

**RISK-BASED SECURITY: ASSESSING THE PATH  
FORWARD FOR TSA PRE CHECK**

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

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## **RISK-BASED SECURITY: ASSESSING THE PATH FORWARD FOR TSA PRE CHECK**

**Wednesday, March 25, 2015**

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

The subcommittee met, pursuant to call, at 2:06 p.m., in Room 311, Cannon House Office Building, Hon. John Katko [Chairman of the subcommittee] presiding.

Present: Representatives Katko, Rogers, Carter, Walker, Rice, and Thompson.

Also present: Representatives Ratcliffe, Keating, and Jackson Lee.

Mr. KATKO. The Committee on Homeland Security, Subcommittee on Transportation Security, will come to order. The subcommittee is meeting today to examine TSA's PreCheck program. I now recognize myself for an opening statement.

I would like to thank our witnesses for their participation in this hearing. We know your time is valuable, and we appreciate you taking the time to be here today to discuss the future of TSA's PreCheck program.

At the outset, I would like to express my sincerest concern for the victims who were attacked last Friday night at Louis Armstrong New Orleans International Airport. Transportation Security officers have the important responsibility of securing our Nation's aviation systems, and once again we have seen TSA and law enforcement personnel act swiftly and, more importantly, bravely to protect passengers from a security threat at the checkpoint. I commend them all for that.

I commend also the TSA and law enforcement personnel in New Orleans, as well as at airports across the country, for their service and dedication to keeping the traveling public safe.

Over the last 3 years, TSA has adopted a more common-sense, risk-based approach to passenger screening through the implementation of its PreCheck program. Since its inception, TSA PreCheck has garnered a positive response from both passengers and transportation security industry stakeholders from moving away from a one-size-fits-all approach to aviation security. TSA PreCheck has fundamentally changed the way Americans think about passenger screening in a post-9/11 world, and I believe it should continue to expand.

However, in order to do so, this program must grow and mature in a manner that saves taxpayers' dollars while also improving the

experience of the traveling public and reducing security risks to aviation.

Growth in PreCheck should not be at the expense of any of these core objectives, and I am concerned that several initiatives related to expansion of TSA PreCheck do not meet these criteria.

One such initiative is the Managed Inclusion program, which involves conducting a real-time threat assessment to identify passengers who are eligible for TSA PreCheck on a flight-by-flight basis through the use of such tools as passenger screening canine teams, explosives trace detection technology, and behavior detection officers.

While this program may help reduce wait times and increase utilization of TSA PreCheck lanes, it has not been shown to improve the experience of travelers or reduce risks to aviation.

On the contrary, passengers that go through TSA PreCheck enrollment process and pay \$85 for expedited screening are not seeing the benefits that were promised to them. This is largely due to the fact that passengers who did not enroll and are unfamiliar with TSA PreCheck are being ushered into expedited screening lanes through Managed Inclusion with little to no information about the expedited screening process.

The experience for many of these travelers is, at best, confusing and, at worst, infuriating when TSO screeners act as though travelers who have been conditioned for over a decade to take their shoes and belts off should suddenly know to leave them on.

In addition to the poor and confusing experience many travelers face due to Managed Inclusion, serious questions remain as to overall effectiveness of the program at detecting threats.

The Government Accountability Office released a report in December 2014 and found that TSA failed to comprehensively test Managed Inclusion's security effectiveness. Rather, TSA has tested the effectiveness of individual Managed Inclusion security layers, but has not yet tested the security effectiveness of the overall Managed Inclusion process as it functions as a whole.

TSA's failure to conduct such testing leaves us without an accurate assessment of the program's performance. While TSA has cited the random nature of the Managed Inclusion program as a positive, I believe that the benefits of this unpredictable program have not been shown to outweigh the potential risks. Simply put, TSA should not continue operating Managed Inclusion if it does not address the issues I have just outlined.

Finally, we have recently learned that a convicted felon and former member of a domestic terror organization was allowed to utilize PreCheck screening as part of TSA's risk assessment program. Risk assessment determines PreCheck eligibility by using risk algorithms built into TSA's Secure Flight system and grants certain passengers PreCheck status on a flight-by-flight basis.

In this instance, we understand that, even though the traveler document-checker recognized the individual from media reports, a TSA supervisor allowed the passenger to proceed through PreCheck screening. We must be wary not to become complacent at screening checkpoints because of PreCheck, and it is important that screening officers are empowered to use their better judgment in the screening process.

Fortunately, we all share the same goal, which is to protect the millions of passengers who use our Nation's critical transportation systems every day. With this in mind, the subcommittee looks forward to today's important dialogue on how to enhance risk-based security going forward.

[The statement of Chairman Katko follows:]

STATEMENT OF CHAIRMAN JOHN KATKO

MARCH 25, 2015

I would like to thank our witnesses for their participation in this hearing. We know your time is valuable, and we appreciate you taking the time to be here today to discuss the future of TSA's PreCheck™ program.

At the outset, I would like to express my sincerest concern for the victims who were attacked last Friday night at Louis Armstrong New Orleans International Airport. Transportation Security officers have the important responsibility of securing our Nation's aviation systems, and, once again, we have seen TSA and law enforcement personnel act swiftly and bravely to protect passengers from a security threat at the checkpoint. I commend the TSA and law enforcement personnel in New Orleans, as well as at airports across the country, for their service and dedication to keeping the traveling public safe.

Over the last 3 years, TSA has adopted a more common-sense, risk-based approach to passenger screening through the implementation of its PreCheck™ program. Since its inception, TSA PreCheck™ has garnered a positive response from both passengers and transportation industry stakeholders for moving away from a one-size-fits-all approach to aviation security. TSA PreCheck™ has fundamentally changed the way Americans think about passenger screening in a post-9/11 world, and I believe it should continue expanding. However, in order to do so, this program must grow and mature in a manner that saves taxpayer dollars while also improving the experience of the traveling public and reducing security risks to aviation. Growth in PreCheck™ should not be at the expense of any of these core objectives, and I am concerned that several initiatives related to expansion of TSA PreCheck™ do not meet these criteria.

One such initiative is TSA's Managed Inclusion program, which involves conducting a "real-time" threat assessment to identify passengers who are eligible for TSA PreCheck™ on a flight-by-flight basis through the use of such tools as passenger screening canine teams, explosives trace detection technology, and behavior detection officers. While this program may help reduce wait times and increase utilization of TSA PreCheck™ lanes, it has not been shown to improve the experience of travelers or reduce risks to aviation.

On the contrary, passengers who go through the TSA PreCheck™ enrollment process and pay \$85 for expedited screening are not seeing the benefits that were promised to them; this is largely due to the fact that passengers who did not enroll and are unfamiliar with TSA PreCheck™ are being ushered into expedited screening lanes through Managed Inclusion with little-to-no information about the expedited screening process. The experience for many of these travelers is at best confusing and at worst infuriating when TSA screeners act as though travelers who have been conditioned for over a decade to take their shoes and belts off should suddenly know to leave them on.

In addition to the poor and confusing experience many travelers face due to Managed Inclusion, serious questions remain as to the overall effectiveness of the Managed Inclusion program at detecting threats. The Government Accountability Office (GAO) released a report in December 2014 and found that TSA failed to comprehensively test Managed Inclusion's security effectiveness. Rather, TSA has tested the effectiveness of individual Managed Inclusion security layers but has not yet tested the security effectiveness of the overall Managed Inclusion process as it functions as a whole. TSA's failure to conduct such testing leaves us without an accurate assessment of the program's performance. While TSA has cited the random nature of the Managed Inclusion program as a positive, I believe that the benefits of this unpredictable program have not yet been shown to outweigh the potential risks. Simply put, TSA should not continue operating Managed Inclusion if it does not address the issues I have just outlined.

Finally, we recently learned that a convicted felon and former member of a domestic terror organization was allowed to utilize PreCheck™ screening as part of TSA's Risk Assessment program. Risk Assessment determines PreCheck™ eligibility by using risk algorithms built into TSA's Secure Flight system and grants certain pas-

sengers PreCheck™ status on a flight-by-flight basis. In this instance, we understand that even though the Travel Document Checker recognized the individual from media reports, a TSA supervisor allowed the passenger to proceed through PreCheck™ screening. We must be wary not to become complacent at screening checkpoints, because of PreCheck™, and it is important that screening officers are empowered to use their better judgment in the screening process.

Fortunately, we all share the same goal, which is to protect the millions of passengers who use our Nation's critical transportation systems every day. With this in mind, the subcommittee looks forward to today's important dialogue on how to enhance risk-based security, going forward.

Mr. KATKO. I would like to thank each of you for being here today; before we get to your statements, I want to introduce the Ranking Minority Member of the subcommittee, the gentlewoman from New York, Miss Rice, for any statements she may have.

Miss RICE. Thank you, Mr. Chairman.

I want to thank you for convening this hearing, first and foremost.

Before I begin, I want to take a moment to note the disturbing incident that occurred at Louis Armstrong New Orleans International Airport last Friday when an individual assaulted multiple TSA officers with wasp spray and a machete.

It is a chilling reminder of the risks Transportation Security officers face every single day on the front lines of the effort to protect passengers and maintain the security of our Nation's aviation sector. It is a difficult, dangerous, and often thankless job.

But I want you to know—and I feel safe saying I speak for everyone up here—that our thoughts and prayers and our gratitude are with you all. I also want you to know that we are committed to developing solutions to enhance the security at our checkpoints for your safety as well as that of the passengers you protect.

Mr. Chairman, I want to thank you for convening this important hearing today so that we can examine the TSA PreCheck program. The TSA PreCheck program, as I understand it, is one of TSA's risk-based initiatives aiming to maintain effective security while also maximizing efficiency.

When the Aviation and Transportation Security Act became law, it authorized TSA to establish requirements to implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs.

This allows the TSA to vet passengers on the front end through the PreCheck application process. Those passengers can go through expedited screening, and TSA can allocate resources on the ground to focus on travelers who we know less about or suspect of criminal intent.

I understand that more than 1 million people have now voluntarily submitted their biographic information in order to participate in this trusted traveler program. That makes sense to me. It seems like an appropriate balance between effectiveness and efficiency.

But I also understand that certain populations who have not undergone this vetting on the front end are, nonetheless, sometimes permitted to use the expedited PreCheck screening lanes. That is something that doesn't make sense to me. It suggests to me that the balance sometimes tips maybe too far towards efficiency and maybe at the expense of effective security. But I am looking forward to hearing the comments of all of the panelists.



Certainly that was the case when a convicted felon and former member of a domestic terrorist organization was permitted to use a PreCheck lane, as we learned from last week's report by the Department of Homeland Security's Office of Inspector General. That kind of breach is simply inexcusable.

Of course, it is beneficial to use PreCheck so that we can concentrate our resources on passengers who are unknown to us and pose the highest potential risk. But when a passenger such as this individual who was known to us and clearly posed enormous risk is given access to the PreCheck lane, it demands that we take a hard look at the methods being used to calculate that risk.

So that is why we are here today, to examine the risks of expanding PreCheck beyond pre-vetted, pre-approved passengers, to reassess the methodology used to assign a person to a given risk category, and to ensure that we never allow the pursuit of efficiency to compromise security.

I look forward to hearing from all of the witnesses here today. I also want you to know that we are currently working with Ranking Member Thompson on legislation that will be introduced, and our hope is that the information we gather through today's hearing will better inform that measure.

With that, Mr. Chairman, I thank all of the witnesses for joining us today and yield back the balance of my time.

[The statement of Ranking Member Rice follows:]

STATEMENT OF RANKING MEMBER KATHLEEN M. RICE

MARCH 25, 2015

Thank you, Mr. Chairman. Thank you for convening this hearing. Before I begin, I want to take a moment to note the disturbing incident that occurred at Louis Armstrong New Orleans International Airport last Friday, when an individual assaulted multiple Transportation Security officers with wasp spray and a machete. It's a chilling reminder of the risks Transportation Security officers face every single day on the front lines of the effort to protect passengers and maintain the security of our Nation's aviation sector.

It's a difficult, dangerous, and often thankless job—but I want you to know our thoughts, our prayers, and our gratitude are with you all. I also want you to know that we are committed to developing solutions to enhance the security at our checkpoints—for your safety as well as that of the passengers you protect.

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This allows TSA to vet passengers on the front end through the PreCheck application process. Those passengers can go through expedited screening, and TSA can allocate resources on the ground to focus on travelers who we know less about, or suspect of criminal intent.

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But I also understand that certain populations who have NOT undergone this vetting on the front end are, nonetheless, sometimes permitted to use the expedited PreCheck screening lanes. That doesn't make sense to me—that suggests to me that the balance sometimes tips too far towards efficiency, maybe at the expense of effective security.

Certainly, that was the case when a convicted felon and former member of a domestic terrorist organization was permitted to use a PreCheck lane, as we learned from last week's report by the Department of Homeland Security's Office of Inspector General. That kind of breach is simply inexcusable.

Of course it's beneficial to use PreCheck so that we can concentrate our resources on passengers who are unknown to us and pose the highest potential risk. But when a passenger such as this individual—who WAS known to us and clearly posed enormous risk—is given access to the PreCheck lane, it demands that we take a hard look at the methods being used to calculate that risk.

So that's why we're here today—to examine the risks of expanding PreCheck beyond pre-vetted, pre-approved passengers; to reassess the methodology used to assign a person to a given risk category; and to ensure that we never allow the pursuit of efficiency to compromise security.

I look forward to hearing from Mr. Fletcher—his testimony mentions that TSA is currently working to expand PreCheck to other low-risk populations. I'm eager to hear about those efforts, and about what methodology can ensure that these populations are indeed low-risk and don't pose a threat to our aviation security.

I want to thank Inspector General Roth for being here and for his report last week on the security breach I mentioned earlier. I look forward to hearing more details about how this incident transpired, as well as his recommendations on how we can prevent such a breach from ever occurring in the future.

I would also like to thank Jennifer Grover for being here to represent the Government Accountability Office, which has compiled a significant body of work regarding the use of risk-based security.

I look forward to hearing from Ms. Grover and Inspector General Roth about the security implications of expanding the use of PreCheck expedited screening beyond passengers who have undergone the application process, as well as their recommendations for how we can make this program more secure going forward.

We are currently working with Ranking Member Thompson on legislation that will be introduced, and our hope is that the information we gather through today's hearing will better inform that measure.

With that Mr. Chairman, I thank all of the witnesses for joining us today, and yield back the balance of my time.

Mr. KATKO. Thank you, Miss Rice.

I want to now recognize the Ranking Minority Member of the full committee, the gentleman from Mississippi, Mr. Thompson, for any statement he may have.

I want to note preliminarily, though, that Mr. Thompson is a very busy man, and it is an honor and it is a pleasure to have him here. I really very much appreciate his input and guidance on this subject matter. So thank you very much.

Mr. THOMPSON. Thank you very much, Mr. Chairman. Thank you for holding today's hearing.

I appreciate the subcommittee's willingness to take a hard look at the security vulnerabilities associated with how the Transportation Security Administration is administering the PreCheck program.

As a frequent flyer, I have long believed that TSA should have a trusted traveler program where individuals identified as low-risk travelers are provided expedited airport security screening.

When TSA was established in 2001, Congress granted TSA the authority to establish a trusted traveler program. However, as many of you may recall, it took years for TSA to get over its initial reluctance about modifying its screening operations for vetted trusted travelers.

Former TSA Administrator John Pistole deserves great credit for recognizing the potential of a trusted traveler program and integrating the PreCheck program into TSA's risk-based airport screening operations. It just makes good sense to provide expedited

screening to passengers who have voluntarily submitted biographical information and fingerprints and have been fully vetted.

Today there are 1 million known low-risk travelers in the PreCheck program. That is a good start. But given that about 2 million people fly every day, TSA needs to continue working to bring more Americans into the PreCheck program.

That said, the focus of today's hearing is not on the vetted population that are legitimately low-risk and receive expedited screening. It is on what TSA has called their real-time intelligence-based methods for identifying passengers on a trip-by-trip basis for expedited physical screening.

The so-called Managed Inclusion program and the other real-time screening methods that TSA is currently employing at our Nation's airports have not been scientifically validated as effective security approaches.

Further, as both the Department's own inspector general and comptroller general have independently found, these approaches create security vulnerabilities.

Last week the inspector general released a report about a very troubling incident involving a traveler who was granted enhanced security screening. Suffice it to say, the terrorist and criminal history of the traveler involved should have resulted in TSA determining that enhanced security screening was in order, not expedited screening.

This is just one incident. I am sure it would have never come to light if not for the courageous TSA employee who came forward to report it, commonly referred to as a whistle-blower.

This incident begs the question: Are these procedures appropriately designed to ensure that a person who actually presents a security risk is not given lighter screening? I have no confidence, based on the public and Classified information I have seen, that this is the case. As such, I believe that this situation demands legislative action.

To this end, together with Chairman Katko and Ranking Member Rice, I will be introducing legislation to address these known vulnerabilities regarding expedited screening. It is important that there is not a permanent leader at TSA to address the security vulnerabilities that have come to light.

I look forward to working with the leadership of this subcommittee to bring our concerns to the attention of Acting Administrator Mel Carraway to get timely action to address the security vulnerabilities.

With that, Chairman and Ranking Member, I thank you for your prompt attention to this critical security matter and yield back.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

MARCH 25, 2015

I thank Chairman Katko for holding today's hearing.

I appreciate the subcommittee's willingness to take a hard look at the security vulnerabilities associated with how the Transportation Security Administration is administering the PreCheck program. As a frequent flier, I have long believed that TSA should have a trusted traveler program where individuals identified as "low-risk travelers" are provided expedited airport security screening.

When TSA was established in 2001 Congress granted TSA the authority to establish a trusted traveler program. However, as many of you may recall, it took years for TSA to get over its initial reluctance about modifying its screening operations for vetted, trusted travelers.

Former TSA Administrator John Pistole deserves great credit for recognizing the potential of a trusted traveler program and integrating the PreCheck program into TSA's risk-based airport screening operations. It just makes sense to provide expedited screening to passengers who have voluntarily submitted biographical information and fingerprints and have been fully vetted.

Today, there are 1 million known low-risk travelers in the PreCheck program. That's a good start but given that about 2 million people fly every day, TSA needs continue working to bring more Americans into the PreCheck program.

That said, the focus of today's hearing is not on the vetted population that are legitimately "low-risk" and receive expedited screening. It is on what TSA has called their "real-time/intelligence-based methods" for identifying passengers, on a trip-by-trip basis, for expedited physical screening.

The so-called "Managed Inclusion" program and the other real-time screening method that TSA is currently employing at our Nation's airports have not been scientifically validated as effective security approaches.

Further, as both the Department's own Inspector General and the Comptroller General have independently found, these approaches create security vulnerabilities.

Last week, the Inspector General released a report about a very troubling incident involving a traveler who was granted enhanced security screening. Suffice as to say, the terrorist and criminal history of the traveler involved should have resulted in TSA determining that enhanced security screening was in order, not expedited screening.

This is just one incident and I am sure it would have never come to light if not for the courageous TSA employee who came forward to report it. This incident begs the question, are these procedures appropriately designed to ensure that a person who actually present a security risk is not given lighter screening?

I have no confidence, based on the public and Classified information I have seen, that this is the case. As such, I believe that the situation demands legislative action.

To that end, together with Chairman Katko and Ranking Member Rice, I will be introducing legislation to address these known vulnerabilities regarding expedited screening. It is unfortunate that there is not a permanent leader at TSA to address the security vulnerabilities that have come to light.

I look forward to working with the leadership of this subcommittee to bring our concerns to attention of Acting Administrator Mel Carraway and to get timely action to address the security vulnerabilities.

With that, I yield back and thank Chairman Katko and Ranking Member Rice for their prompt attention to this critical security matter.

Mr. KATKO. Thank you, Mr. Thompson.

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

[The statement of Hon. Jackson Lee follows:]

STATEMENT OF HONORABLE SHEILA JACKSON LEE

MARCH 25, 2015

I thank Chairman John Katko and Ranking Member Rice for holding this morning's hearing on "Risk-Based Security: Assessing the Path Forward for TSA PreCheck."

I welcome and thank today's witnesses: Mr. Kenneth Fletcher, chief risk assessment officer with the Transportation Security Administration; Mr. John Roth, the inspector general for the Department of Homeland Security; and Ms. Jenny Grover, director of homeland security and justice section, Government Accountability Office.

I want to offer my well wishes to Senior Transportation Security Officer Carol Richel for a speedy and complete recovery.

Officer Richel was attacked last Friday by an assailant with a machete at the B Concourse of the Louis Armstrong New Orleans International Airport.

Officer Richel was transported to a local hospital, thankfully, with non-life-threatening injuries and since has been released.

She was grazed by a bullet as a Jefferson Parrish Sheriffs deputy fired shots during the attack.

The assailant also sprayed what is believed to be wasp repellent at three other TSA officers. During the attack, three other officers were sprayed by the assailant with the same substance.

This is the latest case that reflects the potential danger that TSA officers face and the need to assure that air travel safety is the best that is can be.

Today's hearing comes as a result of the report released last week entitled "Allegation of Granting Expedited Screening through TSA PreCheck Improperly" investigated a whistleblower allegation that a former member of a domestic terrorist group and convicted felon was cleared for PreCheck screening through the TSA's Secure Flight program.

While I understand that expedited screening is an interest of the traveling public, it should not be employed at the expense of security.

This new report comes just after a December Government Accountability Office report on PreCheck and problems with the Managed Inclusion program.

Both these reports illustrate shortcomings with the methods TSA uses to identify low-risk passengers and demand a legislative response.

As a senior Member of this committee and former Chair of the Homeland Security's Subcommittee on Transportation Security the establishment and security of the TSA PreCheck program is of great interest.

Although the OIG Report found that TSA did not grant the traveler in question TSA PreCheck screening through the TSA PreCheck "Application Program" or Managed Inclusion (MI). TSA did grant the traveler TSA PreCheck screening through risk assessment rules in the Secure Flight program, which is very concerning.

This passenger had a felony conviction for murder and offenses related to a domestic terrorist organization that involved explosives.

I have introduced H.R. 48, the No Fly For Foreign Fighters Act of 2015, legislation that will help keep foreign fighters and terrorists from entering our country through an American airport.

Specifically, the No Fly for Foreign Fighters Act requires the director of the Terrorist Screening Center to review the completeness of the Terrorist Screening Database and the terrorist watch list utilized by the Transportation Security Administration to determine if an individual who may seek to board a U.S.-bound or domestic flight, and who poses a threat to aviation or National security or a threat of terrorism and is known or suspected of being a member of a foreign terrorist organization, is included in the database and on such watch list.

I am pleased that Ranking Member Thompson is now preparing legislation to ensure that the approach TSA uses to identify low-risk passengers does not create security gaps. I look forward to working with him and the rest of the committee to ensure the PreCheck is a safe and credible program.

The OIG report, which the subject of this morning's hearing, reached the conclusion that TSA awarded PreCheck screening to unknown passengers, creates aviation security vulnerability.

The TSO who came in contact with the traveler had personal knowledge of the felony conviction did not feel empowered to redirect the traveler from the TSA PreCheck screening to standard lane screening.

The TSO is reported to have believed that supervisors and Behavioral Detection Officers (BDOs) had the discretion to make a decision to redirect a traveler, but the TSO did not think he had that authority.

The OIG recommends that TSA modify standard operating procedures to clarify that TSOs and supervisory TSOs are authorized to refer passengers with TSA PreCheck boarding passes to standard screening lanes when they believe the passenger may be a threat to transportation security.

The formal application process for TSA PreCheck requires a formal application and the collection of biographic information and fingerprints to be checked against intelligence, law enforcement, and immigration automated data systems to determine PreCheck eligibility.

TSA will deny membership into the PreCheck program if the applicant is confirmed to be a match to an intelligence-based data system, convicted of any of the 28 disqualifying criminal offenses, or not a U.S. citizen or lawful permanent resident.

The incident recounted in the OIG report over the last few days has generated a great deal media and public attention regarding the integrity of the program.

The Aviation and Transportation Security Act (ATSA), 49 U.S.C. Statute 114(e) is the law establishing the TSA as the agency to coordinate security for all forms of domestic transportation, including aviation, rail, and other surface transportation, as well as maritime transportation.

A provision of the ATSA directs the TSA to “established standards to implement trusted passenger programs and adopted protocols and technologies to expedite security screening of passengers who participated in the program.”

The Registered Traveler program was a result of this provision of the law.

At the core of TSA’s efforts in PreCheck is the idea of focusing scrutiny on “high-risk” passengers, while simultaneously reducing the hassle factor for “low-risk” travelers.

This is an important aspect of what TSA does to assure air travel security, but what is allowed on flights is also a critical component of travel safety.

On March 5, 2013, TSA publicly announced its decision to permit passengers, to bring previously-banned items in their carry-on baggage when boarding flights.

I sponsored an amendment to the Fiscal Year Homeland Security Appropriations Act that successfully blocked the reintroduction of knives on commercial aircraft.

The list of prohibited items that would be permitted included hockey or lacrosse sticks, golf clubs, and, most alarmingly, small knives.

I heard from flight attendants, air marshals, pilots, passengers, TSA screeners, and airlines who are unequivocal in their unified view that allowing knives to be brought into the cabin of passenger planes is dangerous, unnecessary, and irresponsible.

Because of the level of concern regarding this important issue I led a successful bipartisan effort that led the TSA to reverse its decision.

Getting air transportation security right requires a partnership between the TSA, members of the Homeland Security Committee.

I am happy to join with Members of the committee in working with the TSA to improve air travel security.

I thank today’s witnesses and look forward to their testimony.

Thank you.

Mr. KATKO. We are pleased to have a distinguished panel of witnesses before us today on this important topic.

Let me remind the witnesses that their entire written statements will appear in the record.

Our first witness, the Honorable John Roth, assumed the post of inspector general of the Department of Homeland Security on March 10, 2014. Previously, Mr. Roth served as the director of criminal investigations at the Food and Drug Administration.

Prior to that, he had a long and distinguished career with the Department of Justice, beginning in 1987 as assistant U.S. attorney for the Eastern District of Michigan. I will note that Mr. Roth had excellent on-the-job training at the Narcotic and Dangerous Drug Section, doing very complex organized cases, as did I.

So welcome today, Mr. Roth.

**STATEMENT OF JOHN ROTH, INSPECTOR GENERAL, U.S.  
DEPARTMENT OF HOMELAND SECURITY**

Mr. ROTH. Good afternoon, Chairman Katko, Ranking Member Rice, Mr. Thompson, and Members of the subcommittee. Thank you for inviting me here today to testify about TSA’s PreCheck initiative. My public testimony today will focus only on the Unclassified portions of our recent inspection reports.

The majority of what we found is either Classified at the Secret level or contains Sensitive Security Information. I look forward to discussing the complete results and recommendation of our reports in greater detail once we move into the closed session.

In October 2011, TSA piloted PreCheck at four airports. After that program ended in 2012, Congress directed TSA to certify by the end of December 2013 that 25 percent of air passengers are eligible for expedited screening without lowering security standards. Congress also directed TSA to outline a strategy to increase the

number of air passengers eligible for expedited screening to 50 percent by the end of December 2014.

To accomplish these goals, TSA did the following:

First, it granted some Government-vetted or known populations PreCheck eligibility.

Second, it deployed Managed Inclusion to allow the general public opportunities to receive PreCheck benefits.

Third, it implemented risk assessment rules to allow others to receive PreCheck eligibility.

Finally, it established the PreCheck application program for membership.

These actions have resulted in a massive increase in the population eligible to receive PreCheck. Our audits assessed the PreCheck initiative to determine, first, what processes and procedures TSA uses to vet program applicants properly; second, how TSA assesses member continued eligibility; and, third, how TSA tests its process for effectiveness and timeliness.

We conducted field work on this from January to June 2014. We determined that, as a concept, PreCheck is a positive step towards risk-based security screening. However, TSA needs to modify PreCheck vetting and security processes. We also determined that PreCheck communication and coordination need improvement. Our specific findings are either Classified or contain Sensitive information.

In addition, we responded to a whistle-blower disclosure concerning the use of the risk-based rule by the TSA Secure Flight program that may create a gap in aviation security. The inspection results of that are likewise SSI and have been delivered to the subcommittee.

Finally, to further illustrate the need for modification of PreCheck vetting and screening processes, we issued a letter report this month that found a notorious felon convicted of domestic terrorism crimes was granted PreCheck as a result of TSA's risk assessment rules. We reviewed the allegation after receiving information alleging the convicted felon was improperly cleared for PreCheck screening.

We are naturally concerned that, as evidenced by this incident, such rules are inadequate to ensure only low-risk populations receive PreCheck screening. As a result, we recommended TSA limit PreCheck screening to known passengers that TSA itself or other trusted Government partners had determined are members of trusted populations.

We are concerned about TSA's response to our findings. TSA has not accepted the majority of our recommendations.

Chairman Katko, this concludes my prepared statement. I welcome any questions that you or other Members of the subcommittee may have.

[The prepared statement of Mr. Roth follows:]

PREPARED STATEMENT OF JOHN ROTH

MARCH 25, 2015

Good afternoon Chairman Katko, Ranking Member Rice, and Members of the subcommittee. Thank you for inviting me here today to testify about the Transportation Security Administration (TSA) PreCheck™ initiative.

My testimony today will focus on the Unclassified and non-Sensitive Security Information (SSI) results of our two recent inspection reports.<sup>1</sup> I look forward to discussing the complete results and recommendations of our reports in greater detail once we move into the closed session. In general, we concluded that while TSA PreCheck™ is a positive step toward risk-based security screening, modifications are necessary. We made a number of recommendations to TSA to improve the PreCheck™ initiative.

#### BACKGROUND

The Aviation and Transportation Security Act of 2001 authorizes TSA to implement trusted passenger programs and use available technologies to expedite security screening of participating passengers. The intent is to allow airport security personnel the ability to focus more extensive screening on higher-risk and unknown populations. The TSA PreCheck™ trusted traveler initiative is a component of TSA's intelligence-driven, risk-based security approach to identify low-risk passengers for expedited airport checkpoint screening.

In October 2011, TSA piloted TSA PreCheck™ at four airports. In the pilot, TSA partnered with Delta Air Lines and American Airlines to allow their frequent flyers to participate. TSA also partnered with the U.S. Customs and Border Protection (CBP) Trusted Traveler Programs during the pilot to identify eligible members to participate. TSA considers CBP Trusted Traveler Programs members a low-risk population because they undergo background checks prior to enrollment.

After the pilot program ended in 2012, Congress directed TSA to certify by the end of December 2013 that 25 percent of air passengers are eligible for expedited screening without lowering security standards. Congress also directed TSA to outline a strategy to increase the number of air passengers eligible for expedited screening to 50 percent by the end of December 2014. To accomplish these goals TSA, chronologically:

- *Granted other Federal Government-vetted or "known" populations TSA PreCheck™ eligibility.*—Initial eligible populations included frequent flyers, CBP Trusted Travelers, National Intelligence Agencies, and Federal Judges. Later, TSA extended eligibility to Members of Congress, Medal of Honor recipients, U.S. military personnel, and other populations.
- *Deployed Managed Inclusion to allow the general public opportunities to receive TSA PreCheck™ benefits.*—TSA uses Managed Inclusion to regulate passenger throughput and wait times during peak hours at airport security checkpoints. When operating Managed Inclusion, TSA employs at some airports tools and processes beyond regular TSA PreCheck™ checkpoint screening procedures. TSA Behavioral Detection Officers and Passenger Screening Canine Teams conduct real-time threat assessments on unknown passengers to determine their eligibility for TSA PreCheck™ screening. In addition, Transportation Security officers use explosive trace detection swabbing and random generator technology to assess and direct passengers, respectively. However, these additional tools are not in place at every airport operating Managed Inclusion. Furthermore, we and GAO have questioned the efficacy of some of these tools.
- *Implemented risk assessment rules.*—These rules contain SSI.
- *Established the TSA PreCheck™ Application Program for membership.*—The application program allows U.S. citizens and Lawful Permanent Residents to apply on-line and at TSA PreCheck™ enrollment centers. The non-refundable application fee is \$85.00 and approved membership is valid for 5 years. TSA incorporated the TSA PreCheck™ Application Program into its existing security threat assessment vetting system for the Transportation Worker Identification Credential and Hazardous Materials Endorsement and adopted the disqualifying offenses for these programs. The TSA PreCheck™ application process requires applicants to provide their biographic information and immigration status on-line or in-person at an enrollment center. Applicants also respond to questions regarding 28 disqualifying criminal offenses. All applicants must visit an enrollment center to provide identity documents and have their fingerprints captured. TSA checks this information against the U.S. Government watch list, criminal records, and immigration data systems.

<sup>1</sup> *Security Enhancements Needed to the TSA PreCheck™ Initiative*, OIG-15-29, January 2015. *Allegation of Granting Expedited Screening through TSA PreCheck™ Improperly (OSC File NO. DI-14-3679)*, OIG-15-45, March 2015.



## RESULTS OF OUR REVIEW

We assessed the TSA PreCheck™ initiative to determine: (1) What processes and procedures exist to ensure TSA vets program applicants properly; (2) how TSA assesses member continued eligibility; and (3) how TSA tests its processes for effectiveness and timeliness. We conducted fieldwork from January 2014 to June 2014.

We determined that, as a concept, TSA PreCheck™ is a positive step towards risk-based security screening. However, TSA needs to modify TSA PreCheck™ vetting and screening processes. We also determined that TSA PreCheck™ communication and coordination need improvement.

In addition, we responded to a whistleblower disclosure concerning the use of a risk-based rule by the TSA Secure Flight program that may create a gap in aviation security. The inspection results are SSI and have been delivered to this subcommittee.

To further illustrate the need for modification of TSA PreCheck™ vetting and screening processes, we issued a letter report this month that found a notorious felon convicted of domestic terrorism crimes was granted TSA PreCheck™ screening through Secure Flight risk assessment rules. We reviewed the allegation after the U.S. Office of Special Counsel received a whistleblower disclosure alleging the convicted felon was improperly cleared for TSA PreCheck™ screening.

We determined TSA did not grant the convicted felon TSA PreCheck™ screening through the TSA PreCheck™ Application Program or Managed Inclusion, but rather, through risk assessment rules. Specifically, the Transportation Security Officer (TSO) in this case scanned the traveler's boarding pass and received a TSA PreCheck™ eligibility notification. The TSO knew of the traveler's disqualifying criminal conviction. The TSO followed the standard operating procedure and reported this to the supervisory TSO who then directed the TSO to take no further action and allow the traveler through the TSA PreCheck™ lane.

As a result, we recommended TSA limit TSA PreCheck™ screening to known passengers that TSA determines to be members of trusted populations. We also determined the TSO followed standard operating procedures but did not feel empowered to redirect the traveler from TSA PreCheck™ screening to standard lane screening. We recommended TSA modify standard operating procedures to clarify TSO and supervisory TSO authority to refer passenger with TSA PreCheck™ boarding passes to standard screening lanes when they believe the passenger may be a threat to transportation security.

We are concerned about TSA's response to our findings. In the first inspection report, we made 17 recommendations and TSA did not accept the majority of these recommendations. In the second inspection, we made three recommendations but TSA nonconcurred with two. We made two recommendations in the third report and TSA concurred with only one. We are disappointed that TSA did not concur with the majority of our recommendations, and we believe this represents TSA's failure to understand the gravity of the situation.

Chairman Katko, this concludes my prepared statement. I welcome any questions that you or other Members of the subcommittee may have.

Mr. KATKO. Thank you, Mr. Roth. Obviously, your testimony will be somewhat limited until we get into the secure portion of the hearing. But, nonetheless, what you can talk about in the open hearing here, I appreciate your input. So thank you.

We appreciate all of you being here today, of course.

The second witness, Mr. Fletcher, is the chief risk officer at the Transportation Security Administration. In this new position, he is responsible for developing and driving the long-range strategic vision and objectives for TSA with respect to risk-based security and risk-managed activities and implementing risk management across all areas of the agency.

The Chairman will now recognize Mr. Fletcher to testify.

**STATEMENT OF KENNETH FLETCHER, CHIEF RISK OFFICER,  
TRANSPORTATION SECURITY ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY**

Mr. FLETCHER. Thank you, sir.

Good afternoon, Chairman Katko, Ranking Member Rice, and distinguished Members of the subcommittee. I appreciate the opportunity to appear before you today.

As you have already noted, this hearing closely follows the second brazen attack on a TSA screening checkpoint in less than 18 months. The heroic efforts of our law enforcement partners in New Orleans and a TSA workforce trained in responding to emergency situations prevented this incident from ending in tragedy.

Acting Administrator Carraway traveled to New Orleans on Saturday to meet with and show support for TSA and law enforcement personnel and was inspired by the resilience of all involved.

I am confident that I speak for all of TSA when I say thank you to all of the TSA law enforcement and airport personnel in New Orleans for their swift response to this senseless attack.

Since its creation, TSA has focused on building and enhancing a multi-layered aviation security system, which includes a well-trained workforce, state-of-the-art technologies, intelligence analysis and information sharing, explosive detection canine teams, and the Federal Air Marshal Service.

For nearly a decade, TSA applied these layers in a one-size-fits-all approach where nearly every traveler was assessed as posing essentially the same level of risk. This equal risk philosophy started changing in late 2011, when TSA began implementing an intelligence-driven, risk-based approach to aviation security.

Commercial aviation remains the target of terrorist groups who have proven intelligent and adaptive as demonstrated by their development of nonmetallic explosive devices designed to evade aviation security measures. These devices remain one of the most serious threats to aviation.

One way to address this threat is to implement increasingly strict security requirements that of necessity become more invasive and cumbersome to travelers and then to apply these measures broadly to every passenger and their baggage.

Another way to deal with this threat is by adopting the intelligence-driven risk-based approach reflected in more than three dozen policy decisions implemented by TSA over the last 4 years.

The idea of a risk-based approach to aviation security is by no means novel. TSA's founding legislation, the Aviation and Transportation Security Act, mentions creating a trusted traveler program, and the 9/11 Commission Report recommends TSA establish risk-based priorities to protect transportation assets and then adopt practical and cost-effective means while balancing security and civil liberties.

Through our risk-based policies, TSA is able to deploy our limited security resources to more effectively manage risk by concentrating on higher-risk travelers and commerce while facilitating the legitimate movement of those deemed to represent lower risk.

Effective risk management involves identifying, analyzing, and communicating risk and then deciding whether to accept, avoid, transfer, or control that risk to an acceptable level considering the associated costs and benefits of any actions taken.

For TSA, effective risk management considers how to provide the most effective security in the most efficient way to enhance the

value TSA provides to the American people as we fulfill our counterterrorism mission.

As noted by the 9/11 Commission, perfection is unattainable. In my view, its pursuit is unsustainable. Risk management is not a no-risk approach. Trying to eliminate all risk results in poor security, unnecessarily burdens the aviation industry, and will create greater pressures on civil rights and liberties.

A key component of our passenger screening approach is the TSA PreCheck application program launched in December 2013. Over the past 12 months, TSA has sustained a daily average enrollment volume of nearly 3,500 travelers, more than double our original projections. Last week we exceeded 1 million applications to the program.

The enrollment potential is significantly greater. Recent U.S. Travel Association market research indicates that more than 15 million U.S. travelers not currently enrolled in the TSA PreCheck program are likely to enroll, with an additional 21 million undecided. These 36 million travelers are our target market. The key to realizing this enrollment potential is the continued collaboration with private-sector partners across the travel and tourism industry.

Our industry and stakeholder partners are vital to TSA's ability to implement risk-based security. Cooperation with and engagement by these partners was essential in helping TSA establish and expand the TSA PreCheck program, which now includes 11 airlines representing over 85 percent of domestic travelers, with nearly 530 TSA PreCheck screening lanes now operating at 133 airports Nation-wide.

TSA plays an important role in partnerships with airports and airlines in securing our Nation's commercial aviation system and is committed to fielding responsive risk-based solutions that can enhance our current security posture.

Thank you for the opportunity to testify today and for your interest and support of our risk-based security initiatives. I look forward to your questions.

Thank you.

[The prepared statement of Mr. Fletcher follows:]

PREPARED STATEMENT OF KENNETH FLETCHER

MARCH 25, 2015

Good afternoon Chairman Katko, Ranking Member Rice, and distinguished Members of the subcommittee. I appreciate the opportunity to appear before you today to discuss the Transportation Security Administration (TSA) PreCheck™ program.

The primary mission of TSA is to secure our Nation's transportation systems, while ensuring freedom of movement for people and commerce. To fulfill this vital mission, TSA employs a multi-layered, risk-based approach to security through a well-trained workforce, state-of-the-art technologies, intelligence analysis and information sharing, explosives detection canine teams, Federal Air Marshals, Visible Intermodal Prevention and Response (VIPR) teams, and our industry partners who voluntarily adopt security improvements and comply with regulations. These initiatives help TSA focus resources on high-risk and unknown travelers and commerce, while facilitating the movement of travelers and commerce and enhancing the customer experience for the traveling public.

The 9/11 Commission Report noted that the U.S. Government should set risk-based priorities to protect transportation assets, and implement the most practical and cost-effective programs to protect them. By applying a risk-based approach to security, TSA is able to employ resources with the greatest impact in reducing risk and enhancing the security of the traveling public and the Nation's transportation

systems. Expedited screening for low-risk passengers is key to the success of RBS in aviation security. Through RBS measures, TSA increased the percent of passengers receiving some form of expedited screening from 9.6 percent in September 2013 to 50 percent by November 2014. This increase resulted in an overall average of 43.5 percent of passengers receiving some form of expedited screening by TSA during 2014.

Our approach to Risk-Based Security (RBS) is to effectively manage security risks to maximize the value TSA provides to the Nation in executing our security mission. The RBS measures implemented over the past 3 years have significantly increased our ability to move people through the checkpoint, requiring fewer resources than traditional screening operations. As a result, TSA has gained efficiencies through RBS initiatives, with savings totaling \$319 million over the past 2 years.

#### TSA PRE CHECK PROGRAM

In December 2013, TSA launched our TSA PreCheck™ application program, which is the cornerstone of our expedited screening efforts. TSA PreCheck™ was one of the first initiatives in TSA's shift toward a risk-based and intelligence-driven approach to security. Through this program, U.S. citizens and lawful permanent residents can apply directly to participate in TSA PreCheck™ and undergo a background check in order to become eligible for a period of 5 years. Passengers may qualify for the program either directly through the TSA's PreCheck™ application program, or through the U.S. Customs and Border Protection's Global Entry program.

TSA has worked closely with U.S. and foreign airlines to expand the number of airlines participating in TSA PreCheck™, and has enhanced the Known Crewmember Initiative, as well as extended eligibility for TSA PreCheck™ to U.S. Armed Forces personnel, Department of Defense personnel, and U.S. Coast Guard civilian employees. In November 2014, TSA extended TSA PreCheck™ expedited screening benefits to students of four U.S. service academies. More than 60,000 DOD employees benefit from TSA PreCheck™ each week, and that number continues to steadily increase.

TSA is currently working with a number of other Federal departments and agencies to include other lower-risk populations into TSA PreCheck™. TSA increased the number of airports with TSA PreCheck™ screening lanes to 125, established 481 dedicated and supplemental TSA PreCheck™ lanes, and added TSA PreCheck™ Application Program enrollment centers for a total of 326 centers processing more than 1 million applicants. Since September 2013, TSA PreCheck™ volume has increased 600 percent with more than 300 million passengers receiving TSA PreCheck™ screening to date.

This year, TSA will continue to focus on increasing participation in TSA PreCheck™ with the goal of providing expedited screening to a majority of the traveling public. We plan to accomplish this by identifying and enrolling more low-risk populations, expanding participation to additional U.S. and foreign airlines, exploring potential opportunities to leverage private-sector capabilities and expertise in the TSA PreCheck™ application process, and offering additional opportunities for enrollment in TSA PreCheck™.

#### RISK-BASED SECURITY

RBS enhancements do not stop with prescreening through TSA PreCheck™. Beyond efforts like TSA PreCheck™, RBS screening at checkpoints includes real-time threat assessments through the deployment of behavior detection techniques, explosives detection canines and explosive trace detection equipment, and risk-based physical screening utilizing differentiated screening procedures and technology applications.

RBS is not a stand-alone program, but a strategic application of intelligence-driven risk mitigation principles that moves away from the one-size-fits-all approach to security. TSA will continue to focus on applying our risk-based security approaches to other aspects of transportation security, including checked baggage, air cargo, regulatory compliance, and Federal Air Marshal deployments.

#### INDUSTRY ENGAGEMENT

Our industry and stakeholder partners are vital to TSA's ability to implement risk-based security into every area of transportation security. Cooperation with and engagement by these partners was essential in helping TSA establish and expand the TSA PreCheck™ program across the aviation sector. Airlines worked with us to update their systems to handle new requirements, such as TSA PreCheck™ interconnectivity and boarding pass markings. Our airport partners also worked

with us to reconfigure checkpoint space to accommodate a TSA PreCheck™ lane for passengers. To date, TSA has expanded the program to 10 domestic and one foreign airline at 125 airports Nation-wide, and continues to partner with industry to add partners and innovations to the program.

TSA's goal of increasing the number of passengers who receive expedited screening can only be accomplished through continued collaboration with industry stakeholders. We must develop a collaborative governance strategy between TSA and the private sector as we are asking them to invest their resources to realize risk-based strategy-driven changes. Recent market research conducted by the U.S. Travel Association indicates that more than 15 million travelers are willing to enroll in TSA PreCheck™, and we believe private-sector involvement can significantly increase that enrollment potential.

#### OIG REPORT

The DHS Office of Inspector General (OIG) recently concluded an audit of TSA PreCheck™ and made 17 recommendations, of which 13 are resolved but open. TSA is working to address the OIG's recommendations, such as working with the DHS Office of Policy and CBP to establish a common definition for identifying "lower-risk" travelers and low-risk trusted travelers across the Department for consistency in application across all DHS vetting programs. The OIG also recommended that TSA work to improve communications about TSA PreCheck™ to the public, as multiple avenues for access to TSA PreCheck™ can be confusing. TSA is working with OIG to address the intent of the outstanding recommendations, and further improve the program's security and access for the traveling public.

#### CONCLUSION

TSA plays an important role in partnership with airports and airlines in securing access to our Nation's airports, and is committed to fielding responsive, risk-based solutions that can enhance our current security posture. I want to thank the subcommittee for your interest in this important issue and your support as we consider recommendations and future changes to improve aviation and airport security Nation-wide. Thank you for the opportunity to testify today, I look forward to your questions.

Mr. KATKO. I am not sure if you timed that or not, but you are just about within a few seconds of being perfectly at 5 minutes. That is pretty good. That is really good.

I also want to make clear to you one thing. The PreCheck program with Homeland Security is the best example of what Government thinking outside the box can accomplish, so I commend TSA for that program.

We are not here today to cast aspersions at the program. We are here to make sure that it is being properly implemented and that it is still safe. That is what we are here to do today. So I thank you very much for being here today.

Our final witness, Ms. Jenny Grover, serves as director of homeland security and justice issues at the Government Accountability Office. Prior to this position, Ms. Grover was assistant director for GAO's health care team, where she led reviews on a wide range of health care issues. Ms. Grover has been with the GAO since 1991.

The Chairman now recognizes Ms. Grover to testify.

#### **STATEMENT OF JENNIFER A. GROVER, DIRECTOR, HOMELAND SECURITY AND JUSTICE, U.S. GOVERNMENT ACCOUNTABILITY OFFICE**

Ms. GROVER. Good afternoon, Chairman Katko, Ranking Member Rice, Ranking Member Thompson, and other Members and staff. I am pleased to be here today to discuss TSA's implementation and oversight of PreCheck and Managed Inclusion.

Three weeks ago, during the week ending March 3, nearly half of all U.S. aviation passengers received expedited screening for one

of three main reasons, either because they were enrolled in PreCheck, because they were selected for one-time PreCheck based on TSA's automated risk assessment, or because they were randomly assigned expedited screening at the airport through TSA's Managed Inclusion process.

My remarks today reflect the findings from GAO's recently-issued report on expedited screening. We support TSA's move toward risk-based screening as a way to operate more efficiently and improve passenger experience, assuming that TSA properly assesses and mitigates passenger risk to ensure that security is not compromised.

In our recent report, we found that TSA uses several methods to assess passenger risk. For PreCheck enrollees, in some cases, TSA conducts a background check to determine low-risk status, such as for PreCheck applicants, or accepts passengers into PreCheck because they have already had a similar assessment, such as eligible members of Customs and Border Protections Trusted Traveler Programs.

In other cases, TSA enrolls passengers into PreCheck based on their affiliation with a specific group and who may not have had a background check. Examples of this would be members of the Congressional Medal of Honor Society, a group whose members have received the highest U.S. award for valor in action against enemy forces.

In contrast to the groups enrolled in PreCheck, another group of passengers receives PreCheck on a per-flight, one-time basis resulting from TSA's automated risk assessment. TSA uses information from the Secure Flight system to score each passenger on each flight based on a set of risk rules. The score determines the likelihood that a passenger will receive PreCheck for that trip.

Finally, another group of passengers are randomly selected for expedited screening at the airport through TSA's Managed Inclusion process. TSA recognizes that these passengers are of unknown risk, not low risk.

To use expedited screening with this population, TSA developed a real-time threat assessment based, in part, on behavior detection activities and explosive detection capabilities to identify and screen out high-risk passengers. According to TSA, the Managed Inclusion process results in a higher level of security compared to standard security screening.

GAO has concerns about Managed Inclusion based on our past work. In a November 2013 report on TSA's Behavior Detection and Analysis program, we concluded that TSA had not demonstrated that BDOs, which are their behavior detection officers, can reliably identify high-risk passengers by observing passenger behaviors for those indicative of fear, stress, or deception.

In response, this past February TSA officials told us that they had developed revised behavioral indicators for the program and rules for using them and had started pilot testing the new approach in a few airports.

Furthermore, TSA has not yet demonstrated that the overall Managed Inclusion process is effective at providing the intended level of security. TSA told us that this testing is underway and is expected to be completed in mid-2016.

We have previously reported on challenges TSA has faced designing studies in accordance with established methodological standards. This is important because poorly designed studies do not produce reliable results and are not a good use of resources.

To ensure that TSA's planned testing yields reliable results, we recommended that TSA ensure that its Managed Inclusion testing adhere to established evaluation design standards. DHS concurred and stated that TSA plans to implement a systematic evaluation of the process.

If implemented appropriately, this would address the intent of our recommendation and increase the likelihood that TSA's testing would produce reliable results about the effectiveness of the Managed Inclusion process.

Chairman Katko, Ranking Member Rice, this concludes my statement, and I look forward to your questions.

[The prepared statement of Ms. Grover follows:]

PREPARED STATEMENT OF JENNIFER A. GROVER

MARCH 25, 2015

Chairman Katko, Ranking Member Rice, and Members of the subcommittee: Thank you for the opportunity to discuss our work on the Transportation Security Administration's (TSA) efforts in implementing expedited screening, including TSA PreCheck™ and the Managed Inclusion process. In 2011, TSA began developing new security procedures intended to strengthen security and improve the passenger experience by shortening lines and wait times. These new procedures applied risk-based, intelligence-driven screening concepts and enhanced the use of technology to determine passenger risk prior to travel. The procedures were intended to allow TSA to devote more time and resources at the airport to screening the passengers TSA determined to be higher or unknown risk while providing expedited screening to those passengers determined to pose a lower risk to the aviation system. Further, TSA developed the Managed Inclusion process, designed to provide expedited screening to passengers not deemed low-risk prior to arriving at the airport. In March 2015, TSA officials stated they provided expedited screening at essentially all of the approximately 450 airports at which TSA performs or oversees security screening, including 126 airports where TSA offers expedited screening in dedicated TSA PreCheck™ screening lanes. The 126 airports where expedited screening is offered in dedicated TSA PreCheck™ screening lanes represent about 95 percent of total air carrier enplanements based on Federal Aviation Administration calendar year 2013 data.<sup>1</sup>

My testimony today addresses: (1) How TSA assesses the risk levels of passengers to determine their eligibility to receive expedited screening and (2) the extent to which TSA determined the effectiveness of its Managed Inclusion process. This statement is based on a report we issued in December 2014 and selected updates from March 2015.<sup>2</sup> For this report, we analyzed TSA documentation including expedited screening and Managed Inclusion procedures, memorandums of agreement, and decision memorandums, among other documents to gain an understanding of how expedited screening operated, TSA's risk assessment methodologies, and TSA's security assessment of the Managed Inclusion process. In addition we visited six airports to observe expedited screening and Managed Inclusion and interviewed TSA Federal security directors (FSD) and other TSA officials about how expedited screen-

<sup>1</sup>According to TSA officials, in addition to the 126 airports with dedicated TSA PreCheck™ lanes, TSA offers expedited screening at 6 airports without dedicated TSA PreCheck™ screening lanes. These are smaller airports where the standard screening lane is used for both expedited and standard screening. According to TSA officials, at airports without dedicated, TSA PreCheck™ lanes, passengers with a TSA PreCheck™ boarding pass can still experience expedited screening of "their persons" (i.e., passengers are not required to divest shoes, light jackets, and belts) and use a walk-through metal detector in the standard screening lane. However, they must divest their liquids, gels, and laptops from baggage because the screening process used in the standard screening lanes requires that such items be removed.

<sup>2</sup>GAO, *Aviation Security: Rapid Growth in Expedited Passenger Screening Highlights Need to Plan Effective Security Assessments*, GAO-15-150 (Washington, DC: December 12, 2014).

ing and Managed Inclusion were implemented at these airports.<sup>3</sup> Because we selected a nonprobability sample of airports to visit, the information obtained cannot be generalized to all airports. However, the site visits provided illustrative examples of how TSA PreCheck™ and Managed Inclusion operate. We also reviewed our prior work on the TSA's behavior detection and analysis program and Advanced Imaging Technology to inform our understanding of the overall checkpoint screening process and TSA's past experience with evaluating and testing security-related programs.<sup>4</sup> A more detailed methodology can be found in the respective reports upon which this testimony is based.

The work upon which this testimony is based was conducted in accordance with generally-accepted Government auditing standards.

#### BACKGROUND

When TSA began offering expedited screening at airports in the summer of 2011, Transportation Security officers (TSO) initially provided such screenings in standard lanes to passengers aged 12 and younger, and subsequently extended expedited screening to certain flight crew members and then to passengers aged 75 and older.<sup>5</sup> In October 2011, TSA began to expand the concept of expedited airport screening to more of the flying public by piloting the TSA PreCheck™ program. This pilot program allowed certain frequent fliers of two air carriers to experience expedited screening at four airports.<sup>6</sup> These frequent fliers became eligible for screening in dedicated expedited screening lanes, called TSA PreCheck™ lanes, because they had opted into the TSA PreCheck™ program through the air carrier with which they had attained frequent flier status.<sup>7</sup> TSA also allowed certain members of the U.S. Customs and Border Protection's (CBP) Trusted Traveler programs to experience expedited screening as part of the TSA PreCheck™ pilot.<sup>8</sup> TSA provided expedited screening in dedicated screening lanes to these frequent fliers and eligible CBP Trusted Travelers during the TSA PreCheck™ pilot program because TSA used information available to it to determine that eligible passengers in these groups were lower-risk. When traveling on one of the air carriers and departing from one of the airports participating in the pilot, these passengers were eligible to be screened in dedicated TSA PreCheck™ screening lanes where the passengers were not required to remove their shoes; divest light outerwear, jackets, and belts; or remove liquids, gels, and laptops from carry-on baggage.

<sup>3</sup> FSDs are TSA officials that provide day-to-day operational direction for security operations at the airports within their jurisdiction.

<sup>4</sup> For example, see *Aviation Security: Efforts to Validate TSA's Passenger Screening Behavior Detection Program Underway, but Opportunities Exist to Strengthen Validation and Address Operational Challenges*, GAO-10-763 (Washington, DC: May 20, 2010) and *Aviation Security: TSA Should Limit Future Funding for Behavior Detection Activities*, GAO-14-159 (Washington, DC: Nov. 8, 2013) on TSA's behavior detection program, and *Aviation Security: TSA Is Increasing Procurement and Deployment of the Advanced Imaging Technology, but Challenges to This Effort and Other Areas of Aviation Security Remain*, GAO-1-484T (Washington, DC: Mar. 17, 2010) and *Advanced Imaging Technology: TSA Needs Additional Information before Procuring Next-Generation Systems*, GAO-14-357 (Washington, DC: Mar. 31, 2014) on TSA's Advanced Imaging Technology. TSA's behavior detection and analysis program was formerly known as Screening of Passengers by Observation Techniques (SPOT).

<sup>5</sup> The Known Crew Member program enables TSOs to positively verify the identity and employment status of flight-crew members who have joined the program and provide expedited access to the sterile area of the airport for properly identified and verified, uniformed crewmembers. TSOs are responsible for screening passengers and their carry-on baggage at passenger checkpoints using X-ray equipment, magnetometers, advanced imaging technology, and other devices. For purposes of this report, references to TSOs include the employees of private companies performing screening activities at airports participating in TSA's Screening Partnership Program. See 49 U.S.C. § 44920. The sterile area of an airport is the area beyond the security screening checkpoint that provides passengers access to boarding aircraft and to which access is generally controlled by TSA through the screening of persons and property. See 49 C.F.R. § 1540.5.

<sup>6</sup> Certain frequent fliers of Delta Air Lines were provided expedited airport screening at Detroit Metropolitan Wayne County Airport and Hartsfield-Jackson Atlanta International Airport, and certain frequent fliers of American Airlines were provided expedited screening at Dallas-Fort Worth International Airport and Miami International Airport.

<sup>7</sup> To participate, TSA required that eligible frequent fliers opt into the TSA PreCheck™ program and did not automatically provide TSA PreCheck™ expedited screening to these frequent fliers.

<sup>8</sup> To become a member of one of CBP's Trusted Traveler programs (NEXUS, SENTRI, and Global Entry) applicants submit to Federal background checks to be approved as low-risk travelers eligible to receive expedited processing at ports of entry. Members submit their assigned Trusted Traveler number to be recognized as eligible for expedited screening by the Secure Flight system.



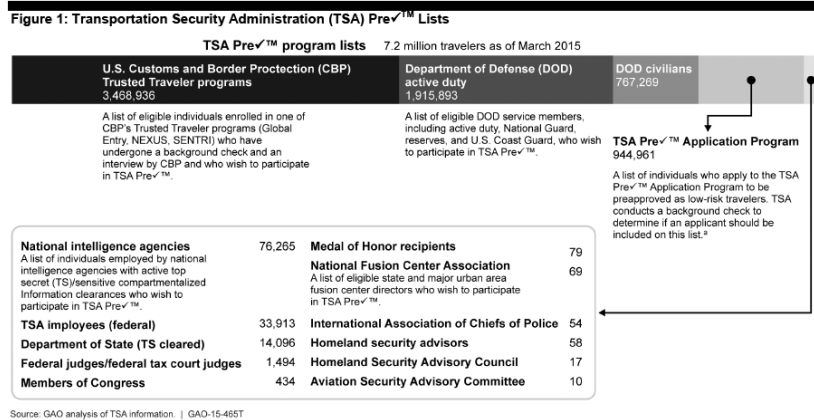
Since October 2011, TSA has further expanded the known traveler populations eligible for expedited screening. After TSA piloted TSA PreCheck™ with certain passengers who are frequent fliers and members of CBP's Trusted Traveler programs, TSA established separate TSA PreCheck™ lists for additional low-risk passenger populations, including members of the U.S. armed forces, Congressional Medal of Honor Society Members, members of the Homeland Security Advisory Council, and Members of Congress, among others.<sup>9</sup> In addition to TSA PreCheck™ lists sponsored by other agencies or entities, TSA created its own TSA PreCheck™ list composed of individuals who apply to be pre-approved as low-risk travelers through the TSA PreCheck™ Application Program, an initiative launched in December 2013. To apply, individuals must visit an enrollment center where they provide biographic information (i.e., name, date of birth, and address), valid identity and citizenship documentation, and fingerprints to undergo a TSA Security Threat Assessment.<sup>10</sup> TSA leveraged existing Federal capabilities to both enroll and conduct threat assessments for program applicants using enrollment centers previously established for the Transportation Worker Identification Credential Program, and existing transportation vetting systems to conduct applicant threat assessments.<sup>11</sup> Applicants must be U.S. citizens, U.S. nationals, or lawful permanent residents, and cannot have been convicted of certain crimes. As of March 2015, about 7.2 million individuals were eligible, through TSA PreCheck™ lists, for expedited screening. Figure 1 shows the populations for each TSA PreCheck™ list.

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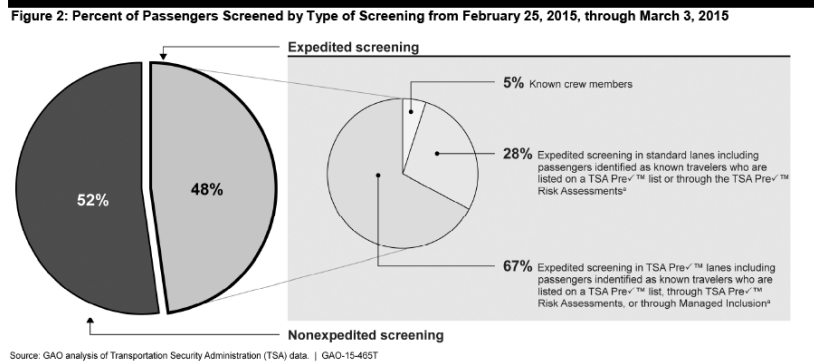
<sup>9</sup>In March 2015, TSA officials stated that the Army, Navy, Marine Corps, Air Force, and Coast Guard branches of the U.S. armed forces, as well as Reserve and National Guard personnel, were eligible to participate in TSA PreCheck™ by virtue of their inclusion on a TSA PreCheck™ list. According to TSA officials as of September 2014, students enrolled at the service academies were added to the TSA PreCheck™ list for active-duty military members. The service academies included the Air Force Academy, the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Coast Guard Academy. TSA is working with the Department of Transportation to include members of the Merchant Marine Academy in the active-duty military list. Individuals on TSA PreCheck™ lists receive a Known Traveler Number that they must submit when making travel reservations to be identified as low-risk. See 49 C.F.R. § 1560.3 (defining “known traveler number” as a unique number assigned to an individual for whom the Federal Government has conducted a security threat assessment and determined does not pose a security threat). TSA also refers to these lists as Known Traveler lists.

<sup>10</sup>See generally 78 Fed. Reg. 72,922 (Dec. 4, 2013). According to TSA officials, although the security threat assessment provisions applicable to industry stakeholders do not specifically apply to passengers, TSA applies the same principles when conducting its threat assessments of passengers. See 49 C.F.R. §§ 1540.201–1540.209. For example, TSA would consider a passenger as posing a security threat if it determines that he or she is known to pose or is suspected of posing a threat to National security, to transportation security, or of terrorism more generally, and disqualification criteria and checks completed by TSA are consistent with such threat assessments. See §§ 1540.201(c), 1540.205. Further, TSA also recognizes the comparability of checks completed by other Government agencies and other means. See § 1540.203(f). For example, TSA determined that the vetting process for individuals such as Members of Congress, International Association of Chiefs of Police, Homeland Security Advisory Council, Medal of Honor recipients, and Homeland Security Advisors, among others, is sufficiently comparable to the TSA threat assessment process as to support allowing them to be issued a known traveler number and participate in TSA PreCheck™.

<sup>11</sup>The Transportation Worker Identification Credential Program is a TSA program that issues biometric security credentials to eligible personnel who require unescorted access to secure areas of facilities and vessels, and all mariners holding Coast Guard-issued credentials.



In addition to passengers who are included on one of the TSA PreCheck™ lists, in October 2013, TSA continued to expand the opportunities for expedited screening to broader groups of passengers through the TSA PreCheck™ Risk Assessment program and the Managed Inclusion process, both of which are described in greater detail below. Figure 2 shows a snapshot from February 25, 2015, through March 3, 2015, of the percentage of weekly passengers receiving non-expedited screening and expedited screening, and further shows whether known crew members experienced expedited screening, and whether expedited screening occurred in TSA PreCheck™ lanes (for passengers designated as known travelers or through the TSA PreCheck™ Risk Assessment program, or passengers chosen for expedited screening using Managed Inclusion), or in standard lanes.



As noted in figure 2, during the week ending March 3, 2015, 28 percent of passengers Nation-wide received expedited screening were issued TSA PreCheck™ boarding passes, but were provided expedited screening in a standard screening lane, meaning that they did not have to remove their shoes, belts, and light outerwear, but they had to divest their liquids, gels, and laptops. TSA provides expedited screening to TSA PreCheck™-eligible passengers in standard lanes when airports do not have dedicated TSA PreCheck™ screening lanes because of airport space constraints and limited TSA PreCheck™ throughput.

**TSA USES THREE METHODS TO ASSESS RISK FOR PARTICIPATION IN EXPEDITED SCREENING**

As we found in 2014, TSA determines a passenger's eligibility for or opportunity to experience expedited screening at the airport using one of three risk assessment methods. These include: (1) Inclusion on a TSA PreCheck™ list of known travelers, (2) identification of passengers as low-risk by TSA's Risk Assessment algorithm, or

(3) a real-time threat assessment at the airport using the Managed Inclusion process.

*Passenger Eligibility Based on TSA PreCheck™ Lists of Known Travelers*

TSA has determined that the individuals included on the TSA PreCheck™ lists of known travelers are low-risk by virtue of their membership in a specific group or based on group vetting requirements. For example, TSA determined that members of the Congressional Medal of Honor Society, a group whose members have been awarded the highest U.S. award for valor in action against enemy forces, present a low risk to transportation security and are appropriate candidates to receive expedited screening. In other cases, TSA determined that members of groups whose members have undergone a security threat assessment by the Federal Government, such as individuals working for agencies in the intelligence community and who hold active Top Secret/Sensitive Compartmentalized Information clearances, are low-risk and can be provided expedited screening.<sup>12</sup> Similarly, TSA designated all active and reserve service members of the United States armed forces, whose combined members total about 2 million people, as a low-risk group whose members were eligible for expedited screening. TSA determined that active-duty military members were low-risk and appropriate candidates to receive expedited screening because the Department of Defense administers common background checks of its members.

Except for those who joined through the TSA PreCheck™ Application program, the TSA PreCheck™ lists include populations for which TSA coordinated with a lead agency or outside entity willing to compile and maintain the lists.<sup>13</sup> TSA has entered into separate agreements with these agencies and entities to administer these lists. Generally, according to these agreements, Secure Flight has responsibility for receiving and processing the lists, but the originating agencies or entities are to maintain them by ensuring that individuals continue to meet the criteria for inclusion and to update the lists as needed.<sup>14</sup>

TSA also continues to provide expedited screening on a per-flight basis to the almost 1.5 million frequent fliers who opted to participate in the TSA PreCheck™ program pilot. According to TSA, this group of eligible frequent fliers met the standards set for the pilot based on their frequent flier status as of October 1, 2011. According to TSA officials, TSA determined that these frequent fliers were an appropriate population to include in the program for several reasons, including the fact that frequent fliers are vetted against various watch lists, such as the No-Fly list, each time they travel to ensure that they are not listed as known or suspected terrorists, and are screened appropriately at the checkpoint.

*Passenger Eligibility Based On TSA PreCheck™ Risk Assessments*

As we found in December 2014, the TSA PreCheck™ Risk Assessment program evaluates passenger risk based on certain information available for the passenger's specific flight and determines the likelihood that passengers will be designated as eligible to receive expedited screening through TSA PreCheck™. Beginning in 2011, TSA piloted the process of using the Secure Flight system to obtain Secure Flight Passenger Data from air carriers and other data to assess whether the passenger is low-risk on a per-flight basis and thus eligible to receive a TSA PreCheck™ designation on his or her boarding pass to undergo expedited screening. In September 2013 after completing this pilot, TSA decided to explore expanding this risk assessment approach to every traveler. In order to develop the set of low-risk rules used to determine the passengers' relative risk, TSA formed an Integrated Project Team consisting of officials from the Offices of Security Operations, Intelligence and Analysis, Security Capabilities, and Risk-Based Security. The team used data from multiple sources, including passenger data from the Secure Flight system from calendar year 2012, to derive a baseline level of relative risk for the entire passenger population. Our review of TSA's documentation in our 2014 report showed that TSA con-

<sup>12</sup>For some populations, a security threat assessment includes a Federal background check. A typical Federal background check includes checks against law enforcement, immigration, and intelligence databases, including a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation. The results are used by TSA to decide if an individual poses a sufficiently low risk to transportation or National security to be issued a known traveler number.

<sup>13</sup>Members of the list-based, low-risk populations who requested, or were otherwise deemed eligible, to participate in TSA PreCheck™ were provided a unique known traveler number. Their personal identifying information (name and date of birth) along with the known traveler number are included on lists used by Secure Flight for screening. To be recognized as low-risk by the Secure Flight system, individuals on TSA PreCheck™ lists with known traveler numbers must submit these numbers when making a flight reservation.

<sup>14</sup>We did not review the extent to which agencies are maintaining the lists.

sidered the three elements of risk assessment—Threat, Vulnerability, and Consequence—in its development of the risk assessment. These three elements constitute the framework for assessing risk as called for in the Department of Homeland Security’s National Infrastructure Protection Plan.<sup>15</sup> We found that TSA worked with a contractor to evaluate the data elements taken from information available for passengers’ specific flights and the proposed risk model rules used to determine the baseline level of relative risk. In its assessment of the algorithm used for the analysis, the contractor agreed with TSA’s analysis of the relationship between the data elements and relative risk assigned to the data elements.<sup>16</sup> TSA officials stated that as of March 2015, the agency is continuing to refine the algorithm to include additional variables to help determine passenger risk.

As we found in December 2014, although TSA determined that certain combinations of data elements in its risk-based algorithm are less likely to include unknown potential terrorists, it also noted that designating passengers as low-risk based solely on the algorithm carries some risk. To mitigate these risks, TSA uses a random exclusion factor that places passengers, even those who are otherwise eligible for expedited screening, into standard screening a certain percentage of the time. TSA adjusts the level of random exclusion based on the relative risk posed by the combinations of various data elements used in the algorithm. The result is that passengers associated with some data combinations that carry more risk are randomly excluded from expedited screening more often than passengers associated with other data combinations. For example, TSA’s assessment indicated that combinations of certain data elements are considered relatively more risky than other data groups and passengers who fit this profile for a given flight should seldom be eligible for expedited screening, while combinations of other data on a given flight pose relatively less risk and therefore passengers who fit these combinations could be made eligible for expedited screening a majority of the time. TSA developed a risk algorithm that scores each passenger on each flight, and passengers with a high enough score receive a TSA PreCheck™ boarding pass designation making them eligible for expedited screening for that trip.

*Passenger Eligibility Based on Real-Time Threat Assessments Using Managed Inclusion Process*

As we found in December 2014, Managed Inclusion is designed to provide expedited screening to passengers not deemed low-risk prior to arriving at the airport. TSA uses Managed Inclusion as a tool to direct passengers who are not on a TSA PreCheck™ list, or designated as eligible for expedited screening via the TSA PreCheck™ Risk Assessments, into the expedited screening lanes to increase passenger throughput in these lanes when the volume of TSA PreCheck™-eligible passengers is low. In addition, TSA developed Managed Inclusion to improve the efficiency of dedicated TSA PreCheck™ screening lanes as well as to help TSA reach its internal goal of providing expedited screening to at least 25 percent of passengers by the end of calendar year 2013.

To operate Managed Inclusion, TSA randomly directs a certain percentage of passengers not previously designated that day as eligible for expedited screening to the TSA PreCheck™ expedited screening lane. To screen passengers who have been randomly directed into the expedited screening lane, TSA uses real-time threat assessments including combinations of Behavior Detection Officers (BDOs), canine teams and Explosives Trace Detection (ETD) devices to ensure that passengers do not exhibit high-risk behaviors or otherwise present a risk at the airport.<sup>17</sup>

According to TSA, it designed the Managed Inclusion process using a layered approach to provide security when providing expedited screening to passengers via Managed Inclusion. Specifically, these layers include: (1) The Secure Flight vetting TSA performs to identify high-risk passengers required to undergo enhanced screening at the checkpoint and to ensure these passengers are not directed to TSA PreCheck™ expedited screening lanes, (2) a randomization process that TSA uses to include passengers into TSA PreCheck™ screening lanes who otherwise were not eligible for expedited screening, (3) BDOs who observe passengers and look for certain high-risk behaviors, (4) canine teams and ETD devices that help ensure that

<sup>15</sup>The National Infrastructure Protection Plan provides the overarching approach for integrating the Nation’s critical infrastructure and key resources protection initiatives in a single effort. For more information, see the Department of Homeland Security, NIPP 2013: Partnering for Critical Infrastructure Security and Resilience (Washington, DC: 2013).

<sup>16</sup>As we reported in 2014, assessing the effectiveness of the TSA PreCheck™ Risk Assessment algorithm was beyond the scope of our work because our work focused on the various methods TSA uses to assess risk and did not assess the effectiveness of each method.

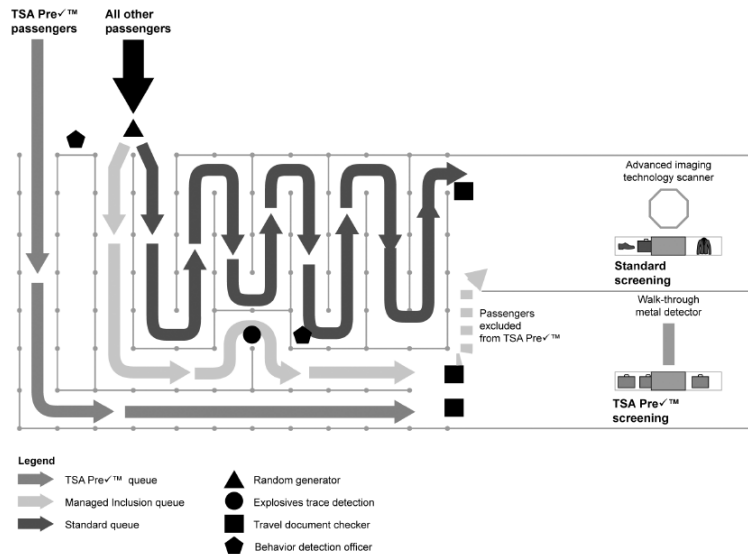
<sup>17</sup>BDOs may be present and assessing both the standard and TSA PreCheck™ lanes regardless of whether Managed Inclusion is operational.

passengers have not handled explosive materials prior to travel, and (5) an unpredictable screening process involving walk-through metal detectors in expedited screening lanes that randomly select a percentage of passengers for additional screening.

#### *Managed Inclusion Process*

When passengers approach a security checkpoint that is operating Managed Inclusion, they approach a TSO who is holding a randomizer device, typically an iPad that directs the passenger to the expedited or standard screening lane. TSA officials stated that the randomization layer of security is intended to ensure that passengers cannot count on being screened in the expedited screening lane even if they use a security checkpoint that is operating Managed Inclusion. FSDs can adjust the percentage of passengers randomly sent into the Managed Inclusion lane depending on specific risk factors. Figure 3 illustrates how these layers of security operate when FSDs use Managed Inclusion lanes.

**Figure 3: How the Transportation Security Administration (TSA) Operates Managed Inclusion with Explosives Trace Detection (ETD) Devices**



Source: GAO analysis of TSA information. | GAO-15-465T

According to TSA, it designed the Managed Inclusion process to use BDOs stationed in the expedited screening lane as one of its layers of security when Managed Inclusion is operational to observe passengers' behavior as they move through the security checkpoint queue. When BDOs observe certain behaviors that indicate a passenger may be higher-risk, the BDOs are to refer the passenger to a standard screening lane so that the passenger can be screened using standard or enhanced screening procedures. In our November 2013 report on TSA's behavior detection and analysis program, we concluded that although TSA had taken several positive steps to validate the scientific basis and strengthen program management of behavior detection and analysis program, TSA had not demonstrated that BDOs can reliably and effectively identify high-risk passengers who may pose a threat to the U.S. aviation system. Further, we recommended that the Secretary of Homeland Security direct the TSA administrator to limit future funding support for the agency's behavior detection activities until TSA can provide scientifically validated evidence that demonstrates that behavioral indicators can be used to identify passengers who may pose a threat to aviation security. The Department of Homeland Security did not concur with this recommendation, in part, because it disagreed with GAO's analysis of TSA's behavioral indicators. In February 2015, TSA officials told us that they had revised the behavioral indicators, were conducting pilot tests on the use of new BDO protocols, and anticipated concluding the testing at 5 airports in late 2015. At that time, TSA plans to make a determination about whether the new protocols are

ready for further testing, including an operational test in 10 airports to determine the protocols' effectiveness, which has an estimated completion date in the latter half of 2016.<sup>18</sup>

According to a TSA decision memorandum and its accompanying analysis, TSA uses canine teams and ETD devices at airports as an additional layer of security when Managed Inclusion is operational to determine whether passengers may have interacted with explosives prior to arriving at the airport. In airports with canine teams, passengers must walk past a canine and its handler in an environment where the canine is trained to detect explosive odors and to alert the handler when a passenger has any trace of explosives on his or her person. For example, passengers in the Managed Inclusion lane may be directed to walk from the travel document checker through the passageway and past the canine teams to reach the X-ray belt and the walk-through metal detector. According to TSA documents, the canines, when combined with the other layers of security in the Managed Inclusion process provide effective security.<sup>19</sup> According to TSA, it made this determination by considering the probability of canines detecting explosives on passengers, and then designed the Managed Inclusion process to ensure that passengers would encounter a canine a certain percentage of the time.<sup>20</sup>

Our prior work examined data TSA had on its canine program, what these data showed, and to what extent TSA analyzed these data to identify program trends. Further we analyzed the extent to which TSA deployed canine teams using a risk-based approach and determined their effectiveness prior to deployment. As a result of this work, we recommended in January 2013, among other things, that TSA take actions to comprehensively assess the effectiveness of canine teams. The Department of Homeland Security concurred with this recommendation and has taken steps to address it.<sup>21</sup> Specifically, according to TSA canine test results, TSA has conducted work to assess canine teams and to ensure they meet the security effectiveness thresholds TSA established for working in the Managed Inclusion lane, and the canines met these thresholds as a requirement to screen passengers in Managed Inclusion lanes.

In those airports where canines are unavailable or not working, TSA uses ETD devices as a layer of security when operating Managed Inclusion. TSOs stationed at the ETD device are to select passengers to have their hands swabbed as they move through the expedited screening lane. TSOs are to wait for a passenger to proceed through the Managed Inclusion queue and approach the device, where the TSO is to swab the passenger's hands with an ETD pad and place the pad in the ETD device to determine whether any explosive residue is detected on the pad.<sup>22</sup> Once the passenger who was swabbed is cleared, the passenger then proceeds through the lane to the X-ray belt and walk-through metal detector for screening. TSA procedures require FSDs to meet certain performance requirements when ETD devices are operating, such as swabbing passengers at a designated rate, and TSA data from January 1, 2014, through April 1, 2014, show that these requirements were not always met. Beginning in May 2014, TSA's Office of Security Operations began tracking compliance with the ETD swab requirements and developed and imple-

<sup>18</sup>TSA officials stated that they also plan to conduct a study on the use of the new protocols at 50 airports to examine disparity questions regarding racial, ethnicity, and religious garb demographics. According to these officials, this study will require 12 to 18 months of data collection and it is not expected to be completed until 2018.

<sup>19</sup>GAO-14-159 and GAO-10-763.

<sup>20</sup>TSA's ability to use canines is limited by various factors, including the availability of canine teams at airports.

<sup>21</sup>For more information see GAO, *TSA Explosives Detection Canine Program: Actions Needed to Analyze Data and Ensure Canine Teams Are Effectively Utilized*, GAO-13-239 (Washington, DC: Jan. 31, 2013) and *Explosives Detection Canines: TSA Has Taken Steps to Analyze Canine Team Data and Assess the Effectiveness of Passenger Screening Canines*, GAO-14-695T (Washington, DC: June 24, 2014).

<sup>22</sup>Additionally, at airports with explosives detection systems, ETD devices are used in conjunction with these systems to screen checked baggage for explosives. At these airports, if an explosives detection system alarms—indicating that checked baggage may contain an explosive or explosive device that cannot be cleared—ETD devices are used as a secondary screening. In July 2011, we recommended that TSA develop a plan to ensure that screening protocols are in place to resolve detection system alarms if these systems are deployed and ETD devices are used to resolve explosives detection system screening alarms. TSA has taken steps to address this recommendation. Specifically, in November 2013, TSA developed a plan that outlined a strategy to ensure that the explosives detection capability of ETD devices were consistent with the detection systems. See GAO, *Aviation Security: TSA has Enhanced Its Explosives Detection Requirements for Checked Baggage, but Additional Screening Actions Are Needed*, GAO-11-740 (Washington, DC: July 11, 2011).

mented a process to ensure that the requirements are met. In March 2015 TSA officials confirmed this process was still in place.

According to TSA, it uses unpredictable screening procedures as an additional layer of security after passengers who are using expedited screening pass through the walk-through metal detector. This random selection of passengers for enhanced screening occurs after they have passed all security layers TSA uses for Managed Inclusion, and provides one more chance for TSA to detect explosives on a passenger.

TSA HAS NOT TESTED THE OVERALL EFFECTIVENESS OF THE MANAGED INCLUSION  
PROCESS

As we reported in December 2014, according to TSA, it designed the Managed Inclusion process using a layered approach to security when providing expedited screening to passengers via Managed Inclusion. Specifically, the Office of Security Capabilities' proof of concept design noted that the Managed Inclusion process was designed to provide a more rigorous real-time threat assessment layer of security when compared to standard screening or TSA PreCheck™ screening. According to the design concept, this real-time threat assessment, utilizing both BDOs and explosives detection, allows TSA to provide expedited screening to passengers who have not been designated as low-risk without decreasing overall security effectiveness. While TSA has tested the security effectiveness of each of these layers of security, TSA has not yet tested the security effectiveness of the overall Managed Inclusion process as it functions as a whole.

*Conducting Effectiveness Testing of the Managed Inclusion Process in Accordance with Evaluation Best Practices Would Enhance Reliability of the Process*

As we reported in December 2014, TSA officials stated that they tested the security effectiveness of the individual components of the Managed Inclusion process before implementing Managed Inclusion, and determined that each layer alone provides an effective level of security. For example, TSA tested the threat detection ability of its canines using a variety of variables such as concealment location and the length of time the item was concealed prior to the encounter with the canine team. TSA determined through the initial testing of the Managed Inclusion layers that Managed Inclusion provides a higher level of security than TSA baseline security levels. In addition, according to TSA standard operating procedures, Managed Inclusion passengers are more likely than other passengers to be screened for explosives. We did not evaluate the security effectiveness testing TSA conducted on the individual layers of the Managed Inclusion process. However, we have previously conducted work on several of the layers used in the Managed Inclusion process, including BDOs, ETD, and canine teams and raised concerns regarding their effectiveness and recommended actions to address those concerns.<sup>23</sup> For example, in our November 2013 report we recommended that the Secretary of Homeland Security limit future funding support for TSA's behavior detection activities until TSA could provide scientifically-validated evidence that demonstrates that behavioral indicators can be used to identify passengers who may pose a threat to aviation security. As discussed earlier in this statement, TSA has made progress in addressing those recommendations but they have not yet been fully implemented. TSA officials stated that they have not yet tested the security effectiveness of the overall Managed Inclusion process as it functions as a whole, as TSA has been planning for such testing over the course of the last year. TSA documentation shows that the Office of Security Capabilities recommended in January 2013 that TSA test the security effectiveness of Managed Inclusion as a system. We reported in 2014 that according to officials, TSA anticipated that testing would begin in October 2014 and estimated that testing could take 12 to 18 months to complete. In March 2015, TSA officials provided us a schedule for the development and completion of BDO and Canine testing supporting the Managed Inclusion process. TSA scheduled a pilot for testing BDOs which was set to begin October 2014 and run through May 2015. Further, the schedule TSA provided indicates that a proof of concept for Canine Covert Testing was scheduled for November 2014 and that operational testing of canines was scheduled to begin in June 2015 and be completed in March 2016. Testing the security effectiveness of the Managed Inclusion process is consistent with Federal policy,

<sup>23</sup> GAO-14-159, GAO-10-763, GAO-13-239, GAO-14-695T, and GAO-11-740.

which states that agencies should assess program effectiveness and make improvements as needed.<sup>24</sup>

We have previously reported on challenges TSA has faced in designing studies and protocols to test the effectiveness of security systems and programs in accordance with established methodological practices. For example, in our March 2014 assessment of TSA's acquisition of Advanced Imaging Technology, we found that TSA conducted operational and laboratory tests, but did not evaluate the performance of the entire system, which is necessary to ensure that mission needs are met.<sup>25</sup> A key element of evaluation design is to define purpose and scope, to establish what questions the evaluation will and will not address.

Further, in November 2013 we found methodological weaknesses in the overall design and data collection of TSA's April 2011 validation comparison study to determine the effectiveness of the behavior detection and analysis program.<sup>26</sup> For example we found that TSA did not randomly select airports to participate in the study, so the results were not generalizable across airports. In addition, we found that TSA collected the validation study data unevenly and experienced challenges in collecting an adequate sample size for the randomly selected passengers, facts that might have further affected the representativeness of the findings. According to established evaluation design practices, data collection should be sufficiently free of bias or other significant errors that could lead to inaccurate conclusions.<sup>27</sup>

In our December 2014 report we concluded that ensuring the planned effectiveness testing of the Managed Inclusion process adheres to established evaluation design practices would help TSA provide reasonable assurance that the effectiveness testing will yield reliable results.<sup>28</sup> The specific design limitations we identified in TSA's previous studies of Advanced Imaging Technology and behavior detection and analysis program may or may not be relevant design issues for an assessment of the effectiveness of the Managed Inclusion process, as evaluation design necessarily differs based on the scope and nature of the question being addressed. In general, evaluations are most likely to be successful when key steps are addressed during design, including defining research questions appropriate to the scope of the evaluation, and selecting appropriate measures and study approaches that will permit valid conclusions. As a result, we recommended that to ensure that TSA's planned testing yields reliable results, the TSA administrator take steps to ensure that TSA's planned effectiveness testing of the Managed Inclusion process adheres to established evaluation design practices. DHS concurred with our recommendations and began taking steps to ensure that its planned effectiveness testing of the Managed Inclusion process adheres to established evaluation practices. Specifically, DHS stated that TSA plans to use a test and evaluation process—which calls for the preparation of test and evaluation framework documents including plans, analyses, and a final report describing the test results—for its planned effectiveness testing of Managed Inclusion.

Chairman Katko, Ranking Member Rice, and Members of the subcommittee, this completes my prepared statement. I would be pleased to respond to any questions that you may have at this time.

Mr. KATKO. Thank you, Ms. Grover, for your testimony. We appreciate your participation here as well today, as well as the entire panel's.

<sup>24</sup> See Executive Order 13450—Improving Government Program Performance, 72 Fed. Reg. 64,519 (Nov. 15, 2007).

<sup>25</sup> See GAO-14-357. We recommend that TSA better measure the effectiveness of its entire AIT system. TSA concurred with the recommendation.

<sup>26</sup> See GAO-14-159. We recommended that future funding for the program be limited until TSA provided scientifically validated evidence on the effectiveness of behavioral indicators to identify passenger threat. TSA did not concur with the recommendation to limit program funding.

<sup>27</sup> GAO, *Designing Evaluations: 2012 Revision*, GAO-12-208G (Washington, DC, Jan. 31, 2012). This report addresses the logic of program evaluation design, presents generally accepted statistical principles, and describes different types of evaluations for answering varied questions about program performance, the process of designing evaluation studies, and key issues to consider toward ensuring overall study quality. This report is one of a series of papers whose purpose is to provide guides to various aspects of audit and evaluation methodology and indicate where more detailed information is available. It is based on GAO reports and program evaluation literature. To ensure the guide's competence and usefulness, drafts were reviewed by selected GAO, Federal and State agency evaluators, and evaluation authors and practitioners from professional consulting firms. This publication supersedes *Government Operations: Designing Evaluations*, GAO/PEMD-10.1.4 (Washington, DC: May 1, 1991).

<sup>28</sup> GAO-12-208G.



I now recognize myself for 5 minutes of questions.

I am going to concentrate my questions on one area and possibly two. The first area is Managed Inclusion. As you heard from the testimony today so far, Managed Inclusion is one of the exceptions, if you will, to the PreCheck program. I don't know if "exception" is a proper term to use, but it is one of the ways that it is added to the PreCheck program.

As a preliminary matter, I will note that the PreCheck program is something that people pay for. They pay for it, and it is a service as well as a risk-based security method. The fundamental premise of PreCheck is that it allows TSA to better focus on the higher-risk travelers by getting the ones that are lower-risk in the PreCheck program. But the fact remains that people are paying for that service, if you will, and the service is quicker access into the secure area of an airport.

So, with that overview, I want to talk a little bit about Managed Inclusion. To start with, if you could just briefly, Mr. Fletcher, give us a very basic reason that TSA went to Managed Inclusion to start with.

Mr. FLETCHER. So I think the genesis of Managed Inclusion was really the Super Bowl in New Orleans. We were anticipating significant crowds and actually wound up with significant crowds.

I think they more than doubled their peak volume of passenger traffic through the airport the day after the Super Bowl, so the airport was resource-constrained. The challenge really becomes: How do you eliminate the risk of this large crowd of people being an attractive target for a suicide terrorist attack?

So there was a lot of internal discussion. The idea of doing a real-time threat assessment on passengers, a combination of explosive detection screening with passenger screening canine teams and behavioral detection, would provide sufficient value to be able to provide those travelers with an expedited screening process, that proved to be a very successful endeavor.

As we looked at the success of that, the question became is there a way that we can systematically expand that concept to improve the efficiency. At that time, we had a very low volume of TSA PreCheck passengers. I think today we are at about 48 to 50 percent. At that point, we were at 3 or 4 percent of volume, as I recall.

So we had a lot of inefficiencies in the process where we had dedicated TSA PreCheck lanes at many of our larger airports, but the staff was significantly underutilized and the wait times in the standard screening lane were becoming excessive.

So we began expanding Managed Inclusion as a way of conducting a one-time real-time threat assessment of the passengers, again, explosive screening and behavioral observation, to afford them an expedited screening experience as a way of managing wait times as well as improving the efficiency of the process.

Mr. KATKO. Thank you.

A couple of things here I want to touch upon. You mentioned one of the things being resources and reducing the risk that there is an attractive target by having a large crowd in a nonsecure area of the airport. Correct?

Mr. FLETCHER. Yes, sir.

Mr. KATKO. Now, if we expand the PreCheck program through better marketing of it and it is growing on its own merit anyhow, does that change the calculus for wanting to use Managed Inclusion?

Mr. FLETCHER. It actually does.

Mr. KATKO. It does or does not? I am sorry.

Mr. FLETCHER. It does change the calculus. That is ultimately our goal. We want to dramatically expand the application program.

Mr. KATKO. So do we.

Mr. FLETCHER. As I indicated in my statement, we believe that the potential is upwards of 36 million travelers that could benefit. So we are targeting those travelers that are really taking three or more trips by air each year, and we think that that is a good value proposition. Even at an \$85 cost, the per-screening experience for the expedited process that they go through is worth them spending the money.

It is a challenge. Marketing and communications and promotion is, quite frankly, not something the Government does well in many instances. So it is a marketing challenge. We have engaged a professional marketing firm to help us with our brand positioning, with creative content. We have been broadly expanding our partnerships across the travel and tourism industry.

But our goal is to dramatically improve the number of travelers. So my calculation is that, to sustain a 50 percent expedited screening throughput rate with an entirely enrolled population, we need 25 million Americans enrolled in TSA PreCheck.

Today, combined with our existing low-risk populations—military, Members of Congress, et cetera—our own application program, and Customs and Border Protection's Trusted Traveler Programs, we have about 6.5 million.

So we need to quadruple the number of individuals. That will take us a bit of time to do, but that ultimately is our goal. We would like to be able to significantly dial back on both Managed Inclusion and risk assessment rules and replace that current volume with an enrolled population.

Mr. KATKO. Thank you.

I know I am a little over time here, but I just want to follow up briefly on that. Two things.

From a resource standpoint—I know that is one of the genesis for the Managed Inclusion program—is it fair to say, though, that there is a significant number of TSA employees who work on a part-time basis?

Mr. FLETCHER. I believe that percentage is about 23 percent of the total TSO population is part-time employees.

Mr. KATKO. If you could just briefly address the fact that you know when the high-peak hours and high-peak traffic is going to be.

Isn't it possible for TSA to better utilize the part-time employees to deal with the high-traffic areas and not resort to Managed Inclusion?

Mr. FLETCHER. I think we are doing a very credible job of managing those part-time resources. Again, like everything that TSA has been trying to do, it is taking a balanced and measured approach.

I cannot afford—for example, in my experience when I was at Chicago O'Hare International Airport, it is difficult for me to work a 20-hour-a-week part-time employee 2 hours in the morning to cover my a.m. peak and then have them off and bring them back for 2 hours in the afternoon. That is an unreasonable human expectation for an employee that is working a part-time position.

So there is a balance between the use of part-time employees and having them at the checkpoint when the passenger volume requires it and the needs of the operation versus the needs of the individual. I believe we do a credible job. We have actually—I believe we do a credible job today. I am not sure there is much more we can get in that regard.

Mr. KATKO. Thank you very much.

The Chairman now recognizes the Ranking Minority Member of the subcommittee, Miss Rice, for 5 minutes for questions.

Miss RICE. Thank you, Mr. Chairman.

Mr. Fletcher, I am going to direct my questions to you.

I think it is really important for us to—especially in light of your comment that you would like to take the universe of people that go through TSA PreCheck lines pursuant to either Managed Inclusion or the risk assessment rules—you would like to decrease that number and increase the actual number of people who go through the PreCheck process.

Can you succinctly tell us what that process is from a person applies to they are approved?

Mr. FLETCHER. Today the individual applies either on-line or at one of the 320-some-odd enrollment centers. They provide a set of biographic information. They provide a photographic ID, proof of identity, and proof of citizenship. They provide their fingerprints.

We do a security threat assessment against them for criminal disqualifiers, for immigration. Are they a U.S. citizen? Are they a lawful permanent resident? We do a threat assessment. Are they listed in the terrorism database? They get their known traveler number.

I think we say that that will typically happen in 2 weeks. My understanding is that it typically happens within 3 or 4 days that the individual has been vetted and approved. We mail them their own traveler number. They can also go on a secure website and retrieve that electronically. So it is a relatively painless process, if you will.

Miss RICE. What would disqualify someone from obtaining PreCheck status?

Mr. FLETCHER. So there is a list of criminal disqualifiers that are permanent, and then there is a list of, I will say, interim disqualifiers. So a criminal conviction within 7 years might be a disqualifier until that time frame had elapsed.

But there are disqualifiers, criminal convictions, that are permanently disqualifying. An example of that I think you have alluded to in your opening statement: Conviction of a terrorism-related offense; espionage against the Government; treason. Those would be permanent disqualifiers. I have a list. I can certainly provide that to the committee.

Miss RICE. Are there any obstacles that you encounter as an agency during this PreCheck application process with getting relevant information from other agencies, whether it be FBI, you

know, watch lists? Are there any impediments or obstacles that you have encountered in getting—

Mr. FLETCHER. I don't think there is impediments with the way the process is currently designed. I believe that there are opportunities to improve the process.

So today we do not do, for example, recurrent vetting for criminal disqualifiers. We vet perpetually for the individual being added to a terrorism database, but we don't continually vet for criminal disqualifiers.

We have been working very closely with the FBI on an initiative that they have recently fielded the capability for that will allow us to do that, but we don't have either the legal authority to do that today on our own accord because, in this instance, we are not a law enforcement agency from this perspective.

So we can't run our own NCIC checks, as Customs can do as an investigative law enforcement agency, but we believe that that is an important enhancement to the program as we move forward.

Miss RICE. Well, that goes into my next question I was going to ask you: Do you have a plan in place—and you have already answered this—for recurrent vetting?

So what we would have to do is either qualify you as a law enforcement agency or you would do what it appears that you are doing now with the FBI in partnering with another agency that would actually carry out the recurrent vetting?

Mr. FLETCHER. That is correct.

Miss RICE. Then share the information with you?

Mr. FLETCHER. That is correct, ma'am. I will say that that is not without cost. So the FBI is a fee-reimbursed program for that particular service. So there is some cost associated with that that would—

Miss RICE. Well, it all comes out of the same pot. Right?

Mr. FLETCHER. Well, in this instance, the entire TSA PreCheck application program is fee-funded with the exception.

Miss RICE. Right. That is true.

Mr. FLETCHER. So those costs would have to be absorbed by the individual applicant.

Miss RICE. Well, I am talking about in terms of BDOs and TSA officers. I mean, there is already a built-in cost structure there. I don't think that is going to break the bank, a recurrent background check that the FBI could do.

But very quickly—because my time is almost up—so recently there was a report that, since 2007, when the training for BDOs, Behavioral Detection Officers, was put into place, to the present day, there were approximately 30,000 people that were pulled out of the line based on observations of the Behavioral Detection Officer.

It is further understood that, of those 30,000 people that were taken out of the line, of that universe, less than 1 percent of them actually had an instance where it resulted in an arrest.

So my question is: Do you think that the training for the BDOs is sufficient, given that kind of empirical data, that maybe they are not looking at the right things by maybe missing people who truly do represent a danger?

Mr. FLETCHER. So I will say that the recommendations over the last several years from both the GAO and the inspector general have been very helpful in us revamping our BDO program.

As Ms. Grover indicated, we have just completed, I will say, a research foundation analysis for each of the revised indicators. We are in the process of doing a comprehensive evaluation of those new indicators. We have completely revamped the training program for the BDOs over the last several years.

So if I go back to 2007, I would absolutely agree with your position, but I believe we have taken significant strides. In fact, my understanding is that, with the exception of two recommendations, one that we defund the BDO program and the other, the most recent one, about taking a holistic view of Managed Inclusion and the use of BDOs, that all of the recommendations for both the DHS IG and GAO have been closed.

Miss RICE. So, Mr. Fletcher, first of all, that was not an attack question at all. That was just—

Mr. FLETCHER. I understand, ma'am.

Miss RICE. I am one of those people who like to be—if you implement a plan, you have to review it to see if it is actually achieving the stated goals.

So I appreciate your openness and your willingness to take recommendations about how the BDO—I don't think it necessarily has to be scrapped altogether, but I appreciate the fact that you are willing to take these recommendations of how it can be better. Thank you.

Mr. FLETCHER. If I can just add, we have actually established a coalition with private-sector privacy groups that signed a nondisclosure agreement that allow them to gain access to information that will help us inform the program and make sure that we are achieving the right balance between what we believe is an essential layer of our security regime and concerns about civil rights and civil liberties.

Miss RICE. Thank you, Mr. Fletcher.

Thank you, Mr. Chairman.

Mr. KATKO. Thank you, Miss Rice.

The Chairman now recognizes the Ranking Minority Member of the full committee, Mr. Thompson, for questions.

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

I ask unanimous consent that Ms. Jackson Lee be allowed to sit on the panel and ask questions today.

Mr. KATKO. So approved.

Mr. THOMPSON. Thank you.

Mr. Fletcher, in the Managed Inclusion program and, more specifically, BDOs, how many do we have in the BDO program, how many BDOs?

Mr. FLETCHER. Congressman Thompson, I don't have that exact number. I know we have about 11 percent fewer BDOs today than we did 2 years ago. So that number has reduced. I believe it is around 3,100 total across the system, but I don't have that exact number.

Mr. THOMPSON. Okay. You talked about a process.

Are you aware of any scientific data that say that the BDO program is successful?

Mr. FLETCHER. I know we have established a scientific foundation behind each of the indicators. I am not personally aware of the scientific data that answers your specific question.

Mr. THOMPSON. Ms. Grover, you looked at it. Are you aware of any?

Ms. GROVER. No, sir. I am aware that TSA has taken another look at the literature that is underlying each of the indicators that they are using.

They are in the process of testing the use of the new indicators and the new rules for using them at airports right now, and we are awaiting the results of those tests to see what TSA learns about how they are actually being applied in practice.

Mr. THOMPSON. So as of this hearing, you are not aware of any data that would say that that program or, from a scientific standpoint, that it works?

Ms. GROVER. Yes, sir. As of this hearing, I have not reviewed evidence from TSA demonstrating that the behavioral indicators are working in practice as they intend.

Mr. THOMPSON. Let me go on the record, too, Mr. Chairman and Ranking Member. I support the PreCheck program, too, but I want it to have sound science behind it and not just the ability to look at somebody who hasn't been vetted, look at someone who hasn't gone through a database from a background standpoint, and say "You get into the PreCheck line."

I think part of why we are trying to have this hearing is to make sure that those individuals who are in the PreCheck line—that there is some science behind getting them there as well as some vetting of who they are.

More specifically, we talked about this whistle-blower who said they saw and knew someone in line that was a domestic terrorist, had a conviction, went to jail.

Can you provide me, Mr. Fletcher, with whether or not there is authority—if a TSO sees an individual of that description, that they have the authority to say "You need to go back for further vetting, for enhanced screening."

Mr. FLETCHER. Congressman Thompson, TSOs have had that authority, that discretion, to deny an individual access to the PreCheck lane and send them through the standard screening process that existed on that day.

Back in 2008, I believe, we started training our TSOs in critical thinking skills. In response to the IG's investigation, we reiterated that guidance and are currently reviewing our standard operating procedures.

Mr. THOMPSON. Mr. Roth, do you want to comment?

Mr. ROTH. When we engaged in this inquiry after receiving the whistle-blower complaint, the TSO did not feel empowered to make that decision on his or her own self and checked with the supervisor.

My understanding is our recommendations to TSA were to clarify exactly what authority the TSO has so, in fact, they do have that empowerment when they see a situation that they believe is unsafe.

Mr. THOMPSON. So when they checked with the supervisor, what did the supervisor say?

Mr. ROTH. According to our investigation, the supervisor ordered that person to go through the PreCheck lane.

Mr. THOMPSON. So, basically, we let a domestic terrorist get on a plane that, if that person had applied through PreCheck, that person would have—well, if that person who traveled had applied through the regular PreCheck program, what would that person's status have been?

Mr. ROTH. That person had several disqualifying criminal offenses which would have prohibited that person from being a member of PreCheck.

Mr. THOMPSON. So, Mr. Fletcher, can you share with the committee what orientation TSOs are going through now so that they do feel empowered that, when those situations exist, they can, in effect, stop it at that point?

Mr. FLETCHER. So, Congressman, immediately the head of our Office of Security Operations issued written guidance to the field that clarified and reinforced the discretion in critical thinking skills that had been built in the program over the previous several years.

That was followed up by information in a National shift briefing that went to the entire front-line uniformed workforce over the next several weeks to ensure that every individual TSO was hearing that consistent message.

As I indicated, I think we are currently in the process of reviewing our standard operating procedures to make sure that any language about discretion and critical thinking is clear what our intent is so that the TSO doesn't feel inhibited or a lack of empowerment to be able to exercise that discretion.

That is absolutely the key. One of the keys to aviation security, in my view, is the individual TSO to use their experience and judgment and exercise some level of individualized discretion.

Mr. THOMPSON. Well, I think the traveling public feels that some system of vetting has occurred for every person who is on that plane. I think to whatever extent we can provide that we should.

So I would encourage you to look at what you are doing so that the end result is that there are no anomalies in the system that would allow someone with an obvious criminal record that would have been disqualified is on that plane without the knowledge of the people who are traveling.

Mr. FLETCHER. So, Congressman, as you know, we rely very heavily on information from the National law enforcement and National intelligence community. So every passenger is vetted against terrorism databases and watch lists and identified initially as either inhibited and not allowed to fly, a no-fly, designated for enhanced screening, or prevented from being eligible for expedited screening through TSA PreCheck.

In this specific instance, this individual was not and is not in the National Terrorist Screening Database. So that is a discussion that is on-going between TSA and the Terrorist Screening Center because this is an intelligence and an information-based aviation security regime and we have to have confidence that, if there is a domestic terrorism suspect, that they have been appropriately identified and watch-listed.

In this case, that is the glitch in the system. If that individual had been watch-listed, they would not have been allowed to be designated as eligible for expedited screening.

Mr. THOMPSON. Thank you.

I yield back, Mr. Chairman.

Mr. KATKO. Thank you, Mr. Thompson.

The Chairman will now recognize other Members of the subcommittee for 5 minutes each for questions they may wish to ask the witnesses. After we have exhausted the questions from each of the subcommittee Members, we will allow Ms. Jackson Lee 5 minutes' time for questions as well.

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 their arrival.

The Chairman now recognizes Mr. Rogers for 5 minutes of questions.

Mr. ROGERS. Thank you, Mr. Chairman.

I want to talk some more about this Managed Inclusion program.

Tell me, what was the objective when you all set that up? What were you trying to accomplish with this?

Mr. FLETCHER. So, Congressman Rogers, I think there was really multiple objectives. In the first instance, it was improving the—I will say one objective was to improve the efficiency of the TSA PreCheck lane.

In the second instance, it was really about, how do we do a much more effective job of managing the wait times and standard screening, reducing that risk that that becomes the attractive target for a terrorist attack?

Mr. ROGERS. Well, did TSA conduct a comprehensive analysis on the impact of the entire screening process, which basically is reducing it to PreCheck vetting by the flip of a coin?

Mr. FLETCHER. Congressman, I don't believe it is PreCheck vetting by a flip of a coin.

Mr. ROGERS. Taking somebody that hasn't been screened through the PreCheck program and just sending them through that line every once in a while?

Mr. FLETCHER. So the opportunity, we believe, and—as we looked at the individual component parts and are in the process of looking at Managed Inclusion in total as a system, we believe that it provides a better security proposition. It is more effective security than standard screening based on the analysis that we have done to date.

Mr. ROGERS. Maybe I am confused.

My understanding of the way Managed Inclusion works is you have got somebody with an iPad that taps it and it randomly sends somebody up through the PreCheck line that has not gone through the application and screening process that the people who paid to be in the PreCheck line went through. Is that not correct?

Mr. FLETCHER. Well, that is part of it. Certainly there is a random—

Mr. ROGERS. Isn't that taking a high risk by sending somebody through the PreCheck line? They are no longer going through the AIT machine that we told everybody in the world was so necessary.



They are just going through a magnetometer, and they didn't go through the vetting process that the people in the PreCheck line paid to go through.

Mr. FLETCHER. They are exposed at a significantly higher rate to explosives screening, 100 percent of the passengers, if we are using passenger screening canine teams, a significant percentage of passengers that are ETD screened prior to that random selection process at the travel document check position, and they are also subject to additional unpredictable screening through ETD and now I think at more than 65 TSA PreCheck screening lanes with random selection for AIT as part of the prescreening process.

Mr. ROGERS. How do you think folks feel that paid for the PreCheck status about individuals who didn't pay for it and didn't go through the vetting being allowed to get in line with them?

Mr. FLETCHER. I have heard negative complaints from the traveling public about the Managed Inclusion process. Part of our desire to dial these tools back so they become a significantly less contributor to the overall expedited screening process and replace them with an enrolled population is both because of the pushback that we have gotten, in some instances, from travelers, but also because it moves those passengers—the enrolled passenger—provides a lower-risk proposition than somebody who does go through Managed Inclusion or through risk assessment rules.

Mr. ROGERS. You know, you mentioned explosive detection canines. Obviously, you know something about me or else you wouldn't have brought that up.

If, in fact, we had enough of those assets so that they were in all these lines, I wouldn't have a problem with this. But, as you know, we have very limited numbers of those canine teams and not because I haven't been trying to change it. I intend to get a lot more of them in there before I leave this place. But currently we don't have anywhere near close to enough of them.

In my opinion, this Managed Inclusion program is a reckless practice to take people who have not been through the proper vetting and put them into a lane that requires a lower level of screening because the people who are in that lane have paid to be vetted through a system that makes them less of a risk.

So I hope that you all will rethink this program because it is reckless and I think the public would view it very dimly if they knew more about it.

Mr. FLETCHER. Yes, sir.

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

Mr. KATKO. Thank you, Mr. Rogers. I appreciate it.

Ms. Jackson Lee, I believe you are next up.

Ms. JACKSON LEE. Let me thank the Chairman and Ranking Member for their courtesies. This is a committee that I hold very dear as a very important responsibility. I thank both of you for your very, very astute leadership on this hearing and the hearing that we may have afterwards, which I hope I will be able to attend after another hearing.

Let me also thank the witnesses for their service, certainly the representative from the GAO, for constantly providing us a flashlight to be able to ensure and to correct and to keep the American people secure.

Let me thank all of those who are part of the Homeland Security team, Transportation Security Administration. Many of you know my great admiration for the thousands upon thousands of TSO officers that put their lives on the line in the Nation's airports to save our lives. So I want them to know how much I appreciate them.

I want to acknowledge the shooting and the loss of life of the TSO officer in Los Angeles. We went out to Los Angeles in the last session.

Let me offer my concern and best wishes for a speedy recovery for the TSO officer at the Louis Armstrong Airport in New Orleans.

So, let me proceed with a series of points, and maybe I will—let me just make this point, and then my colleagues should hear my point. This is a team effort when we talk about securing the airport. I am constantly frustrated, and I understand local government, but I do believe this is going to require a Federal sort-of engagement and setting protocols. There is not enough coverage of the TSOs officers of armed personnel which in this instance, are our local law enforcement as hired or dictated to by the local airports.

The first news report came out that it was a TSO officer, you might have heard it, that shot the perpetrator at New Orleans who had a machete and something else, endangering the lives of passengers. Not understanding what their intent was, not knowing whether to classify them as a terrorist or deranged individual. It was the brave acts of a local law enforcement, so I believe, and will be raising this question, of the protocols to be established in airports across America, there is not enough coverage. The airport management, they save money. Cities save money by not having the appropriate armed law enforcement present.

Let me ask the question to Mr.—if I might—to Mr. Fletcher. Are your TSOs armed?

Mr. FLETCHER. No, Congresswoman, they are not.

Ms. JACKSON LEE. Approximately how many do we have across America, just approximately?

Mr. FLETCHER. I believe somewhere full-time, part-time total, about 48,000.

Ms. JACKSON LEE. Let me thank you for that, because I am much happier and feel much safer in spite of some of these downfalls, than I was in pre-9/11. So I appreciate that. So, they are not armed, but they are monitoring some of the world's largest airports, is that not correct?

Mr. FLETCHER. That is correct, ma'am.

Ms. JACKSON LEE. We, I believe without giving any Classified information, knowledge is, that still one of the more attractive targets of terrorists are airplanes, airports, and transportation modes. Is that a general assessment one can make?

Mr. FLETCHER. That is an accurate assessment, yes, ma'am.

Ms. JACKSON LEE. So in America, with our effort to secure, we have TSOs. We don't have any consistent understanding of what the armed presence is. When I use the word armed, I am going to be very careful to make sure that I am talking about local law enforcement, and not military.

So, let me jump to this point of the situation of going with the TSO that knew that there was a person that was convicted of do-

mestic terrorism. What was the basis of the supervisor who the TSO came to saying, it is all right, let him through?

Mr. FLETCHER. I don't have an answer to that, ma'am. I will have to go back and I know our security operations did an inquiry. I believe they have that answer. I just don't know that.

Ms. JACKSON LEE. So. I would make this point: Training has to be crucial. If the TSO had the authority, you seem to suggest that person did, they didn't use it. Then you have a training problem. One, in terms of the TSO's knowledge of what their opportunities and obligations and authority is, and then the supervisor, rightly so, that was approached by the TSO, gave the approval of them going through. I don't know, is it in the Inspector General's report as to why the supervisor, if you will, allowed the person to go forward? Anyone?

Mr. ROTH. The TSA has a rule that the TSOs may increase the level of screening a passenger receives at a checkpoint based on a particular belief that can be put into words and explained to others that is based on observations that suggest an individual or—

Ms. JACKSON LEE. Right, but that is an increase. This person decreased it by telling the TSO, let him walk on through. Let me finish because my colleagues have been very generous in their time. I want to emphasize that we have a double issue here in protecting the perimeter of the security checkpoint, where a person may need to be stopped, and may be agitated, and I am not suggesting a pouncing of law enforcement on our travellers. Let me be very clear. But I am suggesting that we need to protect our TSO officers. We have been very fortunate. We have one too many incidences, and if the reports are accurate, and I think you announced this report, the number of guns that are stopped at the security checkpoints are more than we might imagine. So, I think that is something else that we need to complement the issues of training.

The other thing that I would like to offer to my colleagues is that I have introduced the No Fly for Foreign Fighters legislation which would appropriately be in this committee. I would like to have that bill presented to both the Chairman and Ranking Member of this committee to give you extra help on a list that is extremely screened or scrubbed to make sure that you have the most current individuals on that No-Fly list, particularly those who are foreign fighters. I hope that the agency will review my legislation because I am looking for tools that will help TSO officers do their job. I think there are two elements of weaknesses. One, when a TSO attempted to do the right thing, and a supervisor pushed him on, and then the issue of security around the perimeter.

So, I thank you very much. If I might, I thought I had the bill to put into the record, but I see that I don't. But I also will just get this in writing. I understand that we moved to expand TSA PreCheck and we used a pay process. Of course, they are vetted, but you allow people to pay for that. I would like to get a report on whether or not our vetting is extensive on the paid process, more extensive. I yield back, and I thank the Chairman and Ranking Member.

[The information follows:]

SUBMITTED FOR THE RECORD BY SHEILA JACKSON LEE

114TH CONGRESS

1ST SESSION

**H.R. 48**

To require a review of the completeness of the Terrorist Screening Database (TSDB) maintained by the Federal Bureau of Investigation and the derivative terrorist watchlist utilized by the Transportation Security Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

**January 6, 2015**

MS. JACKSON LEE introduced the following bill; which was referred to the Committee on the Judiciary

**A BILL**

To require a review of the completeness of the Terrorist Screening Database (TSDB) maintained by the Federal Bureau of Investigation and the derivative terrorist watchlist utilized by the Transportation Security Administration, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “No Fly for Foreign Fighters Act”.

SEC. 2. REVIEW OF THE COMPLETENESS OF THE TERRORIST SCREENING DATABASE (TSDB) MAINTAINED BY THE FEDERAL BUREAU OF INVESTIGATION AND THE DERIVATIVE TERRORIST WATCHLIST UTILIZED BY THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General, acting through the Director of the Terrorist Screening Center, shall complete a review, in coordination with appropriate representatives from the Department of Homeland Security and all other relevant Federal agencies, of the completeness of the Terrorist Screening Database (TSDB) and the terrorist watchlist utilized by the Administrator of the Transportation Security Administration to determine if an individual who may seek to board a United States-bound flight or a domestic flight and who poses a threat to aviation or national security or a threat of terrorism and who is known or suspected of being a member of a foreign terrorist organization is included in such Database and on such watchlist.

(b) REPORT.—Not later than ten days after the completion of the review under subsection (a), the Director of the Terrorist Screening Center shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the findings of such review.

Mr. KATKO. Thank you, Ms. Jackson Lee for being here, showing an interest in the subcommittee’s work and for your thoughtful comments and input. The Chairman now recognizes Mr. Ratcliffe for 5 minutes of questioning.

Mr. RATCLIFFE. Thank you, Mr. Chairman, and I very much appreciate you holding this hearing on the issue of security in our airports. As you know, I am a former terrorism prosecutor, a United States attorney that served after 9/11 and, you know, very much believe in the mission of the TSA and believe—and I am grateful for the testimony of the witnesses today to inform the opinions of this subcommittee.

I am also, I will say, someone that goes through our airports through the TSA PreCheck program and so you know, I am very familiar with that.

Based on the testimony that I was able to review, the one thing that I am concerned about, is some of the TSA's more flexible programs that allow for real-time assessments of potential risks as opposed to the TSA PreCheck, which allows travellers like me who qualify and submit to a background check to get through more expeditiously. I know, Mr. Roth, you commented on that in your March 16 report and talked about the incident involving a convicted felon who was improperly cleared under one of these more flexible programs.

So, I guess let me just start there. I want to ask this question of you, Mr. Fletcher is, you know, why is the TSA using methods like Managed Inclusion and risk assessment to expedite the TSA PreCheck line when individuals who opted in the PreCheck program go through a more rigorous procedure to gain the benefits of the program, what it offers?

Mr. FLETCHER. Well, Congressman Ratcliffe, we talked a bit about Managed Inclusion. We believe it has security value, but we haven't spent a lot of time talking about risk assessment and so in partial response to your question, risk assessment, you know, one of the underlying principles behind TSA's risk-based security approach, is that the vast majority of Americans simply want to get from their destination—to their destination as quickly, and as efficiently as possible and represent essentially no threat to aviation. So, our bias has been identifying ways to expedite the flow of legitimate travellers and reducing that burden.

So, there is a balance that we have tried to take to, and a measured approach that we have tried to take to all of our programs. So, we look at an initiative like Managed Inclusion or when we look at an initiative like risk assessment rules, we consider the security effectiveness of the proposition. We consider the operational efficiency impacts. We look at what the impact on the passenger is. We look at what the impact on industry may be, and then we consider the fiscal implications and the policy implications. Is this the right public policy for the agency to adopt? Is it going to be politically acceptable by you, Members of our Oversight Committee? Is it going to be politically palatable or socially palatable to the American people?

So, when we look at risk assessment rules we take a thoughtful approach to that. The underlying basis of our rules is the age, gender, and itinerary information today that we have been collecting since we implemented Secure Flight fully in 2010.

We started that at the very beginning of the program with the small slice of frequent fliers that we extended eligibility for. But that is not the only review that we have done. We had an independent analysis of that approach that was completed by one of the Federally-funded research and development corporations, Metron in 2012—or in 2013. We worked very closely with the Civil Aviation Threat Working Group. These are intelligence analysts from across 13 different intelligence agencies, headed by the National counterterrorism. We have had a review in 2014 by the Homeland Security Studies and Analysis Institute. So there is—all of those

independent reviews have validated the fundamental principles behind that. They have identified some opportunities for improvement, as has the Inspector General and as has GAO. But, we believe very strongly that the independent reviews that we have conducted, provide a good security and a good value proposition for the American people. So we have taken a thoughtful and measured approach to both of those programs; much more so on risk assessment rules than perhaps we have on Managed Inclusion, because we haven't done as much of the external independent validation on that initiative.

Mr. RATCLIFFE. Thank you, Mr. Fletcher. I see that my time is expired, so I would love to ask a question of the Inspector General, but I will yield back.

Mr. KATKO. Thank you, Mr. Ratcliffe. We are going to have a brief second round of questions here so you will have an opportunity to have some follow-ups in a moment.

I now recognize myself for some follow-up questions, and I apologize for the somewhat rapid-fire manner of these questions, but these are questions I was hoping someone else would ask. Since they didn't, I want to follow up with them. First of all, on the convicted felon issue, just so that I am clear, the convicted felon that was cleared, is there any doubt in your mind that that was—let me rephrase the question.

Were they in error when they cleared that convicted felon for that—to do a PreCheck?

Mr. FLETCHER. Mr. Chairman, I believe the error was if they presented a risk to aviation, if they were a convicted terrorism operative, then they should have been appropriately watch-listed as a domestic terror subject in the terror screening database.

Mr. KATKO. Okay, so obviously, this person would not have passed the PreCheck status, correct?

Mr. FLETCHER. Would not have been accepted through the application enrollment program, yes, sir.

Mr. KATKO. So it becomes self-evident that the risk assessment approach and the Managed Inclusion approach aren't as thorough and good as doing the PreCheck background check?

Mr. FLETCHER. I would agree with that, yes, sir.

Mr. KATKO. Okay. Now, shifting gears for a moment here. From a pure marketing standpoint, and PreCheck—part of PreCheck is, indeed, marketing. It is fair to say, is it not, that PreCheck, when someone has paid for PreCheck and they paid for a product and they see people being taken out of other lines that haven't paid for the product going into the line, sometimes ahead of them, that is not good marketing from a purely marketing standpoint?

Mr. FLETCHER. Well, I look at it to a certain extent as a free sample that you would get. So, it is a—and we know from interviewing travellers that many of them that have had the opportunity to experience expedited screening through Managed Inclusion and risk assessment rules, have subsequently applied and enrolled in the program. So, there is some benefit. It is not all negative.

Mr. KATKO. That is a fair point, but let's face it, though, for the people who have paid for the program, it is a negative.

Mr. FLETCHER. There are negative sentiments when I paid my money and others are getting it for free, yes, sir.

Mr. KATKO. Now, I want to ask this question only because I have experienced it the last two times I have been at Kennedy Airport and I am trying to get home, and there is a long line, and there is no PreCheck line open.

So, the question I have for you is, how come PreCheck isn't always open when they sell a product that people have paid for?

Mr. FLETCHER. It is a matter of resource efficiency. There are times of day at large airports, and many more times at small airports where we simply don't have the passenger volume, where we are not running Managed Inclusion operations, where we can't sustain the dedicated TSA PreCheck lane.

One of the things we did in 2013 is we gave the Federal security directors the flexibility to be able to shift standard screening lanes to expedited screening lanes when the expedited screening volume is there, and then you convert those lanes back to standard screening lanes. So, we are trying to be good stewards of the resources we have available to us. But in many of those instances, we just simply don't have the volume to sustain the expedited screening lane as a dedicated proposition.

Mr. KATKO. Okay. Mr. Roth, and Ms. Grover, I haven't forgotten about you two and you will be actively participating in the closed portion of this hearing. Trust me.

But I do want to ask you this, either one of you. Miss Rice asked some very good questions about recurrent vetting, and Mr. Fletcher talked about there is a cost associated with that. Do you have any idea how costly it would be to do recurrent vetting?

Mr. ROTH. I don't have that answer for you, Congressman.

Ms. GROVER. No, sir, but that is a potential vulnerability that we have identified in our previous reports also, the importance of recurrent vetting.

Mr. KATKO. I think—I am very trained in asking questions and not pontificating because, for 20 years, the judges would kill me if I did that. But I will tell you that recurring vetting, to me, is an important and serious issue. I would ask either Mr. Roth or Ms. Grover or direct us to the appropriate entity that can try and give us an idea of what that cost might be, because I think that is an important factor to enter into these things.

I think that recurrent vetting is, as this program matures and it is certainly a program that is going to be around for a while, as it matures and more time takes place between when they are initially vetted and up to the present time, I think that there is more opportunity for people to go bad, if you will. Recurrent vetting might catch that. That is an important part of that.

Also, Mr. Fletcher, let me just ask you as long as we are on the subject, briefly, the question recurrent vetting, is it fair to say that there is a science of developing with algorithms, that can be designed, that might be able to do some of this recurring vetting absent a criminal history check on a regular basis without a lot of costs once the algorithm has been established?

Mr. FLETCHER. We have been working with several private-sector companies, and DHS Science and Technology Directorate, on evaluating risk algorithms that are not necessarily directly related to

criminality. But, we do believe, from my personal discussions with the National Association of Professional Background Screeners that—and in discussions with some private-sector data brokers, that they can do a very effective job of identifying criminality through publicly-available electronic information without having to go through the traditional fingerprint based NCIC check.

Mr. KATKO. Thank you. A couple more quick questions and then we will be able to wrap up with this portion of the testimony. First of all, a straightforward question here. On December 22, 2014 there was a Request for Proposal issued for TSA PreCheck application expansions. That RFP sought private-sector implication capabilities to expand the public's enrollment access to PreCheck. The solicitation was taken down on February 7, 2015. The question I ask is: Why?

Mr. FLETCHER. There was at least one provision, Mr. Chairman, in there that should not have gone out in the original solicitation that we were concerned about. We are currently working with the Department to go through that entire RFP to make sure we get it right. I believe that that is our best opportunity to shut down, dial back on Managed Inclusion and risk assessment rules is third-party. But we have to get it right in the first instance.

Mr. KATKO. Do you have any idea what our time frame is before that RFP will be back up and running?

Mr. FLETCHER. Acting Administrator Carraway in his testimony last week indicated perhaps as early as the end of this week or next. I am hoping it will be soon.

Mr. KATKO. Excellent. The last question I wanted to—series of questions about marketing and enrollment for PreCheck. I have talked to airport operators and they have expressed a strong interest in providing kiosks, even at their own costs, so people can come and sign up for PreCheck in their airports. They have also offered to provide space in their airports to do the follow-up vetting from a PreCheck at their facilities. To me, that sounds like no-brainers. We have—every single airport in the country should have the option of being able to do one of those—have one of those kiosks to sign up.

What I would envision would be a kiosk where they come in, they sign up, somebody is manning the kiosk. They pay the fee. They fill out the form. It goes to TSA and then they do their work. What do you think about that?

Mr. FLETCHER. I think those are options we are hoping—innovative solutions we are hoping to get in response to the RFP when we get that reposted. Right now, our exclusive contract with Morpho Trust. It is really the relationship between the airport and our contractor that manages the existing enrollment application.

Many airports have been very generous with space. Some of our major airlines have leased space on Morpho Trust's behalf to facilitate the enrollment process. Other airports have been resistant and are waiting for opportunities to be more directly involved as they have reviewed our proposals.

Mr. KATKO. Just so I am clear, though, so you are saying though, that you have a contract with a vendor that is kind-of preventing from you developing this program further?



Mr. FLETCHER. Right now the application program that exists today is through a single vendor, Morpho Trust, that runs all of our vetting application programs. The intent of third-party, the RFP, is to broadly expand that to be able to take advantage of those other opportunities that you just discussed and we are not there yet.

Mr. KATKO. Is there anything in that contract with that vendor that prevents—that would prevent these airports from opening these kiosks and collecting these applications?

Mr. FLETCHER. We actually had that discussion this morning about what changes to the contract that we can make to—I will say loosen some of the contractual restrictions or provide more latitude for the contractor to move forward. Today there is nothing to prevent an airport from entering into an agreement with Morpho Trust. Many of them—I think 35 or more already have.

Mr. KATKO. Excellent. Okay, thank you.

I want to also note that from a convenience standpoint for passengers, the PreCheck is not exactly where it should be. Now, I will give you an example. My understanding from the PreCheck process in Syracuse is that if you want to get screened, do the follow-up in-person interview, you have to drive to Oswego, New York to get the interview.

To me, that is wildly inconvenient, and I would like to see a process whereby passengers can get the follow-up interviews at the airports. Because the idea is, if you have frequent travellers, and those are the ones you want to target for PreCheck and there are millions of frequent travellers in this country, why not make it as absolutely convenient and user-friendly as possible? They can sign up at the airport. They can do the follow-up interview at the airport while they are waiting for a plane or getting off a plane. That makes much more sense than driving 45 minutes to an hour north to Oswego, and if you know Oswego in the wintertime, you think Syracuse gets a lot of snow. They get a lot more snow than that, so it is not always a good idea to drive up there. So, I just want to let you know, we going to be looking into that as well.

Mr. FLETCHER. Yes, sir.

Mr. KATKO. Okay. Do you have any questions?

Miss RICE. The rest of my questions are going to be at our closed-door session, if that is okay. Thank you, Mr. Chairman.

Mr. KATKO. I ask unanimous consent that the remainder of the hearing be closed to the public under rule XI, clause (2)(g)(2) of the Rules of the House because disclosure of such testimony, evidence, or other matters would endanger National security or compromise sensitive law enforcement information. Is there any objection to the motion to close the hearing?

Hearing none, the motion is agreed to and the subcommittee will recess briefly to move to a secure location to continue its business.

[Whereupon, at 3:30 p.m., the subcommittee proceeded in closed session, and was subsequently adjourned at 5:55 p.m.]