

**TSA'S EFFORTS TO ADVANCE RISK-BASED  
SECURITY**

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**HEARING**  
BEFORE THE  
**SUBCOMMITTEE ON  
TRANSPORTATION SECURITY**  
OF THE  
**COMMITTEE ON HOMELAND SECURITY**  
**HOUSE OF REPRESENTATIVES**  
**ONE HUNDRED THIRTEENTH CONGRESS**  
FIRST SESSION

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## **TSA'S EFFORTS TO ADVANCE RISK-BASED SECURITY**

**Thursday, March 14, 2013**

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

The subcommittee met, pursuant to call, at 3:10 p.m., in Room 311, Cannon House Office Building, Hon. Richard Hudson [Chairman of the subcommittee] presiding.

Present: Representatives Hudson, Rogers, Barletta, Brooks, Richmond, Thompson, Jackson Lee, and Swalwell.

Also present: Representatives Payne and Gabbard.

Mr. HUDSON. The Committee on Homeland Security Subcommittee on Transportation Security will come to order. Now the subcommittee is meeting today to hear testimony on TSA's risk-based security programs from the administrator of the Transportation Security Administration, the Honorable John Pistole.

I would like to welcome everyone to the subcommittee's first hearing of the 113th Congress and thank our distinguished witness for taking the time to be here today. You have a tough job, Administrator Pistole. When I visited your headquarters last month, I was impressed by your operation and the team you have assembled. We appreciate your service and look forward to hearing from you today.

The topic of today's hearing is risk-based security, which is naturally the next step in advancing security procedures. After all, why should the Federal Government devote precious taxpayer dollars to low-risk people, places, or things? One move Administrator Pistole has made to devote more resources to risk-based security is to remove certain items from the prohibited items list for passengers' carry-on items.

It is critical that Members of this committee, on both sides of the aisle, work with you as we move forward with the implementation of any new policy changes. As I said, you have a difficult job, and we want to support you. But we must have open and clear communications and it should be a priority for us to put a strategy together so that you are not faced with Congress pushing back against simple, common-sense things you are trying to do, because they felt like they didn't have enough information.

Moving forward, we must help each other in advance of major policy changes to educate the rest of our colleagues in the House and appropriate stakeholders on the reasoning behind such decisions. The open and proactive approach will reduce pushback like

the kind we have seen the last few days. And allow all of us to work together on rolling out the risk-based security policies that directly benefit passenger safety, ease of travel, and ultimately make TSA a leaner, more efficient agency, and effective agency.

Understandably, immediately after 9/11, risk-based security was easier said than done. Federal agencies, including TSA, first had to figure out a way to analyze risk in a reliable way and then share and operationalize that information. Ten years and \$65 billion later, the TSA has finally begun to embrace and implement risk-based security at airport checkpoints. It has been a long time coming but it is very welcome.

Those of us familiar with the progress TSA has made toward risk-based security over the last 2 years are grateful for it. Programs like PreCheck are an encouraging step in the right direction. Just last month, I had the opportunity to visit the Charlotte Airport and see the very impressive operation there, very professional individuals are working for TSA at that airport.

But the fact is that TSA still has a long way to go to improve its effectiveness and its efficiency.

My constituents back home in North Carolina recognize that the terrorist threat requires us to remain vigilant in our daily lives, patient when it comes to security measures we are forced to undergo at airports, and understanding of the enormous resources required to keep us safe.

Just like ordinary Americans, Washington must continue to tighten its belt and learn to do more with less. Seeking out efficiencies is imperative when the Federal Government is carrying over \$16 trillion in public debt and every day, we borrow over \$4 billion just to pay down interest on that debt. We must find ways to come together over common-sense savings that are bipartisan and practical at all levels of government and TSA is no exception.

In my view, TSA implements risk-based security in a responsible way. It could be a win-win for our security and for our economy.

First, it takes the focus off lower-risk individuals like elderly and disabled children.

Second, it gives TSA the opportunity to evolve its procedures and reduce its long-term operational cost. With the privilege of serving in the Congress and as Chairman of this subcommittee, cutting unnecessary and wasteful Government spending is one of my top priorities.

To that end, I have four primary objectives for this subcommittee during this Congress.

The first is advancing risk-based security programs and policies, which is of course, the topic of today's hearing.

Second, addressing technology procurement and looking at flaws and looking at ways we can improve the procurement process.

No. 3 is streamlining TSA's regulatory process.

No. 4 is strengthening collaboration with the private sector.

I would love to see TSA succeed on all these fronts and think that under Administrator Pistole, they have taken meaningful steps in the right direction. I will do everything in my power to assist in this process and part of that means asking tough questions and occasionally offering criticism. While we may not agree all the

time, I view opportunities like today as a chance to work together, Administrator Pistole, to do what is right for the American people.

As we interact in the coming years, I look forward to continuing a productive conversation with Administrator Pistole, with stakeholders inside and outside of Government, with Ranking Member Richmond and the bipartisan Members of this subcommittee on the difficult issues that we face.

[The statement of Chairman Hudson follows:]

STATEMENT OF CHAIRMAN RICHARD HUDSON

MARCH 14, 2013

I would like to welcome everyone to the subcommittee's first hearing of the 113th Congress, and thank our distinguished witness for taking the time to be here today. You have a tough job, Administrator Pistole. When I visited your headquarters last month I was impressed by your operation and the team you have assembled. We appreciate your service and look forward to working with you.

The topic of today's hearing is risk-based security, which is naturally the next step in advancing security procedures. After all, why should the Federal Government devote precious taxpayer dollars to low-risk people, places, or things? One move Administrator Pistole has made to devote more resources to risk-based security is to remove certain items from the prohibited items list for passengers' carry-on items. It's critical that Members of this committee, on both sides of the aisle, work with you as you move forward with implementation of new policy changes.

As I said, you have a difficult job and we want to support you, but we must have open and clear communication. It should be a priority for us to put a strategy together so that you are not faced with Congress pushing back against the simple, common-sense things you're doing. Moving forward, we must help each other, in advance of major policy changes, to educate the rest of our colleagues in the House and appropriate stakeholders on the reasoning behind such decisions. This open and proactive approach will reduce pushback, like the kind we've seen the last couple days, and allow us all to work together on rolling out risk-based security policies that directly benefit passenger's safety, ease of travel, and ultimately make TSA a leaner, more effective agency.

Understandably, immediately after 9/11, risk-based security was easier said than done. Federal agencies, including TSA, first had to figure out a way to analyze risk in a reliable way and then share and operationalize that information.

Ten years and \$65 billion dollars later, the TSA has finally begun to embrace and implement risk-based security at airport checkpoints. It's been a long time coming.

Those of us familiar with the progress TSA has made towards risk-based security over the last 2 years are grateful for it. Programs like PreCheck are an encouraging step in the right direction. Just last month I had the opportunity to visit the Charlotte airport and see their impressive operation first-hand. But the fact is TSA still has a long way to go to improve its effectiveness and its efficiency.

My constituents back home in North Carolina recognize that the terrorist threat requires us to remain vigilant in our daily lives, patient when it comes to the security measures we are forced to undergo at airports, and understanding of the enormous resources required to keep us safe.

Just like ordinary Americans, Washington must continue to tighten its belt and learn to do more with less. Seeking out efficiencies is imperative when the Federal Government is carrying over \$16 trillion in public debt and every day borrows over \$4 billion just to pay down interest on the debt. We must find ways to come together over common-sense savings that are bipartisan and practical at all levels of Government and TSA is no exception.

In my view, if TSA implements risk-based security in a responsible way, it could be a win-win for our security and our economy. First, it takes the focus off lower-risk individuals, like the elderly and disabled children. Second, it gives TSA the opportunity to evolve its procedures and reduce its long-term operational costs.

With the privilege of serving in the Congress and as Chairman of this subcommittee, cutting unnecessary and wasteful Government spending is one of my top priorities.

To that end, I have four primary objectives for the subcommittee this Congress:

- (1) Advancing risk-based security programs and policies, which is of course the topic of today's hearing,
- (2) Addressing technology procurement flaws,

(3) Streamlining TSA's regulatory process, and

(4) Strengthening collaboration with the private sector.

I would love to see TSA succeed on all of these fronts and think that under Administrator Pistole they have taken meaningful steps in the right direction. I will do everything in my power to assist in this process and part of that means asking tough questions and occasionally offering criticism. While we may not agree all of the time, I view opportunities like today as a chance to work together to do what is right for the American people.

As we interact in the coming years, I look forward to continuing a productive conversation with our witness, Administrator Pistole, stakeholders inside and out of Government, Ranking Member Richmond, and the bipartisan Members of this subcommittee on the difficult issues that we face.

Mr. HUDSON. At this time, as soon as the Ranking Member who was not able to join us yet, we will—and seeing as the Chairman is not here, we will move directly into testimony from our witness.

We are pleased to have Administrator Pistole before us today on this important topic. Mr. Pistole has been the administrator of the Transportation Security Administration at the Department of Homeland Security since 2010. As TSA administrator, he oversees the management of approximately 60,000 employees, the security operations of more than 450 Federalized airports throughout the United States, Federal Air Marshal Service, and the security for highways, railroads, ports, mass transit, and pipelines.

The Chairman recognizes Administrator Pistole to testify.

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

Mr. PISTOLE. Well, thank you and good afternoon Chairman Hudson and former Chairman Rogers, other distinguished Members of the subcommittee and those who will be joining us, thank you for the opportunity to testify today on risk-based security changes TSA is making to better protect our Nation's transportation systems and the traveling public from acts of terrorism while facilitating the best possible movement of people and goods.

I also want to thank the Members of the subcommittee for your support for our risk-based approach we are using to carry out our transportation security responsibilities.

Virtually all of the RBS, as we call it, changes we have made thus far have been positively received and help us to move away from that one-size-fits-all approach that was stood up after 9/11. Given my recent decision to remove certain items from what is called the prohibited item list, the subject of this hearing is quite timely and I would like to address that issue up front.

So over the last 2 years, based on questions raised by the Senate in my confirmation process, I requested a team of TSA security experts to assess items on this prohibited item list and to make recommendations on whether we should modify the list in any way.

My decision to change the items that I announced on March 5 followed a careful analysis of a number of different factors and I will run through those briefly.

First, we evaluated the latest intelligence and threat information from the U.S. intelligence and law enforcement communities, that is: How are terrorists trying to attack us now and how has that changed since 9/11?



Second, we considered the potential increased risk to passengers, flight crew, fellow air marshals, FAMs, and the TSA workforce.

Third, we assessed how a change would impact our security operations at the checkpoint and the traveling public.

Fourth, we evaluated whether the change would increase the risk of a successful terrorist attack to bring down an aircraft.

Fifth, we looked at how our current policy aligned with international security standards.

Sixth, given current budget restraints that you mentioned, we assessed how this change aligns with our goal to provide the most effective security in the most efficient way.

Seventh, we are mindful of the issues raised by the flying public about interactions with TSA over the years and concerns raised by many in Congress including the subcommittee to apply more common sense to aviation security, including specifically reviewing prohibited item lists.

Finally, we discussed the pros and cons of continuing to restrict the traveling public from carrying a particular item aboard a commercial aircraft which is in part responding to the “hassle factor” that TSA has come to represent for so many Americans.

The deliberate approach we took in my final decision is consistent also with the recommendations of the 9/11 Commission for TSA to “not risk or to set risk-based priorities to protect transportation assets,” and to “give priority attention to improving the ability of screening checkpoints to detect explosives on passengers.” Again, this is from the 9/11 Commission report.

Now while I can’t go into specific detail in this open hearing setting, we do know from the intelligence community that terrorists such as al-Qaeda and their affiliates and inspired groups remain focused on attacking Western aviation in particular. We also know that the threat to aviation from these groups is from nonmetallic improvised explosive devices such as the liquids explosive plot we saw from the United Kingdom in 2006, the bomb used by the so-called Underwear Bomber on Christmas day 2009, the toner cartridge printer bombs from Yemen placed onto our air cargo flights destined for Chicago in October 2010 and most recently, the improved next generation underwear device also from Yemen intended for a passenger jet on its way to the United States, but fortunately in a stunning intelligence coup, intercepted by a foreign intelligence service in April 2012.

Now while the ultimate goal that a terrorist might be the successful attack within the United States, against a U.S. commercial aircraft changes to aviation security that we have made here since 2001 have resulted in every attack attempt since 9/11 emanating from overseas aboard aircraft flying to the United States.

So we are—over the past several years, TSA has placed a great deal of emphasis on not only the layers of security we have here in the United States, but working with our international partners to strengthen the international security standards and achieving harmony among the international community. So in that regard, in August 2010, ICAO, the International Civil Aviation Organization changed aviation security standards to permit knives with a blade length of 6 centimeters, approximately 2.36 inches or less to be carried in the cabin of the aircraft.

Since that global change and excluding U.S. originating passengers there have been over 5 billion commercial airline passengers world-wide allowed to carry these knives. We are unaware of a single incident involving these small knives on commercial aircraft.

With hardened cockpit doors, better identification of individual passengers against terrorists watch lists, and thousands of armed pilots here in the United States and the demonstrated willingness of passengers to intervene in a determined way, it is the judgment of many security experts world-wide, which I agree with, that a small pocket knife is simply is not going to result in the catastrophic failure of an aircraft. An improvised explosive device will. We know from internal covert testing, searching for these items which will not blow up an aircraft can distract our security officers from focusing on the components of an IED.

Since my announcement last week, there have been a number of reports in the media, some of them accurate, some not, regarding the specific type of knives and sporting equipment that would be allowed.

In general, we are talking about a small pocket knife and other common items such as a corkscrew with a folding blade, 6 centimeters or less in overall length.

Other types are excluded. I have examples of those on your charts if at the right time you care to see those or to help inform the subcommittee.

Similarly, box cutters and other razor knives remain prohibited. Of note, the type of knife we will permit is more restrictive than international security standards given by ICAO or even what is currently permitted to be brought into Federal buildings across the country. So these are more restrictive standards that we are allowing in the cabin of the aircraft.

I clearly understand the concerns expressed by many including flight attendants, Federal air marshals, and some Members of Congress and others with respect to the potential increased risk to passengers and flight attendants. In fact, my decision to be more restrictive in the specific type of knife permitted was based on extensive discussion with my leadership team and concerns raised by the Federal air marshals.

Similar concerns were expressed in 2005 when a previous TSA administrator changed the prohibited item list to allow small scissors less than 4 inches in length, screwdrivers less than 7 inches in length, and knitting needles and things like that on the list.

Contrary to claims that we would see a rash of assaults on passengers and flight attendants using these items, that simply has not been the case. In fact, GAO published a report after that change, did a follow-up assessment and said there had been no, zero, security incidents where these items had been used aboard an aircraft.

The fact remains accurate through today and underscores a point that in aviation security, it is not the object per se that is dangerous but the individual who intends to use that object to inflict harm that presents the danger.

There are many other changes TSA has made to strengthen our capabilities to keep terrorists off commercial aircraft. Many of

these changes reflect risk-based security initiatives we began implementing over 2 years ago, in an effort to shift away from that one-size-fits-all approach.

Similar to my decision to change the prohibited item list, these initiatives reflect analysis of the best available intelligence and sound risk management in principles.

So in conclusion, I would like play a brief FBI video reenacting the nonmetallic IED used by the Underwear Bomber on Christmas day 2009 which demonstrates the destructive power of these well-designed and concealed devices that terrorists keep trying to use to kill us.

This is what I believe our TSA should be focused on and when we get the video, we can see it. So——

Ranking Member Richmond, good afternoon to you also sir.

[The prepared statement of Mr. Pistole follows:]

PREPARED STATEMENT OF JOHN S. PISTOLE

MARCH 14, 2013

Good afternoon Chairman Hudson, Ranking Member Richmond, and distinguished Members of the subcommittee. Thank you for the opportunity to testify today about the Transportation Security Administration's (TSA) on-going efforts to expand and improve our risk-based, intelligence-driven operations.

Since its creation, TSA has continuously refined and evolved our security approach by examining the procedures and technologies we use while ensuring the freedom of movement for people and commerce. The TSA functions as a critical component of our Nation's counterterrorism efforts with a highly dedicated workforce working around the clock and across the globe to execute our transportation security responsibilities. Every day we work closely with public and private-sector stakeholders in the aviation, freight rail, mass transit and passenger rail, highway, and pipeline sectors to employ an intelligence-driven, risk-based security approach across all modes of transportation.

TSA continues to take steps to further enhance our layered approach to security through state-of-the-art technologies, better passenger identification techniques, and other developments that strengthen our capabilities to keep terrorists off commercial aircraft. TSA will always incorporate random and unpredictable security measures throughout the airport, however, and no individual will be guaranteed expedited screening. Airport security checkpoints are only one part of a multi-layered system for aviation security. Other parts include information gathering and analysis, passenger pre-screening through Secure Flight, explosives detection, canine teams, Federal Air Marshals, and closed-circuit television monitoring. With the tools that exist today, if we can confirm a person's identity and assess through information they voluntarily provide, and combine that information with our other layers of security, we can expedite the physical screening process for many people.

We continue to make steady progress in transforming TSA into a high-performing counterterrorism agency. TSA is dedicated to preventing terrorist attacks, reducing the vulnerability of the Nation's transportation systems to terrorism, and improving the experience of the nearly 1.8 million air passengers who fly each day in the United States. We remain committed to providing the most effective security in the most efficient manner.

RISK-BASED SECURITY INITIATIVES

About 18 months ago, TSA began to make a fundamental shift from a "one-size-fits-all" method of screening in favor of procedures designed to manage, or mitigate, risk. We introduced and expanded several risk-based security initiatives, reflecting decisions I made based upon the best available information and intelligence, managing risk with reasonable and effective security measures. We found strong support for our initiatives among passengers, the airline and travel industries, business and community leaders across the country, and industry and global security partners abroad. I am grateful for the expressions of support from Members of Congress and this committee.

Numerous risk-based changes have already gone into effect Nation-wide, including expedited screening procedures for children 12 and under and adults 75 and

older, for airline pilots and flight attendants at 29 of the Nation's busiest airports, and for active-duty military personnel holding valid military identification at eight airports. We continue to work with the Department of Defense to implement a broader solution that will expand military members' access to every TSA PreCheck™ participating airport, which will expedite the security screening process for these individuals, while continuing to allow our Transportation Security Officers to fulfill their mission. These initiatives have significantly reduced pat-down screenings and allow our Transportation Security Officers to fulfill their mission while improving the travel experience for these individuals.

#### EXPEDITED SCREENING

I have established an aggressive target that by the end of calendar year 2013, TSA will provide expedited screening to 25 percent of the individuals currently processed through security screening. Achieving this target will mean that approximately 450,000 of the 1.8 million passengers who travel on average each day from the Nation's airports will undergo some form of expedited screening. That could mean leaving their shoes on, leaving their 3-1-1 compliant liquids in their carry-on bags, and leaving on their light outer jacket as they travel through the TSA PreCheck™ lane. It could also mean another form of expedited screening available through our standard screening lanes such as that available for children ages 12 and under and adults ages 75 and over.

#### TSA PRECHECK

One of the most visible components of risk-based security is our TSA PreCheck™ initiative. TSA PreCheck™ enables us to focus efforts on passengers who may pose a higher risk to our transportation network, while providing expedited screening and a better travel experience for those low-risk passengers that have voluntarily provided information about themselves. The TSA PreCheck™ initiative currently includes U.S. citizens who are members of existing U.S. Customs and Border Protection (CBP) Trusted Traveler initiatives including Global Entry, NEXUS, and SENTRI; Canadian citizens who are enrolled in the NEXUS program; and eligible U.S. citizen airline frequent flyers traveling domestically. Certain other populations about whom we know more information, such as Federal judges, are also eligible for TSA PreCheck™. We are continuing to evaluate other populations and develop solutions to expand these populations and add new ones. In January, I signed a memorandum of understanding with the International Association of Chiefs of Police, Major Cities Chiefs Association, and the National Sheriffs Association to extend TSA PreCheck™ eligibility to these law enforcement groups.

Since its initial rollout in October 2011, TSA PreCheck™ has been made available at 35 airports. Nearly 7 million low-risk passengers have been screened with the expedited procedures of TSA PreCheck™. TSA has received positive feedback from passengers who have opted into TSA PreCheck™ and we expect participation in this risk-based screening initiative will continue to grow as more and more people become aware of the opportunity. Last month, I announced the addition of Austin, Cleveland, Memphis, Nashville, and Raleigh-Durham, which will all begin offering TSA PreCheck™ by the end of March, and we continue to evaluate other airports to include in the program.

#### PASSENGER SCREENING CANINES

The National Explosives Detection Canine Team Program has played an integral role in protecting the Nation's transportation systems since 1972, when the Federal Aviation Administration first started the program. The program remains a vital component of our layered approach to transportation security today as new security threats are recognized across all transportation sectors. During 2011, TSA expanded the program by deploying Passenger Screening Canines (PSC) teams. These teams are comprised of a Transportation Security Inspector and a canine trained to detect explosives carried or worn by a person. The teams now operate at 24 airports across the country, working to detect explosives odors at checkpoints and in both the sterile and public areas of airports.

TSA is currently funded to field 120 PSC teams, and the agency plans on deploying the full allotment of teams by the end of calendar year 2013. These teams will provide coverage at up to 30 airports, utilizing risk-based security methodologies to deploy the new PSC teams to high-priority airports.

Additionally, PSC teams now provide support to TSA's Managed Inclusion pilot initiatives at Indianapolis, Tampa, and Honolulu International Airports. The Managed Inclusion concept provides TSA with real-time threat assessment capability at a checkpoint and enables TSA to improve security, operational efficiency, and the

passenger experience. By assessing passengers in the screening queue, passengers deemed lower-risk are able to undergo expedited screening procedures. During Managed Inclusion operations, the PSC teams are located at the screening checkpoint and all individuals approaching the checkpoint are screened for explosives by these teams. These individuals are also assessed for suspicious behavioral indicators by Behavior Detection Officers (BDO). If the canine team does not alert on an individual and a BDO does not observe suspicious behavioral indicators, the individual may be eligible for expedited screening through the TSA PreCheck™ lanes. These assets were also part of the surge capability deployed most recently to Louis Armstrong New Orleans International Airport to support screening the large numbers of attendees departing the city following the Super Bowl.

#### IMPROVING CUSTOMER SERVICE

TSA continues to improve customer service at airports around the Nation. Through the Passenger Support Program, we established a group of our own officers to serve as Passenger Support Specialists (PSSs) at airports. They provide real-time support to individuals who may require additional assistance through the checkpoint screening process. These individuals may include passengers with clothing and medical equipment questions, or those who may require additional information regarding our checkpoint procedures. TSA started training PSSs at airports Nation-wide in January; to date, more than 3,000 officers have volunteered for the program, and nearly 2,500 have completed the training. The initial results of the program have been very positive, and we look to expand on this program so that more of our current officers Nation-wide achieve the collateral duty PSS certification.

In 2012, TSA launched “TSA Cares,” a new helpline number designed to assist travelers with disabilities and medical conditions prior to getting to the airport. Travelers may call the TSA Cares toll-free number with questions about screening policies and procedures as well as what to expect at the security checkpoint. When a passenger with a disability or medical condition calls TSA Cares, a representative will provide assistance either with information about screening that is relevant to the passenger’s specific disability or medical condition or the passenger may be referred to disability experts at TSA.

#### AIR CARGO

In 2007, Congress passed, and the President signed into law, the “Implementing Recommendations of the 9/11 Commission Act,” which required TSA to implement a system to ensure that 100 percent of all cargo transported on passenger aircraft is screened at a level commensurate with checked baggage. TSA and the air cargo industry met the 100 percent screening requirement for domestic uplift through implementation of the Certified Cargo Screening Program (CCSP), which enables TSA-regulated entities in the air cargo supply chain to conduct screening prior to cargo being uplifted by air carriers. This approach allows for distribution of screening responsibilities throughout the air cargo supply chain, thus avoiding screening “bottle-necks” and improving the flow of commerce. As of December 2012, the CCSP included 1,138 participant locations certified by TSA as Certified Cargo Screening Facilities, which screen over 60 percent of the cargo, with the remainder screened by air carriers.

To meet the 100 percent requirement for international in-bound cargo, TSA adopted an approach that consisted of incorporating the Trusted Shipper Concept into the current Standard Security Programs. This utilizes risk-based, tiered screening protocols based on established criteria related to the shipper’s business relationships with air carriers and international freight forwarders, as well as shipper history, shipment volume, and frequency. The Trusted Shipper Concept was originally set forth in response to an attempt by terrorists to conceal explosives in all-cargo aircraft bound for the United States from Yemen. TSA has implemented the Trusted Shipper concept for all-cargo carriers, and requires them to screen 100 percent of all non-trusted shipments to the same standards as those required for passenger carriers.

TSA continues to collaborate with CBP to enhance its ability to identify and target high-risk or “non-trusted” shipments for enhanced screening. An outcome of this collaboration has been the Air Cargo Advance Screening Pilot (ACAS), a joint TSA-CBP initiative which utilizes CBP’s Automated Targeting System (ATS) to analyze both shipper and shipment data to identify high-risk cargo that requires enhanced screening prior to loading. As of February 2013, there are 74 entities participating in the ACAS pilot, and over 64 million shipments have been successfully processed.

In addition, TSA developed the National Cargo Security Program (NCSP) as a critical component of the U.S. strategy to enhance global supply chain security and

sustain 100 percent screening on international in-bound cargo required by Federal law. Through NCSP recognition, TSA determines if a foreign government's air cargo security program is commensurate with current U.S. air cargo security standards introducing efficiencies for both Government and private industry by reducing duplicative requirements, allowing screening to be completed earlier in the supply chain, and permitting the optimal use of distributed screening locations so that screening can occur at various nodes along the supply chain. To date, TSA has recognized the security programs of 34 partner countries which represent, when implemented, an estimated 67 percent of the in-bound cargo on-board passenger aircraft.

#### SURFACE TRANSPORTATION

Under Section 101 of the Aviation and Transportation Security Act (Pub. L. No. 107-71) (codified at 49 U.S.C. 114) TSA has responsibility for not only aviation security, but also for surface transportation security. The approach TSA takes in securing the non-aviation transportation systems involves a significantly smaller investment of TSA personnel with more direct responsibility placed on the owners and operators of these systems. Within the mass transit and passenger rail domains, TSA engages with State and local partners to identify ways to reduce vulnerabilities, assess risk, and improve security efforts through collaborative risk assessments and by conducting baseline security assessments. These assessments are conducted with emphasis on the 100 largest mass transit and passenger railroad systems measured by passenger volume, which account for over 80 percent of all users of public transportation.

Since 2007, TSA has completed 92 transportation security exercises with various transportation modes under the Intermodal Security Training and Exercise Program (I-STEP) in collaboration with security partners in industry, State, and local organizations. These exercises are designed to continuously improve the risk posture of transportation systems serving the Nation. To date, I-STEP has produced and shared more than 390 multimodal security best practices and lessons learned with security partners, and has hosted more than 3,345 participants at transportation security exercises focused on enhancing security preparedness of the Nation's mass transit, freight rail, highway, and pipeline sectors.

Between fiscal year 2006 and fiscal year 2012, approximately \$1.8 billion in Transit Security Grant Program funding was awarded to transit owners and operators and their dedicated law enforcement providers to enhance security through operational activities such as counterterrorism teams, mobile screening teams, explosives detection canine teams, training, drills/exercises, and public awareness campaigns. This funding allows for entities to increase mitigation of terrorism risk through site hardening, equipment purchases, and other capital security improvements.

#### GLOBAL ENGAGEMENT

TSA's efforts to secure the Nation's transportation networks extend beyond our borders. TSA has a globally deployed outreach and engagement workforce that includes TSA Representatives who coordinate closely with foreign government counterparts and International Industry Representatives who serve as direct liaisons to regulated foreign airlines. Through their interactions, TSA is able to coordinate with the entities affected by our security decisions while promoting international security and commerce. TSA has seven Regional Operations Centers whose mission is to deploy Transportation Security Specialists to conduct air carrier inspections on all carriers flying into the United States, and conduct airport assessments at all last points of departure from foreign locations.

In December 2012, Congress passed, and the President signed into law, the "No-Hassle Flying Act (Pub. L. No. 112-218)," which grants TSA the authority to waive checked baggage rescreening requirements for flights from international pre-clearance airports that install U.S. comparable checked baggage screening processes and equipment. The discretion this act provides is consistent with TSA's on-going transition to a more risk-based and intelligence-driven counterterrorism posture, and we anticipate that it will assist us in our efforts to improve the traveling experience. TSA evaluates applicable security screening measures at 14 foreign pre-clearance airports to ensure comparability with TSA screening standards. Currently, pre-clearance airports are located in Aruba, the Bahamas, Bermuda, Canada, and Ireland.

#### CONCLUSION

The Nation continues to face evolving threats to our transportation system. TSA will continue to effectively implement an information and intelligence-driven, risk-

based security system across all transportation modes while increasing the level of engagement with our workforce to shape them for success and drive operational and management efficiencies across the organization. TSA strives to achieve these goals as it continues to protect the Nation's transportation systems to ensure freedom of movement for people and commerce. We appreciate your continued support as we strive to ensure that our workforce is well-prepared and given the proper tools to meet the challenges of securing all modes of transportation. Thank you for the opportunity to appear before you today. I look forward to answering your questions.

Mr. HUDSON. Is staff cueing the video? Is that what we are? Okay. Maybe we will come back to the video. Mr. Pistole, we appreciate you being here and know your time is valuable. At this point, the Chairman now recognizes the Ranking Minority Member of the subcommittee, the gentleman from Louisiana, Mr. Richmond, for any statement he may have.

Mr. RICHMOND. Thank you Chairman Hudson and Administrator Pistole, I apologize for being late but I was with your boss and I would assume you know how that goes. Let me thank you for being here with us today and providing the subcommittee with information about how TSA intends to improve its risk-based approach to security screening.

I also look forward to hearing more about TSA's efforts to secure our surface and mass transportation systems and particularly its efforts to address rail security. As terrorist threats to our Nation's transportation systems continue to evolve, it is vital that our approach to transportation security adapts to the threats and addresses the vulnerabilities.

Since TSA's establishment, its aviation security policies have sparked dissatisfied comments from the flying public. Airport screening has been described as lengthy, invasive, and at times, humiliating. I am sure you have heard these same concerns, and understand that you have initiated risk-based screening procedures to address those very concerns.

Among the programs developed in accordance with risk-based approach is the expansion of the PreCheck program which allows for certain frequent flyers to voluntarily submit additional information prior to arrival at the airport, to receive expedited screening. I am supportive of the ultimate goal of this policy and I look forward to working with TSA to sustain and expand these programs.

I also look forward to working with you to improve how all of these programs will improve the screening experience for all passengers, not those just in the expedited programs. As my fellow colleagues can attest to, we must develop a comprehensive approach when expediting security screening, one that will have greater applicability for the general flying public.

You recently announced a change in the prohibited items list that has been widely criticized. While I as a Member of Congress profess to know what I know and know what I don't know, I generally yield to those with the experience and the expertise in making those decisions. So in that sentiment, I would not question your judgment, but I will question the process.

We have a number of stakeholders from flight attendants to TSA agents to passengers to airline pilots that should always be, at least in the conversation, not dictate policy, but should be involved in the process. So I do not believe that important decisions such as that can properly be made in a vacuum or without advance com-

ment and continued conversation with the stakeholders that I mentioned.

I look forward to working with you to accomplish our goals and your goals. On a separate note, we must also address the importance of protecting our transportation systems and ensuring their resiliency throughout any man-made or natural disaster.

New Orleans, my hometown, is home to the Louisiana, I mean to the Louis Armstrong International Airport which serves as a primary transportation hub for the region. Last year New Orleans welcomed over a record 8.5 million visitors with nearly half of those people arriving by airplane.

In addition to the airport, my district is home to three critical deep water ports, the Port of New Orleans, the Port of South Louisiana, and the Port of Baton Rouge. These ports make up the largest port system in the country, and one of the largest in the world, connecting 32 States to world-wide markets. Louisiana's extensive network of railroads, barges, interstates, highways, and airports, ensure that raw materials and finished products reach millions of Americans in a timely and efficient manner.

A natural or man-made disaster affecting the New Orleans area, can severely impact the flow of commerce and potentially disrupt the region's economy. Administrator Pistole, I look forward to working with you, Chairman Hudson, Ranking Member Thompson, and the other Members of this committee to ensure that our transportation systems remain a priority.

Again, I thank you for being here today and I look forward to the hearing. I yield back.

Mr. HUDSON. I thank the gentleman. I am told that staff has the video ready. Do we want to put that up now?

[Video.]

Mr. HUDSON. The Chairman's understanding is that that is the size of the IED in the latest attempt that was thwarted through intelligence.

Mr. PISTOLE. That is right Chairman, and this is the type of device that I want our security officers looking for, just for comparison purposes, it is not much different than the size of this cup of water.

Mr. HUDSON. Great, I appreciate that. I will now recognize myself for 5 minutes for the purpose of asking questions.

Mr. Pistole, there has been a lot of discussion the last few days about the TSA's decision to allow penknives on aircraft. I would argue that there has been more coverage surrounding the difference in blade lengths than the report of the alleged IED slipping through security undetected. How can we trust that risk-based security is working and that your team is focusing on real threats like the one that we saw in the video, when we just saw reports of a serious lapse in safety for the traveling public?

Mr. PISTOLE. Thank you, Chairman. That is what risk-based security is all about. Trying to identify what are the most significant risks to, in this instance, aviation security, and making sure that our officers and our entire U.S. Government, National security team, is trying to be as precise and focused on those threats that can cause the greatest damage.



So if you would like, I could show, for the subcommittee, what these items are that have already been on the list, allowed since 2005. If we could show, so on the left here, if you can, it is kind of hard to see from there, but we have items such as the scissors and the knitting needles and the 7-inch screwdrivers.

Those have all been allowed since 2005. So we have had billions of passengers, approximately 620 million a year, travel in the United States with these items permissible, permittable and there has not been a single incident involving those, in terms of attack on passengers, flight crew, Federal Air Marshals, anybody.

What is on the right of that white divider there, are the small pocket knives, penknives, that I announced last week, would now be permitted for those eight reasons that I identified in my opening statement.

Now just in terms of contrast, we also have, over here, those items that would still be prohibited, because of their nature. We went to describe those in some detail. Even though some of them may be shorter than the 6 centimeters, because of their construction or their use, some have been described as skinning knives for hunters, other things are simply tactical weapons. Those will still be excluded, as well as box cutters.

So just in terms of contrast, these are things we will continue to exclude. These are the things, that given the overall intelligence from the community, these are not things that terrorists are intending to use. It is those, the non-metallic IEDs that can blow up an aircraft, that is the greatest threat. That is what risk-based security is all about.

Mr. HUDSON. I appreciate that. Will screeners undergo additional training that will focus on how to better detect explosives and other major threats instead of some of these items that you have now taken off of the list?

Mr. PISTOLE. Yes, and that is an on-going process. So what we have had, really since Christmas day 2009, is how do we best detect, not only through our security officers, but our technology? So for example, last year with this second, next generation plot that came out of Yemen, what we learned is that the explosives that the terrorists were using was a new type of explosive that our explosive detection equipment, not only here in the United States, but worldwide, was not calibrated to detect.

So we went back and recalibrated all the explosive detection equipment we had. Additionally, our canines, who are such valuable parts of our layer of security, they had not been trained to detect that type of explosive, because it was a new one. Never seen before in the world. So we went back and trained them, imprint them with that type of scent so they would be able to detect that.

So it is that type of on-going risk-based intelligence-driven, so we take the intelligence and then we train our security officers to detect these type of devices. If I could just comment on that Newark situation. So this is part of Internal Red Team testing that we do. We are always trying to push our officers to make sure that they can find the most dangerous items.

In that instance, it was a small device, obviously because of sensitivities I won't go into detail. But it was not much larger than a deck of cards, but at least half the width or the depth of it. So

in that instance, it was artfully concealed by our security officer who was doing the covert testing. Although a pat-down was done, it was not found. So what we did was give immediate feedback, say okay you did the pat-down, but you didn't find it. Here is why. So that is what we use then as a training tool for our security officers around the country.

Mr. HUDSON. Thank you sir, I appreciate that. Are you looking at any additional items that you may want to take off of the prohibited items list and what is that process like for looking at future?

Mr. PISTOLE. So again, this goes back to my Senate confirmation where I had a specific request from a particular Senator who asked particularly about small knives. So as part of my confirmation, I had to agree to review that. So this has been an on-going process for over 2½ years.

We look for, obviously, the latest intelligence. But it really comes down to how can we best utilize our resources, however limited they may be. With sequestration and future budgets, and all of those issues, that you are very well aware of, how can we make sure we are most focused on those items?

Mr. HUDSON. Thank you, sir. The Chairman now recognizes the Ranking Minority Member of the subcommittee, the gentleman from Louisiana, Mr. Richmond, for any questions he may have. Mr. Richmond, you are recognized.

Mr. RICHMOND. Administrator Pistole, you speak, just starting where you left off which is your Senate confirmation and your agreement to look at small knives. I know that you have a Prohibited Items Working Group. Did you use that group? Did you bring in stakeholders to talk about the shift in a policy concerning small knives?

Mr. PISTOLE. The initial working group was formed internally, obviously I wanted to get the TSA opinion before I went outside to see, okay what does TSA say about this? That involved a number of people across the organization, including input from the workforce around the country through a couple of different mechanisms.

One is what we call the Idea Factory. It is kind of like an electronic suggestion box, where people can send in suggestions. We received over the last 2½ years, I have seen hundreds and hundreds of suggestions to do just that, to remove small items, small knives, and other things from the prohibited item list.

This working group convened and met for 2 weeks in 2011 and then following up last year to assess the entire list from several respects—what the intelligence tells us; what are the threats; how are they impacted, and those seven or eight things I went through in my opening statement.

Then looking at what does that mean in terms of our resources at the checkpoint. Does this help the checkpoint? Just for example, Congressman, every day still today, we of course find on average four guns at checkpoints, which slows things down.

But we also find about 2,000 of these small pocket knives every day across the country, about 2,000 of these small pocket knives. Now, on average, that takes 2 to 3 minutes for the pocket knife to be identified in the carry-on bag through the X-ray, for that bag to be pulled, for the bag to be opened, and then for that—the knife

to be found and then the bag closed up and then run back through the X-ray—so anywhere from 2 to 3 minutes times 2,000 incidents every day.

Mr. RICHMOND. Well, again, I started by saying that I don't question your judgment because you do what you do, and we have to trust that you are making the right decisions. My question is whether the number of professional associations and the airline pilots, the law enforcement officers association, the flight deck officer association, Federal Government employees, and the flight attendants association—did they have real and meaningful input?

I am not asking you to defer to them, but a lot of times it helps if they are at the table when you are making a decision so that they are privy to the information that you have.

Mr. PISTOLE. Understood, Congressman. I recognize that based on a classified intelligence briefing that I provided for 12 representatives of flight attendants' associations yesterday, I could have done a better job of bringing them in earlier, giving them that classified intelligence briefing to tell them about what the actual threats are, the on-going threats are, the on-going threat, where they are coming from, how they are being advised.

So I could have done a better job of that, not only with the flight attendants. I did notify a senior representative of the flight attendants association on November 30 of my intention to change the list as it involved knives. I also did a similar notification to a senior representative of pilots association after that, and the—also briefed the—the homeland security advisory council for the Department of Homeland Security in September of last year on this idea, and got feedback in a closed setting with them.

So, yes, there were several opportunities that I did. Then, of course, with the international community, with ICAO, with the European Union, with Canada and Australia, that we participate in. But yes, to answer your question.

Mr. RICHMOND. I will switch off of that. I am sure some other Members may cover it. In your testimony before Appropriations Subcommittee on Homeland Security, you mention that the delay in funding for TSA's threat assessment and credentialing infrastructure modernization program may delay the development and deployment in the changes to the TWIC program.

Can you tell me a little bit more about that? What programs and where are we?

Mr. PISTOLE. Yes, so as you know, Congressman, we are very much interested in moving forward with a universal enrollment plan which would allow for individuals, whether it is a TWIC card, a hazmat endorsement, other types of security threat assessments and vetting, to be consolidated, to get away from these stovepipes that frankly exist now.

So the sequestration is potentially delaying the implementation of testing for the one visit under TWIC that we are so much interested in—

Mr. RICHMOND. Correct, right.

Mr. PISTOLE. So we are—so yes, there is potential for that. If we don't get through this, then we will be adversely affected on the timing of that.

Mr. RICHMOND. I see that my time is expired, so Mr. Chairman, I am going to yield back. But I wanted to ask unanimous consent that the gentleman from New Jersey, Mr. Payne, be authorized to sit and question the witnesses during today's hearing.

Mr. HUDSON. No objection.

Mr. RICHMOND. Thank you.

Mr. HUDSON. You are welcome, Mr. Payne. Thank you.

Let's see. At this time, the Chairman recognizes the Ranking Minority Member of the full committee, the gentleman from Mississippi, Mr. Thompson, for any questions that he may have.

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

I would like unanimous consent to enter my opening statement into the record.

Mr. HUDSON. Without—no objection whatsoever. Thank you.

[The statement of Mr. Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

Chairman Hudson, thank you for holding today's hearing and congratulations on your appointment to lead this important subcommittee. I would also like to congratulate my colleague, Mr. Richmond, on his election as Ranking Member.

This subcommittee has a legacy of bipartisan cooperation and productivity. This is the only subcommittee to have produced an authorization bill for the component of DHS it oversees in each of the past two Congresses. The TSA Authorization bill produced by this subcommittee in the 111th Congress, passed the House with nearly 400 votes. Unfortunately, that measure never saw action in the Senate.

This subcommittee also produced an authorization bill in the 112th Congress. However, that bill was never considered by the full committee. TSA has not been re-authorized since it was established by Congress in 2001, and this lack of Congressional input shows. While some progress has been made to improve TSA's performance and functioning, many programs and activities need reform.

For instance, TSA invests millions of taxpayer dollars in new security technologies without fully vetting them; TSA continues to deploy and utilize so-called "Behavior Detection Officers" despite the fact that this method of screening has not been scientifically validated by an independent third party; and TSA is currently under review by the Equal Employment Opportunity Commission for failure to have a standard EEO process.

The common theme is that each of these deficiencies point to a failure to implement processes that are common in other Government entities. TSA's apparent reluctance to employ accepted processes and procedures was recently highlighted by a decision that makes policy changes without substantive engagement with key stakeholders.

The decision to allow certain knives and other items through TSA checkpoints without meaningful engagement with flight attendant representatives, law enforcement officials, the employees responsible for implementing the changes, air carriers, and other key stakeholders has caused chaos and anger. The backlash that has occurred from this decision may have been avoided if a routine process to review security policy changes had been undertaken. But instead, TSA's actions have left many Americans wondering why they cannot take regular shampoo in a carry-on bag but can take a knife.

Because of these missteps, I will reintroduce legislation passed by the House last Congress codifying the Aviation Security Advisory Committee today. This legislation encourages TSA to formally engage and collaborate on policy decisions with key stakeholders.

An integral part of a reliable risk-based process is information. We cannot call our screening process risk-based or reliable if it uses measures that have not been scientifically validated.

And because the overwhelming majority of people who fly are not dangerous, a reliable risk-based process must benefit a large population—not just a few cherry-picked groups.

In a speech before the Brookings Institution last month, Secretary Napolitano stated that by the end of 2013, TSA expects that 1 in 4 passengers will qualify for expedited screening. I support that goal. However, last year, only 1 in 12 passengers qualified for expedited screening.

I look forward to hearing from TSA about how it will more than triple the number of passengers receiving expedited screening in the remaining 10 months of the year without compromising security.

Before yielding back, I would like to thank Administrator Pistole for appearing before the subcommittee today. Mr. Chairman, I ask unanimous consent that statements in opposition to TSA's announced change to the prohibited items list that the committee received from the Transport Workers Union and Delta Air Lines be inserted into the record along with public statements opposing the changes made by The Coalition of Air Line Pilots Association; The Association of Flight Attendants; The American Federation of Government Employees;\* and The Federal Law Enforcement Officers' Association.\*\*

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

Mr. THOMPSON. Welcome, Mr. Pistole. Sorry we didn't connect yesterday, but such is life. It would have helped me going forward.

In this group that you put together to come up with this policy, did it include Federal air marshals?

Mr. PISTOLE. Yes, it did. It did and in fact in my opening, I noted that because of their strong presentation, their articulation of the risks and everything else involved, I actually changed what I was leaning toward in terms of simply harmonization with the international standards to make it more restrictive. So yes, a strong input from the Federal air marshals.

Mr. THOMPSON. What about flight attendants?

Mr. PISTOLE. No, I did not have similar input from them.

Mr. THOMPSON. You had similar?

Mr. PISTOLE. Did not.

Mr. THOMPSON. Did not.

Mr. PISTOLE. Did not.

Mr. THOMPSON. Okay. I have a young lady who works on the committee who kind of lists some of the item that with this policy we will be able to take on a plane. I found out that a decision was made that we can take two golf clubs on a plane. How did we come to decide on two rather than three or four or one?

Mr. PISTOLE. So the working group who—which I described earlier—looked at all the implications and the consensus and the recommendation was two clubs for whatever reason, and it could be one, it could be—it is still up to the airlines whether they would allow that. So it is not a bag of clubs. It is two.

Mr. THOMPSON. You say it is up to the airlines.

Mr. PISTOLE. Well, the airlines can still decide what they allow in terms of the overhead bin.

Mr. THOMPSON. I am just trying to get some of the history in how we arrived at this. This is a hockey club—puck, whatever. This is a big deal. I am trying to figure out how this could not be perceived as something potentially dangerous to the people on planes.

Now, it might not bring the plane down, but I think it could cause serious harm to the people who are flying on the plane and I would have—like to have—seen more thought go into it. But it is, you know, you have decided the policy. You talked to Congressman Richmond that right now you are losing time with knives going through the machine.

Explain to me now the difference that if you see a knife going through there that is 2.45 inches long, how are you going to stop

\* The information was not received at the time of publication.

\*\* The balance of these documents were offered for the record by Representative Swalwell.

it, and how that will be in a shorter period of time than the present policy.

Mr. PISTOLE. A couple of factors there, Congressman. One is that our policy would require the person—the passenger to take that out and put it in the bin just like they would any other metal device or something. So it is basically the divestiture of that. So then as it goes through the X-ray, obviously it will be there just to be seen just like a watch or anything else would.

We are giving discretion to the TSOs to say they have been looking at these size knives for years. Our average TSO, as you know, have 5 years' experience. They are very good at this, but they will have discretion as to whether that is right around there, so there is not going to be measuring. They are instructed not to open the knives. We don't want any open knives at the checkpoint.

Then if it appears to be in compliance with the new policy, they will let that go. We had a good briefing with—AFGE, the union, when we notified them of the policy. One of the first questions was, well, will we give proper training to them; and then second, will you not punish them or penalize them in case they make an error in judgment. We responded affirmatively in both of those.

So, yes, absolutely, they will be trained.

Mr. THOMPSON. So it is your testimony before this committee that the present policy that you have announced and proposed to implement does not cause any harm to the traveling public?

Mr. PISTOLE. There is obviously any number of scenarios that could be raised. The flight attendants raised some with me yesterday. When we get into the “what if” category, that is what risk-based security is about—“what if” and then we fill in the blank. Then we make judgments and decisions based on the probability, what the intelligence says, and then what the consequences may be.

So, there is no guarantee here. So no, I am not saying that. There is no guarantee. Part of this is just the question of what the American people and Congress think TSA's role and responsibilities are.

Mr. THOMPSON. So if Congress now says maybe you should reassess this policy, are you prepared to do that?

Mr. PISTOLE. Obviously, if Congress in a bipartisan way has legislation that goes to the President and he signs, then obviously we will adopt those—whatever those issues are. Given all the input that I received, including the excellent input that I received from the flight attendants yesterday, I think the decision is solid and stands and we are planning to move forward with it.

Mr. THOMPSON. Thank you.

I yield back, Mr. Chairman.

Mr. HUDSON. Thank you, Mr. Thompson.

The Chairman will now recognize other Members of the committee for questions that they may wish to ask the witness. In accordance with our committee rules and practice, I plan to recognize Members who were present at the start of the hearing by seniority on the subcommittee. Those coming in later will be recognized in the order of arrival.

We will begin with the gentleman from Alabama, Mr. Rogers. You are recognized.

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. Pistole, thank you for being here and we are very fortunate to have you in this very important job. I have found you in my years on this committee to be very competent and capable. I want to commend you on this list that you have come out with. I would like for it to be little longer, but you have made a good start and I think it is common sense what you have done.

I do want to talk to you. You know, I am a big fan of the PreCheck program. I think it is a great risk-based approach to screening. But as I have talked to you in the hearings before and in private before, we have got to push it out a little bit faster and work some of the kinks out. As you know, a lot of people are still confused about it. It is not at all the airports. There is some inconsistent application.

Can you tell us, are you working with the airline partners on ways to clear up what the program is, how people can get in it, where it is available, where it is not? Can you kind of talk to us about that?

Mr. PISTOLE. Yes, thank you, Congressman. The airlines have been great partners on this, the five major carriers, and then there are several others that are coming on-line later this year. So as you know we are currently in 35 airports, the 35 busiest airports. I announced recently the extension of five more airports, so we will be at 40 here by the end of this month.

We will add some additional airports later this year, but we will also look at the major airports, the category X airports to add additional PreCheck lanes at those airports. So, for example, at Atlanta-Hartsfield, on Monday morning, instead of one lane or two lanes we may have three or even four PreCheck lanes open to handle that Monday morning rush of commuters going through there.

We are also looking at ways to expand the known population in ways that allow additional people to go through. You are aware of what we are doing with what we call managed inclusion, pilot program in Indianapolis, Tampa, and now Honolulu. That has been successful.

As Ranking Member Richmond knows, we used a variation on that the day after the Super Bowl in New Orleans, where instead of 12,000, 13,000, 14,000 people at travel on average, 39,000 people left New Orleans that morning. Obviously the passive screening canines that you are such a strong supporter of, those are key enablers for this strategy to move forward.

We are also working with a private industry. We put out a request for white papers that are due April 1, where there would be a partnership between us and a private company that they would do vetting for our criteria individuals who may want to sign up for a program such as PreCheck. They do the vetting to our criteria, we then vet them and then we increase the population that way.

So—

Mr. ROGERS. Would that be something that the traveling public would pay for out—themselves to get this—

Mr. PISTOLE. Yes.

Mr. ROGERS. Okay.

Mr. PISTOLE. Yes.

The other aspect is it has been complicated for some to sign up for global entry. The custom border protection which again it is a great program, \$100 for 5 years, \$20 a year allows you expedited re-entry to the country, but it has been complicated for some. So what we are working on with NTSA is to have a TSA PreCheck sign up through a TSA structure so you don't have to go through CDP, you can go through a DHS portal to say, yes I want to go international travel, that is fine, I want just domestic.

What we found the last quarter of calendar year 2012, 41 percent of the people signing up for Global Entry, just wanted the TSA PreCheck benefits. So exactly to your question, how can we maximize that. That is what we are doing.

Mr. ROGERS. But you know that—I talked to you about this before—but there is a—I also would like to see you get to the point to where once you sign up and approve the PreCheck, it works across all airlines.

Mr. PISTOLE. Right.

Mr. ROGERS. I know your airline partners have some proprietary concerns about that data.

Are you working toward a database that would protect their proprietary interest, but also allow travelers who use multiple airlines to use PreCheck?

Mr. PISTOLE. We are. The airlines again have been good partners in this. We are not quite there yet, but—

Mr. ROGERS. How long do you think it will be before you get there?

Mr. PISTOLE. I will have to get back with you on that, Congressman, because it has been something that frankly I have been hopeful that we would have already been there, but frankly I think because of some mergers and other issues that complicated things a little bit for everybody.

Mr. ROGERS. Then last, foreign repair stations.

Been 10 years since we have been waiting on a rule. Can you tell us that is gonna happen real soon? You gonna have us a rule pushed out?

Mr. PISTOLE. I can tell you that.

[Laughter.]

Mr. ROGERS. Can you tell me and mean it?

Mr. PISTOLE. So—well I actually—there is actually good news. Today I got an update that OMB has accepted the rule, so that starts a clock. So there will be a public notice of that shortly, and so we actually for the first time in quite a while we are making progress.

Mr. ROGERS. Great, do you know how long that clock is gonna tick?

Mr. PISTOLE. Well—so they—have a review period. I would have to check with that, 60 or 90 days in this instance, because it is a final rule. Then, you know, like we will be—until sometime this year, I just—that is where we are—

Mr. ROGERS. You are certain some time this year it will be finalized?

Mr. PISTOLE. Should be.

[Laughter.]

Mr. ROGERS. That is a lawyerly response.



Mr. PISTOLE. Should be, yes.

Mr. ROGERS. Thank you very much.

I yield back.

Mr. HUDSON. Thank the gentleman.

The Chairman now recognizes the gentleman from California, Mr. Swalwell.

Mr. SWALWELL. Thank you, Mr. Chairman.

I ask unanimous consent that the statements in opposition to TSA's announced change to the prohibited items list that the committee received from the Transport Workers Union and Delta Airlines be inserted into the record, along with public statements opposing the changes by the Coalition of Airline Pilots Association, the Association of Flight Attendants, the American Federation of Government Employees\* and the Federal Law Enforcement Officers Association.

Mr. HUDSON. No objection.

[The information follows:]

STATEMENT OF STACY K. MARTIN, PRESIDENT, TRANSPORT WORKERS UNION LOCAL  
No. 556

MARCH 14, 2013

Thank you Committee Chairman McCaul and Ranking Member Thompson; Subcommittee Chair Hudson and Ranking Member Richmond for having this important hearing today on "TSA's Efforts to Advance Risk-Based Security." And, thank you for affording Transport Workers Union, (TWIU) Local No. 556 the union that represents the flight attendants of Southwest Airlines the opportunity to submit a written statement. As the United States House Committee that has Congressional oversight for the U.S. Department of Homeland Security that includes the Transportation Security Administration (TSA) I applaud your efforts to examine all aspects of protecting the American people from harm and injury.

TWU Local No. 556 represents nearly 11,000 flight attendants at Southwest Airlines. Our members are mortified by the announcement of a little more than 1 week ago by TSA Administrator Pistole that allows weapons back on airplanes. As a result, we have been working nonstop to ask that the TSA reverse this adverse decision that will leave my fellow flight attendants and the passengers that we protect and serve open to airplane mayhem. In our opinion the new rules, which take effect April 25, 2013 are not rational and go directly against efforts that seek to protect the aircraft, passengers, and crew from danger.

It is a reported fact that on September 11, 2001 passengers in-flight phoned relatives before their planes crashed and stated that box cutters were used to attack some of the crew and passengers. And, similar box cutters, small knives, were found on aircraft that day that had been grounded.<sup>1</sup> As a response, items that could be used as weapons like box cutters, sharp items, some sports gear, oddities that can be easily compounded to create an explosive and obvious weapons were banned as carry-on items. But, now 12 years later, because U.S. aviation security has improved since the 2001 attacks and the likelihood of a similar plot like that of al-Qaeda succeeding against a commercial airliner is remote, we relax our standard? And, furthermore it is questionable why such a change would be made just in order to align our TSA standards more closely with International Civil Aviation Organization (ICAO) standards.

As the Congressional committee that has oversight of the TSA we ask that you demand the decision be reversed for the following reasons:

- (1) The decision is irrational and makes no logical sense.
- (2) The decision was made in a vacuum without input from stakeholders.
- (3) With sequestration budget cuts in effect, air marshal coverage that has been in place since 9/11 will be lessened.

\*The information was not received at the time of publication.

<sup>1</sup>"Box Cutters Found on Other September 11th Flights", CNN.com/US; <http://archives.cnn.com/2001/US/09/23/inv.investigation.terrorism/>.

*The Decision Is Irrational and Makes No Logical Sense*

The reasoning is inherently flawed. Simply put, what sense does it make to allow any weapon on airplanes? These weapons were banned and appropriately so. I would agree that we don't need just an illusion of safety, but we need to have secure and safe skies.

Each and every time flight attendants that I represent board an aircraft we sweep the aircraft for potential threats and weapons. If the TSA is now going to allow items that threaten the safety and well-being of passengers why sweep? This goes against the very core of the layered approach of risk-based safety management that hitherto has been the reported goal of the TSA.

To change what has worked for 12 years just to meet ICAO standards is beyond understanding. What happened in the United States on September 11, 2001 did not happen in other countries. It happened here, in the United States, on U.S. soil, with U.S. citizens, under U.S. control, and with U.S. aircraft. Would the United States blame other countries for banning items on-board aircraft that would protect the security of their citizens? I think not! It should not be about catching up to ICAO standards it should be about protecting our citizens.

Another reason that has been given for this change is so that the TSA can concentrate on other items. Of course, we are in agreement that other items that can destroy lives and property should be a focus. Continuing the layered approach of security that has been in effect over the last few years has been successful. The TSA should continue to scan for items that are detrimental to the well-being of passengers and crew alike. But, depending on a locked cockpit door to satisfy safety should not be all that is considered going forth. This change just leads down the slippery slope of eventually allowing more weapons on-board. And then what, issue guns and knives to flight attendants? That's not an option that we see as intelligent or valuable.

An airplane arriving at the gate with passengers and crew aboard that have arrived safely is the goal. Not an airplane that arrives with only one or a few survivors; that gives another meaning to "dead" on arrival. We know as a result of 9/11 that the destruction that a terrorist seeks to inflict is not only emotionally debilitating but also cripples financially. Reversing a decision that opens up opportunities for injury and destruction is at best, reckless.

It's widely known and accepted what a weapon is. And, some weapons are obvious—a gun, a knife. Other weapons are not so obvious. Yet, prisoners have used improvised weapons like sharpened toothbrushes to injure and kill other prisoners. We understand that it is rational that a risk-based approach be taken and that all risk cannot be eliminated. But reversing banned items that have previously been associated with risk is not logical when the objective is to mitigate risk and to reduce, as much as possible, the potential for anyone to commit a deliberate attack against our transportation systems. A better solution would be to keep the obvious weapons banned and continue to look for the not so obvious. Furthermore, anything that can easily be used as a weapon should not be allowed to be carried on the aircraft in any form, whether on the person, in the arms or in carry-on baggage.

*The Decision Was Made in a Vacuum Without Input From Stakeholders*

As stakeholders of the security process, TSA's risk-based approach includes partnerships, and acknowledges involvement in the process.<sup>2</sup> However, in this effort TSA did not reach out in an efficient manner for input and feedback. As a result, stakeholders, including major air carriers that are against the change (Delta, Southwest Airlines, and USAir), and the Coalition of Flight Attendants, which we are members, see this change as a step in the wrong direction, backwards, and are in opposition to it occurring in April.

The TSA said the latest decision will bring the United States into basic compliance with international standards by allowing knives shorter than 6 centimeters, or 2.3 inches, aboard aircraft. However, the safety of passengers and crew should not be compromised as an alternative to provide a swift traveling experience. At the expense of safety we should not force compliance with standards that are not germane to our situation and experiences.

The TSA also has reported that the decision to keep box cutters and razor blades on the prohibited items list was made because there was "too much emotion associated" with their use in the 9/11 hijacking incidents. As the TSA has accepted the process of stakeholder involvement there is no need for them to make these types of decisions based on emotions. It is fact that weapons similar to the ones that are now being unbanned were used in the 9/11 hijacking incidents. Consulting with

<sup>2</sup>Official website of the Department of Homeland Security, <http://www.tsa.gov/stakeholders>.

other stakeholders prior to a decision would have been more prudent and would have added substance to the decision.

*With Sequestration Budget Cuts in Effect, Air Marshal Coverage That Has Been in Place Since 9/11 Will Be Lessened*

It has been reported that the Federal Air Marshall (FAM) Service budget will be cut by 8.2 percent as a result of the sequestration.<sup>3</sup> Allowing previously-banned weapons back on airplanes while losing some of the valuable service of the FAM program is not logical. Incidents will have a more likely chance of happening and succeeding, as suspected terrorist will have more means and ability to carry out plans that could result in destruction.

The FAM program has been a successful layer within the layered safety approach administered by the TSA. With the absence of funding and the strain that will be associated on TSA airport agents as well, it is not rational to lessen the list of items that can be carried on-board. It is not necessarily true that by allowing these weapons that they should be able to have a watchful eye and perceptive to other deterrents that can bring havoc aboard aircraft. Actually allowing previously-banned items creates more work than less. Just the fact that as a result of allowing these previously-banned weapons TSA agents would need to “measure” the length and width of the knife, calculate how it operates (locked or fixed blade) and whether the grip was molded or not, is more than enough to concentrate on and can distract them from seeing objects that are more obscure but just as deadly. The public expects a safe environment, not just the perception of one.

#### CONCLUSION

Nobody who works in aviation wants to go back to pre-9/11 procedures, when terrorists could physically storm the cockpit. I’m glad the pilots I fly with can operate behind locked doors and land a plane safely even if there is a disturbance in the passenger cabin.

Security is about more than preventing terrorism. Incidents of “air rage” were on a dramatic rise prior to 9/11. Over the past dozen years, added security and zero tolerance for violence have led to a decline in abusive behavior and physical attacks in the passenger cabin.

Aside from showing a revolting, cavalier attitude about the lives of flight attendants and passengers, the idea that we can live with ax-wielding mayhem at 30,000 feet without compromising the overall security of air travel is nonsense.

Pilots, flight attendants, airline ground workers—and passengers—are partners in safety before, during, and after a flight. Sure, a trained pilot can land a flight even during an emergency—but why adopt a policy that could lead to repeated airborne emergencies?

Neither the current nor former head of the agency that’s supposed to prevent terrorism seems to understand much about the actual psychology of terror. The point is not necessarily to take down a plane or cause a large number of casualties. The goal of a terrorist is to terrify people and make daily life impossible.

Can a determined psychopath wielding a knife, machete, or battle-ax strike terror into the hearts and minds of passengers at 30,000 feet? And into the hearts and minds of millions of people who would see news of any such an event repeated endlessly on TV, the internet, and social media?

The question answers itself. TSA must reverse course. That’s why the Transport Workers Union Local No. 556 has joined the Coalition of Flight Attendants Unions, the Federal Law Enforcement Officers Association, and other concerned citizens in a petition drive and campaign to stop this absurd scheme from taking effect. And, that is why we have submitted this statement as well.

TWU Local No. 556 appreciates this opportunity to voice our position on such an important manner. We will continue to work together with other stakeholders to prevent “acts of violence” wherever they may take place, and make our skies as safe as possible.

We urge the House Homeland Security Committee to commit to whatever process necessary and available to reverse the decision of the TSA to allow weapons back into the cabin. These items can remain in checked baggage as before and not increase a threat in the skies.

<sup>3</sup>“Homeland Security Today: OMB Details Sequestration Plan” [www.hstoday.us/index.php?id=3408&no\\_cache=1&tx\[...\]](http://www.hstoday.us/index.php?id=3408&no_cache=1&tx[...])

STATEMENT OF JOANNE SMITH, SENIOR VICE PRESIDENT, IN-FLIGHT DELTA AIR LINES

MARCH 14, 2013

Chairman Hudson, Ranking Member Richmond, and Members of the subcommittee, thank you for this opportunity to present the views of Delta Air Lines and thousands of Delta flight attendants as you examine TSA's efforts to shift to a more risk-based approach to aviation security. We have long supported and partnered with the agency to advance its goal of focusing on significant threats, and we appreciate having the chance to discuss TSA's recently-announced change to the prohibited items list in this context.

The commercial aircraft cabin is a unique environment affected by rules and policies set and overseen by three different Government agencies: The TSA, FAA, and OSHA. Each agency has a distinct mission, but all are critical to the safety of passengers, crew, and aircraft. While TSA's primary aviation mission is security—the prevention of terrorism within the aviation system—it is each airline's job to integrate the many safety and security rules and policies to which we are subject into a safe and secure travel experience for the public and our employees. At Delta, we manage this task through our Safety Management System (SMS)—a proactive, predictive, data-driven tool to collect and analyze information, identify hazards, mitigate risks, and promote safety awareness across Delta's global organization. While this system was developed primarily to improve the safety of our operation, we have expanded it to include security matters because safety and security are so integrally linked.

Delta flies more than 160 million passengers each year, and several hundred events occur where our flight crews—mainly flight attendants—experience serious passenger misconduct ranging from failure to follow crew instructions to more significant events involving drug abuse or psychotic episodes. In addressing these incidents, our in-flight crews have often been verbally and physically abused, and in some instances Federal Air Marshals and/or fellow passengers have had to intervene to help bring the situations under control. As the demand for travel increases and through examination of the data we collect through our Safety Management System, we recognize that instances of reported passenger misconduct are not decreasing. In view of how the data is trending, we believe that the re-introduction of small knives into aircraft cabins will only intensify passenger misconduct situations.

Therefore, we have serious concerns about the recently announced changes to the prohibited items list to allow small knives onto aircraft. The following two examples illustrate the sorts of incidents our crews are seeing with increased frequency, which certainly would have been worse had knives been accessible to the unruly passengers:

- On a flight between Minneapolis and Los Angeles, a passenger engaged in an altercation with the passenger seated next to him. The passenger was issued a warning and seemed to calm down, but became belligerent again and had to be subdued by a flight attendant and other passengers. The first attempt to restrain the passenger with tuff-cuffs resulted in the tuff-cuffs breaking, after which the passenger used them to cut a flight attendant under his nose and across his lip. FBI and local law enforcement responded upon arrival, resulting in the passenger's arrest.
- A passenger aboard a flight between Los Angeles and Liberia, Costa Rica was screaming and yelling at other passengers aboard. When the in-flight crew attempted to calm him down, he spat on a flight attendant and kicked her, after which other passengers assisted with restraining him with flexicuffs. He continued to scream, yell, and kick his way through the flight, and at one point got out of the flexicuffs and attempted to headbutt the flight attendant. Three passengers had to take the passenger to the ground and use seat belts to restrain him. The passenger was arrested upon arrival.

Make no mistake—we applaud Administrator Pistole's drive to shift TSA's resources away from addressing every threat or perceived threat to focus on the most significant. Delta was one of the first airlines to pilot the TSA PreCheck program, and participated actively in development of the TSA Known-Crewmember program—both of which allow TSA to shift focus from low-risk passengers to those who pose higher levels of risk. We fundamentally believe that the agency can only succeed in its dual mission of securing the aviation sector and facilitating commerce if it continues to undertake efforts like these.

While allowing passengers to carry small knives aboard aircraft may not enhance the risk of catastrophic acts of terrorism occurring aboard aircraft, it does significantly increase the danger airline passengers and crewmembers face from unruly

passengers relative to the little improvement the change will likely make to the customer security process flow. Furthermore, the absence of consultation with stakeholders before the change was made is a step backward from the good strides TSA has made in recent years to partner with industry to implement effective security measures that complement airline operations, rather than hinder them.

There is one other issue I would like to address—whether or not re-introduction of knives into the aircraft cabin is appropriate because it is consistent with the ICAO (International Civil Aviation Organization) standard. Delta flies to over 300 destinations in nearly 60 countries worldwide, at 46 of which TSA requires that we implement more stringent security measures because the level of threat to a U.S. airline and U.S. passengers is more serious than in other locations. At most if not all of those locations, the local government’s security regulations are consistent with ICAO security standards, which are minimum security standards, but TSA requires that we do more. In other locations—Japan and Canada are two good examples—local governments implement security measures that are more stringent than the minimum ICAO standards. We would simply note that in the case of small knives, we don’t believe that harmonization with minimum ICAO standards is sufficient justification for reintroducing this threat to our flight crews and our passengers.

It is our hope that in the days and weeks ahead, TSA will be willing to reconsider its decision to allow small knives aboard aircraft. And as always, we at Delta remain committed to engaging with the agency as a partner to develop effective security solutions and improve the aviation security system.

Thank you again for this opportunity to share Delta’s views.

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#### CAPA OPPOSES TSA’S CHANGES TO PROHIBITED ITEMS LIST

*Washington, DC (March 7, 2012).*—The Coalition of Airline Pilots Associations (CAPA) which represents over 22,000 professional airline pilots at carriers including American Airlines, US Airways, UPS Airlines, ABX Air, Horizon Airlines, Southern Air, Silver Airways, Kalitta Air, Miami Air, Cape Air, Omni Air and Atlas Air, is opposed to the recent Transportation Security Administration’s (TSA) decision to make changes to the TSA’s “Prohibited Items List”.

TSA Administrator John Pistole announced plans to change the “Prohibited Items List” effective April 25, 2013 to include permitting small knives in carry-on luggage as well as certain sports-related equipment. According to a TSA statement about the planned changes, “The decision to permit certain items in carry-on luggage was made as part of TSA’s overall risk-based security approach and aligns TSA with International Civil Aviation Organization (ICAO) Standards and our European counterparts.”

“While CAPA welcomes the periodic review of items banned from being carried on the airplane, we categorically reject a proposal to allow knives of any kind in the cabin,” stated CAPA President Mike Kam. “We believe the threat is still real and the removal of any layer of security will put crewmembers and the flying public unnecessarily in harm’s way,” he added.

CAPA is deeply concerned that industry stakeholders were not consulted prior to implementing these changes. “Crewmembers are a critical component to aviation security and, as trusted partners to TSA, should be involved in these processes.” President Kam stated. “CAPA’s Security Committee is concerned that the proposed changes to the prohibited items list could represent a step backwards in aviation security,” added CAPA Security Representative Steve Sevier.

CAPA vigorously supports fully funding critical programs such as the Federal Flight Deck Officer Program (FFDO), which deputizes airline pilots as Federal law enforcement officers to defend the flight deck, and the Crewmember Self Defense Training Program (CMSDT) which teaches both pilots and flight attendants techniques on how to defend themselves in the aircraft, including when confronted with edged weapons.

“It is clear that the FFDO and CMSDT programs are needed now more than ever as they represent a critically important role in protecting our passengers, crewmembers, cargo, and aircraft,” stated CAPA Security Representative Bill Cason.

PRESS RELEASE SUBMITTED FOR THE RECORD BY HON. SWALWELL

FLIGHT ATTENDANTS UNION COALITION BLASTS TSA DECISION TO ALLOW DANGEROUS  
ITEMS ONTO AIRCRAFT

*For Immediate Release, March 5, 2013*

*Washington, DC.*—The Flight Attendants Union Coalition, representing nearly 90,000 Flight Attendants at carriers Nation-wide, issued the following statement blasting today's announcement by the Transportation Security Administration (TSA) to allow knives and other dangerous objects into the aircraft cabin, relaxing an over decade-long ban.

"Today's announcement to permit knives back into the aircraft cabin is a poor and short-sighted decision by the TSA. Continued prohibition of these items is an integral layer in making our aviation system secure and must remain in place.

"As the last line of defense in the cabin and key aviation partners, we believe that these proposed changes will further endanger the lives of all Flight Attendants and the passengers we work so hard to keep safe and secure.

"Flight Attendants are the front-line safety and security professionals on-board every commercial passenger aircraft in this country and must be given the tools and training to protect ourselves, our passengers, and the aircraft. Despite repeated requests for updated training to include basic self-defense maneuvers to allow us to defend ourselves, Flight Attendants still do not receive mandatory training about how to effectively recognize and defend others against attacks aboard the aircraft."

PRESS RELEASE SUBMITTED FOR THE RECORD BY HON. SWALWELL

FLEOA CALLS TSA POLICY ON KNIFE CARRY DANGEROUS AND ILL-ADVISED

*For Immediate Release, March 6, 2013*

*Washington, DC.*—Today, the Federal Law Enforcement Officers Association (FLEOA) expressed its strong objection to TSA's new policy permitting certain knives to be carried aboard commercial aircraft.

After learning of TSA's released policy change, FLEOA President Jon Adler stated, "In light of the staff and resource constraints placed on us by the sequester, why would TSA choose to elevate the risk of Americans getting injured at 30,000 feet? If the TSA policy makers were engaged in close quarter combat with a psycho wielding a 2-inch blade at 30,000 feet, they might reconsider the foolishness of their decision."

In response to questions regarding the safety logic of allowing golf clubs as carry-on items, TSA spokesman David Castelveter stated, "These are popular items we see regularly. They don't present a risk to transportation security." FLEOA respectfully disagrees with that assessment, and can call on a variety of tactical experts to illustrate why.

FLEOA referenced the recent fatal brutal attack on fallen hero Eric Williams (BOP Correctional Officer) to illustrate the hazardous ramifications of TSA's knife policy. Officer Williams was savagely attacked at close range by an inmate who stabbed him repeatedly in the neck with a plastic-edged weapon. TSA's policy would expose FAMS, law enforcement officers flying armed, airline crew, and all passengers to a similar set of potentially fatal circumstances.

"There is no justifiable reason for implementing this policy, and it only serves to place law enforcement officers and flying Americans at greater risk," added Adler.

FLEOA plans to engage law makers to address this ill-advised decision by TSA.

Mr. SWALWELL. Good afternoon, Administrator Pistole.

After September 11, zero planes have been taken down by sharp objects where sharp objects would have been used.

Mr. PISTOLE. Correct.

Mr. SWALWELL. My understanding, there have been zero attempts as well.

Mr. PISTOLE. There was one attempted hijacking internationally. If you are talking about domestically, there have been zero attempts. Internationally there was one attempt in 2009, it was a hijacking attempt with a plastic knife. Unsuccessful obviously.

Mr. SWALWELL. Also zero major stabbing issue with sharp objects?

Mr. PISTOLE. Zero that I am aware of.

Mr. SWALWELL. For me then, that begs the question that when we look at the number of attempts or successes that have taken place involving sharp objects, post-September 11, the answer is there have been zero.

That begs the question, can that number get better? The answer is no. But it also begs the question, can that get worse? To me, the answer is, yes. It can get much worse.

So I ask, how does allowing sharp objects on board now accomplish the goal of maintaining zero planes being taken over, or having zero incidents involving sharp objects? I also understand, Administrator Pistole, that the shift towards risk-based threat assessment, and I appreciate the shift towards focusing on IEDs.

Mr. PISTOLE. Thank you.

Mr. SWALWELL. But just because this is a new threat does not mean that old threats still exist. I would imagine that if we were to ask how many incidents occurred before September 11 involving sharp objects, we would also have found that the answer is zero, yet the threat was still real and tragically we paid the price on September 11.

On this board, three knives—then reflected by the checks and the X.

I think most people out there would have a hard time telling the difference between what is allowed and what is banned. I am—and I am wondering, do you think that any one of these knives would be more or less dangerous than the other?

Do you think one of these knives would be more or less successful in taking over an airplane and causing another terrorist attack?

Mr. PISTOLE. Thank you, Congressman.

You raise a number of good points, and our working group, and experts considered those issues in quite some detail. In terms of some context, the international—again, air community has allowed these—anything 6 centimeters or shorter since August 2010, again no attempts.

Here in the United States, obviously, you see these items. Terrorists don't need to use those, they don't need to use these, they have things on board already, whether it is in first class, a metal knife or fork, whether it is a wine glass or wine bottle that they break and use. There is any number of things that could be used as a deadly instrument.

The whole purpose of risk-based security is to take information that we have, both about terrorist intent and tactics, to make sure that we are preventing prior attack—attempts and the hijackings, obviously of 9/11 which multiple layers of security that I am sure you are familiar with, not just physical security.

On the classified side, the intelligence about who is traveling, where they are trying—all those things. So it really gets again to what is the intent of the person on-board as opposed to the object. So if we simply focus on objects, then we are always behind the eight-ball. The whole purpose is to focus on the intent of the person, and so it really comes down to the mission of TSA.

Is it to prevent disturbances by inebriated passengers on board? I don't think so.

Mr. SWALWELL. Administrator, but wouldn't you agree that if we looked at the checked knives that would still be allowed, these screen-checked knives, which appear to be just slightly smaller in size than what would not be allowed, that in an orchestrated attack they could do great damage to our flight attendants and great damage to our passengers and perhaps, hopefully not, but great damage to people on the ground when a plane could be used to as a missile?

Mr. PISTOLE. Well, sir if you are asking whether I think individuals with those small pocket knives could take over an aircraft, take control of it, I don't think so, because of all the other layers of security we have in place, including the thousands of Federal flight deck officers who are armed in cockpit, the hardened cockpit doors, the response of the valiant crew and the passengers who would not allow that to happen.

If we had a group of terrorists if you will get on a plane here in the United States, without anybody else in U.S. intelligence, law enforcement community knowing about those, they haven't come up on anybody's radar, then we have had a failure of the U.S. National security program, rather than just at a checkpoint.

Mr. SWALWELL. I would just conclude, Mr. Chair, by saying, you know, for 11 years we have not had an incident, since September 11, and I think largely because of a lot of the good work TSA has done and so that is why I am asking, why now, and why do we want to go back?

So thank you, Administrator.

Mr. PISTOLE. Thank you, Congressman.

Mr. HUDSON. Thank the gentleman.

The Chairman now recognizes the gentleman from Pennsylvania, Mr. Barletta.

Oh, rookie mistake.

The Chairman now recognizes the Congresswoman from Indiana, Mrs. Brooks.

Mrs. BROOKS [continuing]. Having been a former United States attorney, I actually served at the time that TSA was formed, and have been a member of the Joint Terrorism Task Force—have helped lead that effort, and have been involved with law enforcement and our former agency the FBI for quite a number of years, and have been a defender of TSA and have even visited TSA in my new role at the Indianapolis International Airport just within the last month, and visited with TSA David Kane running that agency there.

I have certainly been impressed by the manner in which TSA and your previous agency of FBI goes about making the threat assessments, goes about making changes in rules and regulations and the amount of time and effort that goes into making those changes, and have incredible faith in our law enforcement agencies.

I know that the Indianapolis Airport is now part of, as we talk about changes, whether it is in the type of items allowed, but you have also just started a risk-based security program as you have mentioned called Managed Inclusion.

It is being piloted at the Indianapolis Airport as well as Tampa. Can you please expand on that a bit about Managed Inclusion?



What the experience has been, what the customer experience has been, how it is being administered, and how it is impacting not only the efficiency, but what your hope is with respect to the safety of the passengers and of those who travel, certainly the pilots and the flight attendants who travel.

How is managed inclusion brought into the whole risk assessment procedures that TSA is administering?

Mr. PISTOLE. Well, thank you Congresswoman Brooks.

Yes, managed inclusion is a natural outgrowth and one of the initiatives of risk-based security from the standpoint that I have heard from this committee many times and from many Members of Congress and the flying public, the fact that virtually everybody traveling every day is not a terrorist, so why treat them as such?

So the idea is to have a PreCheck lane where those who are in PreCheck and we have had over 7 million people now go through PreCheck including Indianapolis and I have received positive reports from David Kane, the FSD there, Federal Security Director in terms of the interaction and hopefully you have had a positive experience also.

Managed inclusion is the recognition that if we can assess with some confidence that travelers who are in a regular lane do not have an explosive device on them such as we saw in the video, something like that through a passenger screening canines who—a dog that screens basically the vapor so it doesn't pick up on that and then the—protection officers don't observe any suspicious behavior, then if the regular queue is busy and the PreCheck lane is not so busy, then people could be invited to go through that. So we started that November 1 in Indianapolis.

The day before Thanksgiving, which everybody knows is a fairly busy travel day, at that checkpoint, of course one of two checkpoints in Indianapolis, we actually had 31 percent of the traveling public go through the PreCheck lane and again, it was a matter of as they went through, they are allowed to keep their jacket on, their belt, their shoes, their liquids, aerosol, gels, and their laptop in their carry-on bag.

Then we basically asked them as they came through in terms of trying to get in terms of trying to get feedback from them, how was that—people almost unanimously said, hey great, appreciate this. So we give them cards, say well if you did enjoy this, basically as a free sample, sign up so you can have at least a high competency you would be able to go through that on a regular basis.

So we are piloting it and we will continue that in Indianapolis, Tampa, and I mentioned Honolulu. We are looking at some other airports that it might make sense in, but it really helps us try to provide the most effective in the most efficient way for the most significant threats.

Mrs. BROOKS. Is that essentially the type of system you used after the Super Bowl in New Orleans and that will there be those types of efforts at other airports where you have large conventions and large gatherings of people?

Mr. PISTOLE. Exactly, Congresswoman.

So the notion that in New Orleans as I mentioned, where there are special events, where there is a huge influx of people, we actually sent in over a hundred security officers and then as we recon-

figured the—one of the main checkpoints where there were six lanes to make five of them basically PreCheck lanes. So there, even though there are long lines with these 39,000 people, they, people were moving instead of just standing there for minutes at a time, people were moving virtually the entire time and got very positive feedback from a number of people, especially Ravens fans.

Mrs. BROOKS. Absolutely.

Thank you very much.

I yield back.

Mr. HUDSON. Thank the gentlelady. I see that the gentlelady from Hawaii, Ms. Gabbard has also joined us today. I ask unanimous consent that she be permitted to participate.

Without objection, so ordered.

At this time, the Chairman will recognize the gentlelady from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, thank you.

Congratulations for your leadership of the committee. Congratulations to my friend and colleagues, Mr. Richmond for his service as the Ranking Member. Mr. Pistole, welcome, and as you know, we have had a very strong working relationship along with the Ranking Member over a number of years.

I remember distinctly the creation of TSA being on the Select Committee on Homeland Security and I remember distinctly sort of directing the TSO process of recruitment to be more effective way before your time to reach out into neighborhoods across America and I think you have generated a team that is committed. I have supported you in your uniform change. I have supported you in the sense of the law enforcement concept. I congratulated you on the Democratic Convention and how professional those individuals were.

Let me also acknowledge, Tom McDaniels, who I know is well-trained having come from this committee who is here with you right in back of you.

But let me say that process is obviously a concern and I have always commented that to hear an announcement in the news however a Member might have missed some other notice to their office is really both disappointing and challenging because you are associated with TSOs and I have spent a lot of my legislative career defending the competency of such.

Let me just ask a quick question, how will sequester impact you—it needs to be quick—I understand there might be a thousand that is going out by attrition and others. Can you just say yes, about a thousand will go out through attrition or retirement?

Mr. PISTOLE. Yes, about a thousand through the end of May—

Ms. JACKSON LEE. Will you cut any others on top of that?

Mr. PISTOLE. Well so we have not put a hiring freeze on yet and we are just starting to limit overtime slightly but as—

Ms. JACKSON LEE. So there may be longer lines?

Mr. PISTOLE. There may be later this spring clearly going into summer.

Ms. JACKSON LEE. When I said was sequester, no one knows until we get to the epicenter, the crisis, the school let-outs, et cetera.

So today, as we speak and on April 1, can a mother with two or three children carry her bottle of water and specialty-type orange juice through the line?

Mr. PISTOLE. No, now you say special types, obviously is uniquely necessary liquid—

Ms. JACKSON LEE. Well, let me just say, she likes a special brand, it is not sold in the concessions so these innocent bottles of orange juice and water cannot be taken in.

Mr. PISTOLE. They cannot.

Ms. JACKSON LEE. If I was to splash a flight attendant with orange juice and water, and I know there are flight attendants there and I have great respect for them, I assume they would still be standing. If it was a bottle of water and I was a disgruntled passenger—

Mr. PISTOLE. Yes, yes.

Ms. JACKSON LEE [continuing]. They would be okay.

Mr. PISTOLE. Yes.

Ms. JACKSON LEE. We would think. Certainly wouldn't want them to be thrown but if you just took the water, they would be okay?

Mr. PISTOLE. Sure.

Ms. JACKSON LEE. So here is the question and let me be above-board. You may have had a meeting with the flight attendants. Over the years I have introduced legislation for mandatory defensive training. You had an answer to a question that I would beg to differ. You are absolutely right, my good friend is going to allow me just to share his example.

I thank him for his leadership. You are probably right, Mr. Pistole, that the airplane would not go down. But what you have is a compact area that flight attendants are dealing with passengers and under the new laws, no doors will be open for their relief.

My question to you, I am going to either leave out the little manicure set, but if I was to take this knife, and I like my friend very much, and to go like this to him, would he bleed?

Mr. PISTOLE. I assume.

Ms. JACKSON LEE. Would he bleed?

Mr. PISTOLE. If you are saying you stabbed him?

Ms. JACKSON LEE. That is correct.

Mr. PISTOLE. Yes.

Ms. JACKSON LEE. All right.

Mr. PISTOLE. I assume he would bleed.

Ms. JACKSON LEE. So what we would have is either an organized series of activities that might injure every single flight attendant that is on that plane making that plane almost a moving disaster target.

Now we know that we have some very energetic passengers potentially that would come to the aid of these flight attendants. But as far as I am concerned it would be a demobilized and a crisis situation that would occur and I understand the logic that says my TSOs have more important work to do. But my concern is, if it can injure then it is a problem. Your suggestion is that these are not eligible because they equate to something that could be explosive.

Some years ago we were talking about technology to detect what this might be. I am sorry we didn't get to that point. But the very

fact that we have—and I will not do anything to my good friend—let me clear the record, nor would I do anything on an airplane.

But we cannot in any way suggest that someone with some sort of mental illness, some sort of situation that brings about a tragedy, some series of incidences that we have had with a airline pilot who had some sort of medical emergency that required him to be tied down and as I—as I know, let me just say this, generally speaking, domestic flights—generally speaking, air marshals are there but no one knows what the schedule is. I just want to leave it at that. Is that accurate sir?

Mr. PISTOLE. Yes ma'am.

Ms. JACKSON LEE. All right.

So here is my final point to the Chairman. A final point is, it is very difficult for me to believe that we don't have mandatory training for our flight attendants, that the solution will be that we will add voluntary hours, and you can answer me whether you have the money to voluntarily train them I am not sure, I know it is an airline issue, but that the fact that that you are allowing a weapon that can cause a terrible injury and you are allowing it to come on without pausing for a moment with the concerns of Members of Congress.

I would like this to go back to the drawing table and I would like Congress not to have to have to introduce legislation, though I intend to do so for that reason. You need to stop this now. These cause bleeding, these cause injury, these can cause a terrible tragedy and I don't want to take it to the next length, it can possibly cause someone to lose their life.

Mr. PISTOLE. If I may respond.

Mr. HUDSON. Yes, thank the gentlelady and I will allow the administrator a brief moment to respond.

Mr. PISTOLE. Yes, and first, Congresswoman, let me thank you for your strong support for the workforce at TSA. You have been a true champion of the workforce throughout your tenure, so thank you for that.

I think there is a fundamental disagreement of philosophy as to whether TSA should be responsible for disruptive passengers who are not terrorists, so I view what the enabling legislation of TSA and our mandate is to keep terrorists off planes. So whether the object as I had for almost 27 years as an FBI agent having a weapon on me, a hand gun when I traveled because I was authorized to carry that, that not of concern because my—there was no intent to do harm.

If the suggestion is that we should somehow be able to screen for mentally and unbalanced or people who drink too much on flights and to try to keep them off the plane, I believe that is outside the scope of our mandate and we sure don't have the budget to do that. So, I don't think you are suggesting that but I just wanted to be clear that that is not what we are focused on.

The fact is, there are so many objects already on flights that can cause the type of harm you are talking about, my question would be what is the intent of the person with that dangerous object? If it is a person as you describe versus a terrorist, then it is a challenge and I think it is a good idea to work with the airlines to pro-

vide additional training on a four flight crew, everybody involved and we do not have the funding for that.

Thank you.

Mr. HUDSON. I thank the administrator for the answer.

We understand we have a hard stop at 4:30 and so I want to get through Mr. Payne and Ms. Gabbard's questions, and my hope is we can get through a second round as quickly as possible.

Ms. GABBARD. I thank the Chairman.

Mr. HUDSON. At this point, the Chairman recognizes the gentleman from New Jersey, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman.

I would like to thank the Ranking Member, Mr. Richmond on the committee, and also the Ranking Member of the whole committee, for being here.

You know, in just listening to you, Mr. Pistole, you know, I don't remember hearing you say that the TSO has more important things to do, but, you know, I don't think there is anything more important than making sure and securing the safety of passengers. Irrespective of what size the knife is, I think it is a flawed policy.

If for the reasons that you must mentioned, why give anyone another opportunity if they are intoxicated, if they are mentally ill, to—for them to be in the position to have something that they then could use is a problem. So—but that is not my main focus. The committee has done a great job in bringing that issue to light.

I represent the 10th Congressional district of New Jersey that includes Newark Airport, which has unfortunately had a troubling security record over the last several years. It is interesting, you know, one of the planes that emanated in 9/11 came out of Newark, and the reason that this committee exists now because of that tragic event, you know, 11 years ago.

Major security breaches continue to occur there. So I am deeply concerned that the proper resources are not being allocated to Newark Liberty, and that insufficient training is being—is not being conducted to ensure that TSA management has the resources and the ability what was necessary to make travel safe and secure for the people in my district and the millions of people who use that airport every year.

You know, these breaches are nothing less than alarming. Just last week, the press reported on some very disconcerting results of a covert so-called "red team" test that was conducted by TSA at Newark International Airport. It was reported that the TSA had failed to detect a fake bomb being carried through the airport by an undercover TSA investigator.

Now, in its response to this, TSA stated that due to the security-sensitive nature of these tests, TSA does not publicly share the details about how they are conducted and what specifically is tested or the outcomes.

You know, nevertheless, you know, I opened a newspaper today to read another report stating TSA does not report all incidents to its management and that Newark Airport is one of the worst offenders.

Now, if the details of security-sensitive-nature tests are not being released to the public, I want to know how I read this in the press. So my first question to you is: What is being done to make sure

that these major breaches at one of the most busy airports in the Nation are not reoccurring?

Mr. PISTOLE. Thank you, Congressman.

First, we have a strong Federal security director there, Don Drummer, who works closely with the Port Authority police. I met with Mr. Foye—the head PAP—Pat Foye last week and head of security with the Port Authority in New York to go over some of those issues, because we have had some incidents at Newark.

The whole purpose of the red team testing—those are our folks who I would describe as “super terrorists,” because they know exactly what the technology’s capabilities are of detection. They know exactly what our protocols are. They can create and devise and conceal items that only the best terrorist in the world would be able—not even the best terrorists would be able to do. So these are super terrorists in terms of covert testing.

I would be glad to give you—show you the exact item that was used in that covert testing. I did that yesterday with the flight attendants’ representatives in a classified setting. So you can see what the object is and how it was concealed. I will tell you exactly what happened. We just don’t publish that because we don’t want terrorists to—

Mr. PAYNE. I am not very concerned about what the item is. I am concerned how it got through.

Mr. PISTOLE. Well, I think if you saw the item and got a description of what the covert test was, you would have an appreciation for how it got through and where we did not do the job we should have. So we give immediate feedback to the security officer who was close, but missed it. Then we then use that as a training tool for the rest of our workforce.

Mr. PAYNE. So, you know, I am very concerned about the press getting this if it is a covert operation. You know, terrorists read newspapers as well.

Mr. PISTOLE. I am concerned about that also, Congressman. That—they should never become public. Somebody leaked that information. I don’t know who. We are looking into that. If we find out who leaked that information, whether it was a TSA employee or another agency, there is a number of—we did—that happened on February 9, and then it was briefed 2 weeks later. It was the day of the briefing to a number of people where it got leaked to the *New York Post*.

Mr. PAYNE. Okay.

Mr. HUDSON. I thank the gentleman.

Mr. PAYNE. I yield back.

Mr. HUDSON. The Chairman now recognizes the gentlelady from Hawaii, Ms. Gabbard.

Ms. GABBARD. Thank you very much, Mr. Chairman. Thanks to you and the Ranking Member and Members of the committee for allowing me to participate.

I just have one question. I will try to keep it brief.

Administrator Pistole, thanks for being here.

In your prepared testimony, you cited TSA’s efforts to expand active military members’ access to PreCheck. I applaud this effort. I have had the honor and privilege of serving with many amazing heroes in our country, but have some concerns that have been

brought up by the Wounded Warrior Project that the screening of severely injured and disabled service members and veterans is frequently a confusing and humiliating process.

The screening that we have heard is often inconsistent with published TSA protocols and results in some negative experiences for these great individuals, such as removing clothing items, belts or shoes can be difficult with someone who has lost an arm or a leg, for example. We have also heard of complaints about the—scope—which your screeners use, that it can be viewed by others, and veterans being asked to remove clothing in front of other travelers or remove their prostheses, despite guidance that the screening can be done without that removal.

So I am aware of the call center that has been established. Two questions—I am curious how many people actually use the call center, as well as besides that what is being done to ensure that they receive a screening experience that is dignified?

Mr. PISTOLE. Well, thank you, Congresswoman, for your interest. I share your concern about the way we treat these heroes. We are making progress in terms of how we deal with wounded warriors, particularly—local here, where they are released from Walter Reed and they go to Reagan or Dulles Airport and it is their first flight.

We do have much improved protocols there because we see a number of wounded warriors. Part of our challenge is around the country, and in Honolulu, I will take a look at that.

I don't know the answer—the number off-hand in terms of the call center. We do receive most of the calls are questions of information, rather than complaint. I would be glad to share that with you. I just don't have those details.

We are putting out a new overall policy and protocols for persons with disabilities which could encompass a wounded warrior. So anybody with a medical situation, anything that could be considered out of the norm where they may need additional assistance, customer engagement, we have in all 450 airports designed what we call “passenger support specialists.” This is something Congress urged us to do a couple of years ago. We have put that in place now.

So there is an individual at every airport that can—is there to assist, particularly the wounded warriors who need that.

I am given a note on the call center. In fiscal year 2013 thus far, we have had 20,000 calls. I would be glad to give you a breakdown of that.

Ms. GABBARD. Thank you. I would appreciate that information mostly because, as you said, this may be working for the first flight, for people who are leaving the hospital and making their way back home. But as you know, these are people who are facing incredible challenges for prolonged periods of time, not only for themselves, but for their families, and should not be subjected to this type of treatment.

Thank you.

Mr. HUDSON. I thank the gentlelady.

We are up against a 4:30 hard stop. We will try to get in a second round of questions here. I will begin by recognizing myself.

Administrator Pistole, it appears to me that every year, even with budget cuts, the number of personnel at TSA continues to

grow. Just last week, we also saw on the news an order for \$50 million in new uniforms that were partially made in Mexico, and learned that as part of the union-led agreement, the Transportation Security Officer's uniform allowance nearly doubled to \$446 per year, which is more than the basic uniform allowance for service members in the Army, Air Force, Coast Guard, and Marines and Navy.

This leads me to wonder, is risk-based security failing to work? Or are we ignoring the efficiencies that it is supposed to bring about?

Mr. PISTOLE. Thank you, Chairman.

First, that we had a contract expiring February 17 on the uniforms. DHS writ large started an initiative 2 years ago, I believe it was, for all departments of officers with uniforms to have a consolidated contract to achieve efficiencies and save money. That is still in process, so we had a contract expire on February 17.

The \$50 million is actually the cap for 2 years, rather than what has been reported that—for 1-year cost. So that is for 2 years. It is up from 2012. Part of that is because of the collective bargaining agreement. We did increase the uniform allowance. That is one of the 11 items that we agreed to negotiate with the union on.

So we did give them an additional allowance. It is still well below the OPM allowance, the overall allowance. I have a chart that I would be glad to share with the subcommittee comparing it to DOD in terms of officers and enlisted and how that all comes out. There has been a lot of misreporting on that, I will say, and so we will be glad to give you the figures to address—exactly address that.

So I share your concern about the costs and will look to keep that in line.

Mr. HUDSON. But in terms of personnel growth, is it that risk-based security is not working? Or is it that for some reason we haven't seen the ability to find efficiencies?

Mr. PISTOLE. No. Actually, we have found efficiencies. I will say there was a significant increase between 2010 and 2011. Also in 2011, we had additional officers which was a response—administration-Congressional response to the Christmas day attack of 2009. Then additional advances in technology and staffing to try to detect those nonmetallic, along with VIPERs, K-9s, and inspectors. So those were all things that were added to our budget so then that was—we have the increase from that.

So that was really the defining point. I do expect to see some efficiencies down the road as risk-based security matures and we are able to put more people through the PreCheck lanes. I just don't have the figures for you now, but I look forward to working with you on that.

Mr. HUDSON. Absolutely. That will be my interest, as well as looking for ways to find these efficiencies to reduce the cost to the taxpayer as we get smarter and leaner at what we are doing, so thank you.

I am gonna yield back the balance of my time to allow the Ranking Member an opportunity to follow the question.

So at this time, I recognize the gentleman from Louisiana, Mr. Richmond.



Mr. RICHMOND. Administrator Pistole, what I will do is just ask all of my questions up front so that you can answer them, and I will try to leave some time for the Ranking Member of the full committee. I will leave some time for him, but, like I say, the Ranking Member of the full committee.

Going back to what Congresswoman Gabbard said about our wounded warriors, if there is any set of people in this country that deserve to have their own PreCheck, Trusted Traveler, or Global Entry, then it is our wounded warriors. Then I would just ask that we consider putting them in a Trusted Traveler or PreCheck so that they don't do it.

I have personally witnessed it happen to wounded warriors. It is not something that they deserve. I know that you share that sentiment.

Mr. PISTOLE. I would agree.

Mr. RICHMOND. So I am asking that we really look into figuring out a program for them, whether it is a pilot, whether it is including them in another.

In with that, I have been getting a lot of complaints from my local airport about the treatment of TSA officers that are there. I know that there are some EEOC complaints and some others.

I think that in the court documents, you have—your office has argued that you all are exempt from a lot of those employment laws. Besides—can you give me a list of the ones that you think you are exempt from?

Mr. PISTOLE. I am not sure what the individuals will be referring to, Congressman. When Congress created us and the administration created us, they did create us as a hybrid or a unique organization that was not necessarily Title V, the normal employment rules in there.

We have been in discussions about other opportunities for employees, and I would have to look at in detail what they would be referring to.

Mr. RICHMOND. Well, I will get you that list. I will also get you a letter detailing the complaints that I have received from my local agents as I walk through the airport. Now it is turning into e-mails and phone calls about just unfair work conditions and harassment and retaliation.

I would just give you an example, because I think Super Bowl was a phenomenal success.

Mr. PISTOLE. Thank you.

Mr. RICHMOND. The airport and TSA provided the workers on the line with water. The water was 3 years old. It was visibly dirty from storage. So that I think is just an unacceptable treatment for people who are really working very hard and who are partners with us.

So I will get you a list. I don't want to take any more time because I want the Ranking Member to have it. But I would like a response to those when I get it to you.

Mr. HUDSON. I thank the gentleman.

The Chairman now recognizes Ranking Minority Member of the full committee, the gentleman from Mississippi, Mr. Thompson, for any questions he may have.

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

Mr. Pistole, last Congress this committee identified a security gap that would allow an individual on the no-fly list to take flight training on a plane with a maximum take-off weight of more than 12,500 pounds.

I would like to have the clerk put on the screen a situation that occurred in 2010 in Austin, Texas, what happened when a plane hit buildings like that.

Is that still the case today?

Mr. PISTOLE. So, there have been steps taken under risk-based security to assess vulnerabilities and the consequences of something like this happening.

As I recall now, the Cessna single engine may be 3,000 pounds or something. So, what we have done is work with FAA to limit the time that a person would be able to be FAA—get an FAA airman certificate before they would be able to solo. Then, of course, they have the medical exam requirements.

So that time is down to within a few days.

But, to answer your question, yes, there still is a—a gap there that somebody—a U.S. citizen, not a non-U.S. citizen—a U.S. citizen could—but they would not be able to solo. They would be with a flight instructor. So a lot of the issues that were raised previously have been addressed, but there is still that—issue.

Mr. THOMPSON. I can appreciate it. But right now, we can train a person to fly who is on the no-fly list. There is nothing to prevent us from training.

Mr. PISTOLE. So they could be trained in the sense that they would be with an instructor and then they would submit their application or they could get the temporary FAA certificate. But they would not be able to solo. They would not be able to—

Mr. THOMPSON. I understand. But if I am a bad guy, I don't need the certificate or anybody else. You have taught me how to fly the plane.

Mr. PISTOLE. Yes.

Mr. THOMPSON. I am on the no-fly list.

Mr. PISTOLE. Yes.

Mr. THOMPSON. At this point, that is still the case.

Mr. PISTOLE. That is the case. That still is an issue that has to be addressed.

Mr. THOMPSON. What is your plan on addressing it?

Mr. PISTOLE. Yes, so, it is—out there and I welcome Congress' look at how that could be addressed. But it really is a matter of the timing of making sure that the check against the terrorist watch list is done prior to certification.

Mr. THOMPSON. Can you just set a policy that—

Mr. PISTOLE. Well, sir, FAA also, so we need to work with FAA. We can set the policy but they are the ones who issue the certificate.

Mr. THOMPSON. So, are you prepared to tell the committee that since we can train somebody to fly who is on the no-fly list, it is your recommendation that that person not be allowed to fly unless they are first pre-cleared to not be on the no-fly list?

Mr. PISTOLE. Well, that would be the best security. There is a lot of aspects to that.

Mr. THOMPSON. I guess I am not trying to do semantics, Mr. Pistole. Right now, some of us see that as a problem, that we can still train people to fly who are on the no-fly list. I think if that requires legislation, which it should not, and I think we will talk to you and people at the FAA to see if we can get it resolved.

Mr. PISTOLE. So far, you have just addressed that briefly. The other aspect, which you are not asking about, but is the intelligence collection which a no-fly person—

Mr. THOMPSON. I asked the question that I wanted to. It doesn't matter whether I didn't ask about anything else.

Mr. PISTOLE. I was offering additional information that may help—

Mr. THOMPSON. That is fine. All I want to know is: Do you train people to fly who are on the no-fly list? The answer I would assume is yes.

Mr. PISTOLE. Some private flight schools can train anybody who comes in.

Mr. THOMPSON. That is fine.

Mr. PISTOLE. Hopefully, if they are on the no-fly list, my former organization, Joint Terrorism Task Force, would know that person is going to a flight school, and that is my point.

Mr. THOMPSON. Right, Mr. Chairman, do you plan to cooperate with EEOC on their investigation with TSA?

Mr. PISTOLE. We have been cooperating. We plan to continue cooperating on whatever issues there are.

Mr. THOMPSON. Thank you.

Mr. PISTOLE. Thank you.

Mr. HUDSON. I thank the gentleman, I thank Administrator Pistole for his testimony, and Members for their questions. Members of the committee may have some additional questions for the witness, and we will ask that you respond to these in writing.

Without objection, the committee stands adjourned.

[Whereupon, at 4:33 p.m., the subcommittee was adjourned.]



## APPENDIX

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### QUESTIONS FROM CHAIRMAN RICHARD HUDSON FOR JOHN S. PISTOLE

*Question 1.* As you know, this subcommittee has previously expressed interest in the status of the Repair Station Security Rule that has been pending now for a decade. The consequence of this Government inaction and the subsequent ban on FAA's ability to certificate new foreign repair stations impedes U.S. manufacturers' and aviation maintenance companies' ability to compete in the global marketplace. At the same time, TSA in 2011 communicated to industry that the rule would be completed in the fourth quarter of 2012. It is the committee's understanding that TSA had sent the rulemaking to DHS late last summer and DHS finished their review of the rulemaking early this year. According to the Office of Management and Budget, however, they have not yet received the rule. What is your understanding of the status of this rulemaking? Should we ask for a time frame?

Answer. Response was not received at the time of publication.

*Question 2.* We've heard positive feedback from the air cargo industry about TSA and CBP's Air Cargo Advance Screening pilot. Can you provide us an update on that program? Are you close to issuing new regulations?

Answer. Response was not received at the time of publication.

*Question 3a.* You recently said that by the end of this year, 25 percent of all travelers would be eligible for some form of expedited screening.

How confident are you that TSA will achieve that goal?

Answer. Response was not received at the time of publication.

*Question 3b.* Can you explain how you intend to reach the 25 percent?

Answer. Response was not received at the time of publication.

*Question 3c.* What percentage of passengers currently goes through expedited screening?

Answer. Response was not received at the time of publication.

*Question 3d.* How many PreCheck airports will there be by year 2014?

Answer. Response was not received at the time of publication.

*Question 4.* We've received notification that NetJets and several other charter companies have had difficulty or have been denied from joining the Known Crewmember Program despite the fact that they must undergo the same rigorous safety training and background checks as commercial pilots. Can you provide this committee with information regarding the reasoning behind TSA's decision to exclude these particular groups?

Answer. Response was not received at the time of publication.

*Question 5.* Furthermore, there have been reports of harassment and invasive searches performed on these pilots as a result of their appearance as commercial air crew, but inability to prove Known Crewmember status. In several cases at White Plains, NY, Columbus, Ohio, and Manchester, NH, it appears as though there has been a concerted effort by TSA to single out NetJets' pilots, even going so far as to humiliate them by announcing their arrival at security over the terminal's PA system. Can you assure this committee that you will look into these reported incidents and that if they have occurred you will work to rectify the situation?

Answer. Response was not received at the time of publication.

*Question 6.* Don't you think it's a little confusing to have so many trusted traveler-type programs within the Department of Homeland Security? I count 7—PreCheck, Active Duty Military, People under 12 and over 75, Known Crewmember, Global Entry, NEXUS, and SENTRI. "Global Entry Light" makes 8. Has there been any effort to consolidate these programs?

Answer. Response was not received at the time of publication.



## **TSA'S EFFORTS TO ADVANCE RISK-BASED SECURITY: STAKEHOLDER PERSPECTIVES**

**Thursday, April 11, 2013**

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

The subcommittee met, pursuant to call, at 1:03 p.m., in Room 311, Cannon House Office Building, Hon. Richard Hudson [Chairman of the subcommittee] presiding.

Present: Representatives Hudson, Rogers, Brooks, McCaul, Richmond, Jackson Lee, Swalwell, and Thompson.

Mr. HUDSON. The Committee on Homeland Security, Subcommittee on Transportation Security will come to order. The subcommittee is meeting today to hear testimony from transportation security stakeholders on TSA's risk-based security programs. I now recognize myself for an opening statement.

I would like to thank our distinguished panel of witnesses for taking the time to prepare for and participate in this hearing. TSA's risk-based security has many stakeholders, all with a vested interest in seeing continued security and efficiency success. These include domestic and international airlines, airports, flight crew personnel, passengers, State and local governments, freight forwarders, manufacturers, and many others. The purpose of this committee is to provide an open process for these voices and many others.

Stakeholders across the board have been very vocal about the changes that TSA is making to its operations, and today's hearing represents just one of many opportunities to examine these alterations. While today's time frame does not allow for every group to be represented on the panel, we have invited several to submit a written statement for the record.

We all may not agree on the decisions that should be made, but I hope we can all agree that these are incredibly important discussions and debates that we are engaged in. Moving forward, I hope that we will continue to work together in order to better understand how we can improve passenger safety, ease of travel, and ultimately implement leaner, more efficient policies throughout the system.

One of the key ways to accomplish this is to work directly with TSA to ensure that expectations are met and standards assured. However, for this to occur, TSA must become more transparent and communicate more effectively. This will allow travelers and all stakeholders to gain a greater understanding of why they are being

subjected to one type of screening versus alternate methods, for example.

Carie Lemack, whose mother, Judy Larocque, died on American Airlines Flight 11 on September 11, made a critical point in a recent op-ed. She said, and I quote: “When travelers are aware that the threat is real, they are the largest and most likely effective group of behavior detection officers we can hope for. But right now, they are not aware.”

TSA’s failure to work with all stakeholders and effectively message new policies has consistently led to pushback. This particular snag is where TSA has repeatedly demonstrated a lackluster performance.

At this time, I would like to submit Ms. Lemack’s op-ed, as well as a written statement from Ms. Lemack, for the hearing record. Without objection, so ordered.

[The information follows:]

EDITORIAL SUBMITTED FOR THE RECORD BY CHAIRMAN HUDSON

CARIE LEMACK: TSA’S KNIFE REVERSAL IS PART OF ITS JOB

*TSA’s decision to remove some banned items is less important than behavior detection.*



(Photo: Elise Amendola, AP)

*Carie Lemack, March 14, 2013.*—Last week, the Transportation Security Administration announced its decision to allow weapons onto planes. A little more than a decade has passed since terrorists boarded the same flight as my mom, Judy Larocque, and used box cutters as their weapon of choice to begin the deadliest attack on our Nation’s soil. Now TSA officials are permitting passengers to carry on small blades, bats and other potentially deadly items. Have they forgotten?

The answer is, no.

TSA, like so many of us directly affected by 9/11, operates with the memory of the attacks etched into every fiber of the organization. At first glance, I want to condemn its officials for allowing weapons back on planes. But I am obliged to understand the reasoning behind the changes, and perhaps more important owe it to my



mom and to the many others who were lost, to support efforts to improve our Nation's safety and security, even when it is uncomfortable to do so.

It is far too easy to decry TSA's changes to the prohibited list of items allowed to be brought onto a plane, though some have good reason to do so. I do not fault flight attendants and others who feel their safety and security are at risk, because it is. However, it is not TSA's role to remove all threats to people on planes.

*Role of the agency*

According to its website, TSA "was created to strengthen the security of the Nation's transportation systems and ensure the freedom of movement for people and commerce." As officials have repeatedly claimed, their goal is to prevent a catastrophic attack, not one that affects a handful of people. Not much comfort to a flight attendant accosted by an unruly passenger with a newly approved small blade, but then again, any sharp object, be it a pen or a first-class passenger's metal silverware, can be used to cause harm by someone bent on doing so.

And that is the crux of the issue. For years, security experts have been calling for "risk-based" approaches to aviation security. Focus on keeping the bad guys off the plane, not the bad items. It's how the Israelis, largely considered the gold standard in aviation security, have been doing it for decades.

In my view, perhaps the biggest challenge posed by the change in the prohibited items list is that of the message it sends to other travelers. Too many think the changes reflect a decrease in the threat to our aviation sector. This is simply not true. But too little attention is paid to reminding people (without scaring them) that dedicated terrorists remain determined to strike at American aircraft.

Remember Richard Reid (more commonly known as the "shoe bomber"), or Christmas day 2009 (when the so-called underwear bomber tried to blow up a plane over Detroit), or the cargo planes scheduled to transport doctored printer cartridges, timed to explode over U.S. airspace, had the plot not been thwarted at the last second.

*Public awareness*

All risk-based approaches to security are founded on behavior detection. When travelers are aware that the threat is real, they are the largest and likely most effective group of behavior-detection officers we could hope for. But right now, they are not aware. And this is where TSA has fallen down on the job.

If TSA wants to focus on a risk-based approach to security, allowing certain weapons on planes is not the complete picture. It needs a full cadre of specially trained officers (today fewer than 10% of screeners are fully trained in behavior detection) and system-wide adoption of the technique (currently, only a handful of airports fully utilize the system).

But perhaps most important, officials need to clearly inform the American public that the threat is real, and that it will take each of us doing our part to defend against it. Whether it means paying more attention in public areas, being prepared when going through security lines so the officers can more efficiently do their jobs, or advising authorities when spotting something that does not look right, we all need to chip in. And if we do, let's just hope we can be ready should someone decide to pick a knife fight in the sky.

*Carie Lemack is a daughter of Judy Larocque, who was killed on American Airlines Flight 11, and director of the Homeland Security Project at the Bipartisan Policy Center.*

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STATEMENT OF CARIE LEMACK, DIRECTOR, HOMELAND SECURITY PROJECT,  
BIPARTISAN POLICY CENTER AND DAUGHTER, JUDY LAROCQUE (PASSENGER ON AA11)

APRIL 11, 2013

Mr. Chairman, Ranking Member Richmond, Members of the committee, I appreciate the opportunity to submit my thoughts on the need for the Transportation Security Administration (TSA) to conduct risk-based security, as well as the need for thoughtful public discourse by our lawmakers and all stakeholders on the issues surrounding the safety and security of the American people.

The recent proposed changes to the prohibited item list (PIL) and the ensuing outcry from certain stakeholders remind me how important it is that we not allow our emotions nor complacency to restrict us to a narrow view of what transportation security needs to be. Rather, our safety and security depend on keeping the big picture in mind, on remaining vigilant to the constant, real, and ever-evolving threat our transportation sector faces.

Sadly, my family knows far too well what happens when complacency and a narrow view of what can happen dictate how we handle security. On the morning of September 11, 2001, the morning that my mom, Judy Larocque boarded American Airlines 11, the prevailing views were that hijackings were crimes committed by political activists, not suicide bombers. We now realize that the threat is far greater than to those who simply work and travel on aircraft. The threat whose last line of defense is at an airport security checkpoint is against thousands of innocent people potentially hundreds of miles from the airport itself.

I never expected to become an expert in aviation security, and would gladly have traveled down another career path, one my mom would have supported and cheered me on in. I do not have that luxury. Today my sister and I have to live a life without my mother. Mom will never know her grandchildren. She will never give us another hug, nor ever say our names again.

It is because of what happened to her that I am submitting testimony today. Transportation security is too important to allow politics or misunderstandings to come in the way of what is best for the American public. It disheartens me that the discourse I have seen since the proposed PIL changes were announced are not as productive as I hope they could and should be.

TSA is proposing to allow small blades on planes. When I first heard the news, I admit I was shocked. But I have met with many Transportation Security Officers (TSOs), many officials who work at TSA headquarters, and even two TSA administrators. I know these people on the whole to be as concerned with the safety and the security of the American public as I am. They are intelligent individuals who I believe would not want to endanger the traveling public. I decided not to let my initial emotional reaction be the only thing to color my view of the change.

So I listened and learned. I found out that the new PIL would be more in line with international regulations, though more strict. Having flown on a large number of international carriers around the globe, I recognized that if I had not let their standards affect my willingness to fly then, why would I change my mind now?

I also realized that while it felt uncomfortable to say “knives will be back on planes”, the reality is, they are already are. First-class passengers receive knives with their meals. Knitting needles, tweezers, and so many other sharp objects are permissible under today’s standards. And, as we all know, it is simply a fact that an active imagination can turn even the most innocuous-seeming object on an aircraft into a lethal weapon, should they have the intent.

And that is how I ultimately came to my most important decision—the only way to have truly risk-based security is to focus on the dangerous people, not just the dangerous objects. I cannot claim to have invented this notion. As anyone who has flown into or out of Ben Gurion Airport outside of Tel Aviv knows, this is exactly how the Israelis handle transportation security. Risk-based security is a method that, to date, has worked with great success for them and can in the United States as well if given the chance and resources.

However, this approach is neither simple nor inexpensive. TSOs need proper training. Currently, less than 10% of the work force has had such training, and behavior detection, as this type of security is called, is implemented in only a handful of airports. I hope this committee will focus on the need for more training and for broader implementation of the one method that, if correctly executed, is considered to be the gold standard of aviation security.

It saddens me that so much of the rhetoric surrounding the proposed changes to the PIL has focused on whether or not small blades can cause harm. Of course they can. No one disputes that. Does a flight attendant have every reason to worry about an unruly passenger assaulting him or her with a blade? Of course he or she does. But that threat already exists, and will continue to exist even if all blades are banned. There are simply too many ways one can hypothesize that a member of the flight crew or a passenger could be harmed on an aircraft for that to be the discussion.

TSA’s role is “to strengthen the security of the Nation’s transportation systems and ensure the freedom of movement for people and commerce.” Even the 9/11 Commission, led by Governor Tom Kean and Congressman Lee Hamilton, now co-chairs of the Bipartisan Policy Center’s Homeland Security Project, recognized the need to focus on the threats to the entire aircraft, recommending in their report that “The TSA and the Congress must give priority attention to improving the ability of screening checkpoint to detect explosives on passengers” (The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States: Official Government Edition, 2004).

While no one wants to see anyone injured on an aircraft, least of all those whose job it is to keep people safe, TSA simply cannot protect against every conceivable type of possible injury. Rather, TSA is looking to prevent catastrophic attacks, and

they have come to the reasoned decision that those items proposed to be taken off the PIL cannot cause a catastrophic attack. I note that the box-cutters and mace instrumental to the attack on my mom's plane remain on the PIL.

I may be naive, but I remain hopeful that ALL stakeholders (and I believe that is the entire American public) can agree that TSA has a very difficult, but important job, and that we all must come together to help them do it. If we disagree with a decision, we need to come up with a practical solution to the issue being addressed, not just complain. Instead of mocking the men and women who chose to be on the front lines of transportation security on shows like "Saturday Night Live" (something I will note would never be acceptable to do to other law enforcement or military personnel), we need to stand with them and accept that our safety and security is something we all need to be engaged in.

Finally, we need to remember that the threat facing our transportation sector is very real. While Richard Reid (who you might remember as the failed shoe bomber), Umar Farouk Abdulmutallab (otherwise known as the "underwear bomber"), and Ibrahim Hassan al-Asiri (the al-Qaeda explosives expert believed to have constructed the printer cartridge bombs in 2010) may not be household names, their colleagues are still bent on causing destruction to American aircraft and American lives. We cannot rest on the success of TSOs, intelligence officials, and countless others who have kept us safe since the day my mom boarded AA11—we must be one step ahead of those looking to board future flights with intent to harm. We need to unite as a Nation in this effort, and remember that we are all on the same side. I am grateful for the time and effort that you and your dedicated staff are devoting to this most important issue and thank you for the opportunity to contribute to this hearing.

Mr. HUDSON. Every day, TSA's operations impact millions of travelers directly through their screening operations, but there are millions more Americans whose taxes help fund TSA, even if they have never set foot inside an airport. As an advocate for my Congressional district, for example, as all of us up here, we represent approximately 750,000 potential fliers. The Charlotte Douglas Airport, right outside my district, saw over 41 million travelers in 2012.

Helping to facilitate this travel in a safer, easier way benefits everyone. Whether it is a business transporting freight, families taking a vacation, a salesman traveling for work, or Grandma trying to visit for the holidays, beyond the dollars and cents, there is a human element to risk-based security, or RBS.

With that in mind, I make some specific points, and I look forward to discussing these and other issues in great detail today. No. 1, RBS is in desperate need of private-sector ingenuity. Take PreCheck, for example. The administrator's goal is to have one in four travelers go through some form of expedited screening by the end of the year. While this is certainly a worthy goal that I support, the Federal Government simply can't do it alone.

Marketing the programs to travelers, streamlining agency-wide operations, and simplifying the screening experience will take private-sector innovation. TSA must be willing to partner in order to reach this goal.

No. 2, these programs allow our screeners to be more efficient. Spending less energy on those that are low-risk means that screeners are able to spend more time looking for those items that present the greatest threats to passengers and crewmembers. RBS allows us to prioritize in a manner that better ensures security while easing the burdens on travelers, businesses, and screeners.

No. 3, we must find a way to conduct screening at a lower cost. Risk-based security is not only about targeting resources towards the threats; it is also about reducing wasteful spending on screening low-risk people and goods.

We must look for efficiencies in the current system, and while many have been proposed by experts and the Government Accountability Office and other groups, and through such programs as the Screening Partnership Program, there remain several recommendations that deserve to be fully evaluated. The bottom line is, TSA must do a better job of generating tangible cost savings as a result of risk-based security.

Yesterday, Congress received the President's fiscal year 2014 budget, which included \$7.4 billion for TSA. While I am pleased to see that there is a slight reduction in the current funding levels, given our fiscal situation, as well as a strong emphasis on risk-based security on the budget, I am disappointed that TSA was unable to find more significant cost savings overall. I believe risk-based security is an excellent opportunity for finding efficiencies and saving tax dollars. I intend to press TSA on that issue and look forward to our witnesses' testimony and perspective on that, as well.

The Chairman now recognizes the Ranking Minority Member of the subcommittee, the gentleman from Louisiana, Mr. Richmond, for any statements that he may have.

Mr. RICHMOND. First, let me thank Chairman Hudson and the Ranking Member of the full committee, Mr. Thompson, from Mississippi, for their work and leadership that they have provided.

I want to welcome the witnesses today, because you all are the stakeholders in TSA's risk-based screening effort, and I look forward to hearing your thoughts. One of the things that I try to pride myself on is knowing what I know, but more importantly, knowing what I don't know and relying on those people who do it every day for their expertise.

So as we develop policy from the sky down, we really need to get the input from people who are on the ground and have to implement it and know how practically to get it accomplished.

Last month, Administrator Pistole testified before the subcommittee and presented his vision for TSA as an intelligence-driven, risk-based counterterrorism agency. I appreciate the administrator's efforts to implement policies that reject a one-size-fits-all security philosophy. He has modified several screening processes to accommodate passengers with disabilities, children, and the elderly. He continues to work on expanding a Trusted Traveler program which will hopefully expedite screening operations and reduce lines at checkpoints.

I was very happy to learn of the administrator's recent announcement that TSA will allow active-duty members of the military to participate in the PreCheck program. He has also agreed to establish a program that will ease screening active-duty wounded warriors and veterans.

These efforts demonstrate a commitment to engaging in a rigorous risk analysis and making common-sense changes to policies impacting the flying public. In addition to being common-sense changes, these new policies are entirely consistent with TSA's mandate to ensure the safety and security of the traveling public against acts of criminal violence.

The successes of these risk-based strategies are a direct result of the active engagement and involvement of stakeholders. That is

why it is important that we hear from those stakeholders today, those who work in the airports with the traveling public and the contractors who supply services to TSA. As we all know, the people working in the trenches are the first to know and understand when something will not work. We need to understand the issues they face and how they believe TSA can better secure the flying public.

Last, Mr. Chairman, in recent weeks, there has been much controversy surrounding the administrator's announcement to remove certain knives from the prohibited items list. There is no doubt in my mind that the process of bringing in stakeholders and soliciting their advice could have been handled a whole lot better.

As I said at the hearing last month, I do not believe that decisions like these can be made in a vacuum. There must be a conversation and advanced warning to stakeholders, especially those implementing the changes and those most affected by them.

Moving forward, we must be deliberative in our efforts to institute risk-based policies and utilize existing mechanisms like the Aviation Security Advisory Committee to engage all stakeholders before making final policy decisions.

With that, Mr. Chairman, I will yield back.

Mr. HUDSON. I thank the gentleman.

The Chairman now recognizes the Ranking Minority Member of the full committee, the gentleman from Mississippi, Mr. Thompson, for any statement that he may have.

Mr. THOMPSON. Thank you, Mr. Chairman. I would also want to thank our witnesses for appearing today.

Since TSA's policy change regarding the prohibited items list was announced, Members on both sides of the aisle have expressed deep frustration with TSA's failure to formally engage the stakeholders impacted by the decision, such as flight attendants and the front-line workforce.

Two weeks ago, I, along with over 130 other Members of Congress, wrote the TSA administrator to express our concerns about the failure to formally consult stakeholders before implementing a policy change that will permit passengers to carry knives on a plane. If anyone doubts the potential danger of small knives, I hope that Tuesday's tragic event at Lone Star Community College will serve as a wake-up call.

Unfortunately, despite these tragic events, it is my understanding that the knives on a plane rule will take effect as planned. In an effort to avoid such missteps by TSA in the future, I recently introduced a bipartisan Aviation Security Stakeholders Participation Act of 2013. This legislation requires TSA to formally engage key stakeholders through the Aviation Security Advisory Committee when developing policies that impact millions of passengers and stakeholders. Today, this committee will demonstrate the value of consultation with those affected by the policy decisions that we in Congress and the administration make.

I look forward to hearing from all the witnesses we have here today. I am particularly eager to hear from Mr. Borer, the general counsel for the American Federation of Government Employees, regarding the impact TSA's recent decision to remove knives from the prohibited items list will have on screeners and the directions they have received from TSA.

Regardless of the policy at issue, its implementation can only be successful if the front-line workforce has clear direction on how to carry it out. I am also interested in hearing from the witnesses regarding their thoughts on TSA's shift to a so-called risk-based security model. While the term risk-based sounds appealing at first glance, I believe we need to give a close examination of how TSA is defining what constitutes risk and have a serious discussion about the levels of risk we are willing to accept.

Prior to 9/11, we accepted the risk of having passenger and baggage screening conducted by private security companies. In the aftermath of that tragic day, Congress overwhelmingly supported Federalizing the screener workforce in an effort to lessen the risk of another such tragedy occurring.

With time, however, I feel that memories of that day and the lessons learned have begun to fade, leading the cause for a massive and even force transition back to a privatized screening workforce. Last year, in their on-going efforts to expand the use of contract screeners, critics of TSA placed language into the conference report for the FAA Authorization Act allowing subsidiaries of foreign-owned companies to obtain contracts for screening at domestic commercial airports and stripping the administrator of his discretion to approve or deny an airport's application to privatize its screeners through the Screening Partnership Program.

They did so without any public debate on the changes and without this committee, the committee of jurisdiction, having a single Member assigned as a conferee. The Government Accountability Office recently reported that TSA's evaluation of contract screeners are insufficient to determine how their performance compares with Federal screeners. TSA has reported numerous security breaches by contract screeners, including the failure to detect prohibited items, improperly clearing passengers at SPP airports, and mishandling sensitive security information.

In addition to concerns about performance, there are serious concerns about cost. According to data provided by TSA, it cost taxpayers 46 percent more to use contract screeners at Rochester International Airport in 2012 than it would have cost to use a Federalized workforce. In response to these concerns, I, along with Representative Richmond and Lowey, introduced H.R. 1455, the Contract Screener Reform and Accountability Act, yesterday. This legislation will prohibit subsidiaries of foreign-owned corporations from obtaining contracts for screening services at domestic commercial airports, require all security breaches at airports with contract screeners to be reported, require training for the prior proper handling of sensitive information at SPP airports, and mandate covert testing of contract screeners and impose penalties of compromising testing.

I am pleased that Senator Brown of Ohio has introduced companion legislation in the Senate. I look forward to working with the Members of this committee to fix the problems associated with the use of contract screeners prior to calling for their expanded use.

With that, Mr. Chairman, I yield back the balance of my time. Mr. HUDSON. Thank you, Mr. Thompson.

Other Members of the committee are reminded that opening statements may be submitted for the record.

We are pleased to have several distinguished witnesses before us today on this important topic. Let me remind the witnesses that their entire written statements will appear on the record.

First witness, Mr. Ken Dunlap, currently serves as the global director for security and travel facilitation at the International Air Transport Association. The International Air Transport Association, IATA, is the trade association for the world's airlines, representing approximately 240 airlines and 84 percent of total international air traffic. IATA supports many areas of aviation activity and helps formulate industry policy on critical aviation issues. The Chairman now recognizes Mr. Dunlap to testify.

**STATEMENT OF KEN DUNLAP, GLOBAL DIRECTOR, SECURITY & TRAVEL FACILITATION, INTERNATIONAL AIR TRANSPORT ASSOCIATION**

Mr. DUNLAP. Chairman Hudson, Ranking Member Richmond, Ranking Member of the committee Mr. Thompson, and Members of the subcommittee, it is really a pleasure to be here to speak to you today.

You know, aviation is responsible for making the world a better place, both in terms of the human spirit, connecting people and cultures, and driving economic growth. It is safe and secure, and we profoundly thank those who work tirelessly to keep it so.

There are, though, two central challenges facing civil aviation here in the United States. First, the Department of Homeland Security is confronting persistent adversaries engaged in a cycle of fashioning increasingly sophisticated attacks, and we all need to be ready. This committee has heard intelligence estimates describing devices such as the printer cartridge bombs, underwear bomb No. 1, and the enhanced version 2.0, and that is not to mention gel- and liquid-based explosives.

Second, passenger numbers are increasing, and we need to make more room and lessen the hassle. In 2012, airlines globally carried more than 2.9 billion passengers; 787 million passengers traveled to, from, and within the United States, and of that, 718 million passengers flew on U.S. airlines. By 2030, the footprint of aviation will cover nearly 6 billion passengers, 82 million jobs, and \$6.9 trillion in economic activity.

These challenges imply that in the future, TSA will need improved security infrastructure, streamlined operations, and perhaps most importantly, enhancing focus on risk-based security. Let me just spend a minute talking about risk-based security.

So everything comes with risk. You cross the street, you take a shower, you eat a meal, you go to a conference, you even testify before Congress, and there is risk, and that is just life.

Air transport is not any different. However limited, there is risk. One of the biggest challenges today is striking the correct balance between risk and regulation. Let me be clear: We cannot accept 100 percent risk. Any regulation that completely would eliminate risk would shut down this industry. That is an equally unacceptable solution.

What is needed is a pragmatic approach that balances the two, and that means changing our mindset when we regulate. We have to put desired results at the center of our efforts. We have to un-

derstand that a proliferation of bureaucracy and rules don't equate to effective passenger security. We have to recognize that 99.9 percent of all the passengers in all the air freight we travel—and perhaps even a higher percentage than that—pose no threat to aviation.

So these are principles that lead us to risk-based security. So I know that is utopia, but where are we today? Well, we are spending a lot of money, \$8.4 billion a year and rising, to support security system mandates that have grown exponentially since 2001, and this is just what the airlines are required to spend. This is well-intentioned, but not effective spending.

Next, risk-based security is still in its infancy here in the United States. TSA has made 14 policy changes in support of RBS, but they only touch really a small subset of airlines and passengers. TSA needs to be given the chance to evolve as much of the system as possible so that the majority of passengers, airlines, and crew members benefit, and consultation and collaboration need to be the cornerstones of risk-based security. Frankly, we are not there yet.

Government and industry have a strong history of working together on safety. It is a well-developed model for our collaboration and security.

Last, I want to note that the industry is taking up the challenge to develop risk-based measures, as well. IATA is working with public and private partners around the world to modernize and improve the passenger screening process through our Checkpoint of the Future program, and we hope that by 2020 passengers can be screened and experience an uninterrupted journey from curb to aircraft door.

In conclusion, business as usual is simply not an option anymore for aviation security. Rigid requirements and formulaic processes need to be replaced by risk assessments, global standards, and outcome-focused targets.

Chairman Hudson, Ranking Member Richmond, Mr. Thompson, Members of the committee, thank you again for the opportunity to speak here. The future of aviation is bright, and your collaboration is vital to our continued success.

Thank you.

[The prepared statement of Mr. Dunlap follows:]

PREPARED STATEMENT OF KEN DUNLAP

APRIL 11, 2013

TSA'S EFFORTS TO ADVANCE RISK-BASED SECURITY—STAKEHOLDER PERSPECTIVES

Chairman Hudson, Ranking Member Richmond, and Members of the subcommittee it is a pleasure to provide a stakeholder perspective on TSA's efforts to advance risk-based security.

IATA's 240 member airlines crisscross the globe every day, safely carrying passengers and cargo to their destinations. Aviation is responsible for 56.6 million jobs globally and 3.5% of global GDP. Here in the United States, it contributes \$669 billion dollars to the GDP which is equivalent to 4.9% of the U.S. economy. In 2011, airlines carried more than 2.8 billion passengers. You've heard all of this before. But these numbers are expected to grow globally over the coming years, with nearly 6 billion passengers, 82 million jobs, and \$6.9 trillion in economic activity by 2030.

With this projected growth will come the need for improved security infrastructure, streamlined operations, and, perhaps most importantly, next generation passenger and cargo screening.



Despite the difficult decade that we have been through, the industry did not take its eye off of the ball on the top priorities of safety, security, and sustainability.

- We committed to carbon-neutral growth from 2020 and to cut our net carbon emissions in half by 2050 compared to 2005.
- Last year was the safest in aviation history with just 1 accident for every 5 million flights on Western-built jet aircraft. And there were no hull losses with Western-built jets among IATA's 240 member airlines.
- And we developed a roadmap through 2020 to build a passenger Checkpoint of the Future.

That said every activity comes with risk. Cross the street, take a shower, eat a meal, go to a conference, and there is risk. That's life. Air transport is not different. However limited, there is risk. One of the biggest challenges today is how we strike the correct balance between Risk and Regulation.

We cannot accept 100% risk. And any regulation that completely eliminated risk would shut the industry down—an equally unacceptable solution. A pragmatic approach is needed to balance the two. But I am not sure that we have achieved a common understanding on defining where that balance should be with regulators.

If we don't find that balance soon we will lose the goodwill of our passengers and shippers, clog our airports, slow world trade, and bring down the level of security that we have worked so hard to build up.

IATA believes that the prevailing one-size-fits-all proscriptive model for security is not sustainable. If we don't evolve, the system will grind to a halt under its own weight.

That means changing our mindset:

- We must put desired results at the center of our efforts. If we want to keep bombs off of airplanes, it does not matter whether we use machines, dogs, intelligence, or any combination thereof.
- We must understand that bureaucracy and rules do not equate to effective security. The Transportation Security Administration's (TSA) consolidation of their Emergency Amendments for international carriers is a step in the right direction . . . and we need more of it.
- And we must recognize that 99.9999% (if not more) of passengers and freight pose no threat to aviation. So we need to make better use of the information that is available to assess the risk of the people, objects, or situations that can pose threats.

These principles would lead to security that is driven by the desired outcomes not the processes, which is pragmatic not bureaucratic, and that is efficiently focused on mitigating risks rather than on mechanically repeating procedures ad infinitum.

#### PASSENGER SECURITY

If that is utopia, where are we today?

We are spending a lot of money—some \$8.4 billion a year and rising—to support a security system that has grown exponentially since 2001. And this is just what airlines spend, let alone the cost to passengers and on other parts of the value chain. This is well-intentioned spending. Air transport is secure. But there are inefficiencies. For example, our most trusted employees and people with high-level security clearances—even Members of Congress—are screened in the same way as our least-known passengers.

Processes are cumbersome. Before 9/11 the average checkpoint processed 350 passengers per hour. Today it is below 150.

Resources are being stretched. The TSA admits it is concerned that we are running out of space to accommodate the growing footprint of the security areas at airports.

And customers are unhappy. IATA research found that wait times at checkpoints were the most frequently-cited gripe in the security process. 37% of our passengers think that security screening is taking too long.

But how do they define too long? According to our survey about 27% of passengers would like to see a wait of no longer than 5 minutes. 51% of travelers would be satisfied if the maximum wait was no longer than 10 minutes. 21% believe times between 10 and 20 minutes are acceptable. So these measurements indicate that a target wait time of 5–10 minutes would make nearly 73% of passengers satisfied with the checkpoint wait. Interestingly, when we ask this question of business and leisure travelers the results are nearly the same.

We think that this is an important number that regulators need to aim for as they design new checkpoints and immigration lanes and try to optimize existing ones.

Our collective failure to get full buy-in from air travelers means that they are not partners in the process, merely silent and sometimes intimidated and resentful participants.

We have a growing problem. I emphasize “we.” Security is the responsibility of states but delivering it effectively requires the cooperation of the whole value chain. We are accountable to our passengers and they do not care if the delays and hassles they encounter are the result of Government, airline, or airport processes. All they remember is an unpleasant experience making them less willing to travel by air and sending ripples across the economy. With enough of those ripples a city may see connectivity decline.

Government and industry have a strong history of working together on safety. It’s a well-developed model for our collaboration on security. The Department of Homeland Security (DHS), for example, has revitalized its aviation security advisory committee and added an international subcommittee. I want to thank DHS Secretary Janet Napolitano and TSA Administrator Pistole for their leadership on this. There is still plenty of room to improve engagement between industry and Government in the United States and elsewhere, and this sets a good example.

#### *Risk-Based Security*

Integral to risk-based security and IATA’s Checkpoint of the Future is the concept of differentiation to ensure that we deploy our resources where they will have the biggest impact on reducing risk. But you can only differentiate if you have the information for risk-based decisions.

As I said earlier, the vast majority of our passengers pose no security risk. Yet we screen them identically. We need a model that allows us to match limited security resources to the level of risk. We are not advocating for profiling based on religion or ethnicity . . . or proposing infringements on privacy. The proposal is to use information that is already being provided to governments for purposes of border control. Advance Passenger Information (API) and Passenger Name Record (PNR) information could also be used to provide automated guidance for decisions on the level of screening each passenger receives.

Such pre-screening is an important part of risk-based security and not surprisingly our passengers understand this as well. In the same survey we asked passengers whether they would voluntarily share additional information in exchange for faster security screening. 73% reported back that they would. If you compare the responses of business travelers against those of leisure travelers you see strong support in both groups, with business travelers slightly more favorable. If you look at those business travelers who travel 10 or more times per year nearly 85% would volunteer information in exchange for quicker screening.

The importance of these findings is two-fold. One, for the first time we can document overwhelming support from the traveling public to voluntarily provide information in exchange for expedited screening. Two, business travelers and leisure travelers equally support the idea. This shatters the old myth that only business travelers who fly a lot would find sharing information of value.

In the mean time, passengers are already seeing some of what the future holds. Voluntary “Known Traveler” programs are already used by 25 or more immigration and security authorities. For example, under Homeland Security Secretary Napolitano and Transportation Security Administrator Pistole we have seen an important move to a risk-based approach to screening by rolling out PreCheck. I would add that such programs maintain a random element to eliminate predictability.

IATA estimates that known traveler lanes can improve checkpoint throughput by as much as 30%. Creating a separate screening area for those travelers requiring additional attention will boost efficiency another 4–5%. That is a 34–35% increase in passenger processing capability, without adding infrastructure.

#### CHECKPOINT OF THE FUTURE

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

The goals of the Checkpoint of the Future are:

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

- *Increased operational efficiency.*—By increasing throughput, optimizing asset utilization, reducing cost per passenger, and maximizing space and staff resources.
- *Improved passenger experience.*—Reducing lines and waiting times and using technology for less intrusive and time-consuming security screening.

Allow me now to highlight the scope and the roadmap of the Checkpoint of the Future project. Over the last 3 years the program has evolved into an industry-led and IATA-supported initiative. That means that airports, security equipment manufacturers, Interpol, universities, governments, and airlines are working together to make a new checkpoint a reality. We can put numbers behind the collaboration. Our Advisory Group, which provides oversight, has 16 key senior executives from every corner of aviation. They guide 110+ experts who are working to assemble the technology, policy, and procedures needed for a checkpoint of the future. All have volunteered I would add.

To date this team has developed a concept definition and blueprints to take us through checkpoint evolutions from today to 2014, 2017, and 2020. In addition, the stakeholders have developed an Operational Test and Evaluation Program (OT&E) that will evaluate the key Checkpoint of the Future components in light of our overall goals.

I am happy to report that we concluded component trials in 2012 with our airport partners at Geneva, Heathrow, and Amsterdam. For 2013, we are planning a dozen new trials that will support rollout of the first checkpoint in 2014. We certainly hope that we can bring several of these trials to airports in the United States.

So what will the checkpoint look like in the future?

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

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

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

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

Early on I referred to a security utopia. This would see rigid requirements and formulaic processes replaced by an approach guided by realistic risk assessments, global standards, and outcomes-focused targets. Air travel would be more secure. And we—industry and Government—would be prepared to address efficiently and rapidly new and emerging threats in the knowledge of what data tells us.

Our success in safety has many lessons to point us in the right direction. Over decades, industry and governments have built global standards and processes that improved safety performance and adapted to emerging concerns. We have made aviation safer while also largely having processes invisible to the passenger. Passengers take safety for granted. That should be our inspiration for security—effective and hassle-free security for both passengers and cargo.

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

Mr. HUDSON. Thank you, Mr. Dunlap, for your testimony.

Our second witness is Ms. Sharon Pinkerton. Ms. Pinkerton is the senior vice president for legislative and regulatory policy at Airlines for America. Airlines for America is the trade organization of the principal U.S. airlines, representing the collective interest of airlines and their affiliates who transport more than 90 percent of U.S. airline passengers and cargo traffic.

The Chairman now recognizes Ms. Pinkerton to testify.

**STATEMENT OF SHARON L. PINKERTON, SENIOR VICE PRESIDENT, LEGISLATIVE AND REGULATORY POLICY, AIRLINES FOR AMERICA**

Ms. PINKERTON. Thank you, Mr. Chairman, Mr. Ranking Member, Mr. Thompson, and Members of the subcommittee for inviting Airlines for America to talk to you today about this important issue. We want to thank you for your leadership. We were very interested in the meeting, the hearing you held with Administrator Pistole.

There are a few issues that touch our Nation's National security and our Nation's economy the way risk-based security does. We share a common goal with TSA and with Members of this subcommittee, and that is the safety and security of our passengers and our employees. That is our highest priority.

Because of that priority, we have been pleased to work cooperatively with TSA on programs like Known Crewmember and with CBP on Global Entry and cargo screening programs like ACAS.

Since you all travel very frequently, I know, you know well that effective security and efficient movement of passengers and cargo are not and should not be mutually exclusive goals. A risk-based security approach is an indispensable tool in achieving effective security in a way that actually facilitates travel and commerce.

We think risk-based security ought to accomplish three goals: Enhanced security, streamlined passenger screening, and expedite the movement of goods and cargo. A risk-based approach recognizes that one-size-fits-all security is no longer the optimum response to threats. It reflects the realization that potent intelligence resources and better use of technology in the screening experience produce a far more sophisticated security assessment than in the past.

Risk-based intelligence-driven analysis has been widely accepted as an approach to aviation security for some time around the world. Risk-based security is not, though, a stand-alone solution. It is part of a multi-layered approach that TSA has embraced.

TSA's PreCheck and Known Crewmember programs and customs Global Entry program represent what I would call the beginning of these known traveler programs. They do not—I want to emphasize—represent the full realization of those programs. A lot of important work remains for each of them.

Moreover, these programs have to be pursued recognizing the need for timely coordination and communication with stakeholders. Our primary recommendation to you all today for improving the PreCheck programs, Global Entry, Known Crewmember, is that these programs must be expanded. We can't stress enough the importance of allowing TSA to focus their very limited resources on unknown and elevated threat passengers.

Expansion of PreCheck shouldn't be airport-centric, nor should it be airline-centric. We don't need that program limited to a small group of people. We need to enlarge the group of people who are included in those programs.

Broader-based recruitment of qualified passengers is needed, and TSA should provide the leadership and ownership of this program. We completely agree, they can take some good lessons in innovation from the private sector, and we support that, and we will continue to work them. At the same time, they do need to provide some leadership in this area.

Their recent announcement that they are pursuing efforts to expand PreCheck through third parties or Global Entry Light, as the administrator mentioned, are good steps in the right direction. However, we would caution that the multiplicity of programs, whether it is SENTRI down on the Southern Border, NEXUS on the Northern Border, Global Entry Light that the administrator talked about, PreCheck, third-party PreCheck, it is confusing for travelers and stakeholders and sometimes Members of Congress. TSA needs to consolidate Trusted Traveler programs into one recognizable branded program and increase their efforts to recruit eligible passengers.

We have got good news on Known Crewmember. I heard the bell's reached, so I am going to run through the rest of my testimony. We have done great work on Known Crewmember. We have processed 5 million crew members. We are also supportive of TSA's managed inclusion program. I think we need to recognize these programs are growing around the world and, as such, we need to think about mutual recognition with other trusted countries programs so that we can expand that way.

Then last, but certainly not least, in light of the President's budget that was released yesterday, we have to say that we are opposed to this incredible increase in taxes that was proposed in the President's budget. The TSA—the whole purpose behind risk-based security is to try to drive efficiencies to increased safety and security, but also to reduce cost. A funny thing has happened in the past 5 years. While aviation has been hit by a global downturn, high fuel prices, TSA's budget has increased by 8 percent, while passenger traffic has actually decreased by 4 percent.

So we would urge you to consider that, as we already pay close to \$4 billion in DHS taxes and fees every year, we don't think raising taxes is in the answer.

Thank you again for allowing us to have this opportunity. I will look forward to taking your questions.

[The prepared statement of Ms. Pinkerton follows:]

PREPARED STATEMENT OF SHARON L. PINKERTON

APRIL 11, 2013

Mr. Chairman, Ranking Member Richmond, and Members of the subcommittee, my name is Sharon Pinkerton, and I am senior vice president of legislative and regulatory policy for Airlines for America, the trade association for the leading U.S. airlines. Today, A4A members and their affiliates transport more than 90 percent of all U.S. airline passenger and cargo traffic.

## OVERVIEW

We share a common goal with the TSA: The safety and security of our passengers and employees is our single highest priority. As such, we have been pleased to work cooperatively with the TSA on programs including Known Crewmember and TSA PreCheck. As all of you who travel frequently know well: Effective security and the efficient movement of passengers and cargo, are not mutually exclusive goals. A risk-based approach to security is an indispensable tool in achieving effective security in a way that facilitates air commerce.

Such an approach needs to accomplish three principal goals:

- Enhance security overall;
- Streamline passenger screening; and
- Expedite the movement of goods.

Prudent TSA policies, investment, and deployment of resources can make aviation security both more effective and more efficient. Those outcomes, in turn, enhance travel and trade, which benefits the customers and communities that airlines serve as well as our Nation's economy.

## THE CASE FOR RISK-BASED SECURITY

A risk-based approach recognizes that “one-size-fits-all” security is no longer the optimum response to threats. It reflects the realization that potent intelligence resources and extensive screening experience produce far more sophisticated security assessments than in the past. Risk-based programs consequently play to our Government's strengths in this area.

Risk-based, intelligence-driven analysis has been a widely accepted approach to aviation security for some time. The 9/11 Commission, for example, in 2004 called for thorough, risk-based analysis in evaluating aviation-security issues.<sup>1</sup> This, however, is not a stand-alone solution; it is part of the multi-layered approach to security that TSA has emphasized.

TSA's PreCheck™ and Known Crewmember programs, and Customs and Border Protection's Global Entry program represent the entry into the security mainstream of known traveler programs. They do not, I want to emphasize, represent the full maturation of those programs. Important work remains for each of them. Moreover, these programs should be pursued recognizing the need timely coordination and communication with stakeholders.

## THE NEED TO EXPAND RISK-BASED SECURITY

The known passenger programs—PreCheck™ and Global Entry—should be expanded to realize their full potential. This will allow limited resources to be focused on unknown and elevated-threat passengers. That is a goal that TSA shares. Expansion of PreCheck™ should not be limited to customers who are members of airline frequent-flyer programs—which is a point that we have made before—or who have signed-up for Global Entry. Broader-based recruitment of qualifying passengers is needed and we believe that TSA should provide the leadership for that effort. Finally, in collaboration with TSA and the representatives of flight-deck and cabin crewmembers, we continue to enlarge the Known Crewmembers program.

We also support TSA's Managed Inclusion pilot program. It enables TSA to assess passengers in the screening line and divert passengers deemed lower risk to expedited screening procedures.

With respect to cargo security measures, passenger airlines have met the 9/11 Commission Recommendations Act requirement to screen 100 percent of air cargo departing U.S. airports. In addition, with TSA's assistance we have met the screening requirement for international inbound cargo.

The growing reliance on risk-based aviation security in the United States and elsewhere highlights the desirability of exploring the mutual recognition of security programs. We do not suggest that U.S. authorities aim for universal recognition of such programs. We believe, however, that in a limited number of instances the congruence of the programs may justify mutual recognition. This could benefit regulators, as well as passengers and shippers.

<sup>1</sup> In its final report, the Commission stated: “The U.S. government should identify and evaluate the transportation assets that need to be protected, set risk-based priorities for defending them, [and] select the most practical and cost-effective ways of doing so . . . .”. *Final Report of the National Commission on Terrorist Attacks Upon the United States*, at 391 (2004).

## THE TSA SECURITY PASSENGER TAX SHOULD NOT BE INCREASED

As the TSA is able to improve its efficiency through risk-based screening program, we see no need for additional tax funding at this time. It is simply common sense: If the TSA can more people to risk-based screening, it should need fewer resources, not more, and as such we are strongly opposed to a provision in the Senate-passed budget resolution that would immediately double and eventually triple the TSA security passenger tax. Airlines, passengers, and shippers collectively paid a record \$2.3 billion in TSA taxes and fees last year. Indeed, they already pay more than their fair share of Federal aviation taxes.

TSA's budget has increased 18 percent since 2007 while the number of passengers carried by U.S. airlines fell 4 percent in that period. We believe there are opportunities to achieve greater efficiencies at TSA—without greater taxes. We look forward to working further with TSA and the administration to expand the risk-based security measures that the subcommittee is reviewing today. That is the appropriate way to handle TSA's operating costs

## CONCLUSION

Risk-based aviation security has proven its worth. But more can be accomplished with it. We appreciate the subcommittee's continuing interest in assuring that risk-based security fulfills its promise.

Mr. HUDSON. Thank you, Ms. Pinkerton, for your testimony. As everyone heard the bells, we are going to try and plow through—continue for a few more minutes here. Our next witness is Mr. Geoff Freeman, the chief operating officer and executive vice president of the U.S. Travel Association. The U.S. Travel Association is a nonprofit trade organization that represents the common interest of the U.S. Travel Industry and promotes increased travel to and within the United States through marketing initiatives and advocating for beneficial travel procedures.

The Chairman now recognizes Mr. Freeman to testify.

**STATEMENT OF GEOFF FREEMAN, CHIEF OPERATING OFFICER AND EXECUTIVE VICE PRESIDENT, U.S. TRAVEL ASSOCIATION**

Mr. FREEMAN. Thank you, Chairman Hudson, and Ranking Member Richmond, Ranking Member Thompson, other Members of the committee. Appreciate you plowing ahead, as well as holding this hearing in the first place.

As you know, travel is critical to each of your districts and to the American economy as a whole. That is why TSA's ability to build an effective risk-based security screening process is just as much an economic security issue as it is a National security issue.

If we get it right, travel will increase, consumer spending will rise, and the number of jobs in your districts will grow. In fact, the 2010 survey found that if we could streamline aviation security screening, frequent travelers said they would take two to three more trips each year. That is the potential here if we get this right.

Today, I would like to discuss how do we create this better environment by focusing on three areas; No. 1, the inefficiencies and costs in the current system today; No. 2, some successes and opportunities around risk-based screening; and, No. 3, several concrete recommendations for TSA, as well as Congress, as we move forward.

When we look at the inefficiencies and cost drivers in TSA, the greatest challenges is that, until recently, we have embraced a one-size-fits-all approach that attempts to eliminate all risk. This approach led to a layer upon layer of security for the traveler, and

it also led to millions of frustrated travelers and unsustainable costs at TSA.

Over the past 8 years, TSA's budget has increased by more than 60 percent, while as the Chairman mentioned the number of travelers has remained flat. More striking than that is that DHS acknowledged in its 2012 budget request that the cost of screening per passenger had risen by 400 percent.

As U.S. Travel, former Homeland Security Secretary Tom Ridge, and many others have said, there has to be a better way of doing this. That better way begins with managing risk, rather than a fruitless attempt to eliminate all risk. It is here that Administrator Pistole deserves great credit. PreCheck is the best example of a truly risk-based program that increases security and efficiency and could efficiency reduce TSA's cost.

Also, as TSA develops its risk-based initiatives, it deserves credit for seeking greater input from the travel industry and passenger advocates. The reconstituted Aviation Security Advisory Committee is a positive step in the right direction. There is room for improvement, however, in TSA's communications with stakeholders, as we recently saw on the prohibited items list, but the trend is favorable.

There is also three areas for improvement in PreCheck that I would like to highlight. First, PreCheck enrollment today is limited and cumbersome. A traveler in New Orleans would have to travel 5 hours to Houston to go for an interview and come back. This process is not sustainable when it comes to growing enrollment in this program. Travelers will also have to spend, we estimate, upwards of \$10,000 with a single airline to enter PreCheck through that mechanism.

Second, the unpredictability once enrolled remains too high, even for those travelers who are members of Global Entry and have received a background check.

Finally, the current low utilization rates can frustrate other travelers and certainly isn't the best use of precious limited resources.

So with those challenges before us, there are three recommendations that we have for TSA. One is to partner with the private sector to market and enroll travelers into PreCheck. It is time to provide the private sector with an incentive to go out and grow this program. We support TSA's move in this direction and are proud to join the company CLEAR in its proposal to TSA.

Second, TSA should grant enrollees access to PreCheck lanes when flying on any eligible airline at a participating airport. This will require more partnership with the airlines to complete.

Third, TSA can increase predictability by using in-depth background checks and approved identity verification, which will lead to lower rates of randomized screening.

The final recommendations we have are for you and for other Members of Congress. First, Congress should encourage TSA to revise or roll back security screening procedures as long as TSA's decision is accompanied by sound intelligence and a continued focus on the most dangerous threats.

Second, Congress should support TSA's efforts to partner with the private sector, support increased funding for CBP staffing to clear the backlog of those who wish to join the Global Entry program, and strengthen passenger advocacy within TSA.



Finally, Congress must resist the temptation to eliminate all risk. Risk management is TSA's best approach to preventing catastrophic events and efficiently processing millions of travelers.

Thank you for your time today. Thank you for holding this hearing.

[The prepared statement of Mr. Freeman follows:]

PREPARED STATEMENT OF GEOFF FREEMAN

APRIL 11, 2013

Chairman Hudson, Ranking Member Richmond, and Members of the subcommittee: I am pleased to offer testimony on behalf of the U.S. Travel Association (U.S. Travel), the National, non-profit organization representing all sectors of America's travel industry. U.S. Travel's mission is to increase travel to and within the United States.

The travel industry provides good, domestic jobs that cannot be outsourced. In 2012, travel spending in the United States totaled \$855 billion, which generated a total of \$2 trillion in economic output. The travel industry also directly supported 7.7 million jobs and was among the top 10 employers in 48 U.S. States and the District of Columbia.

For example, travel directly employs more than 9,500 North Carolinians in the 8th Congressional District and contributes over \$952 million annually to the local economy. Similarly, travel directly employs more than 24,000 Louisianans in the 2nd Congressional District and contributes more than \$2 billion to the local economy.

Travel is not only a vital economic engine—it is a hallmark of our free and open society, and its various components are essential to our daily lives. I applaud the subcommittee for holding this important hearing on TSA's implementation of risk-based security. The U.S. Travel Association firmly believes that security and efficiency are equal and obtainable goals—and both protect our country and safeguard our economy. Moving too aggressively in one direction imperils the other, and that's why we are such strong advocates of risk-based security.

My testimony today will focus in three areas. First, I'll examine major drivers of inefficiency and cost in passenger screening. Second, I'll highlight key successes and opportunities for improvement in risk-based security. And third, I'll offer U.S. Travel's recommendations for what TSA and Congress can do to build a more efficient and secure aviation system.

DRIVERS OF INEFFICIENCY AND COST

Many of today's problems in aviation security stem from a refusal to acknowledge or accept any risk in the system. In the past, continual layers of security were added to address almost every conceivable threat. What's worse is that few efforts were made to scale back, eliminate, or tailor these layers for fear of being perceived as "weak" on security.

As a result, travelers were stuck with an inefficient, one-size-fits-all security screening process that hurt our economy and burdened American taxpayers.

A 2010 survey conducted by Consensus Research found that travelers would take two to three more flights per year if the hassles in security screening were reduced. These additional flights would add nearly \$85 billion in consumer spending back into the U.S. economy and help support 900,000 jobs. A similar survey conducted in 2011 found that four of the top five passenger frustrations relate directly to the TSA checkpoint.

Rapid budget growth is also driven by a one-sized-fits-all screening process. In its fiscal year 2012 budget request, DHS acknowledged that the cost of screening per passenger rose by over 400 percent between 2001 and 2011. And from 2004 to 2012, the TSA's budget increased by more than 60 percent, while the number of passengers screened remained almost flat.<sup>1</sup> After just 11 years, TSA's budget is now roughly equal to the Federal Bureau of Investigation (FBI).

SECURITY, EFFICIENCY, AND TSA'S MISSION

U.S. Travel believes these trends can only be reversed by using a risk-based approach to aviation security. In 2010, U.S. Travel commissioned a Blue-Ribbon Panel

<sup>1</sup>U.S. Travel Association, "A Better Way: Building a World-Class System for Aviation Security." [http://www.ustravel.org/sites/default/files/page/2011/03/A\\_Better\\_Way\\_032011.pdf](http://www.ustravel.org/sites/default/files/page/2011/03/A_Better_Way_032011.pdf).

(BRP)—headed by former Secretary of Homeland Security Tom Ridge—to examine problems in aviation security and recommend solutions.

First and foremost, the BRP challenged TSA, Congress, and all aviation security stakeholders to set aside the notion that security and efficiency are mutually-exclusive goals. Specifically, the final BRP report states:

“Some in Congress appear to have calculated that there are no political consequences to an inefficient and costly system, but great political consequences to a successful terrorist attack. This is a classic Hobson’s Choice that the American traveling public repudiates. The debate Congress must engage in is not strong security versus weak security, but rather how to create a world-class aviation security system that effectively manages risk, increases efficiency, and embraces the freedom to travel.”

The Blue-Ribbon Panel was also unanimous in its support for risk-based security and laid out three critical elements of a risk-based strategy in its final report. First, TSA and Congress must clearly identify the types of threats TSA is responsible for preventing. Second, relying on the latest intelligence, TSA must apply its limited resources to the highest-priority threats. And third, TSA should always strive to provide the greatest level of efficiency in passenger screening, while maintaining security.

#### TSA’S SUCCESSES IN RISK-BASED SCREENING

With support from Congress and the private sector, TSA is now using a more risk-based approach to aviation security and Administrator Pistole deserves our gratitude for his leadership on these issues.

Specifically, U.S. Travel applauds TSA for creating and rapidly expanding PreCheck. This program is the best example of a truly risk-based initiative that increases security and efficiency, and could eventually reduce budgetary costs.

In addition to PreCheck, as TSA expands its risk-based efforts, Administrator Pistole and TSA are improving their outreach to stakeholders, travelers, and non-traditional partners. For the first time since 2006, TSA reconstituted the Aviation Security Advisory Committee (ASAC) and I’m proud to serve as chair of the newly-created Passenger Advocacy subcommittee. TSA is also hosting roundtables and listening sessions with travel businesses around the country to hear their suggestions for improving aviation security.

#### OPPORTUNITIES FOR IMPROVEMENT

Going forward, TSA can still improve its outreach to stakeholders, as we saw with their recent decision to change the prohibited items list. TSA can use the ASAC to brief stakeholders in a classified setting and to receive their candid feedback.

There are also three aspects of PreCheck that must be improved if the program is to reach its full potential.

First, there are far too many barriers preventing a large number of ordinary travelers from joining and using PreCheck. One barrier is the sheer difficulty of enrollment through the U.S. Customs and Border Protection’s (CBP’s) Global Entry program, which features a cumbersome and confusing on-line application process, and is a prime example of the difficulty a Government agency can have in creating streamlined and customer-friendly services.

To be a part of Global Entry, CBP requires an in-person interview—but only offers these interviews at 33 permanent locations. Chairman Hudson, your constituents are fortunate, in that they would only have to travel some 30 miles to Charlotte International Airport for a Global Entry interview. However, Ranking Member Richmond, your constituents would have to travel much further. If a person living in New Orleans, wishes to join Global Entry, the closest CBP interview location is in Houston, Texas, and requires a 5-hour, 340-mile round trip drive—or, of course, a flight. Clearly, this is not convenient for millions of low-risk travelers.

Of course, if an individual does not want to be part of Global Entry and instead wants to be enrolled via an airline, there are many difficulties associated with this enrollment process as well. Perhaps the most significant obstacle is the cost of joining PreCheck through an airline frequent flier program. If a person wishes to qualify for PreCheck through a sponsoring carrier, U.S. Travel estimates that it would cost roughly \$10,000 in airfare paid to a single airline in order to accrue enough frequent flier miles.<sup>2</sup>

<sup>2</sup>TSA considers enrollment criteria for PreCheck™ to be Security Sensitive Information. The U.S. Travel Association calculated an estimate of the cost to join PreCheck™ by multiplying the average 2010 passenger yield (the average fare paid by domestic passengers per mile flown)

Second, PreCheck can be too unpredictable and is inconsistent across airlines. For example, while passengers should always be subject to randomized screening, we believe that this level could be lowered if passengers could offer more personal information, have a security threat assessment conducted and have biometric credentialing employed to verify identity. By gathering more background information from individuals who wish to provide it, TSA would offer a more risk-based, predictable, and expedited screening process.

Unfortunately, the current airline-based structure does not allow for the collection of more information—instead, the airline PreCheck enrollment process uses flying history as the central element of additional background data. Because TSA has decided that this level of information merits a high randomization rate, PreCheck contributes to the overall inefficiency of the current system by forcing too many people to go through the standard screening process.

Furthermore, PreCheck's structure as an airline-by-airline, airport-by-airport effort is not particularly risk-based. Once a traveler is enrolled in PreCheck through a frequent flier program, they can only use the expedited screening lanes when flying with that particular airline. In our opinion, risk should not be determined customer loyalty.

Limited enrollment and high unpredictability lead to the third area of improvement for PreCheck—low utilization rates. While TSA is to be applauded for having screened some 7.5 million passengers through PreCheck to date, this number is small when compared with the roughly 2 million people who fly each day in the United States and the roughly 700 million passengers who fly each year. We must do better, and more people must be part of this program for it to be a true risk-based solution to aviation security.

#### RECOMMENDATIONS FOR TSA

To improve PreCheck, we recommend that TSA focus its efforts on three high-priority areas.

First, TSA should partner with the private sector to create more accessible and secure enrollment options. U.S. Travel fully supports TSA's request for private sector proposals to expand PreCheck and U.S. Travel is proud to join CLEAR—a risk-based security technology company—in its proposal to TSA.

We believe CLEAR can:

- Rapidly expand PreCheck through its existing customer base;
- Continue to grow the program through effective marketing strategies and partnerships;
- Increase security through its verified identify platform and in-depth background checks, and
- Provide improved levels of customer service for enrolled travelers.

Through an innovative public/private partnership with TSA, private-sector companies can quickly help the agency boost enrollment and utilization rates for PreCheck, and reduce TSA's budget by shifting operational costs from TSA to the private sector. These types of partnerships also provide new, important revenue streams to local airport authorities, an added benefit in tight budgetary times.

Second, TSA and DHS can make PreCheck truly risk-based by allowing travelers to qualify for the program by aggregating their frequent flier miles across multiple airlines. Additionally, once a passenger is enrolled in any DHS low-risk traveler program—through either CBP, an airline, or any future enrollment platform—those passengers should automatically be granted access to every PreCheck lane until they no longer qualify.

TSA can also offer enrollment opportunities that can reach beyond the CBP Global Entry by harnessing other Government programs that assess the security of populations—like the Transportation Worker Identity Credential and the Hazardous Materials Enrollment program—and granting them access to PreCheck.

Third, TSA can increase predictability through better line management, the use of biometric credentialing, and more in-depth background checks. In-depth background checks and secure forms of identification enable TSA to know more about a passenger and lower rates of random screening. TSA can also increase efficiency by allowing PreCheck passengers selected for randomize screening to move immediately to the standard screening lane, rather than the back of the waiting line before the travel document checker. Line management, the use of biometric identity verification, and in-depth background checks are all functions that could be carried out by approved private-sector providers for PreCheck.

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of 13.49 cents by 75,000 (the number of miles needed to become Platinum customer on Delta airlines).

## ROLE OF CONGRESS AND CLOSING

Finally, Congress can also do three things to support TSA's risk-based screening efforts.

First, Congress should encourage TSA to revise or roll back security screening procedures whenever possible. As TSA considers new measures to enhance security based on risk and intelligence information, there should be a continuous assessment of existing screening protocols and standard operating procedures to see what's become obsolete or unnecessary. Without a continuous assessment of security layers that can be removed, or that have been replaced by something better, we risk needlessly bogging down the system.

Unfortunately, as we've seen recently with the change to the prohibited items list, when TSA does remove layers, or change standard procedures, there tends to be little engagement with stakeholders and with the flying public. We hope that TSA can do better in this regard so that changes, when made based on risk, are also discussed in advance with constituencies that need to understand the changes, and why they were made.

Second, Congress can assist and improve TSA's risk-based programs through legislation. Legislative priorities should include expansion of PreCheck through private-sector partnerships, support for increased Customs and Border Protection staffing to clear the backlog of Global Entry interviews, and strengthening passenger advocacy within TSA.

Last, in everything you do, remember that security and efficiency are equal and obtainable goals. TSA is vital to security but the agency also impacts businesses, jobs, and our quality of life. The country that put a man on the moon, and has led the world for centuries in innovation and technology, can have a world-class, efficient, and secure aviation system.

Again, thank you Chairman Hudson, Ranking Member Richmond, and all Members of the subcommittee for inviting me to testify today. I look forward to answering your questions.

Mr. HUDSON. Thank you, Mr. Freeman, for your testimony.

I apologize to our witnesses and the folks here participating, but we are down to about 5 minutes to make it to this vote. So, without objection, the subcommittee is in recess subject to the call of the Chairman. The subcommittee will reconvene 10 minutes after the conclusion of the last vote in this series.

[Recess.]

Mr. HUDSON. The subcommittee will come to order. I certainly appreciate everyone's patience for dealing with our vote interruption there. Did want to point out that Mr. Freeman had to leave. We appreciate him giving his testimony before he left. Members will be—have the opportunity to submit questions to Mr. Freeman in writing.

At this point, we will move directly back into witness testimony. Our fourth witness is Mr. Michael Mullen, who currently serves as the executive director of the Express Association of America. The Express Association of America represents the four large integrated express delivery companies, including DHL, FedEx, TNT, and UPS, and focuses on issues that affect shipments requiring expedited, time-definite, door-to-door transportation, logistics, and warehousing services into and out of the United States.

The Chairman recognizes Mr. Mullen to testify.

**STATEMENT OF MICHAEL C. MULLEN, EXECUTIVE DIRECTOR,  
EXPRESS ASSOCIATION OF AMERICA**

Mr. MULLEN. Thank you, Chairman and Ranking Member Richmond. I appreciate this opportunity to be with you today.

As I have testified to this committee before, the Express Association of America has led the partnership with the U.S. Government in the development of the Air Cargo Advanced screening, or ACAS,

pilot. ACAS is a voluntary pilot project in which the security data on U.S.-bound shipments is submitted to the National Targeting Center as early as possible in the supply chain, and the NTC completes the risk assessment much earlier than previously.

ACAS represents a new partnership between the Transportation Security Administration and U.S. Customs and Border Protection, in which the two agencies have jointly staffed an air cargo targeting and risk assessment center. Over the past 2½ years, over 70 million shipments have been analyzed through the pilot. Less than 6,000, or less than 0.1 percent, have required additional screening to verify the contents. No shipments have been identified as a threat to the aircraft or required a do-not-load response.

ACAS represents a significant step forward in TSA's participation in a risk-based security effort that has both improved security and facilitated a smoother flow of goods across borders. In addition to the four integrated express delivery companies which began the pilot, five passenger carriers and three freight forwarders are operational participants in ACAS. Twenty additional companies are in various stages of testing in anticipation of joining ACAS.

A high level of very productive cooperation among TSA, CPB, and the private sector continues to be a hallmark of the ACAS pilot, with frequent meetings to discuss both policy and technical issues. We have conducted realistic tabletop exercises to explore the operational procedures in place to respond to do-not-load scenarios and have tested the communications and information dissemination paths that would be used in the event of a real-world incident.

The process of co-creation that works so effectively in establishing the ACAS pilot will also be used for drafting the regulation, and the private sector will be fully engaged in this effort.

But one issue has come up that threatens to derail the progress made under ACAS. One option being proposed for the ACAS regulation is to require the shipment data, which is the house air waybill, to be linked to the conveyance data, or the master air waybill. For some participants, this would represent a real step backwards, which EAA members strongly oppose.

Separating the shipment data from the conveyance data has been critical to the success of ACAS, and it should continue. We hope the Government will continue to maintain the flexibility that allows ACAS to accommodate various business models in the air cargo industry.

So I would like to mention six key lessons that we have learned from the ACAS pilot, and the rulemaking effort to formalize ACAS through regulation should incorporate these lessons. First, the air cargo industry has made enormous investments in security. Before any new regulations are proposed to improve what is already a very secure system, Government agencies should consider the operational impacts and weigh those against the marginal increase in security. This is the real backbone of risk-based security.

Second, limited data can be used effectively to target risk.

Third, penalties should only be imposed in cases of gross negligence or willful circumvention of the rules, and not for the timeliness or accuracy of information.

Fourth, the Government is capable of adapting IT systems and operational procedures to accommodate various business models, and this flexibility is critical to ensure security measures do not create competitive disadvantages.

Fifth, relevant Government intelligence regarding a specific shipment must be shared with the private sector when appropriate.

Sixth, international harmonization of the air cargo security programs is critical to find a common global solution that recognizes the different air cargo business models and shares risk assessment results.

TSA has made significant progress in adopting a risk-based approach to air cargo screening requirements over the past year. Through the mutual recognition agreement with the European Union, TSA has taken a major step toward improved trade facilitation. This agreement required extensive work to ensure that correct standards were in place across the entire European Union, and TSA deserves great credit for persevering through the negotiations to reach the final goal.

I very much appreciate the opportunity to discuss these issues with you, and I am looking forward to your questions.

[The prepared statement of Mr. Mullen follows:]

PREPARED STATEMENT OF MICHAEL C. MULLEN

APRIL 11, 2013

I. PROGRESS OF THE AIR CARGO ADVANCE SCREENING (ACAS) PILOT PROJECT

As I have testified to this committee before, the Express Association of America—which includes DHL, FedEx, TNT, and UPS—has led the partnership with the U.S. Government (both U.S. Customs and Border Protection (CBP) and the Transportation Security Administration (TSA)) in the development of ACAS. Over the past 3 years, this pilot has expanded significantly both in terms of countries covered and industry participants. Today, over 70 million shipments have been analyzed through the pilot. Less than 6,000, or less than .1 percent, of these shipments have required additional screening to verify the contents. No shipments have been identified as a threat to the aircraft or required a “do not load” response.

Several additional participants have joined the project. In addition to the four integrated express delivery companies which began the project, 5 passenger carriers and 3 freight forwarders are operational participants in the ACAS pilot. Twenty additional companies are in various stages of testing in anticipation of joining ACAS.

A high level of very productive cooperation among TSA, CBP, and the private sector continues to be a hallmark of the ACAS project. Frequent meetings are held among these three parties to discuss both policy and technical issues. We have conducted realistic table-top exercises to explore the operational procedures in place to respond to “do not load” scenarios that have tested the communication and information dissemination paths that would be used in the event of a real-world incident. The lessons being learned from the pilot, addressed below, are the basis for continually expanding our mutual understanding of optimizing the air cargo security environment of the future and are pointing the way forward to a regulatory approach that will meet the needs of both the Government and industry. The process of “co-creation” that worked so effectively in establishing the ACAS pilot will also be used for drafting the regulation, and the private sector will be fully engaged in this effort.

But one issue has come up that threatens to derail the progress made under ACAS. One of the keys to the success of ACAS to date has been the Government’s willingness to accept the information on a shipment basis, separated from the data on the conveyance that will bring the shipment to the United States. This separation allows ACAS participants to send the data far in advance and allows the Government to complete the risk assessment early in the supply chain, often before the shipment is loaded on a plane. Recently CBP has been indicating that when ACAS is regulated, they will require the shipment data (house airway bills) to be linked to the conveyance data (master airway bill), which would represent a real step backwards. The problems with this approach are explained in more detail below. The

express industry strongly opposes this step and hopes CBP can continue to maintain the flexibility that allows ACAS to accommodate various business models within the air cargo industry.

## II. LESSONS LEARNED

The ACAS pilot has demonstrated that a close partnership with industry and across Government agency jurisdictions in development and execution of new security measures can improve the safety and security of global networks while minimizing negative operational and economic impacts. Several key lessons have been learned during the pilot, and any rulemaking effort to formalize ACAS through regulation should consider the following:

- *Industry and Government Working Together As Partners.*—Seeking industry input before proposed rulemakings are drafted allows for broader operational impacts to be considered in order to improve effectiveness. The absence of penalties during the ACAS pilot phase reduced “threshold anxiety” as a barrier to participation. Penalties should only be imposed in cases of gross negligence or willful circumvention of the rules, and not for the timeliness or accuracy of information (for reasons outlined immediately below).
- *Limited Data Can Be Used Effectively To Target Risk.*—Separation of shipment and transport data was a necessary precondition to providing information earlier in the supply chain. The limited information on the shipment transmitted for ACAS is available much earlier than other data required for customs clearance, and “risk-based targeting” against this limited data set has proven effective to provide a risk assessment sufficient to qualify a shipment as “trusted”. Further, the threat is posed by the shipment itself, not the route that a package takes. To date, targeting has been successfully done on the house bill data associated with the shipment. Mandating transport data such as the master airway bill (MAWB) routings or flight numbers, full Automated Manifests System (AMS) manifests, Harmonized Tariff System (HTS) numbers or any other commercial data as part of the advanced security filing not only fails to significantly improve targeting, but would also challenge the operational feasibility to provide data in a timely manner. Therefore, any decision to require the MAWB to be linked to the house bill data in advance of the departure of an aircraft poses a significant burden on the pilot—especially where the origin of the shipment is in the same country as the “last departure” airport for a flight bound for the United States—and could threaten the success of ACAS. Further, data provided for ACAS can be “raw data” where typographical or other clerical errors do not substantially affect the targeting capabilities.
- *ACAS Analysis Is Limited To Security.*—While it is tempting to use advanced data for other purposes, the success of ACAS has been in part driven by the common goal to prevent a bomb from entering the network. This singular focus of utilizing air cargo advanced data for security risk assessment remains the top priority among private and public-sector participants. Regulatory risk assessment to interdict IPR violations, illegal drugs or other controlled substance trafficking, or other trade functions can and should be the focus of CBP officers upon arrival in the United States. Any attempt to expand the ACAS scope to achieve the simultaneous completion of both security and regulatory risk assessments pre-departure would undermine achieving the primary goal of protecting the supply chain against terrorist attacks.
- *Flexibility Is Critical For Effectiveness*
  - *IT Systems.*—ACAS has demonstrated that data can be transmitted via multiple types of IT systems and in various formats. This flexibility in the interface reduces the barrier to participation and avoids unnecessary costs and time delays associated with updating a company’s IT system. Furthermore, the flexibility reduces the risk of competitive disadvantages arising from existing differences in the functionality and capacity of corporate IT systems. The final IT filing system developed for ACAS must remain flexible. It should continue to accommodate multiple data submission formats and provide for the return messaging options required by some business models of the entities utilizing the system.
  - *Operational Requirements for Different Business Models.*—The air cargo industry is not one-size-fits-all; the regulations and programs should not be either. Challenges and opportunities differ between business models, and the system can be flexible regarding who transmits the data and when. While the jointly-held overriding goal is to intercept a high-risk shipment as early as possible, data can be transmitted by multiple partners, depending on who may be in possession of the shipment data. No specific time limit is necessary,

as long as data can be transmitted in raw form as soon as available. Further, the Government targeters have the ability to prioritize shipment reviews based on the urgency/timeliness of the shipment itself, thereby helping to address concerns for last-minute shipments in the just-in-time supply chain.

- *Information Sharing Remains Key.*—The private sector is providing shipment level data to the Government. At the same time, any Government-held intelligence of concern regarding a specific shipment must be shared with the private-sector ACAS participants when appropriate. Information sharing should include:
  - For a shipment that rises to the level of a DNL, the carrier in possession of the shipment must be given all information to quickly identify and isolate both that shipment and others in the network that may be similar.
  - Other ACAS participants must also be made privy to the full information—for them to identify and isolate similar high-risk shipments.
  - Finally, a secure means to provide broader threat information to the appropriately-selected security staff within the ACAS carrier is needed. It would improve internal risk targeting prior to a shipment ever entering the network.
- *The Air Cargo Network Is Highly Secure.*—Air cargo operators are highly motivated to ensure their systems are not targeted by a terrorist weapon and have made major investments in creating a secure aviation network based on multiple layers both from Government regulations and additional corporate security measures. Of the millions of shipments screened through ACAS over a period of more than 2 years, less than one-half of 1 percent has required additional measures to verify the contents, and no terrorist threats have been detected. This indicates that existing measures are working effectively to deter attempts to exploit the network for terrorist purposes. Before any new regulations are proposed to improve the security of what is already a very secure air cargo system, Government agencies should consider the operational impacts and weigh those against the marginal increase in security. This is the backbone of “Risk-Based Security.”
- *International Harmonization Critical For Long-Term Effectiveness.*—Most of the industry partners involved in the ACAS pilot are operating on a global scale. There are several initiatives similar to ACAS being planned in multiple countries, and preliminary pilots were conducted between the express carriers and four European countries last year. It is vital that the U.S. Government seek early alignment with international organizations and other partners/countries to develop internationally-recognized standards, procedures, and processes for advanced shipment data provision to minimize the level of variability of systems and requirements and avoid duplication of data submission and security risk assessment where possible. The goal should be to develop a common global solution that recognizes and supports the different air cargo business models and to achieve mutual recognition of security programs and risk assessment results. The global solution should harmonize data requirements and eliminate duplication by ensuring shipment data is only submitted to one country for a single security risk assessment that is accepted by the other countries involved in that movement. This will allow international trade partners to share information globally and quickly, both reducing unnecessary cost and complexity while improving governments’ risk assessment capabilities.

### III. SCREENING ISSUES

TSA has made significant progress in adopting a risk-based approach to air cargo screening requirements over the past year. By completing the mutual recognition of screening protocols and information sharing with the European Union last June, TSA more than doubled the size of the National Cargo Security Program (NCSP). The NCSP recognizes other countries with air cargo security protocols that provide a level of security comparable to the United States, and allows operators to conduct necessary screening much further upstream prior to a shipment’s departure for the United States.

Due to the mutual recognition agreement with the European Union, TSA has provided the air cargo industry with considerable more flexibility and taken a major step toward improved trade facilitation. This agreement required extensive work to ensure the correct standards were in place across the entire European Union, and TSA deserves great credit for persevering through the negotiation to reach the final goal.

ACAS has served to illuminate issues around the operational protocols for screening shipments considered to be elevated risk. ACAS information analysis can result



in a requirement to screen a shipment at origin, before it begins a trip to the United States that may involve several plane changes. Through the NCSP, the results of this screening, and the identification of a package as non-threat, stays with the shipment as it moves through the supply chain. TSA is continuing to engage in discussions with the private sector about how ACAS can be leveraged to reduce overall screening requirements through an automated approach to identifying shippers as “known”. Carriers need to conduct necessary screening based on a shipper’s known status at the time and the location in the supply chain that is operationally optimum, ensuring full compliance with TSA requirements. This principle needs to be the centerpiece of any future modifications to the screening regime based on the ACAS experience.

#### IV. ACAS: THE NEW PUBLIC-PRIVATE PARTNERSHIP

ACAS represents a breakthrough in the development of public-private partnerships to achieve mutual security and trade facilitation goals, or, as the CBP Commissioner has described it, ACAS is a “game changer”. To establish ACAS, CBP and TSA employed an approach that has come to be known as “co-creation”, in which the private sector determined at the outset an operational concept for the project, how the data would be transmitted, and how the reaction to the results of the risk assessment would be managed. These pillars of the project were then discussed with the Government and refined to ensure the effort would meet their requirements. The private sector also decided the pace and direction of the expansion of ACAS to additional countries, within a set of priorities that was determined by CBP and TSA. This approach differs significantly from the normal method of allowing the business community to comment on the Government’s approach to a security issue only after a regulation has been drafted.

Based on the success of this approach, CBP and TSA intend to use a similar method to evolve ACAS toward a regulatory framework. After the pilot project has run for a sufficient amount of time and the results are analyzed, the ACAS private-sector participants will engage with CBP and TSA to draft a regulation that is based on the operational lessons learned from the pilot and that incorporates the flexibility and feasibility of the approach employed in the pilot. The regulation will also not attempt to employ a “one-size-fits-all” approach, but will recognize the different business models of the ACAS participants and provide a flexible approach to ensuring optimum security, tailored to the specific industry entities in the air cargo environment. While participation in ACAS is now voluntary, CBP and TSA have often pointed out that the primary benefit of engaging in the ACAS pilot will be the opportunity to engage in the regulation writing process.

The private-sector ACAS participants have organized themselves into three working groups that are focusing on the policy aspects of the regulation, the messaging protocols to submit ACAS information and receive the Government’s response, and screening issues. The three groups have been meeting since late last year and are prepared to engage with the Government to discuss the key issues the regulation will need to address and a framework for including the lessons of the pilot. That process is just getting underway, and is being conducted under the auspices of the Commercial Operations Advisory Committee, or COAC, which is CBP’s main Federal advisory committee. The goal is to produce the first draft of the regulation over the next year.

Mr. HUDSON. Thank you, Mr. Mullen, for your testimony.

Our next witness is Mr. Christopher Browne. Mr. Browne is the airport manager of Washington Dulles International Airport and is testifying on behalf of the American Association of Airport Executives. The American Association of Airport Executives is the professional association that represents airport management personnel at public use, commercial, and general aviation airports. The Chairman recognizes Mr. Browne to testify.

#### **STATEMENT OF CHRISTOPHER U. BROWNE, AIRPORT MANAGER, WASHINGTON DULLES INTERNATIONAL AIRPORT, TESTIFYING ON BEHALF OF THE AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES**

Mr. BROWNE. Thank you very much, Mr. Chairman, Members of the committee. It is indeed a pleasure to be able to join with you

today to discuss this important subject and why it is so important to airports across the country.

As noted, I am here representing the American Association of Airport Executives and the thousands of airport professionals across the country who manage, build, and operate our Nation's airports.

If I may, I would like to use a brief analogy, however, to help illustrate why airport supports RBS and how it plays into the broader context of what we are talking about. If you will, think of our aviation industry as a three-legged stool, where each of the legs are interdependent on each other for their cooperative success. The first leg of that stool, the airports, public agencies operated as businesses. The second leg of that stool, airlines, private companies using private capital for their business purposes. The third leg of the stool are the Federal agencies, FAA, CBP, and TSA, and this is where I think we are very different than any other industry that I can think of and, indeed, unique, because our Federal agencies play not just a regulatory oversight role, an essential one and one we very much need, but they play key operational roles, whether it is an FAA air traffic controller, a CBP inspector, or a TSA screener. These are folks that fulfill key operational roles that, if left unfilled or under-resourced, the business model for all of us fails.

So for that reason, airports are very much vested in the success of the TSA and, in particular, this program. RBS, as you know, as has been discussed—and more particularly, PreCheck—is an opportunity where the TSA can use its resources to highest and best use, where they can begin to focus more of their resources on those folks that present higher risk and allow the vast majority of travelers to undergo modified screening protocols that are actually creating higher throughput at our checkpoints.

It is important, I think, to remind ourselves of the obvious. Everybody that goes through PreCheck is, indeed, being screened. So it is important to us as airports that we achieve the benefits of PreCheck, primarily a much better use of limited resources among the TSA, much better customer service, and, in fact, enhanced security.

Think of the difference it can make at Dulles, where today if we have a security screening checkpoint lane that can process 125 people an hour, what it means for that lane to then be able to screen 250 or more passengers per hour. That is better customer service, it is a better use of resource, and any business would see it as a huge productivity gain.

The problem right now is that with PreCheck, the populations identified don't get us the numbers we need for success. Administrator Pistole has said that by the end of this year, 25 percent of all travelers in this country will be PreCheck-eligible. I can tell you we are nowhere near that Dulles today.

Global Entry, elite fliers, children under 12, these are all good populations worthy for participation in PreCheck, but collectively they don't add up to the numbers needed. In fact, for PreCheck to really succeed, we need to see 50 percent, 60 percent and more of the travelers qualifying for it. Then we really get the economies of

scale and the highest and best use of these resources and, by the way, I truly believe, enhanced security.

The problem thus far is that airports have not been able to participate at the level we can. Every passenger that comes through our front door is an airport customer, and I am agnostic as to whether they are Global Entry or not, first-time flyer, or frequent flyer. The fact is, it is a huge population, and we as airports need the opportunity to tap in and identify those folks among that population that qualify for PreCheck. That is why we have aligned with other airports and CLEAR, previously mentioned, the leading biometric technology company, to come up with a plan that we have submitted to the TSA for their approval that would allow us to identify these populations and significantly grow PreCheck.

We urge the TSA to act quickly on this proposal, allow us and other airports to test it, and then maybe by the end of the year, we might start seeing the kind of 25 percent numbers Administrator Pistole has spoken to.

In closing, you know, RBS and PreCheck is a win-win for all of us. I think we need to do everything we can to enhance customer service, enhance security, and be mindful of the smart and intelligent use of limited resources that the TSA will have with or without sequestration. Airports are very much willing and anxious to play a significant role in that process.

With that, I will close, and I would be happy to take any questions you may have. Thank you.

[The prepared statement of Mr. Browne follows:]

PREPARED STATEMENT OF CHRISTOPHER U. BROWNE

APRIL 11, 2013

Chairman Hudson, Ranking Member Richmond, Members of the subcommittee, I appreciate the opportunity to appear before you today to offer the views of airport executives on the Transportation Security Administration's efforts to advance risk-based security. I am testifying today on behalf of the American Association of Airport Executives (AAAE), which represents thousands of men and women across the country who manage and operate the Nation's airports. I am actively involved with AAAE as vice-chair of the association's Transportation Security Services Committee. In addition to my work with AAAE, I currently serve as vice president and airport manager of Washington Dulles International Airport.

AIRPORT EXECUTIVE SUPPORT PRECHECK AND WANT TO FACILITATE RAPID PROGRAM EXPANSION

Mr. Chairman, I want to focus the majority of my comments today on TSA's PreCheck program, which, as you know, offers expedited screening and a better travel experience to low-risk passengers who have voluntarily provided information about themselves for Government vetting.

Airport executives are enthusiastic supporters of PreCheck, and we believe that Administrator Pistole and his team deserve immense credit for their leadership in moving forward with the program and other risk-based initiatives. The work of TSA to bring 40 airports on-line to date with PreCheck is notable, and we are encouraged by the goal established by Administrator Pistole to expand the program further as part of broader efforts to provide expedited screening by year-end to 25 percent of individuals currently processed through security screening.

In today's difficult budget environment and with passenger levels increasing at many airports across the country, it is imperative that TSA deploy limited Federal resources effectively. PreCheck offers great promise in that regard—although steps must be taken in short order to greatly expand the number of eligible individuals who participate in the program. Absent a robust, critical mass of participants, the program will ultimately fail to fully achieve its objectives of enhanced security and efficiency.

A lack of program participants could also exacerbate wait time problems for the majority of travelers who must use “non-PreCheck” lanes for screening—a situation that neither the traveling public nor you as policymakers will accept in the long-term. While we appreciate the action the agency is taking in the short term through the “Managed Inclusion” pilot and other initiatives to more fully utilize PreCheck lanes for expedited screening, it is clearly in the long-term interest of the agency and the traveling public to ensure that as many individuals as possible are enrolled in and utilizing the PreCheck program and associated processes.

The steps that TSA has taken to this point through its largely airline-centric approach to facilitate participation from a limited pool of elite fliers and with Global Entry participants have provided a good start, but the agency must greatly accelerate enrollment in the program to gain widespread participation. Airport executives have a long history of facilitating participation in trusted traveler programs, such as Registered Traveler, and we are eager to play a more active role in the days ahead to significantly grow enrollment in PreCheck.

Ultimately, airport executives would like to see the program expanded to accommodate as many additional, qualified travelers as possible through a community-based, airport-centric approach that allows vastly larger populations of travelers to enroll and participate in PreCheck-approved programs on an airport-by-airport basis and to become trusted through Government-approved vetting protocols.

Unfortunately, airports currently lack the ability to enroll our customers into a TSA-approved system for vetting and program participation, leaving a prime opportunity for program expansion unutilized. By simply establishing security standards and technical specifications and allowing airports to enroll our customers into the program—just as participating air carriers currently do—TSA could significantly increase the opportunity for program participation and set us on a course for meeting the growth necessary to make PreCheck a success. Airport operators—as a regulated entity with deep ties to the communities they serve—are uniquely situated and qualified to facilitate enrollment in the PreCheck program, and we are eager for the opportunity to do so.

Mr. Chairman, from my perspective as an airport manager, I want to make sure that customers who utilize my airport have a predictable, consistent, efficient, secure experience through the screening process to the fullest extent possible. PreCheck has great potential for helping to achieve those goals, but the program must evolve to cover a much wider pool of participants at our facilities beyond Global Entry members or those who are fortunate enough to have status on a particular air carrier.

Airports hold the key to ensuring the future success of the program by encouraging additional enrollment and by designing an approach that makes sense at individual airport facilities, which can vary dramatically in terms of passenger mix, airport layout, and other critical factors. With robust airport involvement, the program can and should grow and give qualified participants assurances that when they fly out of Dulles International or any other particular airport, they will have the predictable, consistent experience they need and value.

#### AIRPORTS ARE EAGER TO PARTNER WITH TSA TO EXPAND PRECHECK PARTICIPATION

AAAE and airports have long supported the trusted traveler concept that underlies PreCheck, and we are actively working with TSA in an effort to rapidly expand the population of passengers participating in the program. We are also working collaboratively with TSA to address related issues affecting program expansion, including checkpoint configuration, queue management, modified LEO response expectations, and public outreach and communication.

Airports long ago recognized that there was great potential value in terms of enhanced security and efficiency with the deployment of trusted traveler programs. Airports have also understood that they are uniquely situated to bring interested parties together to chart a course that would result in the successful deployment and operation of these types of programs.

Over the past decade, AAAE and individual airports have worked closely with TSA and the technology community to implement other specific trusted traveler programs, including Registered Traveler. In roughly 1 year, the RT program enrolled more than 250,000 travelers at 24 airports, proving the security and efficiency benefits that adoption of these programs provides. AAAE is encouraged by and supportive of recent private-sector initiatives aimed at facilitating the wide-scale utilization of the trusted traveler approach at airports across the country.

Based on our prior success with trusted traveler initiatives, AAAE has encouraged TSA to utilize community-based, airport-centric enrollment options to facilitate the flow of additional information to the agencies on a significantly expanded number

of low-risk passengers for eligibility in the PreCheck program. In addition to providing the volume of passengers necessary for TSA to realize the operational efficiencies for which the programs are designed, airport-specific public enrollment options will allow airport operators to proactively and directly participate in and promote the risk-based programs that they support.

By playing such a key role, airport operators will also benefit from local implementation of National programs that enhance security. Airport involvement will also bolster the relationship between airport operators and local TSA staff, increase affinity to airports, and assist TSA in reducing the complexity while enhancing the customer experience at passenger screening checkpoints. The success of TSA's efforts to advance intelligence driven risk-based security approaches is a top priority for AAAE and its airport leadership.

Airports are confident that in partnership with TSA they can help facilitate the deployment of robust trusted/known traveler programs that focus on enhanced security above all else in addition to expediting the travel experience. These two pillars are the primary values that air travelers want and that each of you as policymakers rightly will demand. By bringing efficiency back into the Nation's airport screening checkpoints, TSA screeners will be able to better focus their resources on the critical task of providing more rigorous screening to individuals about whom we know less than those who use the system the most and have voluntarily submitted background information for extensive vetting and clearance.

#### TSA MUST REMAIN FOCUSED ON ITS PRIMARY MISSION OF PASSENGER AND BAGGAGE SCREENING

While not the primary focus of today's hearing, we also wanted to bring to the subcommittee's attention our concern with proposals that continue to emerge to expand TSA's authority beyond its primary mission of passenger and baggage screening. Expanding the agency's reach and responsibilities—particularly to areas already in capable local hands—runs contrary to efforts to more effectively align scarce resources with the areas of greatest threat in a risk-based approach.

As you know, airports play a critical role in aviation security, serving as an important partner to TSA in helping the agency meet its core mission of passenger and baggage screening. The significant changes that have taken place in airports over the past decade with the creation of the TSA and its assumption of all screening duties have been aided dramatically by the work of the airport community, and we will serve as a critical local partner to the agency as it continually modifies its operations, including some of the risk-based security initiatives that are under discussion today.

In addition to partnering with TSA to meet its core mission, airports as public entities provide a critical local layer of security, performing a number of inherently local security-related functions at their facilities, including incident response and management, perimeter security, employee vetting and credentialing, access control, infrastructure and operations planning, and local law enforcement functions. These important duties have long been local responsibilities that have been performed by local authorities in accordance with Federal standards and subject to Federal oversight. Airport operators meet their security-related obligations with a sharp focus on the need to protect public safety, which remains one of their fundamental missions. The professionals who perform these duties at airports are highly trained and have the first responder authorities and responsibilities that we all value immensely.

From a security and resource perspective, it is critical that inherently local security functions—including incident response and management, perimeter security, employee vetting and credentialing, access control, infrastructure and operations planning and local law enforcement—remain local with Federal oversight and backed by Federal resources when appropriate. We urge the subcommittee and Congress to reject efforts to Federalize local security functions at airports.

#### AIRPORT CREDENTIALING AND ACCESS CONTROL SHOULD REMAIN WITH LOCAL AIRPORT CONTROL

One area of particular concern for airport executives that we are compelled to highlight for the subcommittee is an on-going effort to "harmonize" or "modernize" various aspects of existing transportation worker vetting programs. In the aviation environment, the background check process for workers operates successfully as a Federal/local partnership with the Federal Government holding sole responsibility for security threat assessments and other necessary Government checks for prospective workers and with local airport authorities operating and managing enrollment,

credentialing, badging, criminal history background check adjudication and access control systems in accordance with strict Federal standards.

The current system for aviation ensures the highest level of security by combining the unique local experience, expertise, and knowledge that exists at individual airports with Federal standardization, Federal oversight, and Federal vetting assets. Local involvement provides a critical layer of security and gives airports the operational control they require to ensure that qualified employees receive the credentials they need to work in the airport environment.

In contrast to the long-standing locally controlled credentialing and access control apparatus that exists in the aviation environment, the credentialing/access control system in place in the maritime environment with the Transportation Worker Identification Credential (TWIC) program is relatively new. Under the TWIC model, the Federal Government or its contractors are responsible for virtually all aspects of the process, including worker enrollment, applicant vetting, credential issuance and some elements of access control. In our view, the early results of TWIC have been uneven at best despite hundreds of millions of dollars in Federal investments. The existing system in aviation operates at no cost to the Federal Government.

Some have suggested abandoning the successful local systems and processes already in place at airports with badging and access control to expand TSA and the Federal Government's control over more of the process as is the case with TWIC in the maritime environment. Airport executives oppose any move to shift any additional functions in aviation to the Federal Government as is contemplated under the agency's Universal Enrollment System (UES) and believe that such a move would diminish security by reducing or eliminating a critical, extra layer of security that is already in place in airports and absent with the TWIC approach.

Pursuing such an approach as planned under the UES would scuttle a successful local/Federal model that has worked well for decades, eliminate local operational control, stymie significant efforts already under way at airports across the country to upgrade and biometrically enable existing airport badging and access control systems, and significantly increase costs to the aviation industry with no demonstrable security benefit.

While the desire to centralize and Federalize the process for all transportation worker vetting programs in the name of modernization or harmonization may be understandable from the Federal Government's perspective, airport executives are concerned about Federal intrusion into existing processes that have worked well for decades. Airports are also very concerned about having to help foot the bill for these initiatives—estimated at \$633 million through 2025 in appropriations and new fees as part of the Technology Infrastructure Modernization (TIM) program and associated UES—for changes that provide them with no demonstrable security or operational benefit. The current system in aviation operates efficiently and effectively at a fraction of the cost of other transportation vetting programs and at no cost to the Federal Government. We want to ensure that remains the case.

TSA can and should continue with its efforts to modernize and harmonize its internal vetting programs without the need to expand the Federal Government's responsibilities to include credentialing and access control in the aviation environment. As the subcommittee and Congress consider the TIM and UES programs, we urge you to exempt aviation from any new fees or requirements in recognition of the existing, successful, locally-controlled credentialing and access control model and the significant investments that have been made locally over the years to those systems. Efforts to Federalize any of these processes or functions are unnecessary and wasteful and should be rejected.

#### CONCLUSION

With Federal resources under severe constraint and with more than 700 million passengers traveling through the U.S. aviation system each year—a number that is expected to grow significantly in the years ahead—it is imperative that TSA remain focused on its primary mission of passenger and baggage screening while pursuing risk-based approaches to enhance security and efficiency. AAE and airport executives are encouraged by TSA's recent efforts with PreCheck, and we are eager to partner with the agency to expand the program to additional populations and airports through community-based, airport-centric approaches.

I appreciated the opportunity to be here today and look forward to any questions you have.

Mr. HUDSON. Thank you, Mr. Browne, for your testimony.

Our final witness is Mr. David Borer, who currently serves as general counsel for the American Federation of Government Em-

ployees. The American Federation of Government Employees is the largest Federal employee union, representing 650,000 Federal and D.C. Government workers Nation-wide and overseas. The Chairman recognizes Mr. Borer to testify.

**STATEMENT OF DAVID A. BORER, GENERAL COUNSEL,  
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES**

Mr. BORER. Thank you, Mr. Chairman and Ranking Member Richmond, Members of the subcommittee. On behalf of the over 650,000 Federal employees, including 45,000 transportation security officers represented by AFGE, I thank you for the opportunity to testify today.

I also want to express our union's appreciation of Ranking Member Richmond and Mr. Thompson for the SPP bill introduced yesterday.

AFGE is on record supporting the principle of risk-based security. It can focus TSA's work on genuine risks while eliminating unnecessary procedures and identifying low-risk individuals. PreCheck and Known Crewmember, as we have heard this afternoon, are promising, successful programs that we hope to see expanded.

However, the decision to end the ban on knives was hopelessly flawed and failed to account for the very real risk posed by those knives. It is just common sense. Allowing knives through the checkpoint and onto the aircraft increases the safety and security risk. TSOs, air marshals, flight attendants, pilots, passenger groups all oppose the new policy. Even some airline CEOs have spoken out against lifting the knife ban, a rare consensus of opinion between labor and management in the airline industry.

Despite all of the unfounded criticism, TSA and the officers that we represent have made air travel safer. Enormous quantities of deadly contraband, including knives, have been stopped at the security checkpoints. Where private security companies failed us on September 11, TSA has had an effective record in preventing further attacks.

TSA's sudden policy change without consulting TSOs and their union makes no sense. TSOs know that a policy change like this will increase risks for themselves and others and will have unintended consequences like longer security lines. Their input could have prevented this dangerous policy change.

While AFGE was not consulted, published reports indicate that lobbyists for the knife industry were. Those lobbyists now claim to have been instrumental in winning the change and even "an anonymous TSA official" is thanking them for their "assistance" in lifting the ban.

The knife industry has no responsibility for aviation safety and security, only a commercial interest. They should have no role in this process.

But my testimony today is not concerned simply with the failure to consult with AFGE and other key stakeholders or the lack of notice about the knife rule. This is about—as it states in the Aviation and Transportation Security Act, "ensuring the safety and integrity of all persons providing services with respect to the aircraft providing passenger air transportation."

Despite repeated statements by the agency, preventing the catastrophic loss of an aircraft is not TSA's only mission, and we reject the implication in that statement that collateral casualties in the cabin or at the checkpoint are therefore acceptable risks.

The prohibited items list is a critical component of accomplishing TSA's mission. Small scissors and nail clippers have been allowed in the past. Other changes have been made. But under this latest change, items actually designed and used as weapons will now be allowed onto the aircraft.

One knife manufacturer is already advertising the development of new knives for use as "weapons" on-board aircraft, knives that are designed to comply with TSA's new policy. The transition from an absolute ban on knives to a policy that requires a TSO to quickly determine the size and type of a knife will result in resistance from certain passengers. We are concerned about training for TSOs. We are concerned about long lines at the checkpoint. We are especially concerned about assaults by irate passengers.

Assaults and batteries are already almost routine for TSOs. There have been two in the last 2 weeks. When our union contacted the TSO recently assaulted in Honolulu Airport, one of the first things she said was, "What would have happened if that person had a knife?"

The changes to the PIL have also caused outrage among the Nation's flight attendants. They, too, have seen a growing number of assaults and batteries, so much so that the term "air rage" has now entered our collective vocabulary. While TSA notes that no flight attendant in the United States has been attacked with a knife, you should know, Mr. Chairman, that flight attendants in other countries have been attacked with knives as recently as 2011. Several of the terrorists on September 11 are known to have been armed not just with box cutters, but with pocket knives.

Flight attendants are also confronted by the same irate passengers our TSOs deal with at the checkpoint. In fact, in some cases, passengers have committed an assault and battery on a TSO at the checkpoint only to be waived through by a supervisor and allowed to board an aircraft.

In conclusion, if we learned anything from September 11, it is that desperate and fanatical people can wreak havoc and commit acts of death and destruction in air travel. Knives must continue to be banned from commercial aviation. TSA's mission is to reduce, not to increase, the risk in commercial aviation. Knives have no place on airplanes ever again.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Borer follows:]

PREPARED STATEMENT OF DAVID A. BORER

APRIL 11, 2013

Mr. Chairman, Ranking Member Richmond, and Members of the subcommittee, my name is David A. Borer, and I am the general counsel of the American Federation of Government Employees, AFL-CIO (AFGE). On behalf of the members of our union, which represents more than 650,000 Federal employees, including 45,000 Transportation Security Officers (TSOs) working on the front lines of aviation security, I thank you for the opportunity to testify today regarding stakeholder perspectives on the Transportation Security Administration's (TSA) efforts to advance risk-based security.



## RISK-BASED SECURITY

AFGE and the TSOs we represent are on record supporting the principle of risk-based security. Careful, risk-based analysis can help to focus TSA's work on genuine risks to safety and security, while eliminating unnecessary procedures and identifying low-risk individuals who require less scrutiny. However, risk-based security decision analysis like the kind that resulted in the decision to end the ban on knives, is not a model that should be duplicated. The decision to end the ban on knives was hopelessly flawed and certainly failed to account for the risk posed by knives.

Operational experience and common sense tell us that allowing knives through the checkpoint and onto the aircraft increases the safety and security risk to TSOs, crew members, and passengers. TSOs, air marshals, flight attendants, and pilots oppose the new policy because it increases the risk they face on the job. Even some airline CEOs have spoken out against lifting the knife ban; a rare consensus of opinion between labor and management in the airline industry.

The TSOs represented by our union share with TSA the goal of ensuring the safety and security of air travel in the United States. Our TSOs are sworn to protect air travelers and their families and loved ones, as well as the hundreds of thousands of workers who make commercial aviation possible. Despite all the unfounded criticism heaped on TSA and these officers, the bottom line is that they have been successful in making air travel safer. There has not been a repeat of the September 11-style attacks since TSA was put in charge of aviation security. Enormous quantities of deadly contraband—including knives—have been stopped at the security checkpoints, preventing it from being carried onto the aircraft. Where private security companies failed us on September 11, TSA has had an effective record in preventing further attacks.

## FAILURE TO CONSULT WITH AFGE AND THE TSOs

Against this background, TSA's sudden change of policy, without consulting TSOs and their union in any formal way, makes no sense. We understand that, to be successful, TSA must stay several steps ahead of terrorists through procedures and technology that evolve in response to real-time intelligence developments. TSOs have the hands-on operational experience to know that a policy change like this will increase risks for themselves and others, and will have other unintended consequences like longer security lines. Their input could have proven invaluable in the process leading up to the decision of whether to change the ban on knives. It seems illogical, then, that TSOs are often the last to be informed of screening changes they are to implement, and are routinely denied any meaningful input to inform those decisions. In this case, TSOs and AFGE were informed of the policy change, just minutes before the public announcement, by a TSA official who kept looking at his watch for fear that he was going to miss the announcement. The extremely short briefing permitted virtually no dialog, nor was our input sought in advance. TSA Administrator Pistole has referred to TSOs as "effective", "professional", and "integral" to the agency's mission. However TSA's refusal to engage with the largest segment of its workforce and their duly elected exclusive representative has actually hampered the agency's ability to seamlessly function as an intelligence-driven, risk-based operation.

This failure to consult with key stakeholders on the front line of aviation safety and security became all the more intolerable when reports were published indicating that lobbyists for the knife industry were consulted. In fact, they now claim to have been "instrumental" in winning the change, and they quote an anonymous TSA official as thanking knife industry representatives for their "assistance" in lifting the ban. Administrator Pistole issued a brief denial that he had considered the views of knife industry representatives in making his decision, but TSA has not denied that the meetings took place nor disclosed what role they played in influencing TSA staff responsible for developing the policy for the administrator's review and approval. The knife industry has no role nor any responsibility for aviation safety and security, only a commercial interest. If they are to be considered a stakeholder at all, they must be considered subordinate to the stakeholders who have a direct role in keeping air travel safe and secure.

Despite unlimited opportunities to engage AFGE—the exclusive representative of every one of the 45,000 TSOs working at our Nation's airports—since the summer of 2012, TSA defiantly and deliberately ignored every opportunity to hear first-hand the valid concerns of the workforce regarding the knife policy. There is nothing in the Aviation and Transportation Security Act (Pub. L. 107-71) that absolves TSA of the duty to engage AFGE as the exclusive representative of TSA employees. In granting a representation election for TSA employees, the Federal Labor Relations

Authority (FLRA) stated that the following rights apply to exclusive representatives irrespective of the extent of collective bargaining. The FLRA wrote:

“For example, § 7114(a)(1) provides exclusive representatives with not only the right to ‘negotiate collective bargaining agreements covering’ unit employees, but also a separate right to ‘act for’ those employees. Additionally, § 7117(d)(1) gives certain exclusive representatives the right to ‘consultation rights[,]’ separate and apart from the right to engage in collective bargaining. Further, § 7114(a)(2)(A) entitles the exclusive representative to be represented at certain ‘formal discussion[s] . . . concerning any grievance or any personnel policy or practices or other general condition of employment [.]’ In this connection, the Authority has held that the definition of ‘grievance’ is not dependent on the scope of a negotiated grievance procedure. See \*247 *Luke Air Force Base, Ariz.*, 54 FLRA 716, 730 (1998), *rev’d* 208 F.3d 221 (9th Cir. 1999). As such, the right of an exclusive representative to attend formal discussions under § 7114(a)(2)(A) does not require the existence of a collective bargaining agreement. *U.S. Department of Homeland Security, Transportation Security Administration and AFGE*, 65 FLRA 242, 246 (2010).”

Administrator Pistole himself also recognized both the obligation of the agency to consult with AFGE as the exclusive representatives of TSOs and the importance of labor-management consultation to assist the agency in accomplishing its mission of transportation security. According to the Determination dated February 4, 2011 (Determination), “Labor management relations must be results oriented, designed to solve problems and resolve issues rather than defer resolution through resorting to lengthy, multiple, adversarial avenues.” The Determination further noted that “TSA management must . . . act in a manner characterized by cooperative problem solving approaches to raising, addressing, and seeking resolution of issues.” *Determination* at Page 5 and 15. President Obama also signed Executive Order 13522 to create labor-management forums throughout the Government to “establish cooperative and productive labor-management relations” throughout the Executive branch. AFGE is a member of Department of Homeland Security labor-management forum established in 2011 by Secretary Janet Napolitano.

On March 21, 2013 Rep. Bennie Thompson, Rep. Eric Swalwell and Rep. Cedric Richmond, along with 133 other Members of Congress sent Administrator Pistole a letter expressing concern about the changes in the PIL and, in part, questioning the apparent lack of consultation with AFGE, unions, and other stakeholders. On April 3, 2013 Administrator Pistole responded in a letter that included an enclosure in which the administrator mentions informal conversations with TSOs, and the National Advisory Council, a body with no standing that represents no one at the agency. Administrator Pistole even mentions 2,000 votes in support of expanding the list of permitted items on the Idea Factory, a form of on-line poll at the agency. Considering TSA employs over 45,000 TSOs, a vote of support of slightly over 4% of the total TSO workforce indicates an overwhelming lack of support from the majority. This alleged worker “input” is contrary to the consultations with the exclusive representative required by the FLRA and the Pistole Determination.

#### CHANGES TO THE PROHIBITED ITEMS LIST (PIL)

This is not simply about failure to consult with AFGE and other key stakeholders, or lack of notice, or a breakdown in procedures. This is about “ensur[ing] the safety and integrity of *all* persons providing services with respect to aircraft providing passenger air transportation,” as referred to in ATSA. 49 U.S.C. § 44903(h)(4)(C)(i), (emphasis added). TSA would have us believe that the agency’s mission is limited to matters concerning the catastrophic loss of an aircraft. But, the mission is much broader, as the above passage from ATSA indicates, and the prohibited items list is critical to accomplishing that mission.

TSA has previously modified its PIL to allow TSOs to clear passengers with items such as knitting needles, small scissors, and nail clippers through checkpoint. But in March, the agency announced that, for the first time since 2001 passengers would be able to carry items that not only can be *used* as weapons, but actually are weapons through checkpoints and onto planes. Make no mistake about it: A blade of 2.36 inches is a weapon whether it folds, locks, or is fixed.

The transition from an absolute prohibition on knives to a policy that requires a TSO at a fast-moving checkpoint to determine the size and type of a knife will result in inevitable resistance by certain passengers. Although the administrator has stated TSOs will be trained to refrain from opening folding or pocket knives, AFGE fails to see what will prevent a determined passenger from opening the knife at a checkpoint. Assaults and occasional battery are already almost routine for TSOs. Under

the new policy, those irate passengers will now be, potentially, armed with a knife, increasing the risk of injury or worse.

That TSO is a member of AFGE. When the union contacted her after the incident to see if she needed our assistance, one of the first things she said was “what would have happened if that person had a knife?” Admittedly, this incident took place at the exit lane, not at the checkpoint screening equipment. But it demonstrates the threat TSOs face every day when they go to work; a threat that will only increase as more knives pass through the airport.

Based on our members’ experience, I predict that it won’t be long—perhaps days, maybe less—under the new policy before some passenger will start a verbal altercation with a TSO. An irate passenger will not be able to resist arguing over the length of the knife, its design, or other reasons a TSO may have decided it must be excluded. Passengers snatch items out of TSOs hands all the time. Now we face the risk that a passenger will say something like “give me that knife, I’ll show you it’s not too long.” Or, “I’ll show you it’s not a locking blade.” Suddenly there’s an angry passenger with an open knife at the checkpoint.

TSA’s answer, at least informally, has been that no knives should be opened at the checkpoint, none will be measured. Management tells us it’s a TSO judgment call and TSA will not second-guess the officer’s decision. We’re told if something happens, “call a supervisor.” Saying that is how the policy *should* be implemented is easy. But officers with thousands of hours of experience on the checkpoint know that making it actually work that way in the day-to-day operation, with millions of passengers streaming through the checkpoint, is impossible.

The changes to the PIL have also caused outrage among the Nation’s flight attendants. They too have seen a growing number of assaults and batteries, so much so that the term “air rage” has entered our collective vocabulary. TSA’s carefully worded letter to Members of Congress notes that no flight attendant in the United States has been attacked with a knife. Several of the terrorists on September 11, were armed with pocket knives, not just box cutters. Flight attendants in other countries have been attacked with knives as recently as 2011. Beyond the everyday threat of terrorism, flight attendants are confronted by the same irate passengers our TSOs deal with at the checkpoint. In fact, in some cases, passengers have been known to commit an assault or even a battery on a TSO at the checkpoint, only to be waived through by a supervisor and allowed to board a flight.

The new PIL also has the potential to increase screening lines at checkpoint at a time when sequester is thinning the ranks of TSOs through unfilled positions, loss of overtime, and possible furloughs in the future. TSOs also are concerned about training for the new PIL when the sequester has placed additional pressure on training time that was too limited to begin with. In short, TSOs are very, very concerned.

#### CONCLUSION

Finally, there is something very troubling about the dismissive way TSA treats the increased threat that knives pose to TSOs, flight attendants, and passengers. TSA management does not deny that there is some risk posed by knives. Yet, they just keep repeating the talking point: No catastrophic loss of the aircraft. That statement is a veiled reference to the cockpit door, locked and reinforced since September 11, presumably impenetrable by assailants with small knives. By omission, TSA’s statement concedes that there may be some casualties in the cabin as a result of knives on planes, just not enough to result in the catastrophic loss of the aircraft. Even the U.S. military is more open about what it considers to be acceptable collateral casualties. With this focus exclusively on catastrophic loss of the aircraft, TSA demonstrates an approach that is directly in conflict with the mission to ensure the safety and integrity of *all* persons providing services in the airline industry.

If we learned anything on September 11 it is that desperate and fanatical people can wreak havoc and commit unspeakable acts of death and destruction in air travel. Knives must continue to be banned from commercial aviation because allowing passengers to carry knives increases the risk to safety and security at the screening checkpoint and on the aircraft. TSA’s mission is to reduce or prevent breaches of safety and security, not increase them. If TSA does not reinstate the knife ban for the reasons cited above, then Congress should impose the ban. Knives have no place on airplanes, ever again.

Mr. HUDSON. Thank you, Mr. Borer.

Before I begin questioning, we have some additional statements for the record that I would like to submit at this time. The first is from Paul Hudson—no relation—president of FlyersRights.org.

The second is from David Whitmire, president and CEO of K2 Solutions Incorporated. The third is from Brandon Fried, executive director, Airforwarders Association.

Without objection, so ordered.  
[The information follows:]

STATEMENT OF PAUL HUDSON, PRESIDENT, FLYERSRIGHTS.ORG

APRIL 11, 2013

THE TSA HAS LOST ITS WAY

A new policy announced by Transportation Security Administration (TSA) Administrator John Pistole on March 4 will allow knives in carry-on baggage with blades under 6 centimeters (2.36 inches) starting April 25. This shocking announcement was sprung on the public without warning with no vetting, public comment period, or input from those representing flight attendants, pilots, and passengers—those actually at risk.

Terrorists will soon be able to board U.S. airliners with knives as sharp as the then-permitted box cutters and knives used by the 9/11 hijackers. TSA screeners will also have a whole new set of complicated time-consuming inspections for knives that may further slow up airport security.

The 9/11 Commission Report noted that the al-Qaeda hijackers used knives to kill several flight attendants and the pilots on all four hijacked flights, that were then used to kill nearly 3,000 by destroying the World Trade Center and damaging the Pentagon. The FAA in 2001 did not prohibit knives with blades under 4 inches because: (a) They did not consider them dangerous, (b) some local laws permitted carrying knives, and (c) they were hard to detect so banning them could slow down security screening,

Others have suggested that allowing knives will raise the consistently-poor performance test scores of screeners and thereby make the TSA look better. The 9/11 hijackers were also reported to have trained killing sheep with pocket knives and were well aware of the lax FAA policies on permitting small knives.

TSA claims international standards required this change, but this is false. The International Civil Aeronautics Organization (ICAO), the special U.N. agency which makes aviation security recommendations, has no such requirement, standard, or recommendation. ICAO merely indicates that some nations permit knives under 6 cm and others do not, just as some permit gels and liquids and others do not. Some also permit smoking and others do not. No recommendation of ICAO calls for permitting knives in the passenger cabin. Anyone wishing to carry a knife may place it in checked baggage, and the TSA could supply mailers to return confiscated knives to their owners.

On March 14, TSA Administrator Pistole told Congress “terrorists don’t use knives anymore” and his internal studies show that looking for them distracts screeners from looking for bombs. He reaffirmed his new knife policy will be implemented as planned. Really, terrorists must be rejoicing at such revealing comments from the top aviation security official for the United States Government. This is one step from “bring it on” and “oh by the way, we are not really ready to stop you.”

Given my deep, 24-year involvement in aviation security, I have for months sought a meeting with Administrator Pistole to discuss this and other TSA policy issues. On December 21, 2012, after the Lockerbie/Pan Am Flight 103 memorial service at Arlington National Cemetery, Administrator Pistole personally gave me his word he would meet with me. I lost my beloved 16-year-old daughter Melina in that 1988 bombing and became an aviation security activist in her memory. Since December 21, however, four requests to schedule that meeting have been ignored. If the head of TSA ignores his own promises to meet with representatives of those most affected, what chance does the ordinary citizen have for grievances to be addressed?

The TSA now has 10,000 complaints per year, but has no effective system for resolving them. Administrator Pistole has arrogantly ignored numerous meeting requests to meet with stakeholders or provide for any public input prior to announcing the new knife policy on March 4. While the TSA performs a vital function of keeping terrorists from attacking America using civil aviation, unless it resolves its many problems, perhaps with new leadership, it may not survive in its present form.

LETTER FROM DAVID W. WHITMIRE TO CHAIRMAN RICHARD HUDSON

APRIL 11, 2013

The Honorable RICHARD HUDSON,  
 Chairman, Subcommittee on Transportation Security, United States House of Representatives, 429 Cannon House Office Building, Washington, DC 20515.

Re: Testimony in Support of the Transportation Security Administration's Effective Utilization of Canine Teams to Aid in the Advancement of Risk-Based Security

CHAIRMAN HUDSON, RANKING MEMBER RICHMOND, AND DISTINGUISHED MEMBERS OF THE SUBCOMMITTEE: Thank you for the opportunity to present written testimony advocating for the effective utilization of canine teams for the Transportation Security Administration and the Department of Homeland Security in support of the United States' on-going efforts to improve and advance security measures. As president and chief executive officer of K2 Solutions, Inc., it is my distinct honor and privilege to provide you with pertinent information derived from extensive experience in the canine industry to assist in your efforts to resolve certain areas of concern within the TSA Explosives Detection Canine Program, as identified in the January 2013 report published by the Government Accountability Office, and to provide expert analysis on possible methods for enhancing the TSA's Risk-Based Security initiatives by leveraging successes from both the private and Government sectors.

K2 Solutions, Inc. (K2), a Service Disabled Veteran Owned Small Business, is an industry leader focused on fulfilling customer requirements by providing solutions ranging from the rapid fielding of technology and systems integration to the deployment of security products and services. Taking concepts to combat, and offering tailored solutions to our clients within the public safety sector, is a by-product of our diligence in research, development, testing, and evaluation. K2's leadership team, comprised entirely of Special Operations Veterans, has a deep understanding of asymmetric threat behavior and user requirements. This knowledge has been extensively relied upon and has served as a basis for enabling K2 to develop countering techniques, training, and rapid adaptation of security protocols to produce new systems in support of our clients' needs. In 2007, K2 initiated a canine program in order to provide our troops with the capability to detect explosives and explosive pre-cursors during combat operations through the utilization of highly-trained explosives detection canines. Subsequently, K2 developed training techniques, which enabled us to provide the Department of Defense with canines capable of performing off-leash detection services. These canines currently are used by the DOD to fill the gap in Stand-off Detection of Explosives and Explosive pre-cursors (SDE2P).

K2's success in providing highly-trained explosives detection canines for the administration of security services is evidenced by multiple DOD and military contract awards, follow-on contracts, and the exercise of contract options; but the truest and most rewarding testament to our efficacy lies within the stories imparted by members of the United States Military, who have nobly served this country and returned to tell tales of incredible achievement and sacrifice on the part of their canines. It is the inveterate awareness of precisely what is at stake, should a canine fail to detect an explosive, that compels K2's adamancy in accepting nothing short of excellence, 100 percent of the time.

To date, K2 has successfully procured, trained, and assessed over 1,570 canines, and provided certifications and re-certifications for more than 800 explosive-odor and narcotic-detection canines to military, law enforcement, and civilian clients around the world. This includes six major contract awards in support of the Marine Corps' Improvised Explosive Device Detector Dog (IDD) Program, U.S. Special Operations Command (USSOCOM), and the British Military Working Dog Program.

The success of the canine programs we have been associated with is a result of the company's focus on three essential areas of practice: Comprehensive analyses of programs and training initiatives, including follow-on training; continuous support and facilitation of research and development; and formulation and use of innovative technologies and services, such as explosive detection solutions that provide safe standoff distance to personnel using the technology.

One subject raised in the GAO report was concern regarding the Passenger Screening Canine Team evaluations, which are currently conducted internally by the TSA. While internal evaluations can be constructive if carried out regularly and uniformly, the TSA would realize a greater benefit by engaging external sources to administer at least some percentage of the evaluations. The use of external evaluation teams has proven highly effective in providing consistent and objective results. Under a contract with Johns Hopkins University, K2 executed initial training using in-house resources available at the K2 K9 training facility, followed by intensive on-site training, to provide the University of Maryland with canines capable of detect-

ing person-borne explosives in a matter of 14 weeks. This type of detection capability is very similar to the type of detection for which the TSA PSC is intended. Because canine detection of person-borne explosives is a relatively new technology, it was imperative to seek external certifications to ensure objectivity and credibility. One of the main reasons this program has been so effective is that the International Police Work Dog Association (IPWDA) was engaged to provide the certifications for the University of Maryland Program. It is worthy to note that the outcome of the certification was a 100 percent rate of passage, and the canines in the program have continued to exceed expectations. Regular testing and evaluation by an accredited objective entity such as the IPWDA is a critical component of any successful canine program.

A second issue noted in the GAO report relates to areas of weakness in PSC teams' effectiveness due to inadequate or insufficient training. PSC teams can provide invaluable security support when equipped with the proper initial training and requisite follow-on training. The PSC requires more specialized training than the traditional canine, and such training is every bit as essential for the handler as it is for the canine. The latest Person-Borne Explosives Detection Dog (PBEDD) Teams, trained for purposes almost identical to Passenger Screening Canines, have not only the ability to consistently detect person-borne explosives present in average amounts, but also to alert with remarkable accuracy on even trace amounts of odors. However, even a canine team trained to the highest degree of excellence cannot be expected to maintain such rates of success in the absence of follow-on training. The creation of effective PBEDD teams starts with the assessment and selection of the right canines, which subsequently undergo advanced training on a monthly basis to guarantee continued high-level performance. Furthermore, because canine teams are a partnership, training must be a team requirement; thus, training should always be provided to the canine and the handler concurrently.

Perhaps the most pertinent of the issues addressed in the GAO report was the discovery of inconsistent and inaccurate explosives detection (e.g. false alerts) observed in some PSC teams. As stated, PSC teams can be inordinately valuable when they are properly trained and effectively utilized. In order for this to occur, the misconception that canines used for such purposes are capable of performing only for short periods of time, easily susceptible to fatigue or stress-related inadequacy in performance, must be quashed. Extensive operational experience in this area, along with data and information collected through comprehensive research and development conducted in conjunction with agencies such as the Office of Naval Research, has repeatedly demonstrated that the limitations of PBEDD teams are borne out of the handicaps of the human, not those of the canine. This fact is confirmed by the accounts of our military members, who offered stories of their canines' success under the most extraordinary and unexpected circumstances. Upon return from theatre, one Marine reported that his dog accurately alerted on an explosive during their eighteenth hour on patrol, saving the lives of the Marine as well as his teammates'. Another Marine recalled the evening he was playing fetch with his canine counterpart when the dog suddenly alerted on an explosive in a nearby field, and again, saved the lives of countless Marines occupying the base nearby.

These stories, while anecdotal in nature, force unabated reflection; acutely resonating within, and compelling us to remove the rose-colored lenses and collectively establish a solution that addresses and abrogates the vulnerabilities within systems established for the very purpose of protecting our citizens and securing our Nation. The United States does not stand before terrorists and shake a weak fist; it targets, tracks, and destroys, countervailing their prospects and vitiating the contingency of execrable threats. The same resolve must be applied in the execution and sustainment of services implemented to protect our interests at home.

Over the past decade, the United States has spent significant resources, and borne considerable sacrifice in developing battle-proven, highly effective canine detection capabilities. One of the great benefits we have as a result of this effort is a clear template showing what works and what does not when it comes to optimizing canine detection programs. As our Nation shifts focus from theatres of operation to greater protection of the homeland against a wide array of threats, it is imperative that we responsibly transfer and repurpose our high-end canine capabilities to entities such as the Department of Homeland Security without degrading or losing them entirely. For the TSA, the roadmap is clear. In order for the TSA PSC learns to attain proficiency, strength, and consistency in performance, a commitment on the part of those facilitating the program to embrace innovation and utilize proven training techniques is imperative. Arming PSC teams with a quality canine, proper initial training, advanced follow-on training, and the knowledge and tools

necessary to accurately document inconsistencies for further analysis will lead to prodigious success.

Respectfully,

DAVID W. WHITMIRE,  
*President and CEO, K2 Solutions, Inc.*

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STATEMENT OF BRANDON FRIED, EXECUTIVE DIRECTOR, AIRFORWARDERS  
ASSOCIATION

APRIL 11, 2013

Chairman Hudson, Ranking Member Richmond, and Members of the subcommittee, thank you for this opportunity to present the views of the Airforwarders Association (AfA) on the Transportation Security Administration's (TSA) efforts to advance risk-based security.

The Airforwarders Association represents 360 member companies employing tens of thousands of employees and dedicated contractors. Our members range from small businesses employing fewer than 20 people to large companies employing well over 1,000 and business models varying from domestic to worldwide international operations. Additionally, a few of our members operate their own aircraft. In short—we are the travel agents for freight shipments. We move cargo throughout the supply chain in the most time- and cost-efficient manner whether it is carried on aircraft, truck, rail, or ship.

With respect to the subject of this hearing, the Airforwarders Association commends TSA's continuing review of policies and the movement to develop risk-based security strategies. Safety and security are at the core of our members' livelihood. We fully embrace the concept of risk-based, multi-layered security to balance risk and freedom of commerce. Our members have invested millions of dollars in security screening equipment, secure systems and facilities, employee background checks, and annual security training in an effort to secure our portion of the global supply chain.

The Airforwarders Association also commends the efforts of U.S. Customs and Border Protection on its willingness to engage the private sector on the Air Cargo Advanced Screening (ACAS) pilot. As Mr. Mike Mullen notes, the pilot has proven to be extremely successful in the express operator domain. With respect to ACAS, we have three points for the U.S. Government to consider:

(1) *Ensure sufficient data from the airforwarder community before moving to rulemaking.*—While the express carriers have proven that transmitting limited information on a shipment can enable CBP to produce an adequate risk assessment, we believe that additional analysis is warranted for the airforwarder community. There are significant differences in the business models of express carriers and airforwarders. To date, only three airforwarders are currently in the operational phase with several more transitioning to this critical stage. We urge that CBP not move to rulemaking until additional airforwarders have the opportunity to participate in the pilot at the operational level. We believe that CBP will increase its knowledge of the airforwarder community by extending the pilot and will ultimately improve both the data quantity and the data quality from the airforwarder community leading to a more thorough integration and understanding of the different kinds of transactions performed by forwarder participants.

(2) *Flexibility of data transmission.*—The submission of ACAS data must be flexible to allow freight forwarders to submit data using various technology mechanisms.

(3) *International harmonization.*—We also strongly encourage the U.S. Government to advocate the benefits of harmonization to our international partners. It is critical that the United States work with the international community to develop recognized standards, procedures, and data provision. Attaining a global solution will allow international trade partners to share data globally and allow for both the optimization of the supply chain and a robust global risk assessment of cargo.

Thank you for this opportunity to share the views of the Airforwarders Association.

Mr. HUDSON. I now recognize myself for some questions. The first question I would like to offer up and let each of you take a shot at, if you are interested, on a scale of 1 to 10, how would you

rate TSA's performance over the last 2 years in terms of implementing risk-based intelligence-driven approach to security? Please explain your response. Why don't you start from my left to right, I guess.

Mr. DUNLAP. Mr. Chairman, I am probably not prepared to give a number, but I think in terms of recognizing the strides that TSA has made over the past 2 years, you have to say that they are a world leader in taking some of the theories behind risk-based security and turning those into procedures that we see at airports.

They are very important in influencing other regulators across the globe to take a look at different risk-based procedures, so I think that the administrator and the Department have done a commendable job trying to move forward a policy that will be flexible not only for the new threats that are emerging, but also for the growing passenger numbers that we see.

So I would like to see a larger group of passengers be able to benefit from all these risk-based measures. When the whole system is risk-based, then I think it would be fair and appropriate to come back to you with a number. But let's just say that there is a strong degree of leadership that we are seeing from the TSA, and we certainly appreciate that on the industry side.

Mr. HUDSON. Great.

Ms. PINKERTON. I would echo that sentiment. I think the TSA has gone from talking about risk-based security to actually developing some real programs. I would give them very high marks for the Known Crewmember program. It is—as I mentioned—had 5 million crew go through that program. It is only at 29 airports. There is a commitment to spread that out across the system. So I think they have done—they get very high marks for Known Crewmember program.

On PreCheck, again, I applaud them for standing the program up, but as you have heard today, quite a bit need—more needs to be done to really realize the full potential of that program.

Mr. MULLEN. Mr. Chairman, I would agree with my colleagues. On your scale, I would give them at least a nine in the area of air cargo. There were a couple of knee-jerk reactions right after the 2010 Yemen bomb incidents that required some discussion to get sorted out as to what they really wanted the private sector to do, but since then, they have been very transparent about the process. As I said in my testimony, they have engaged in frequent and robust discussions with us, where they have been very willing to adopt private-sector solutions to meet our common goals of improving air cargo security without imposing unreasonable and operationally-disruptive procedures on the industry, it would end up in a lot of additional cost with no perceptible increase in security. So, you know, I have heard some of the criticisms about their passenger operations, but in the air cargo world, they are really doing well.

Mr. BROWNE. I, too, applaud Administrator Pistole for taking this on. It is obviously a very difficult, but timely effort. I don't share my colleagues' optimism quite yet with—in terms of assessing a nine to it. I think we have got a long way to go with respect to PreCheck if we are going to get the numbers I have described in order to claim success.



I think we have got a lot more ahead of us, I would say more ahead of us than behind us.

Mr. BORER. Mr. Chairman, I think on the risk-based security side, they are doing a very good and thorough job. I think where we saw them go off the rails with the knife policy is more, I think, driven by some of the shortcomings we have seen on the labor relations side and not involving their employees.

Our front-line officers understand what it takes to execute on some of these programs. I think more involvement there can help steer these things in a way that will be effective on execution.

Mr. HUDSON. Well, I appreciate those comments. I am running low on time. But I guess I would like to kind of throw back to you, very briefly, what do you see as the next steps in your area, in terms of advancing risk-based security with passenger cargo? What are your areas of expertise? If anybody wants to take a stab at that.

Ms. PINKERTON. Well, I would say, with respect to PreCheck, the administration has floated a couple of ideas, Global Entry Light, as well as this third-party idea. I think they really need to decide which way they are going to go, make a decision, and then go for it, to expand the program, instead of trying to piecemeal the program in the way they have done to date.

Mr. MULLEN. Mr. Chairman, in the air cargo environment, I would say the next steps are to continue to implement the requirements for 100 percent screening of cargo on passenger planes in a way that incorporates flexibility and the willingness to look at innovative solutions there, conduct that screening as far upstream as it is possible to do it. So I think that is the area where they need to do some focus in the near future.

Mr. BROWNE. I would suggest that we really need to work with private industry to leverage the benefits of technology to really make this scalable and to tap into the resources in particular that airports can provide this equation.

Mr. BORER. I would just echo what the others have said. I think scaling up programs like PreCheck and Known Crewmember are a benefit to all parties here. It speeds up the process. It reduces the—what our officers are asked to do at the checkpoints so they can concentrate on the greater risks, so it is really a win-win kind of a program.

Mr. HUDSON. All right. Well, I thank you.

The Chairman now recognizes the Ranking Minority Member of the subcommittee, the gentleman from Louisiana, Mr. Richmond, for any questions he may have.

Mr. RICHMOND. Thank you, Mr. Chairman.

Again, thank you to the panelists. This question is really for all the panelists, and you can weigh in as you want. But we know that Aviation Security Advisory Committee has been very active in the past, and your organizations have worked closely with TSA on Aviation Security Advisory Committee. Can you explain for the committee the benefit of TSA consulting with you all and the advisory committee prior to implementing policies and—that impact you all?

Mr. DUNLAP. Mr. Richmond, thank you. I need to preface my remarks by saying, I am a member of the Aviation Security Advisory

Committee. My remarks are solely mine alone and they don't reflect the TSA, DHS, or the ASAC committee.

I think one of the most important strides we have made in stakeholder consultation over the last at least 3 to 5 years is that the Department has revitalized, strengthened, and launched an Aviation Security Advisory Committee that has a rather broader portfolio than it did in the past to tackle some of the very important issues that are there.

So I think as we look in the future, the talent that is assembled in this body, the support that it is receiving from the TSA only tells me that it has a bright future if it is asked to comment on some of the more controversial, contentious, or forward-looking proposals that are out there.

So I can give you my commitment that I certainly am prepared to take on these important issues. I know that we have a structure in place that will. I am always, and always will be, a believer that more consultation that is with the industry and with stakeholders and with victims will give you better U.S. National policy as an end result.

Mr. RICHMOND. Ms. Pinkerton.

Ms. PINKERTON. Yes, thank you. I am also a member of the Aviation Advisory Subcommittee on Passenger Advocacy. So my observations would be this. I agree that having the structure in place is critical to engaging stakeholders. As you find with any other commission, committee, advisory committee, sometimes there is a tendency to talk amongst ourselves a bit too much and—but I think it is critical to have the structure, if it is utilized correctly, and the recommendations are actually implemented.

Mr. MULLEN. Congressman, I am a member, too, of the subcommittees of the ASAC. I mentioned in my testimony the process used to create the ACAS project became known as co-creation, where the Government actually presented the problem to the private sector and let them develop a solution that came back and met both the requirements of business and Government.

I think that is the kind of approach that the ASAC can use to really meet their goals much more effectively. That—it provides a forum for that kind of robust discussion, where they can thrash out all the issues with the relevant stakeholders before something is implemented in a rule or a regulation. So I think the process has tremendous value.

Mr. BROWNE. It seems to me that decisions are going to be made and very often, many of us are going to disagree with those decisions. But it is particularly troublesome when decisions are made in the absence of consultation or collaborative discussions.

Having been in this industry a long time, I will say that the TSA over the years has improved in this regard. But I will also say that it is pretty notable that in those instances where there seems to be the most uproar, it has been where there has been the least dialogue. It is almost not the decision itself. It is the process by which we get to the decision.

The ASAC is a means of helping with that process. Certainly, we are very much committed to that.

Mr. BORER. Certainly, the ASAC is a good program and more consultation is better than less consultation. The AFGE is not a

member of ASAC, and in—it is an anomaly to me that you wouldn't include the front-line employees or representative of the front-line employees in such a labor-intensive operation.

I think we have a lot of input that would be valuable. We would love to participate. So if anything, I think ASAC needs to be expanded.

Mr. RICHMOND. Thanks—and I will follow up on that question, and if you all can answer yes or no, that would be great, because I have about 15 seconds left. Do you think it would be beneficial to codify ASAC into law so that you don't have a gap after expiration and everyone knows exactly what is expected in the consultation? So if you could answer that yes or not, it would keep me from going over too far.

Mr. DUNLAP. Yes, no, and we would like to see an information-sharing and advisory committee added, as well.

Ms. PINKERTON. Yes.

Mr. MULLEN. Yes.

Mr. BROWNE. Yes.

Mr. BORER. Yes.

Mr. RICHMOND. Thank you.

Mr. Chairman, I don't have any time to yield back, but I will say it, because everybody else says it. I yield back.

[Laughter.]

Mr. HUDSON. I thank the gentleman. I think we certainly got some unanimity on that last question.

The Chairman now recognizes the gentleman from Alabama, the former Chairman of this subcommittee, Mr. Rogers, for any questions he may have.

Mr. ROGERS. Thank you, Mr. Chairman.

Ms. Pinkerton, I read with some distress recent news reports that the Department of Homeland Security is close to finalizing an agreement with the UAE to place a CBP pre-clearance facility at the airport in Abu Dhabi. I was in the airport in Abu Dhabi last week on my way to Afghanistan, and I can tell you first-hand, they don't have any United States carriers at that airport.

It is the global hub for the UAE-owned Etihad Airways. I have two questions. No. 1, in your opinion, would this move fit a—would this agreement fit into the broader Department-wide efforts to implement risk-based security that we have been discussing here today? No. 2, what effects do you believe it would have on the American commercial aviation industry?

Ms. PINKERTON. Well, thank you for that question, Congressman Rogers, because the nature of this agreement really strikes a blow at the U.S. airline industry. We were made aware of this decision earlier this week, and as you so correctly point out, what is distressing about this agreement is that it is going to be providing a service that is only going to benefit one airline, a foreign airline.

At a time when U.S. carriers have been struggling to survive, we just earned 21 cents a passenger last year for the first time after a decade of losses, we expect the governments of Asia and the Middle East to do their best to make sure that their carriers succeed.

But we are surprised when our Government goes to the aid of a foreign airline. It completely picks winners and losers on a competitive—global competitive field.

Mr. ROGERS. So what do you think its effect is going to be on our U.S. commercial aviation industry?

Ms. PINKERTON. Well, frankly, we think the deal should be blocked. We have been working very, very closely with the airport community here in this country to try to address what have been persistent and excessive wait times at Dulles, at Miami, at JFK, and what we have done is we have joined together with our labor partners, with airports, with the travel industry, and we are asking Congress, Members of Congress to block this deal.

Mr. ROGERS. Okay.

Ms. PINKERTON. We think we need to fix our issues here at home first before we start servicing other parts of the world.

Mr. ROGERS. Well, I agree, and I would also—before I move on to my next question, I do want to say, I wholeheartedly endorse your concept of unifying our Trusted Traveler programs into one well-branded, simple-to-understand entry program that can be used. I know as much about PreCheck as pretty much anybody in the Congress, and I am a member of PreCheck, I am a member of Global Entry, and I still have problems getting through with various airlines.

TSA points to the airlines, and the airlines point to TSA. If it is driving me nuts, I can imagine what it is doing to somebody who is an infrequent traveler or less frequent traveler and who doesn't understand it. I think that would be a great step in the right direction to unify that system.

Mr. Browne, I really think a lot of John Pistole. I think he is a sharp fellow and his heart is in the right place, but he recently stated that TSA would provide screening to 25 percent of the individuals currently processed through security screening by the end of the year. That is an admirable goal, as I think you said in your opening statement.

Do you know if he really meant just the Category X airports? Or did he mean 25 percent of the people who go through our airports in this country? You may not know. I just have heard the 25 percent, and I hate to believe that—I don't believe that is true. Do you know—

Mr. BROWNE. I don't know specifically. I have understood it to mean, in the case of Dulles, that 25 percent of our passengers would be PreCheck-eligible by—

Mr. ROGERS. Oh, just Dulles?

Mr. BROWNE. Well, no, sir, but I can speak only for Dulles being one of the 40 airports where PreCheck is offered. I would have to defer to Mr. Pistole to confirm whether that is system-wide or only among the 40 airports.

Mr. ROGERS. Yes, I would ask the staff to try to get me a copy of that quote so I can see if he was just referring to Category X airports, because I just think it is—I think it is going to be impossible to do that, much less across all the airports.

But what do you think is achievable? Let's just—and, again, I want to limit it just to the Category X airports. What do you think is achievable by the end of this year? I think right now, we are probably only moving 1 percent or 2 percent through. What is realistic by the 7 months from now, 8 months?

Mr. BROWNE. I don't believe that we are going to achieve the 25 percent goal unless we bring significant new populations into the mix. It may be—

Mr. ROGERS. So by December 31 of this year, you think it is impossible to hit 25 percent in the Category X airports?

Mr. BROWNE. Well, not necessarily. If we receive approval, for instance, airports and industry to roll out some of these trials where we can begin to enroll many of our other passengers who are in the other programs you have noted, it may be possible. I am not aware, but it may be that the TSA has other populations that they are considering for admitting into the PreCheck program.

Mr. ROGERS. Okay. My time is expired. Thank you very much.

Mr. HUDSON. I thank the gentleman.

The Chairman recognizes the gentleman from California, Mr. Swalwell.

Mr. SWALWELL. Thank you, Mr. Chairman.

Before I begin, may I enter into the record and have unanimous consent that I enter opposition to TSA's announced change regarding the prohibited items list, letters from the committee—the Association of Flight Attendants—CWA and the Association of Professional Flight Attendants?

Mr. HUDSON. So ordered.

[The information follows:]

STATEMENT OF VEDA SHOOK, INTERNATIONAL PRESIDENT, ASSOCIATION OF FLIGHT ATTENDANTS—CWA, AFL-CIO

APRIL 11, 2013

We thank Chairman Hudson, Ranking Member Richmond, and all of the Members of the Transportation Security Subcommittee for your diligence on this important topic for aviation security. We appreciate the work of the subcommittee to review the TSA's efforts to advance risk-based security. On behalf of the 60,000 flight attendants we represent as members of the Association of Flight Attendants—CWA, AFL-CIO (AFA) I submit the following testimony for review as the committee considers "stakeholder perspectives."

AFA has testified on risk-based security and the work of the TSA on several occasions and most recently before the Subcommittee on Aviation of the U.S. House Committee on Transportation and Infrastructure on November 29, 2012. That testimony in support of the risk-based approach is relevant in the context of this hearing, but the recent announcement of an abrupt policy shift to lift the ban on knives in the aircraft cabin overshadows progress towards a risk-based security program. Today's testimony includes our objections to this policy change. We are concerned with the TSA administrator's process to reach this decision without considering the experience of flight attendants and other key stakeholders, and dispute inaccuracies put forth by the TSA administrator regarding the lack of notification of the policy change provided to me.

KNIVES IN THE CABIN INTRODUCE RISK—THREATEN SAFETY OF PASSENGERS AND CREW

At the most basic level, the question of whether to allow knives in the aircraft cabin for the first time since 9/11 is a simple one: Does such a policy change increase or decrease risk? No one can credibly argue that allowing thousands of knives onto aircraft every day decreases the risk to passengers and crew.

TSA has attempted to dismiss this increased risk with a wave of the hand, stating repeatedly that "small knives cannot cause a catastrophic loss of the aircraft." First, it should be noted that small knives did cause the loss of four aircraft on 9/11. To deal with that contradiction, TSA has continued the ban on certain small knives, like box cutters and tactical knives, dismissively saying that allowing them would be too "emotional." Speaking on behalf of AFA flight attendants, I have to say that trying to berate our position as "emotional" is insulting. It disrespects the lessons of our past, the heroes who were the first to die in a war we did not know we were

fighting, and this the courage of this Nation's flight attendants who every day face the challenges of serving on the front lines of aviation security.

But TSA goes further, saying that improvements in cockpit security since 9/11, including the locked and reinforced cockpit door, have eliminated the possibility that terrorists with small knives can take over the aircraft and cause a catastrophic loss. We have grave concerns with the lack of understanding of the necessary interaction between the cockpit and cabin in flight. Further, this cynical position assumes that casualties in the cabin are acceptable due to an attack by a terrorist or an irate passenger with a newly permissible knife, so long as the cockpit is not breached. Needless to say, flight attendants object to that callous calculation of acceptable casualties and we believe it fails to accurately recognize the mission of the TSA.

The TSA administrator's excuse for the abrupt policy shift on knives and other potential weapons in the cabin is yet another in a long line of excuses that does not hold up. In discussing this issue with the media and on Capitol Hill the reaction has been surprise over how TSA could possibly have concluded that it was appropriate to remove knives from the prohibited items list. It simply does not make sense. The tragic knife attack at the Lone Star Community College this week in Houston highlights the dangers of a small knife in the hands of someone who wishes to harm others. Even in that setting, with multiple exits and the ability to call for additional help, 14 people were injured. It is critical that we recognize the dangerous scenario of a small knife in the wrong hands within the confines of the enclosed aircraft cabin and closely seated passengers traveling at thousands of feet in the air.

TSA argues that relaxing the ban would merely put the American aviation security policy on par with that of Europe, Asia, and Africa. Never mind that we should be the leaders in aviation security, especially on this issue. This attempted justification exposes TSA's inconsistency. TSA has modified ICAO's standards to prohibit locking blades. So, the announced policy change will not harmonize the U.S. policy with the international standard and, therefore, any claimed benefit of such harmonization as justification of the policy change is illusory.

TSA also claims that allowing a certain size of knife will actually reduce the time TSOs must take to screen baggage, thereby freeing them to concentrate on other prohibited items such as improvised explosive devices. Common sense dictates otherwise. A blanket prohibition of knives, as opposed to a case-by-case evaluation of knife size, is clearly the more expeditious procedure. No one could argue that setting the stage for a fight over the size of an open knife is a good idea for public safety. So, once again, the justification offered is simply illusory.

This abrupt policy change does not make sense for combating potential terrorist attacks nor for de-escalating the daily disturbances we handle in aircraft cabins that are fuller than ever, while flight attendant staffing has been cut. On a daily basis, flight attendants address, de-escalate, and when necessary, direct other passengers to help contain disturbances on the aircraft.

In April 2012, on a U.S. Airways flight from Los Angeles to Phoenix, a passenger suddenly charged down the aisle and tried to ram the drink cart into a flight attendant, all the while screaming threats against the lives of everyone on board. He was subdued with the help of passengers, several of whom had to sit on him for the duration of the flight.

In November 2007, a United Airlines flight from Washington Dulles to Sacramento made an emergency landing in Fargo, North Dakota due to a serious threat to the air craft, the flight attendants and all of the passengers on the flight. A series of aggressive actions by a 25-year-old man led flight attendants to prepare for the worst. Passengers were briefed to help, if necessary. The culmination of aggressive actions was when the man rushed up the aisle towards the cockpit while shouting that everyone on the plane was going to die. One flight attendant physically blocked him, and a second rushed forward to help while the third called to detail the threat for the cockpit. Not until flight attendants shouted forceful commands did passengers get up to assist and help contain the aggressor. The pilots locked in the cockpit later told investigators it sounded like a fist fight outside the door—and it was.

Just last month, as a Delta Air Lines flight from Minneapolis to Atlanta began its final descent, cabin pressure change led to crying and tears for a 2-year-old boy sitting on his mother's lap. As the boy's mother tried to soothe him, the man sitting next to them allegedly used a racial slur and told the mother to "shut up" her son, then turned and slapped the toddler with an open hand.

There are countless stories like this and that is why the experience of flight attendants has led to such strong opposition by our union and the entire Coalition of Flight Attendant Unions, representing 90,000 flight attendants across the indus-

try. Introducing knives into any one of these scenarios could prove deadly and there is no question that it makes everyone in the cabin less safe.

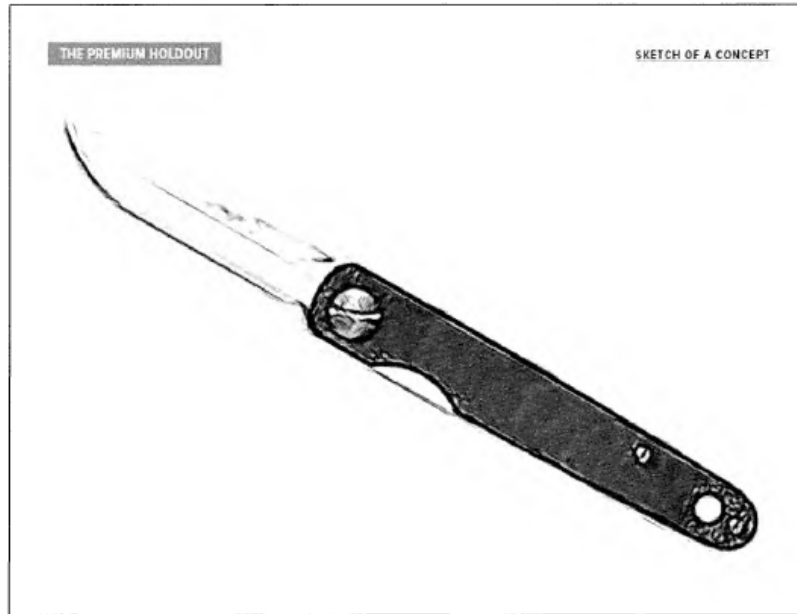
We support risk-based security, but it makes no sense to introduce risks into the system. Multi-layered security, including prohibition of items that could pose a threat, ensures U.S. aviation is the safest in the world. The ban on dangerous objects is an integral layer in aviation security. Not every decision can be presumed correct simply because it's labeled "risk-based security." The decision to allow knives on planes is clearly not correct. We must always apply a risk-based approach to solve for transportation security which includes the entire aircraft and all of the passengers and crew within it.

Flight attendants take very seriously our role as aviation's first responders and, since 9/11, also its last line of defense. We promote improved security because we are the professionals who are charged with the safe passage of the travelers in our care. We are aghast at the TSA administrator's position that TSA's job is limited to guarding against "devices that could take down an aircraft," while failing to even consider the experience of flight attendants who know first-hand of the very real dangers of small knives in the cabin. TSA cannot explain nor justify this policy change to the more than 100,000 flight attendants who put their lives on the line every day for aviation security. Nor can TSA explain it to the millions of air travelers who fly every day and their families who expect them to arrive safely. Surely, the traveling public deserves better.

#### POLICY SHOULD NEVER TAKE EFFECT WITHOUT STAKEHOLDER INVOLVEMENT

Air Marshals, Transportation Security Officers, and pilots agree with flight attendants, as do many airline CEOs. There is a consensus among those in aviation security. The people on the front lines know this is a bad idea. At times, the TSA administrator has asserted that these stakeholders and 9/11 families were advised on some level prior to the announcement of the new policy. In each of these cases, that has turned out not to be accurate. TSA has the ability to review policy changes with the Aviation Security Advisory Committee, which includes certain stakeholders in aviation security. AFA has our own security expert who serves on this committee. Even this committee, which is set up to interact with TSA on a regular basis for review of security issues, was not consulted. Genuine engagement and consultation with stakeholders demands a much more open and honest approach.

Although the key stakeholders in aviation security were not consulted, we have learned that lobbyists for the knife industry were consulted. This causes us to question whether the policy change is indeed based on misplaced efforts to improve security, or instead driven by corporate interests. Already we are experiencing the chilling, disrespectful effects of an industry emboldened by what they believe is a boon to business. Note the following on-line description from "Gear Patrol" of a knife that has already been created based on the new TSA policy:

**Emerson Hummingbird**

*Bonus: Best TSA-Approved Premium Holdout.*—Ernest Emerson, the maker of high-end tactical folders popular with military and law enforcement, is rumored to be modifying his Hummingbird blade to be TSA-compliant. A craftsman who focuses on utility over art, Emerson is a proponent of knives as both tool and weapon, and he designs and builds them for hard use, with 154cm high carbon steel and a chisel-grind edge. While we advocate you remain seated with your seatbelt securely fastened during flight, an Emerson would be the EDC [“every day carry”] you’d want if you get the call, “Let’s roll”.

This description is found at: <http://gearpatrol.com/2013/04/05/keep-calm-carry-ons-5-best-tsa-approved-pocketknives/>.

The 60,000 members of the Association of Flight Attendants—CWA who still grieve the loss of our member heroes on United flights 175 and 93 along with the members of Association of Professional Flight Attendants who were crewmember heroes on American flights 11 and 77, are not only disgusted by this advertisement, but horrified that this is what we will face on our aircraft after April 25 if this policy is allowed to take effect.

Flight attendants and passengers did not know what they faced on September 11, 2001. We were trained to survive a hijacking, to keep everyone calm and safe until the aircraft could land. It was the heroic actions of flight attendants on those flights that ensured our country had some of the first intelligence of that horrific day. That intelligence made its way to the flight attendants and passengers on flight 93 and they in turn acted without reservation to sacrifice their own lives to save countless others on the ground. They are heroes and we will never forget their actions, nor will we ever disgrace their memory by forgetting the lessons we learned. Let not one more American have to make the heroic choice they made that day. Let us not invite another tragedy by failing to apply what we know can happen today.

Let us not allow the heroism of that day to be exploited for dirty profits. And do not set up a scenario where flight attendants must attempt to handle a knife fight that breaks out when passengers take it upon themselves to enforce a disturbance in the cabin.



These are the scenarios that the traveling public and the Nation's flight attendants will face because those on the front lines of aviation were not consulted in this process.

#### AFA WAS NOT NOTIFIED OR CONSULTED ON POLICY CHANGE

In an April 3, 2013 letter, TSA Administrator Pistole responded to a letter from Congressman Bennie Thompson and 133 Members of the House. In his response, TSA Administrator Pistole states that on November 30, 2012 he "provided notice of his pending decision [to AFA] . . . and asked for [my] input." His letter goes on to state that "TSA received no feedback from AFA until after TSA Administrator Pistole's March 5, 2013, announcement."

Nothing could be further from the truth. On November 29, 2012 I had the honor to testify before the House Aviation Subcommittee of the Transportation and Infrastructure Committee. The purpose of that hearing was to discuss "TSA Impacts on Passengers & Industry." At the hearing, I defended TSA's risk-based approach as well as the important work the Transportation Security Officers perform.

At the end of the hearing, Congressman Ribble indicated that his daughter-in-law, a Southwest Airlines Flight Attendant was not in favor of knives being in the aircraft cabin and that he was likewise concerned. In response, I strongly agreed with his position and stated on the record:

" . . . I used to take my knife to work . . . I am much more thankful to know not that I don't have a knife, but that nobody else has a knife on the plane. While I miss that aspect of being able to travel with that, I feel much more confident to know that the potential threat does not exist."

At that hearing, I clearly reiterated AFA's long-standing position on prohibiting knives in the aircraft cabin.

On November 30, 2012 I received a phone call from TSA Administrator Pistole thanking me for my supportive testimony. The vast majority of our brief conversation focused on AFA's support of TSA's comprehensive risk-based approach to security. As a momentary aside, I even expressed my disbelief over a fellow witness's advocacy for permitting knives in the cabin. As I recall, TSA Administrator Pistole casually mentioned that he was reviewing the prohibited items list, which of course includes knives, and I responded that I understood his responsibilities as part of risk-based screening to "look at everything." At no time during or after the conversation was I left with the impression that TSA Administrator Pistole was planning to amend the prohibited items list nor did I reverse our position that knives do not belong in the cabin. Between my testimony and our phone conversation, there should be no doubt that both my union and I personally support the continued ban on knives. Nothing that the TSA Administrator said in that brief call can legitimately be called "notice" of the pending policy change, and certainly nothing approaching "consultation" took place.

As additional facts have come to light, it is clear that the TSA's abrupt policy change was actually considered over a number of years. But, it was not until 30 minutes before TSA announced its policy shift that I received a phone call from TSA informing me that the agency was about to announce that knives would be allowed back on the aircraft for the first time since 9/11. There was never any notice. Never any meaningful dialog. Never any attempt to engage in consultations with AFA on behalf of the tens of thousands of flight attendants we represent who, as the head of the Air Marshall's union has said, "will be sitting ducks" if this policy change is allowed to go into effect.

Bottom line: The TSA administrator attempts to distract attention from the real issue at hand by mischaracterizing a call he initiated to thank me and my union for standing up for risk-based security.

#### CONCLUSION

The April 25 effective date is fast approaching and serious concerns are mounting about the risks created by the policy change. This committee is right to look into problems with how TSA engages its stakeholders. But, let me be absolutely clear that our primary concern is that knives should never be in the air craft cabin. In our view, an appropriate process of consultation would have prevented TSA from concluding that such a change should be implemented.

We encourage the Transportation Security Subcommittee to do everything in its power to extend the April 25 implementation date and to ultimately ensure a ban that would keep knives out of our aircraft cabin permanently.

Let us learn from the lessons of our past and make sound decisions for our future.

STATEMENT OF LAURA R. GLADING, PRESIDENT, ASSOCIATION OF PROFESSIONAL  
FLIGHT ATTENDANTS*Proudly Representing the Flight Attendants of American Airlines*

11 APRIL 2013

## INTRODUCTION

Chairman Hudson, Ranking Member Richmond, and Members of the subcommittee, thank you for allowing me the opportunity to submit the following testimony. Furthermore, thank you very much for your recent strong statements regarding TSA's policy-making process. Although we may not all agree on the recently announced change in the prohibited items list, I believe there is bipartisan agreement that the decision-making process did not include input from each critical stakeholder. I appreciate your support in holding TSA accountable for this oversight.

The attacks of September 11, 2001 changed the commercial aviation industry, and the flight attendant profession in particular, dramatically and forever. The protocols and security measures that were instituted after those tragic events had one single intention: To keep us all safe. On March 5, 2013, Administrator John Pistole of the Transportation Security Administration announced a policy change that would once again allow knives of a certain size on-board aircraft departing from U.S. airports. The policy is ostensibly justified by the "risk-based analysis" this hearing seeks to better understand. Although we support risk-based security and the periodic review of TSA's prohibited items list, the Association of Professional Flight Attendants, representing over 16,000 American Airlines employees, vehemently rejects the TSA's attempt to make such a sweeping policy change without the input of key stakeholders. As first responders and the final layer of security on-board the aircraft, flight crews are critical resources and should be involved in TSA's decision-making process. Had flight attendants and others been involved from an early point in the discussion, Administrator Pistole would not have arrived at such an ill-advised conclusion.

## THE 9/11 COMMISSION REPORT

The official report of the events leading up to the attacks of September 11, 2001, details, to the extent possible, the tactics employed by the terrorists who perpetrated the attacks. According to the report, which references the heroic efforts of American Airlines Flight Attendants Betty Ong and Amy Sweeney to relay information to the ground throughout the hijacking, the terrorists used knives to stab passengers and flight attendants and gain entry to the flight deck.

Among the passengers stabbed on American Airlines Flight 11 was Daniel Lewin who had served 4 years as an officer in the Israeli military. Despite his training, he was stabbed and incapacitated while attempting to stop two of the hijackers who had been seated in front of him in first class.

Small knives and pepper spray irritants were the weapons employed by the hijackers. APFA remains convinced that such weapons, in the hands of highly-motivated, coordinated, and trained criminals, pose a significant threat to the security of an entire airplane. There is no justifiable reason to allow small knives into airplane cabins.

## TSA'S MISSION

In the wake of the attacks of September 11, 2001, Congress passed the Aviation and Transportation Security Act which was signed into law by President Bush in November 2001. According to the Act, the function of TSA is to secure all modes of transportation. This is reflected in the following statement from the agency's website:

"Today, more than a decade since its creation, TSA has grown and evolved yet remains committed to its mission. The agency employs a risk-based, intelligence-driven, multi-layered strategy to secure U.S. transportation systems, working closely with stakeholders in aviation, rail, transit, highway, and pipeline sectors, as well as the partners in the law enforcement and intelligence community." ("September 11, 2001 and TSA." Web. 17 March 2013)

In the opinion of the APFA, the TSA has completely vacated its mission and obligations with regard to this policy decision. Not only does the introduction of knives to the airplane cabin put U.S. transportation systems at risk, but the policy decision was made without any input from aviation stakeholders. Flight attendants were not consulted on the issue and APFA was not informed of the decision until the day of

its announcement. The mechanism for robust stakeholder input exists in TSA's Aviation Security Advisory Committee. Members of the ASAC include a flight attendant, pilots, and members of this hearing's witness panel and their colleagues. If such a committee exists, it must be to play a role in the policymaking process at TSA. The failure to consult ASAC is, at best, a terrible oversight on the part of Administrator Pistole.

#### TSA'S JUSTIFICATIONS

Administrator Pistole's public explanation of the proposed change is unconvincing: "A small pocket knife is simply not going to result in the catastrophic failure of an aircraft," John Pistole, Congressional testimony, March 13, 2013.

Administrator Pistole cites the armored flight deck door, pilot training and protocols, and the increased vigilance of the flying public as reasons a hijacking could not be undertaken with small knives. Flight attendants and many others in the industry reject this reasoning.

Even prior to the attacks of 9/11, flight deck doors were closed and locked. Today, reinforced doors remain vulnerable. On all flights, the doors are opened for pilots to use the lavatory or coordinate with other crew members, leaving a window of vulnerability.

Today, pilots are trained not to open the flight deck door under any circumstances and to land the plane immediately in the event of an attempted hijacking but this system is any but foolproof. If a pilot were to look out into the cabin and see a family member, possibly a flight attendant-spouse, a colleague, a friend, or a small child being threatened with a blade to the throat, we can reasonably expect human nature to trump training. Additionally, it is not always plausible for a pilot to ground the aircraft, as it may be over a body of water during an incident.

Passenger vigilance has certainly increased in the years since the attacks of 9/11. Passengers have worked with flight crews repeatedly to thwart would-be attackers, bombers, and deranged passengers. We all remember the heroism of passengers on-board United Airlines Flight 93 who saved an untold amount of lives by sacrificing their own to disrupt the terrorists' plans. However, as evidenced in the 9/11 Commission Report's account of the events on-board Flight 11, the majority of passengers aboard that 767 aircraft were unaware that the situation was any more serious than a routine medical emergency in first class. In a large wide-body plane, particularly with three classes of service, relatively few passengers have a line of sight to the flight deck door during the few seconds when a hijacking may be attempted. Their reaction cannot be relied upon to thwart such an attack. Additionally, on a flight with a predictably low load factor, a team of six or eight terrorists, armed with pocketknives, could easily overpower the few remaining passengers and crew.

Removing these items allows officers to focus on detecting non-metallic improvised explosive devices, which can blow up an airplane (paraphrased Congressional testimony of Administrator Pistole).

Flight attendants reject the notion that TSA officers cannot screen for both explosives and weapons. Keeping air travel safe requires both. Allowing certain knives on-board will not make security checkpoints more efficient because the new policy does not allow screeners to ignore knives. On the contrary, TSA officers will now be responsible for ensuring that knives meet the required criteria for size and blade-locking, potentially slowing down the process even more and providing ample distraction from the task of identifying non-metallic IEDs.

"We have yet to see a single incident where a passenger was injured using a knitting needle or scissors." ("Small Pocket Knives—More Support Than You Might Think." [www.bios.tsa.gov](http://www.bios.tsa.gov) 18 March 2013)

Since 2005, certain small scissors and knitting needles have been allowed on-board aircraft. In Congressional testimony, Administrator Pistole touted the fact that there have been zero attacks on passengers or crew with those items. Flight attendants and other stakeholders agree with the sentiment expressed by Rep. Eric Swalwell who stated, "That number cannot get better, but it can get worse with this new policy." Despite the lack of reported attacks involving knitting needles and scissors, the threat remains, as the 9/11 terrorists used unconventional weapons, such as box-cutters.

Allowing small knives is a slippery slope. There is no reason to put flight attendants, pilots, and most of all passengers in a position where they may be defending themselves or the entire airplane against armed attackers.

## TYPICAL FLIGHT ATTENDANT DUTIES EXACERBATED

According to internal American Airlines reporting, there were nearly 1,200 reported instances of passenger misconduct in 2012 alone. Flight attendants have the unenviable task of addressing and de-escalating myriad in-flight disruptions. During a US Airways flight from Los Angeles to Phoenix in April 2012, an unruly passenger stormed the aisle, attempting to drive the drink cart into a flight attendant, while verbally threatening all those on-board. Introducing weapons into situations such as this one makes the job of a flight attendant needlessly difficult and dangerous. In the absence of a Federal Air Marshal, there is no readily accessible official with police powers on board an airplane. Violent, dangerous, possibly deranged, or drug-induced passengers are the responsibility of flight attendants. Arming them with even small knives is a grave mistake.

In conclusion, the APFA's top priority is the safety of all passengers. That is why we ask that you, the Members of the subcommittee, to join us in opposing TSA's dangerous policy change and demand that any future risk-based security policy decisions be made with the direct input of flight attendants.

Mr. SWALWELL. Mr. Chairman and our witnesses, thank you for being here today. I have to say that, since the administrator announced that knives will now be taken off the prohibited items list, I scratched my head wondering why we would want to make our passengers and crew more vulnerable today than they were since the policy was implemented and why we would want to recklessly and dangerously put them at risk.

From what I have gathered in this last month, since it was announced, it seems that the administrator is saying that TSA and its TSOs—their officers who are at the weapons screening and screening stations at the airports—are having a tough time distinguishing and spending so much time on knives that it prohibits them from looking at liquids and new emerging threats.

To me, that is really the administrator saying that TSA can walk but not chew gum, or it can chew gum but not walk, but it cannot chew gum and walk at the same time. I think we must have a TSA that can look at old threats and also continue to protect us against new threats.

Earlier Mr. Freeman, who is not here any longer, stated that if we get this right with regard to TSA, our economy improves. But my job and our job as a committee, I believe, is to make sure that we don't get it wrong, because if we get it wrong, we saw what happens to our economy and passengers and crew and people on the ground. If we get it wrong, things go very, very bad very, very fast.

Before this policy, TSA only had to screen objects that were prohibited, sharp objects that are prohibited. Now this policy asks TSOs to measure the knives, and knowing anyone who travels, I don't imagine they are going to be measuring their knives the night before.

So, Mr. Borer, what I imagine is a situation something like this. I am a football fan, and we have all seen NFL referees measuring first downs. Now, I can imagine that at the airport screening lines we are going to have TSA agents taking out the tape and measuring whether these knives are 2.36 inches or longer. If that is the case, do you think that is going to allow the TSA agents to focus more on liquids or is this going to hold up our lines and actually make them less capable, prepared, and ready to focus on liquids?

Mr. BORER. You have hit on a very central concern that our union has, Mr. Congressman. The TSA has assured us—we haven't seen it in writing, but they have assured us that, no, nobody is

going to measure any knives at the checkpoint. They acknowledge it is not a good idea to have millions of passengers going through the checkpoint every day and have a lot of open knives, you know, people waving them around, oh, look at this, how long is this one?

You know, so supposedly there is no—no knives are going to be measured, and it is going to be left up to the TSO's judgment. But I would be willing to bet that the scenario you described about nobody—none of the passengers are going to measure their knives? Yes, they are. They are going to come to the airport, and they are going to know exactly how long their knife is, and if it is left to the TSO's judgment call and they say, well, no, it looks like it is too long, and TSA has assured us they aren't going to second-guess the judgment call, well, that passenger is going to second-guess the judgment call. He is going to say, oh, no, it is not too long. Let me see that—

Mr. SWALWELL. Then we go to the instant replay, right?

Mr. BORER [continuing]. Open it back up, and now we have got a guy with a knife again. So—

Mr. SWALWELL. I have another question, Mr. Borer. TSA will allow non-locking knives, but locking knives—locking knives are allowed, non-locking knives are not allowed. Do you see the same problem with your agents now having to decide whether a knife is locking or not-locking?

Mr. BORER. They have only got just seconds, really, with each passenger and their belongings. To distinguish one from the other that quickly, looking at the screen or even looking in the bag, it is going to slow things down.

Mr. SWALWELL. Here in this picture, just for the record, one of them is locking and one is not locking. I can't tell the difference.

My concern is, as Mr. Borer mentioned, our TSOs are not trained right now for this policy to be implemented on April 25. I believe we can have a risk-based security program which all of the witnesses agree upon, including Mr. Borer, and still protect against sharp objects, which if used dangerously on an airplane can hurt the staff, can hurt our flight attendants, can hurt the passengers.

So I would support, Mr. Chairman, considering delaying this or even propose that, if we want to use our Trusted Traveler program, this could be a compromise here where we look at the Trusted Traveler program, allow those individuals to carry these new knives that will be allowed, see if it works with that small pool before we just blanketly allow anyone, regardless of their criminal record or regardless of their mental health status or risk, to bring knives on the airplane.

I must—I think our TSA must be able to protect against old threats and new threats. Thank you.

Mr. HUDSON. I thank the gentleman.

The Chairman recognizes the gentlelady from Indiana, Mrs. Brooks, for any questions she may have.

Mrs. BROOKS. Thank you, Mr. Chairman.

This question is for Mr. Mullen. I am from the Indianapolis area and to the north, and we are the second—we have the second-largest FedEx hub, and also Indiana is often the logistics capital of the country and a lot of air cargo, as well as other cargo, goes through Indiana.

You talked about in your testimony the shipment and conveyance data shouldn't be separated. You mentioned—and I am curious, because your industry, as I understand, provides the shipment information to the Government, and the Government then should be doing the same when there is a shipment of concern. Can you explain that a bit further? Is there information that you think should be provided that you are not currently receiving? How quickly are you receiving information from TSA and CBP?

Mr. MULLEN. Yes, thank you, Congresswoman Brooks. This has been an important issue to the success of the ACAS pilot, because previously, information was reported by air manifest, and it was information about the shipment and the aircraft that was bringing the shipment to the United States. It took some time for the carriers to develop that report so it contained all the information needed.

For ACAS, we separated those two things. The Government just asked for the data on the shipment itself, which is seven data elements, and those can be provided long before the package is ever put on a plane. The purpose of this—and it was a lesson learned from the Yemen bomb incidents in 2010—the purpose of this is to prevent the package from ever getting on a plane.

So the Government can take that shipment information and do the risk analysis and get back to us very quickly about whether something is good to go or not. So that is the process that we want to see continued in the regulation. But data on the aircraft can be provided at a later time in the supply chain, and so the Government will still get all the information it needs in that regard.

Mrs. BROOKS. While I know it would be wonderful if we could achieve 100 percent screening of all international inbound cargo on passenger aircraft, TSA's implemented a risk-based strategy which includes TSA classifying cargo as trusted or non-trusted. Do you think this strategy has been successful? Can you tell us about that?

Mr. MULLEN. Yes, I think it has been successful. I think it is working very well. As I said, in ACAS itself, over 70 million shipments have been analyzed, and there—none have been determined to be a threat. So part of that is the analysis of how well-known a shipper is, but there are very good procedures in place. We really can't go into them here, but there are excellent procedures in place to determine when someone is known or unknown and clear procedures for what the carriers need to do to conduct appropriate screening on what is unknown.

So this system is working very well. I can tell you that 100 percent of the potential high-risk shipments are being screened. The ones that are determined to be compliant and non-threatening, which is the overwhelming majority, don't—aren't required to be screened. The data analysis should be sufficient for those.

Mrs. BROOKS. How long do you predict this will be a pilot program?

Mr. MULLEN. Well, a discussion is going on right now between the Government and the private sector about how to move into the regulatory process. The Government's goal for getting the initial draft of the regulation out is around the first of the calendar year. Some parts of the private sector feel it might take a little bit longer

than that, but the process is underway, and it should be—in terms of the way these things move in the relative near future.

Mrs. BROOKS. Well, thank you. I will tell you, I was U.S. attorney shortly after 9/11, before TSA existed, as TSA was stood up, and we have come a long way from that time in the Justice Department from 2001 to 2007. So I really just applaud the efforts the private sector is playing with Government in this role and liked your characterization of the three-legged stool. Very important. I yield back. Thank you.

Mr. HUDSON. I thank the gentlelady.

The Chairman now recognizes the gentlelady from Texas, Ms. Jackson Lee, for any questions she may have.

Ms. JACKSON LEE. I thank the Chairman very much, and I thank the Ranking Member for his leadership on a number of issues dealing with TSA, and I believe this committee takes its responsibility seriously. I always have said this from the time that I have been on this committee, while things are calm, people make suggestions as to why you have the Homeland Security Committee and the comparable one in the United States Senate. Having lived through 9/11 as a Member of the United States Congress, having gone to Ground Zero during the recovery period, and seeing that kind of pain, I would simply say that if some drastic and untoward action, a terrorist action that impacted American lives and other lives, we would ask the question why we have a Homeland Security Committee.

So let me thank all of you that contribute to not only those issues of security, but also commerce and the movement of people, which I think is extremely important.

It happens that we are interested in a particular line of questioning, but I do want to indicate the importance of ASAC, and I would like to see whether or not—I think all of the members are a member of ASAC except AFGE. Is that correct?

While I do that, let me acknowledge—I see uniformed personnel, so let me acknowledge flight attendants in the room. I have always indicated that all of us become first responders. Obviously, interpretation can be in one direction for police and fire, but when you put your life on the line, as we know that has occurred in several incidences along—on airplanes, as they were in flight, we know that first line of defense sometimes after the new laws about pilot cabin and security of the cockpit, we know that they are right in the mix.

So let me say thank you to them. If there are any pilots in the room, let me say thank you to them. If there are any pilots—any first responders overall in the room, let me thank them, as well.

So I understand that Mr. Dunlap, you are a member of the ASAC committee?

Mr. DUNLAP. Yes, I am.

Ms. JACKSON LEE. Did you all have a full discussion of knives and its relation to being removed off of the prohibited items?

Mr. DUNLAP. As a matter of fact, I was not in any meetings with the ASAC in which that occurred.

Ms. JACKSON LEE. Okay. I take it that no one else will see or raise a hand that they have been in any meetings where that oc-

curred. I have made it very clear that I believe this is wrong-headed and really misguided.

Just a couple of days ago, tragically, in my jurisdiction surrounding area—not exactly my Congressional district, but in the Houston area—at a particular community college, a stabber took a particular-type knife—in this instance, it could be called a box cutter, and that is certainly on the prohibited list, but they took that kind of instrument and stabbed 14 people.

Now, some would say, well, that is that kind of knife or that kind of box-cutter, because that is something different. I never know—none of us, Mr. Borer, can determine what someone will use that may be an instrument of injury or death. What is your comment on that, sir?

Mr. BORER. Well, you are right, Congresswoman Jackson Lee. The stabbing that took place in Texas, I understand the blade was three-quarters of an inch long. The blades that are now going to be allowed on the aircraft are 2.36, almost 2½ inches. I think it is without question that a blade that size in the hands of someone who is intent on causing harm can either kill or seriously injure people on the aircraft.

Ms. JACKSON LEE. My time is short. Were you engaged in any discussions regarding personnel with the idea of knives on a plane?

Mr. BORER. Our union was informed just minutes before the announcement was made.

Ms. JACKSON LEE. You represent the TSO?

Mr. BORER. Forty-five-thousand TSOs Nation-wide.

Ms. JACKSON LEE. I have advocated for professional development training, enhanced development training. Let me just ask, have you seen any enhanced professional development training that you could put your hands on over the last year or 2?

Mr. BORER. No, we have not.

Ms. JACKSON LEE. Do you understand or have you known that—I travel and I speak to a lot of the officers—that some officers are on the security area for 6 hours straight without a break?

Mr. BORER. That does happen in some locations, yes.

Ms. JACKSON LEE. Do you think that the sequestration will have a more devastating impact than what might be represented?

Mr. BORER. We are already seeing that, and it is only going to get worse. There is a letter out again today from TSA executives saying that, while they haven't done furloughs yet, it may be coming. They are trying to manage the sequestration, but the—it is starting to pinch, obviously.

Ms. JACKSON LEE. If the Chairman would just yield for just a moment, I just have this question. Do you think—we know that the change in the prohibited list, which would include knives, comes up on April 24. My good friend, Mr. Swalwell, made a very good point about how you are going to have to spend time discerning what is what. Even if you are not discerning it and pulling it out at the site, you are going to have the person for a secondary inspection, which is going to take time. Do you think it would be reasonable and valuable and certainly not embarrassing if we delayed that time frame from April 24, which is in the middle of sequestration and shortage in staffing, to a later time for more thought, review, and understanding and training?



Mr. BORER. I think a delay is good. Keeping knives off the airplane even for a day longer is good. But I think ultimately our position won't change. Knives do not belong on airplanes.

Ms. JACKSON LEE. Well, I struck a compromise that leads to knives not being on airplanes, but certainly April 24 is too precipitous and too uncertain to move forward with knives on the airplane.

Mr. HUDSON. I thank the gentlelady. I will let the gentleman respond briefly, if you like.

Mr. BORER. I can't disagree whatsoever.

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

Thank you, Ranking Member.

Mr. HUDSON. I thank the gentlelady for her questions. At this time, I would recognize the Ranking Member for a motion.

Mr. RICHMOND. Mr. Chairman, I ask unanimous consent that statements in support of H.R. 1344, which is the Helping Heroes Fly Act, that the committee received from the Wounded Warrior Project and the Disabled American Veterans, be inserted into the record.

Mr. HUDSON. So ordered.

[The information follows:]

LETTER FROM THE WOUNDED WARRIOR PROJECT TO HON. TULSI GABBARD

APRIL 8, 2013.

The Honorable TULSI GABBARD,  
502 Cannon House Office Building, Washington, DC 20515.

DEAR CONGRESSWOMAN GABBARD: As an organization whose mission is to honor and empower wounded warriors, Wounded Warrior Project (WWP) is committed to assisting service members and veterans thrive within the community. For wounded veterans living with prosthetics or other service-connected conditions, airport screening is often a frustrating, degrading, and lengthy process. With that concern, we welcome the introduction of the Helping Heroes Fly Act, H.R. 1344, and the improvements it proposes to screen these men and women in a manner befitting their service.

Wounded warriors should not have to sacrifice their privacy, encounter conflicting screening policies and procedures, or be subject to significant travel delays. We welcome the steps proposed in H.R. 1344 to foster expedited screening and to protect the privacy of warriors going through the screening process. We also commend the proposal to require the Transportation Security Administration to consult with veterans' service organizations in the development of improved screening.

We look forward to working with you to advance this legislation and toward improving the airport screening process for those who have served.

Sincerely,

CHARLIE ABELL,  
EVP for Government Affairs.

LETTER FROM DAV TO CHAIRMAN MICHAEL MCCAUL AND RANKING MEMBER  
BENNIE G. THOMPSON

APRIL 9, 2013.

The Honorable MICHAEL T. MCCAUL,  
Chairman, House Committee on Homeland Security, H2-176 Ford House Office  
Building, Washington, DC 20515.

The Honorable BENNIE G. THOMPSON,  
Ranking Member, House Committee on Homeland Security, H2-117 Ford House Of-  
fice Building, Washington, DC 20515.

DEAR CHAIRMAN MCCAUL AND RANKING MEMBER THOMPSON: I am writing on behalf of the DAV, a Congressionally-chartered National veterans service organization with 1.2 million members, all of whom were wounded or injured as a result of active duty in the United States Armed Forces. The DAV is dedicated to a single purpose:

Empowering veterans to lead high-quality lives with respect and dignity. We accomplish this by ensuring that veterans and their families can access the full range of benefits available to them; fighting for the interests of America's injured heroes on Capitol Hill; and educating the public about the great sacrifices and needs of veterans transitioning back to civilian life.

H.R. 1344, the Helping Heroes Fly Act, would direct the Assistant Secretary of Homeland Security, Transportation Security Administration (TSA), to provide expedited air passenger screening to severely injured or disabled members of the Armed Forces and severely injured or disabled veterans.

With many of the members of DAV suffering from the loss of limbs due to their wartime service in defense of our Nation, we are finding it increasingly difficult to understand the screening policies of the TSA affecting those with prosthetic limbs, wheelchairs, and scooters boarding aircraft.

While TSA offers a variety of outstanding services, such as Notification Cards, TSA Cares, pat-down screening, multiple types of imaging and metal detection screening, and the compassionate TSA Military Severely Injured Program, amputees are not exempt from additional screening when necessary. In fact, screenings experienced by our members lack uniformity, understanding, and compassion.

At some airports, our amputee members receive relaxed screening, while at others these screenings are horrific. Perhaps it is TSA's purpose to make screenings unpredictable. Some screenings have required these amputees to expose their prostheses when they lack the ability to reposition their clothing, and TSA agents are not allowed to help them, nor do they allow spouses or traveling companions to enter search areas to assist the amputees.

We applaud Representatives Gabbard, Richmond, and Joyce for introducing this legislation and for their continued support of America's wounded and injured veterans. While the DAV does not have a specific resolution from our members on this subject, it would be beneficial to many of our members. Accordingly, we support the passage of this legislation. I look forward to working with you and your staff to continue the DAV mission of empowering veterans to lead high-quality lives.

Sincerely,

BARRY A. JESINOSKI,  
*Executive Director, Washington Headquarters.*

Mr. RICHMOND. Thank you.

Mr. HUDSON. Thank you.

I would like to thank all the witnesses for the testimony. Thank you for your patience today dealing with the schedule of the vote in the middle of our hearing. Thank the Members for their questions. Thank the audience and the members of the flight attendants that we see in uniform here and others who stayed for the entire hearing. Thank you for that.

Members of the committee may have additional questions for the witnesses. We will ask that you respond to those in writing.

Without objection, the committee stands adjourned. Thank you.

[Whereupon, at 3:24 p.m., the subcommittee was adjourned.]

