.

Mr. Cravaack, do you have any more questions?

Mr. CRAVAACK. Actually, Mr. Chairman, you have asked them, so thank you.

Mr. ROGERS. All right. Well, then I want to keep going. You are all mine.

Mr. Blank, tell me what your thoughts are. Here, let me tell you one of my concerns about this is, as I was processing this concept, unlike the FBI, which the President appoints, this administrator has to work under the Secretary of Homeland Security.

How would you deal with that term? Do you foresee any conflicts that would occur if the Secretary can't fire the administrator because of term limits?

Mr. BLANK. I think certainly that that could come up but I would start by saying that may be a good thing, if we have that kind of independence and that kind of security in somebody that is going to take on a responsibility to our National security on this particular level.

I think that is one of the valuable things relative to an FBI director who can't be shoved aside by the sharp elbow, by an attorney general.

Mr. ROGERS. Okay.

Mr. NELSON, again, I want to point to our board. Can you see those? If you will look at the red line, that is the personnel levels that we have in TSA.

The blue graph or lines going up and down is the number of travelers that we have had. You will see the big dip and now we are starting to see a little tick back up.

But the number of people, full-time employees that we have got working is dramatically higher than the level of transport of flight activity that we have.

Do you have a problem with that? I mean, I hate to pick on you but you are the only one said no.

Mr. NELSON. Yes. But, you know, Mr. Chairman, it is your prerogative. Please pick on me.

No, it is a fair point. You know, in my Government career, we saw this cut with the pilots in 1993—

Mr. ROGERS. Right.

Mr. NELSON [continuing]. And in the military in 1993 and 1995 because we had a peace dividend and we cut all the personnel and then 5 or 6 years later we were trying to make up for the cuts that we made in 1993 and 1995.

We did the same thing with intelligence officers prior to 9/11. We cut a lot of the case officers because we didn't need them any more. Then all of the sudden we needed them and the size of the CIA had half the workforce who has come on board since 9/11.

So I am always very cautious when we use personnel cuts alone as a solution to a budget problem or a solution to a security model problem.

I am all for revamping how TSA operates if we make alternate changes such as investing more in science and technology, investing more in risk-based security, which requires us to invest more in information and intelligence sharing.

You can't have a successful risk-based security model, a reduced number of personnel screeners—

Mr. ROGERS. Right.

Mr. NELSON [continuing]. Physical screeners, without having improved intelligence information sharing.

Mr. ROGERS. See, and that goes to what Mr. Bloom was offering in his opening statement earlier that he wants to see less emphasis on technology and more on intelligence gathering, human-based assets, which I agree with. What I want to emphasize is with that number it is hard for us as policymakers to make the case for spending money on those assets because people think we are wasting what we are giving out.

The fact is in our current environment, we are not getting any more money in the Department of Homeland Security. I think the

Department of Homeland Security and the Department of Defense are, because of the dangerous world that we live, are not gonna be as affected by cuts as other departments may be because we have gotta be safe and secure.

But the days of the numbers going up are over. Having said that, we gotta find a way to take the number we have got, which is roughly \$35 billion and reshuffle it so that it is more effective.

What I contend is that we can't justify that number, particularly when people are going to the airports with their terrible perspective or perceptions of TSA and expect them to go along with us spending more money on the kind of intelligence-gathering assets.

Because it has gotta become more threat-based. We can't keep treating grandma like she is from a Middle Eastern country like Yemen. So that—I want to see that shift and that is why I keep emphasizing in these hearings we can't keep doing that if we want to be able to do what you suggest and that is move to a more threat-based infrastructure and process than we have now.

The fact is the public is outraged with TSA. Trust me, as Chairman of this committee I hear it daily. It doesn't matter if I am in Walmart or Sunday school people hate the TSA.

We have gotta do something about that because we need this system and we have gotta have a system and if not this one, something like it, to protect us because it is still a very dangerous world. I get the briefings, as do the other Members of this committee.

But we gotta be smarter and leaner in the way we do things. And that—which brings me back to the threat-based approach.

Mr. Bloom, you talked about a shift away from technology to more intelligence gathering, smart systems. Tell me more about what you mean by that. What would you like to see specifically?

Mr. BLOOM. Thank you.

A couple of things, going back quickly to a comment made by Ranking Member Jackson Lee about the current size of TSA and whether it should be reduced or not, I believe no one has made a coherent rationale for how that size correlates with the risk and what those folks are supposed to be doing against whatever the risk might be.

Until we have answers to those questions, staying with the resources we have right now, it is really an un-defendable position that really has to be worked. Also, because just about everyone here believes a risk approach is the way to go, well, that means you have to have an understanding of threat and vulnerability. If a threat is basically intelligence-based how are you going to figure out what the threat might be?

It changes from moment-by-moment and that is why both TECH-INT and human, technical intelligence means and human intelligence means, collecting the information, analyzing it, transmitting it in a secure and responsive fashion to all the people who are responsible for our layers of security, for aviation, for other transportation modalities, that whole system is really crucial.

Once that is optimal or close to it, that is when we know exactly how much we can reduce, given the economic climate we are in and the rest of it.

Mr. ROGERS. Okay. Thank you very much.

Mr. Cravaack has a question.

Mr. CRAVAACK. I was just gonna ask you to yield for a second.

In this very committee room, didn't Secretary Napolitano actually come out and say that we were going to a risk-based type of—

Mr. ROGERS. She has and Administrator Pistole have but—at a snail's pace—

Mr. CRAVAACK. They took that off there but wouldn't that be the exact opposite about what is happening here in regards to personnel?

Was she willing to not fund last line of defense measures using risk-based analysis? So I just wanted to bring that up.

Mr. ROGERS. Well, I mean, when we had Administrator Pistole here about a month ago, that was one of my questions is, you know, appreciate it is a great first step.

You heard me talk about it in my opening statement. But we gotta go a lot faster and a lot broader. But that kind of program is what we gotta do, where we are taking known travelers who travel every week, we know more about them than they think we know, and we know they are not a threat, move them out of the line.

There are the things we can do with other people that are intelligence-based that we can get them away from being treated like they are a fundamentalist terrorist, you know, Islamic fundamentalist.

So no, that we are not getting the kind of movement that backs up that rhetoric. Let me ask you this. By the way, Mr. Blank, you made a great observation earlier about the supervisors being given more discretion. We have been after them to do that.

That is another example of what we are frustrated about is this is not rocket science. They have had this pointed out. They say we are gonna do it, just like what Mr. Cravaack was just talking about.

They say we are gonna do it, but it is just not happening. What can you think of would be a good way for this committee to put some action behind that rhetoric on that particular issue with supervisors?

Mr. BLANK. On the chart that you had up, first of all, if I can, I would just want to address the personnel levels.

On the chart that you had up—

Mr. ROGERS. Put that back up, please.

Mr. BLANK. Every one of the red Xs is a result of a formula that TSA has devised. In other words, they take inputs and they—in the early going we had a lousy formula.

We hired 65,000 people. We had to lay off nearly 20,000 people. They revised the formula. When you see a number of full-time equivalents and I think what I am suggesting is you ought to ask what is the out—what are in the elements of that formula?

It has things like time to screen people. You should ask: Where are the promised efficiencies from technology? We have been promised that for years and years. That was gonna drive down FTEs; doesn't seem to have materialized.

You are absolutely right. Less flights should mean less screeners. The airports have a role in that in terms of physical infrastructure.

So there are all these inputs that I think the TSA should have to come and justify to you because it is the result of not a personal—not a human judgment. It is the result of a formula that has them moving toward a particular staffing level.

I think in terms of the supervisors, I believe that Administrator Pistole testified he didn't have the money to do the training. My own feeling is, is that money is not the problem at TSA.

It should be a relatively simple matter, in my view, to reprogram existing funds toward doing the training for the supervisors in order to have them be utilized as we have suggested and discussed here.

Mr. ROGERS. Great.

Let me ask this and I will throw this out to whoever wants to answer it. Everybody nodded affirmatively when I talked about PreCheck being a good initiative. It is going too slow.

We know now that very frequent travelers are the people, are that are put into that. Who else should be included? Who would you go to, the next couple of categories of people and, Mr. Poole?

Mr. POOLE. You could start with everyone who holds a secret or higher clearance.

Why on earth that these people are handling sensitive defense material—

Mr. ROGERS. That is a great—

Mr. POOLE [continuing]. Entrusted with that, why should they go through the third-degree at the airport?

Mr. ROGERS. That is a great idea.

Who else? Ms. Alonso.

Ms. ALONSO. Again, I want to go back to my statement, previous, that flight attendants do go through the same background checks, back 10 years and security screenings as pilots.

I am sure that everyone here has experienced a delay where we have had to cut ahead of passengers in line.

Mr. ROGERS. Oh, yes.

Ms. ALONSO. Not only is time—

Mr. ROGERS. Happened yesterday, I was standing in line at the Atlanta Airport—

Ms. ALONSO. We apologize.

Mr. ROGERS. Didn't bother me but I know the other people who are not regular travelers were probably upset about it.

Ms. ALONSO. It is not only about time, it is about security as well.

When I have to put my items on the belt and I have to make sure that no one around them, you know, is doing anything to my bags, it is very difficult for me to maintain vigilance on all ends, at all times, based upon the security procedures that are set up in place.

I mean, I can stand there for a certain amount of time and then they move me along to try to get the next one—

Mr. ROGERS. So you are not advocating not going through any screening, but going through the PreCheck—

Ms. ALONSO. Not at all.

Mr. ROGERS [continuing]. Just a magnetometer like the—

Ms. ALONSO. We are not advocating superseding security screening. We are just asking to use the alternative screening processes



that are already set up in place that the pilots use at this time, Known Crewmember.

Mr. ROGERS. Okay. That was two great examples.

Mr. Nelson.

Mr. NELSON. I thank you, Mr. Chairman.

I would just start by allowing the frequent flyers to have transferable interoperability so that if I am a frequent flyer on Delta and not on United and I fly on United I get the same screening.

That is not happening right now. That is an easy fix that is being controlled by the airlines.

Mr. ROGERS. That is another great idea.

Mr. Bloom—Dr. Bloom.

Mr. BLOOM. Well, I would just like to point out, in a very respectful way that although all these suggestions are good, they are nothing on the terrorist threat or make the country any safer.

In a way the suggestions are dealing with the side effects of a very imperfect medication. What we should be looking at instead while we try to come up with a better medication, is dealing with the disease and that is where the intelligence activities come in.

Mr. ROGERS. I agree. What I am after is a smarter way of using our resources so that we are leaner, for public perception purposes, and smarter, which gets to your point.

So the more of these people we can get out of the line, the easier it is for us to look thoroughly at who is left. Is this their first time ever to fly? Did they buy a one-way ticket?

Did they pay cash? All the things that we want to look for, it is more manageable if we have a smaller group. So that is why I want to get—Supreme Court justices have no business going through—maybe after the ruling 2 weeks ago, but they have no business going through that.

You have got Donald Rumsfeld getting patted down at the airport; Henry Kissinger, you know, that is just mind-numbing that that kind of stuff is happening.

Yes, sir.

Mr. BLOOM. Well, just to briefly follow up, there was a National Academy of Sciences study done a few years ago, which recommended a partial random, partial—well, I will use the term profiling, even though it is politically loaded, combination of random and profiling with a partial sample of the total traveling public as the most cost-effective approach to support security.

Mr. ROGERS. There is a host of things we can do from the intelligence threat-based perspective on that.

I would point out for the people in the audience who don't know, even if you are in the PreCheck category, which I am, I go through PreCheck when I fly on Delta, which goes back to your point, there is a reason we can be doing that with other airlines too.

I don't get that on US Air. No offense, Ms. Alonso, which I fly pretty regularly, too.

But there is no reason why that shouldn't be the case no matter which airline you are flying.

But there is a lot of other things that we could do to get these people out of line and that is what I want to emphasize because I want us to be a much smarter, much more effective, much more

threat-based organization that has the public's confidence because right now we don't.

That is a real concern to me as a policymaker that the public does not have confidence in the TSA.

So you all have been a very good panel, very thought-provoking, great ideas and I appreciate your time, for preparing for your testimony and for your attendance here today.

With that, this hearing is adjourned.

[Whereupon, at 2:16 p.m., the subcommittee was adjourned.]

