RAISING THE STANDARD: DHS'S EFFORTS TO IMPROVE AVIATION SECURITY AROUND THE GLOBE

HEARING

BEFORE THE

SUBCOMMITTEE ON TRANSPORTATION AND PROTECTIVE SECURITY

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

SEPTEMBER 26, 2017

Serial No. 115–28

Printed for the use of the Committee on Homeland Security

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RAISING THE STANDARD: DHS'S EFFORTS TO IMPROVE AVIATION SECURITY AROUND THE GLOBE

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Tuesday, September 26, 2017

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

The subcommittee met, pursuant to notice, at 10:09 a.m., in room HVC–210, Capitol Visitor Center, Hon. John Katko (Chairman of the subcommittee) presiding.

Present: Representatives Katko, Higgins, Fitzpatrick, Estes, Watson Coleman, Keating, and Thompson.

Also present: Representative Jackson Lee.

Mr. KATKO. The Committee on Homeland Security, Subcommittee on Transportation Protective Security will come to order. The subcommittee is meeting today to examine global aviation security standards at last-point-of-departure airports and to assess the Department of Homeland Security's current security capabilities in order to protect American aviation assets and American citizens traveling internationally.

I now recognize myself for an opening statement.

The recent failed plot to take down a passenger plane in Australia is yet another stark reminder that aviation still stands as a top target for terrorists around the world. This is the last in a series of incidents, unfortunately, some of which have been successful from the terrorists' standpoint.

This incident is alarming for many reasons, but perhaps most disturbing is how the improvised explosive device came into the hands of the suspect. According to reports, an ISIS operative sent the parts of the IED on a cargo plane from Turkey to the suspects in Australia. The suspects were able to build the IED and then attempted to conceal it in their luggage.

Fortunately, the bag was over the weight limit and unable to be brought on the plane. If not for good luck, and stupidity on the part of the bad guys, this plot could have been successful.

The Australians called this one of the most sophisticated plots that has ever been attempted on Australian soil. Exposing not only the vulnerabilities and threats to both passenger and cargo aircraft, this plot illuminates the importance of the international community in securing aviation.

The international aviation system represents our modern, globalized world. However, with interconnected transportation systems come interconnected risks. No matter how good our domestic airport and aircraft security is, we must continue to raise the standard of global aviation security for foreign countries and last-point-of-departure airports.

It is imperative that aviation security standards are robust and that these standards are commonplace in foreign countries, especially those with last-point-of-departure airports to the United States.

Confidence in aviation security at home begins with the assurance that our global partners are enforcing security standards abroad. Today, this subcommittee holds this hearing to better understand the scope and impact of the Department of Homeland Security's global programs aimed at securing international aviation, as well as recent efforts to enhance security at overseas airports with direct flights to the United States.

We want to hear from all of our witnesses about what we are currently doing to improve global aviation security, as well as what we could be doing better, and how Congress can work with the departments to support those efforts.

I must say, I encourage you all to speak frankly and candidly, and not just have talking points and not just have glossy overarching language. We want to get down to the nitty gritty. We want to know how we can do better and what the actual vulnerabilities are.

We can't afford to ignore the potential security lessons from the Australian incident, which was thankfully unsuccessful. Just as a failed 2010 Yemen plot led to major improvements to cargo screening, we must use this as a way to assess and improve our own security and the security of our international partners.

Additionally, ISIS' role in his plot solidifies their sophistication, unfortunately, and their determination and ability to threaten every corner of the globe despite losing large parts of its so-called caliphate in Iraq and Syria.

The Department of Homeland Security's overseas mission is now more important than ever, and it is critical that this subcommittee understands the extent of the Department's global reach, as well as how the U.S. Government is working with foreign partners and aviation stakeholders to enhance security at overseas airports.

The subcommittee supports the recent security measures that were implemented for in-bound flights to the United States. We look forward to hearing how these measures are improving our security and what else is under consideration to continue to raise the standard of global aviation security.

Additionally, we want to hear about the efforts of other entities, such as the International Civil Aviation Organization, in setting aviation security standards world-wide. ICAO, as it is known for short, and other entities, are an essential component in proliferating security best practices and capacity building at high-risk airports around the world.

However, the sad reality is that many airports around the globe, with inadequate security, are receiving passing grades based on ICAO standards that I believe are outdated. Our Department of

Homeland Security must do all it can to raise these international standards and ensure their enforcement, and I look forward to hearing more about that.

Throughout the 114th, and 115th Congresses, this subcommittee has worked to close security gaps at last-point-of-departure airports. This includes my legislation signed into law that directs TSA to perform comprehensive security risk assessments of all LPD airports and develop a strategy to enhance security for in-bound flights, while also authorizing TSA to donate screening equipment to foreign airports in need of advanced technology.

It also includes Chairman McCaul's Homeland Security Authorization Bill, which directs the United States to work with international partners to increase the minimum standards for aviation security world-wide, and requires foreign airports to provide U.S. inspectors with information about the screening and vetting of airport workers during regular security assessments.

These pieces of legislation highlight the challenges our foreign partners face in passenger and cargo screening, as well as vetting aviation workers with access to secure and sensitive areas of airports.

These efforts in Congress, together with the actions of the Department of Homeland Security abroad, will continue to bring attention to last-point-of-departure airport security and show the global aviation community that the United States is serious about these international challenges.

Regardless of how challenging they may be, however, we must always strive to lead in this critically important area because raising the aviation security standard around the globe will ultimately keep America safe.

We all know and we all acknowledge that America is the Holy Grail for terrorism, and we must understand that by keeping standards that are in place in America and getting those standards internationally is critically important.

[The statement of Chairman Katko follows:]

STATEMENT OF CHAIRMAN JOHN KATKO

SEPTEMBER 26, 2017

The recent failed plot to take down a passenger plane in Australia is a stark reminder that aviation still stands as a top target for terrorists around the world. This incident is alarming for many reasons, but perhaps most disturbing is how the improvised explosive device came into the hands of the suspects. According to reports, an ISIS operative sent the parts of the IED on a cargo plane from Turkey to the suspects in Australia. The suspects were able to build the IED and then attempt to conceal it in their luggage. Fortunately, the bag was over the weight limit and unable to be brought on the plane. If not for good luck, this plot could have been successful. The Australians called this one of the most sophisticated plots that has ever been attempted on Australian soil.

Exposing not only the vulnerabilities and threats to both passenger and cargo aircraft, this plot illuminates the importance of the international community in securing aviation. The international aviation system represents our modern, globalized world. However, with interconnected transportation systems comes interconnected risk. No matter how good our domestic airport and aircraft security is, we must continue to raise the standard of global aviation security for foreign countries and last-point-of-departure airports. It is imperative that aviation security standards are robust, and that these standards are commonplace in foreign countries, especially those with LPD airports. Confidence in aviation security at home begins with the assurance that our global partners are enforcing security standards abroad.

Today, the subcommittee holds this hearing to better understand the scope and impact of DHS's global programs aimed at securing international aviation, as well as recent efforts to enhance security at overseas airports with direct flights to the United States. We want to hear from all of our witnesses about what we are currently doing to improve global aviation security, as well as what we could be doing better, and how Congress can work with the Department to support these efforts.

We cannot afford to ignore the potential security lessons from the Australian incident, which was thankfully unsuccessful. Just as the failed 2010 Yemen plot led to major improvements to cargo screening, we must use this as a way to assess and improve our own security and the security of our international partners. Additionally, ISIS's role in this plot solidifies their sophistication, determination, and ability to threaten every corner of the globe—despite losing large parts of its so-called caliphate in Iraq and Syria.

DHS's overseas mission is now more important than ever, and it is critical that this subcommittee understands the extent of the Department's global reach, as well as how the U.S. Government is working with foreign partners and aviation stakeholders to enhance security at overseas airports. The subcommittee supports the recent security measures that were implemented for in-bound flights to the United States. We look forward to hearing how these measures are improving our security and what else is under consideration to continue to raise the standard of global aviation security.

Additionally, we want to hear about the efforts of other entities, such as the International Civil Aviation Organization, in setting aviation security standards world-wide. ICAO and other entities are an essential component in proliferating security best practices and capacity building at high-risk airports around the world. However, many airports around the globe with inadequate security are receiving "passing grades" based on ICAO standards. DHS must do all it can to raise these international standards and ensure their enforcement, and I look forward to hearing more about that.

Throughout the 114th and 115th Congresses, this subcommittee has worked to close security gaps at LPD airports. This includes my legislation signed into law that directs TSA to perform comprehensive security risk assessments of all LPD airports and develop a strategy to enhance security for in-bound flights, while also authorizing TSA to donate screening equipment to foreign airports in need of advanced technology. It also includes Chairman McCaul's DHS Authorization bill, which directs the United States to work with international partners to increase the minimum standards for aviation security world-wide, and requires foreign airports to provide U.S. inspectors with information about the screening and vetting of airport workers during regular security assessments. These pieces of legislation highlight the challenges our foreign partners face in passenger and cargo screening, as well as vetting aviation workers with access to secure and sensitive areas of airports.

These efforts in Congress, together with the actions of DHS abroad, will continue to bring attention to LPD airport security and show the global aviation community that the United States is serious about these international challenges. Regardless of how challenging they may be, however, we must always strive to lead in this critically important area, because raising the aviation security standard around the globe will ultimately keep Americans safe.

Mr. KATKO. Now, I am pleased to recognize the Ranking Member, my friend of the subcommittee, the gentlelady from New Jersey, Mrs. Watson Coleman, for her opening statement.

Mrs. WATSON COLEMAN. Thank you, Chairman Katko, and thank you for convening this hearing.

I appreciate the witnesses being here today as well. This year there have been a series of thwarted terrorist plots that underscore the diverse nature of the threat to aviation. We know that when the Department of Homeland Security issues an aviation security directive, the entire world reacts.

It is important that this subcommittee continues its robust oversight of DHS's efforts to raise baseline security at overseas airports. Over the past decade, TSA and CBP have played central roles in these efforts.

The Obama administration expanded CBP's pre-clearance program to help the Department of Homeland Security identify terror-

ists, criminals, and other security threats prior to boarding passenger planes.

Additionally, under President Obama's leadership, DHS pushed out policies that improved security for U.S.-bound flights, principally through active engagement with the international body that oversees standards for civil aviation. It is imperative that Congress and the Department of Homeland Security build on the gains made under the Obama administration to advance aviation security.

The recent aviation threat posed by large personal electronic devices and the foiled Australia airplane attack demonstrate that we cannot place 9/11, subsequent attacks, and thwarted plots in the rearview mirror. We must continue to move forward.

In moving forward, Congress has a responsibility to prioritize agency spending. My colleagues on the other side of the aisle, should familiarize themselves with the phrase "opportunity cost."

For every dollar that is diverted to erecting the politically-motivated border wall, there are fewer resources for doing vital, real security work, like international engagement or on aviation security or surface transportation security, an area of which I am particularly interested in.

As stewards of the taxpayer dollars, we have a duty to put valuable taxpayer resources in the areas of greatest need. Providing adequate resources is paramount to allowing TSA to quickly respond to threats.

I hope to hear more today about where the agency's needs are, as well as how they have adjusted to the recent threats. I look forward to hearing from CBP about their pre-clearance program and plans for the future.

The Obama administration planned to expand that program by 10 new foreign airports, but it is unclear whether President Trump has a desire in growing this security program. I will be happy to hear what you have to say about that.

I am pleased to see GAO participating in today's hearing. GAO has been a steady source for Congress as we learn more about security for last-point-of-departure airports. Their contribution to today's hearing is invaluable. I look forward to engaging with GAO about their findings, and issues for Congress to consider.

Finally, let me say that the new Trump travel ban is deeply troubling. Identifying—excuse me—indefinitely banning all citizens of certain countries from applying for visas to the United States is not only bad security policy, it is un-American.

I am confident our Government can continue to conduct individualized risk-based assessments on visa applicants that ensure our Nation's security without undermining our fundamental principles as a Nation. I hope that the courts will closely scrutinize this most recent travel ban and urge my colleagues to exercise our oversight authority on this issue.

With all that said, once again, I thank the witnesses for appearing before us today. Look forward to hearing from you today on those critically important issues. As an aside, let me just say that having read your written testimonies that you submitted, I am very impressed with the measure of accountability checks and balances that are employed with the work that you do, and I feel a certain sense of confidence having read that.

With that, Mr. Chairman, I yield back to you. Thank you.
[The statement of Ranking Member Watson Coleman follows:]

STATEMENT OF RANKING MEMBER BONNIE WATSON COLEMAN

SEPTEMBER 26, 2017

Thank you, Mr. Chairman. Thank you for convening this hearing.

I appreciate the witnesses being here today.

This year, there have been a series of thwarted terrorist plots that underscore the diverse nature of the threat to aviation. We know that when the Department of Homeland Security issues an aviation security directive, the entire world reacts. It is important that this subcommittee continue its robust oversight of DHS's efforts to raise baseline security at overseas airports. Over the past decade, TSA and CBP have played central roles in these efforts.

The Obama administration expanded CBP's Preclearance Program to help the Department of Homeland Security identify terrorists, criminals, and other security threats prior to boarding passenger planes. Additionally, under President Obama's leadership, DHS pushed out policies that improved security for U.S.-bound flights, principally through active engagement with the international body that oversees standards for civil aviation. It is imperative that Congress and the Department of Homeland Security build on the gains made under the Obama administration to advance aviation security.

The recent aviation threats posed by large personal electronic devices and the foiled Australian airplane attack demonstrate that we cannot place 9/11, subsequent attacks, and thwarted plots in the rear view mirror. We must continue to move forward.

In moving forward, Congress has a responsibility to prioritize agency spending. My colleagues on the other side of the aisle should familiarize themselves with the phrase "opportunity cost." For every dollar that is diverted to erecting the politically-motivated Border Wall, there are fewer resources for doing vital REAL security work, like international engagement on aviation security or surface transportation security. As stewards of the taxpayer dollars, we have a duty to put valuable taxpayer resources in the areas of greatest need. Providing adequate resources is paramount to allowing TSA to quickly respond to threats.

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With all that said, once again, I thank the witnesses for appearing before us today, and look forward to hearing from you today on these critically important topics.

I yield back the balance of my time Mr. Chairman.

Mr. KATKO. Thank you, Mrs. Watson Coleman. Other Members of the subcommittee are reminded that opening statements may be submitted for the record.

We are pleased to have a distinguished panel here to testify here before us today on this very important topic.

Let me remind the witnesses that their entire written statements will appear in the record. Our first witness is Mr. Craig Lynes. Mr. Lynes served as the director of compliance with the Office of Global Strategies at the Transportation Security Administration. That is his current role.

Prior to that role, Mr. Lynes, served as the director of Global Affairs International Operations from 2014 to 2017, where he was responsible for reducing security risks to global transportation modes through operational support to TSA representatives, or TSARs.

Previously, Mr. Lynes, was stationed overseas as the attaché for the United Kingdom, Ireland, and Iceland based at the U.S. embassy in London, which is pretty cool I must say. I have a lot of family over in Ireland still.

I now recognize Mr. Lynes for his opening statement.

STATEMENT OF CRAIG LYNES, DIRECTOR OF GLOBAL COMPLIANCE, OFFICE OF GLOBAL STRATEGIES, TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. LYNES. Thank you. Chairman Katko, Ranking Member Watson Coleman, and Members of the subcommittee, thank you for the opportunity to testify regarding TSA's global aviation security mission. My name is Craig Lynes, and I serve as TSA's director of Global Compliance.

The terrorist attacks of TWA flight 847 and the bombing of Pan Am flight 103 were two significant events from which the foreign airport assessment program was founded and that led me to seek a career in international aviation security.

I began my Federal career as a civil aviation security inspector for the FAA. I have held a number of international positions at TSA, including as an international industry representative, the TSA representative attaché to the United Kingdom and most recently in executive leadership positions within TSA's international program.

It was during my overseas posting in London that I had the opportunity to serve as the U.S. speaker at the 25th anniversary of the Pan Am flight 103 attack in Lockerbie, Scotland, pledging at the somber anniversary, our unrelenting commitment to continuing the fight against terrorism, protecting global civil aviation, and seeking to ensure that these types of horrific events never occur again.

Yet as terrorists actively pursue multiple approaches to compromising the global web of civil aviation, targeting both passenger and cargo aircraft, including innovative methods for concealing explosives, recruiting airport and airline insiders, attacking airport public areas and hijacking aircraft, TSA has taken significant steps to address not only these threats, but to raise the global baseline for aviation security.

TSA has worked closely with airlines and industry on enhanced security measures enacted in June 2017. These measures helped to secure flights from more than 280 last-point-of-departure airports in 105 countries around the world. These enhanced security measures, both seen and unseen, will improve screening and heighten security standards for airlines and airports.

The global compliance directorate is responsible for ensuring the effective implementation of these measures through the world-wide deployment of our assessment teams. TSA's international inspectors are located in six regional offices throughout the world.

As required by law, TSA is responsible for assessing foreign airports with direct flights to the United States and inspecting aircraft operators with service to the United States. During fiscal year 2016, TSA conducted 135 foreign airport assessments and 1,880 air carrier inspections.

The United Nation's recent passing of Security Council Resolution 2309 called upon the international community to bolster its efforts to secure international air travel.

Within ICAO, TSA continues its work to enhance international aviation standards. Recently, TSA Administrator Pekoske spoke at the ICAO Symposium, where he emphasized the importance of advancing global aviation security.

These include fostering a culture of security, information sharing, ensuring rigorous implementation of standards, adopting innovation and technology, all with thorough oversight programs.

To assist and promulgate the efforts of raising the baseline, TSA has forward-deployed TSA representatives who serve as the on-site attachés in embassies abroad. TSARs are charged with building and maintaining strong security partnerships around the world to advance TSA security policies and initiatives.

Additionally, TSA international industry representatives serve as the primary liaison to over 330 foreign and domestic airlines. They coordinate information sharing on aviation security requirements, security policy, and incident management.

TSA Federal air marshals also cover numerous flights departing from international airports. Our mission overseas is to identify, analyze, and mitigate vulnerabilities to reduce the risk to in-bound aviation. Our assessment and inspection information allows us to identify vulnerabilities and develop mitigation plans to address them.

Capacity development is one of our primary methods for addressing vulnerabilities. Activities range from traditional classroom training, interactive workshops, technical assistance, mentoring and equipment loans and donations. In fiscal year 2016, TSA conducted 47 capacity development events world-wide.

Thank you for the opportunity to appear before you today to discuss TSA's role in international aviation security. I look forward to answering your questions.

[The joint prepared statement of Mr. Lynes and Mr. Owen follows:]

JOINT PREPARED STATEMENT OF CRAIG LYNES AND TODD C. OWEN

SEPTEMBER 26, 2017

INTRODUCTION

Good afternoon, Chairman Katko, Ranking Member Watson Coleman, and distinguished Members of the subcommittee. Thank you for the opportunity to appear before you today to discuss U.S. Customs and Border Protection's (CBP) role in cargo and passenger security as it pertains to commercial air service.

In response to 9/11 and the persisting threats from terrorists and criminals who have long viewed aviation as a leading target for attack and/or exploitation, CBP continues to adapt its security approach and strengthen its ability to detect and mitigate diverse threats through a multi-layered, risk-based system. As the lead Department of Homeland Security (DHS) agency for border security, CBP works closely with our domestic and international partners to deny terrorist exploitation of the aviation sector and to protect the Nation from a variety of dynamic threats, including those posed by passengers, cargo and commercial conveyances arriving at our ports of entry (POE).

CBP utilizes a risk-based strategy and operational approach to secure and facilitate the immense volume of international trade and travel. In fiscal year 2016, CBP officers processed more than 390 million travelers at air, land, and sea POEs, including more than 119 million air travelers. CBP officers also processed more than

27 million imported cargo containers at POEs in fiscal year 2016, equating to $2.28 trillion in imports.[1]

CBP's security and facilitation missions are mutually supportive: By utilizing a risk-based strategy and multi-layered security approach, CBP can focus time and resources on those suspect shipments and passengers that are high-risk. This approach separates known and unknown air travelers and allows CBP to facilitate legitimate trade and travel, which are critical to America's economic growth.

By leveraging intelligence-driven analysis, innovative partnerships, and advanced technology, CBP secures and promotes the movement of legitimate cargo and travelers transiting through the aviation environment. This multi-layered approach is designed to detect, identify, and prevent potentially dangerous or inadmissible individuals or dangerous cargo from boarding planes bound for the United States and is integrated into every aspect of our rigorous travel and cargo security operations at every stage along the international trade and travel continuum.

AIR CARGO SECURITY

CBP's cargo security approach incorporates three layered elements to improve supply chain integrity, promote economic viability, and increase resilience across the entire global supply chain system.

Advance Information and Targeting

First, CBP leverages advance information about cargo, conveyances, and persons, and tailored targeting techniques to increase domain awareness and assess the risk of all components and factors in the supply chain. CBP, supported by the Transportation Security Administration (TSA), recently extended the Air Cargo Advance Screening (ACAS) pilot,[2] which began after the global counterterrorism community discovered and disrupted a potential terrorist attack in October 2010 that would have occurred mid-air over the continental United States, using explosive devices concealed in cargo on-board two aircrafts destined to the United States. This incident demonstrated the significance of early advance information in identifying and disrupting terrorist attempts to exploit the global supply chain. While CBP had already been receiving some advance electronic information for air shipments prior to arrival in the United States, this incident exposed the need to collect certain advance information to enable CBP and TSA to target and mitigate high-risk shipments prior to the loading of cargo onto aircraft destined for the United States. The ACAS pilot program requests that the in-bound carrier or other eligible party electronically transmit specified advance cargo data (ACAS data) to CBP for air cargo transported onboard U.S.-bound aircraft as early as practicable, but no later than prior to loading of the cargo onto the aircraft.

This advance information requirement is a critical element of CBP's targeting efforts at the National Targeting Center (NTC) and enhances CBP's capability to identify high-risk cargo without hindering legitimate trade and commerce. The NTC, established in 2001, coordinates and supports CBP's counterterrorism activities related to the movement of cargo in all modes of transportation—sea, truck, rail, and air. Using the Automated Targeting System (ATS), the NTC proactively analyzes advance cargo information before shipments depart foreign ports. ATS incorporates the latest cargo threat intelligence and National targeting rule-sets to generate a uniform review of cargo shipments, and provides comprehensive data for the identification of high-risk shipments. ATS is a critical decision-support tool for CBP officers working at the NTC, the Advanced Targeting Units at our POEs, and foreign ports.

Government and Private-Sector Collaboration

Second, in addition to CBP's targeting capabilities, a critical component of CBP's effort to extend our cargo security to the point of origin is our effective partnerships with private industry. CBP works with the trade community through the Customs—Trade Partnership Against Terrorism (C–TPAT) program, which is a public-private partnership program wherein members of the trade community volunteer to adopt tighter security measures throughout their international supply chains in exchange for enhanced trade facilitation, such as expedited processing. C–TPAT membership has rigorous security criteria, and requires extensive vetting and on-site validation visits of domestic and/or foreign facilities. This program has enabled CBP to leverage private sector resources to enhance supply chain security and integrity on a global level.

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[1] Air import values account for approximately 25 percent.

[2] *https://www.federalregister.gov/documents/2017/07/24/2017-15441/extension-of-the-air-cargo-advance-screening-acas-pilot-program.*

C–TPAT membership has grown from just seven companies in 2001 to more than 11,000 companies today, accounting for more than 54 percent (by value) of goods imported into the United States. The C–TPAT program continues to expand and evolve as CBP works with foreign partners to establish bi-lateral mutual recognition of respective C–TPAT-like programs. Mutual Recognition as a concept is reflected in the World Customs Organization's Framework of Standards to Secure and Facilitate Global Trade, a strategy designed with the support of the United States, which enables Customs Administrations to work together to improve their capabilities to detect high-risk consignments and expedite the movement of legitimate cargo. These arrangements create a unified and sustainable security posture that can assist in securing and facilitating global cargo trade while promoting end-to-end supply chain security. CBP currently has signed Mutual Recognition Arrangements with New Zealand, the European Union, South Korea, Japan, Jordan, Canada, Taiwan, Israel, Mexico, Singapore, and the Dominican Republic and is continuing to work toward similar recognition with China, Brazil, Peru, Uruguay, and India.

Advanced Detection Equipment and Technology

Finally, CBP maintains robust inspection regimes at our POEs, including the use of non-intrusive inspection (NII) equipment, canines, and radiation detection technologies. NII technology enables CBP to detect materials that pose potential nuclear or radiological threats, and other materials, including illicit narcotics such as heroin, fentanyl, cocaine, and illicit prescription drugs. Technologies deployed to our Nation's land, sea, and air POEs include large-scale X-ray and Gamma-ray imaging systems, as well as a variety of portable and handheld technologies. NII technologies are force multipliers that enable us to screen or examine a larger portion of the stream of commercial traffic while facilitating the flow of legitimate cargo. Canine operations are also an invaluable component of CBP's cargo security operations. CBP canine teams work at international mail facilities to examine millions of foreign mail shipments coming into the United States from all parts of the world.

These interrelated elements are part of a comprehensive cargo security strategy that enables CBP to identify and address the potential use of containerized cargo to transport dangerous materials, before they arrive at our Nation's border.

AIR PASSENGER SECURITY

On a typical day, CBP welcomes to the United States more than 300,000 international travelers at our Nation's airports. One of the initial layers of defense in securing international air travel is preventing dangerous persons from obtaining visas, travel authorizations, and boarding passes. Before boarding a flight destined for the United States, most foreign nationals [3] must obtain a nonimmigrant or immigrant visa—issued by a U.S. embassy or consulate—or, if they are eligible to travel under the Visa Waiver Program (VWP), they must apply and be approved for a travel authorization through the Electronic System for Travel Authorization (ESTA).

Pre-departure Safeguards

Through ESTA, CBP conducts enhanced vetting of VWP applicants in advance of travel to the United States, to assess whether they are eligible to travel under the VWP, or whether they could pose a risk to the United States or the public at large. All ESTA applications are screened against security and law enforcement databases, and CBP automatically refuses authorization to individuals who are found to be ineligible to travel to the United States under the VWP. Similarly, current and valid ESTAs may be revoked if concerns arise through recurrent vetting.

In response to increasing concerns regarding foreign fighters and other terrorist threats, DHS continues to strengthen the security of VWP including by implementing enhancements to ESTA. Recent enhancements include a series of additional questions VWP travelers must answer on the ESTA application, including other names and citizenships; parents' names; contact and employment information; city of birth; travel history in select countries. These improvements are designed to provide an additional layer of security for the VWP and increase our ability to distinguish between lawful applicants and individuals of concern.

Any traveler who requires a nonimmigrant visa to travel to the United States must apply to the Department of State (DOS) under specific visa categories depending on the purpose of their travel, including those as visitors for business, pleasure, study, and employment-based purposes. Prior to the issuance of a visa, the DOS

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[3] Exceptions would be citizens of countries under other visa exempt authority, such as Canada. Citizens of countries under visa exempt authority entering the U.S. via air are subjected to CBP's vetting and inspection processes prior to departure. In the land environment, they are subjected to CBP processing upon arrival at a U.S. POE.

screens every visa applicant's biographic data against the DOS Consular Lookout and Support System, and provides data to the inter-agency community via the streamlined DOS Security Advisory Opinion (SAO) process to alert consular officers to the existence of Terrorist Screening Database (TSDB) files or records related to potential visa ineligibilities. DOS also checks the applicant's biometric data (i.e., fingerprints and facial images) against other U.S. Government databases for records indicating potential security, criminal, and immigration violations.

In an effort to augment visa security operations, U.S. Immigration and Customs Enforcement (ICE) Visa Security Program (VSP) personnel are co-located with CBP personnel at the NTC to conduct thorough and collaborative analysis and in-depth investigations of high-risk visa applicants. The VSP is focused on identifying terrorists and criminal suspects and preventing them from exploiting the visa process, while the NTC provides tactical targeting and analytical research in support of preventing terrorist and terrorist weapons from entering the United States.

Furthermore, ICE, CBP, and DOS have implemented an automated visa application screening process that significantly expands DHS's ability to identify serious threats to National security and public safety. The program enables synchronized reviews of information across these agencies and allows for a unified DHS response and recommendation regarding a visa applicant's eligibility to receive a visa. This process also serves as a precursor to and works in conjunction with the current DOS SAO and Advisory Opinion (AO) programs. The collaborative program leverages the three agencies' expertise, authorities, and technologies to screen pre-adjudicated (approved) visa applications and enhance the U.S. Government's anti-terrorism efforts.

Once travel is booked, CBP's NTC gathers information, assesses risk, and conducts pre-departure vetting for all international flights departing for the United States by commercial air. CBP leverages all available advance passenger data [4]— including Passenger Name Record (PNR) and Advance Passenger Information System (APIS) data, previous crossing information, intelligence, and law enforcement information, as well as open-source information in its counterterrorism efforts at the NTC—to make risk-based operational decisions before a passenger boards an aircraft, continuing until the traveler is admitted to the United States.

CBP's pre-departure vetting efforts work in concert with TSA's Secure Flight program, which vets passengers flying to, from, over, and within the United States against the No-Fly and Selectee portions of the TSDB.

Overseas Enforcement Programs and Partnerships

Supported by these targeting efforts, CBP uses overseas enforcement capabilities and partnerships to extend our zone of security. Working in conjunction with the NTC, CBP's overseas programs—Preclearance, Immigration Advisory and Joint Security Programs (IAP/JSP), and Regional Carrier Liaison Groups (RCLGs)—provide the ability to address those risks or prevent the movement of identified threats toward the United States at the earliest possible point.

Preclearance provides for the complete inspection, including determination of an alien's admissibility to the United States for all travelers before passengers ever board a U.S.-bound flight from a foreign location at which preclearance is established. Through preclearance, CBP is able to work with foreign law enforcement officials and commercial carriers to prevent the boarding of potentially high-risk travelers, leveraging law enforcement authorities consistent with the governing agreements, as opposed to serving a purely advisory role. Preclearance also provides unique facilitation benefits, generally allowing precleared passengers to proceed to their final destination without further CBP processing, as if they had arrived on a domestic flight. It is important to note, however, that CBP always retains the authority to conduct further inspection or engage in enforcement action of a precleared flight upon its arrival in the United States. CBP currently has 15 Preclearance locations in six countries: Dublin and Shannon in Ireland; Aruba; Freeport and Nassau in The Bahamas; Bermuda; Abu Dhabi, United Arab Emirates; and Calgary, Toronto, Edmonton, Halifax, Montreal, Ottawa, Vancouver, and Winnipeg in Canada.

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[4] When a traveler purchases a ticket for travel to the United States on a commercial air carrier, a PNR may be generated in the airline's reservation system. PNR data contains information on itinerary, co-travelers, changes to the reservation, and payment information. CBP receives passenger data from commercial air carriers at various intervals up to 96 hours prior to departure and concluding at the scheduled departure time. Further, APIS regulations require that commercial air carriers transmit all passenger and crew manifest information before departure, prior to securing the aircraft doors. CBP vets APIS information, which includes passenger biographic data and travel document information, on all international flights to and from the United States against the TSDB, criminal history information, records of lost or stolen passports, public health records, and prior immigration or customs violations and visa refusals.

Building upon the success of existing Preclearance operations, CBP intends to expand the program to new locations. DHS prioritization for expansion includes technical site visits to interested airports, during which each airport is carefully evaluated based on the current and future capacity to host CBP Preclearance operations and aviation security screening meeting TSA standards, as well as an analysis of the potential facilitation and homeland security benefits. CBP is currently negotiating with several countries interested in establishing Preclearance operations, and recently concluded agreements to cover Stockholm, Sweden (signed November 4, 2016) and Punta Cana, Dominican Republic (signed December 1, 2016).

Through IAP, CBP officers in plain clothes are posted at major gateway airports in Western Europe, with a presence in Asia and the Middle East including: Amsterdam, Frankfurt, London Heathrow, London Gatwick, Manchester, Madrid, Paris, Tokyo, and Doha. Building on the IAP concept, CBP launched the JSP, partnering with host country law enforcement to identify high-risk travelers. JSP officers are posted in Mexico City, Panama City, and San Salvador.

Finally, Regional Carrier Liaison Groups (RCLG) were developed to provide coverage of non-IAP airports and support Preclearance airports. CBP coordinates with the RCLGs to prevent terrorists and other inadmissible aliens from boarding U.S.-bound commercial aircraft. The RCLGs, which are located in Honolulu, Miami, and New York, are staffed by CBP officers and utilize established relationships with the commercial airlines to prevent passengers who may pose a security threat, who present fraudulent documents, or those who are otherwise inadmissible from boarding flights to the United States.

Arrival Processing

CBP's use of advance information and targeting are key elements of CBP's multi-layered security strategy to address concerns long before they reach the physical border of the United States. It is important to note that upon arrival in the United States, all persons, regardless of citizenship, are subject to inspection by CBP officers. CBP officers review entry documents, collect biometrics,[5] query CBP and other law enforcement databases with both biographic and biometric information, and interview each traveler to confirm identity, determine the purpose and intent of their travel, and whether any further inspection is necessary based on, among other things, National security, admissibility, customs, or agriculture concerns.

During arrival processing, CBP officers remove from circulation counterfeit, fraudulent, and altered travel documents, as well as lost or stolen travel documents presented for use by an individual other than the rightful holder. In fiscal year 2016, CBP intercepted 7,689 fraudulent documents. CBP's Fraudulent Document Analysis Unit maintains a central fraudulent document repository and provides analysis, intelligence, alerts, and training back to the field. Furthermore, through the Carrier Liaison Program, CBP officers provide interactive training to commercial air carrier participants to improve the air carrier's ability to detect and disrupt improperly documented passengers. Since the program's inception in 2005, CLP has provided training to more than 36,341 airline industry personnel.

Furthermore, CBP Tactical Terrorism Response Teams (TTRT) of CBP officers who are specially trained in counterterrorism response are deployed at the 46 largest POEs—including 22 POEs added in calendar year 2017 to conduct advanced interview training. TTRT officers are responsible for the examination of travelers identified within the TSDB as well as other travelers, their associates, or co-travelers who arrive at POE and are suspected of having a nexus to terrorist activity. TTRT officers work closely with NTC analysts to exploit information derived from targeting and inspection to mitigate any possible threat. During fiscal year 2017, through September 2017, more than 1,400 individuals were denied entry to the United States as a result of TTRT efforts and information discovered during the secondary inspection at POEs.

CONCLUSION

CBP will continue to work with our Federal and international partners—as well as commercial carriers and the trade community—to ensure the security and facilitation of the immense volume of international air travelers and cargo. We will continue to collaborate to strengthen on-going efforts to secure the aviation sector

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[5]Generally speaking, biometrics are collected from aliens arriving at U.S. airports, except for: (i) Certain Canadian citizens temporarily visiting the United States; (ii) children under the age of 14; (iii) persons over the age of 79; and (iv) aliens admitted on A–1, A–2, C–3 (except for attendants, servants, or personal employees of accredited officials), G–1, G–2, G–3, G–4, NATO–1, NATO–2, NATO–3, NATO–4, NATO–5, or NATO–6 visas; and (v) certain Taiwan officials who hold E–1 visas or members of their immediate family who hold E–1 visas.

against terrorists and other threats, and promote safe and efficient international travel and trade to the United States.

Chairman Katko, Ranking Member Watson Coleman, and Members of the subcommittee, thank you for the opportunity to testify today. I look forward to answering your questions.

Mr. KATKO. Thank you, Mr. Lynes. Every time I hear someone mention Pan Am 103 I think of one of my best friends for the last 20 years who lost his sister on that flight from Oswego State. I also think of the 35 students from Syracuse University who died on that flight and that were in my district.

There is a big monument up on the university where I went to law school commemorating that terrible day, and it is what drives me and drives all of us, I think, to make sure something like that never happens again.

But we must face reality that that is always a possibility and that is always a goal of the bad guys, so we have to be ever vigilant in what we do here on our committee to make sure that we are doing everything we can to hold people's feet to the fire in the international community.

We appreciate you being here today, and we thank you for your testimony, Mr. Lynes.

Our second witness is Mr. Todd Owen. Mr. Owen became the assistant commissioner of the office of field operations in February. He currently oversees over 29,000 employees including more than 24,00 CBP officers and CBP agricultural specialists.

Previously, Mr. Owen served as the director of field operations for the Los Angeles field office, where he had responsibility and oversight for all CBP operations in the greater Los Angeles area.

Prior to arriving in Los Angeles, Mr. Owen served as executive director of Cargo and Conveyance Security in Washington, DC, and as a director of the Customs-Trade Partnership Against Terrorism, also known as—I can't even pronounce it—C–TPAT.

The Chair now recognizes Mr. Owen for his opening statement, and I must admit that is one of the more interesting acronyms I have seen in Washington, so welcome.

Now before you start, Mr. Thompson is here. He is the Ranking Minority Member on the Homeland Security Committee, and when we get done with your testimony, if you would like, Mr. Thompson, we would be happy to allow you to make a statement.

Mr. THOMPSON. OK.

Mr. KATKO. OK.

Please go ahead, Mr. Owen.

STATEMENT OF TODD C. OWEN, EXECUTIVE ASSISTANT COMMISSIONER, OFFICE OF FIELD OPERATIONS, CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. OWEN. OK. Good morning, Chairman Katko, Ranking Member Watson Coleman, distinguished Members of the subcommittee. Thank you for the opportunity to appear today to discuss U.S. Customs and Border Protection's role in cargo and passenger security as it pertains to the international aviation sector. As the unified border security agency of the United States, CBP is charged with securing our borders and preventing the introduction of terrorists and terrorist weapons into our country.

In response to 9/11 and the persisting threats from terrorists who have long viewed aviation as the leading target for attack, CBP continues to adapt our multi-layered security approach and strengthen our ability to detect risk and mitigate diverse aviation threats, those posed by passengers, cargo, commercial conveyances arriving at our ports of entry.

This multi-layered approach is integrated into every aspect of our rigorous travel and cargo security operations at every stage along the international trade and travel continuums.

Each day over 1 million international travelers cross our borders, approximately 300,000 in the air environment. Additionally, over 1 million international air cargo packages enter our country every day. As international travel continues to grow, and with the increase in e-commerce, these volumes are sure to climb.

In the travel environment, CBP leverages advanced data, enhanced targeting systems, multiple pre-departure safeguards, international programs and partnerships, all part of our strategy to secure air travel by pushing our borders outward through the early identification of and response to potential threats.

CBP's travel security approach starts well before the traveler boards a plane. Before traveling to the United States most foreign nationals must obtain a nonimmigrant or immigrant visa issued by the U.S. embassy or consulate.

Or if they are eligible for travel under the visa waiver program, they must apply and be approved for travel authorization through the Electronic System for Travel Authorization or ESTA.

From the moment they apply for a visa, or complete their ESTA, CBP's national targeting center begins to assess the risk of the applicant against law enforcement, intelligence and National security databases. This vetting performed by CBP is continuous and occurs through arrival into the United States ports of entry.

Then, once travel is booked and before the flight departs, CBP then uses airline reservation data, airline passenger manifests, previous border inspection information, intelligence and law enforcement information to identify travelers of National security concern or who are likely inadmissible into the United States.

CBP is then able to address potential concerns through a suite of international enforcement and liaison programs, such as pre-clearance, the Immigration Advisory Program, the joint security program and through our regional carrier liaison groups.

These partnerships provide CBP the ability to address identified risk or prevent the boarding of individuals who pose a threat to the country or are inadmissible into the United States.

It is important to note that upon arrival into the United States, all persons, regardless of citizenship, are subject to inspection by CBP officers. CBP officers review entry documents, collect biometrics, query CBP and other law enforcement databases and interview each traveler before deciding if the traveler is admissible into the United States.

Likewise, in the air cargo environment, CBP leverages advanced information about the cargo, conveyances, and persons involved in a shipment to identify those shipments which may potentially pose a risk to homeland and aviation security.

As part of our Air Cargo Advanced Screening pilot program, or ACAS, CBP receives advanced information on shipments prior to loading onto the aircraft bound for the United States.

Air cargo shipments warranting additional scrutiny may be examined at the last point of departure through coordination with our TSA and international partners. The ACAS program was launched by CBP and TSA in October 2010 in response to the foiled Yemen printer cartridge bomb plot.

To date, the ACAS pilot program has 53 voluntary participants from the air cargo community and covers 83 percent of the air cargo shipments headed to the United States. Lessons learned from the program have allowed CBP to effectively target, identify, and mitigate risk in the air cargo environment, while minimizing impact on trade operations.

In conclusion, CBP will continue to work with our Federal and international partners, as well as commercial carriers in the trade community, to strengthen our on-going efforts to secure the aviation sector against terrorists and other threats, and promotes safe and efficient international travel and trade to the United States.

Chairman Katko, Ranking Member Watson Coleman, Members of the subcommittee, thank you for the opportunity to testify today, and I look forward to answering your questions.

Mr. KATKO. Thank you, Mr. Owen. We appreciate you taking the time to be here today and provide your testimony.

Our third witness is well-known to us. That is Ms. Jennifer Grover. Ms. Grover is the director of Government Accountability Office's Homeland Security and Justice Team, leading a portfolio of work on transportation security.

In this position she oversees GAO's reviews of the TSA and Coast Guard programs and operations. She joined GAO in 1991 and regularly testifies before Congressional committees as an expert witness. She earned a Master's degree in public policy administration from the University of Wisconsin—Madison, and a Bachelor's degree in political science from the University of Illinois of Urbana—Champaign.

I now recognize Ms. Grover for her opening statement.

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

Ms. GROVER. Thank you. Good morning, Chairman Katko, Ranking Member Thompson, Ranking Member Watson Coleman, other Members of the subcommittee and the staff. Thanks for the opportunity to testify today on last-point-of-departure airports.

My main message is that TSA has a strong program in place to assess security and address deficiencies at foreign airports, but could improve its data management to better understand the effectiveness of different approaches that they use to enhance foreign airport security, as well as the overall state of LPD security.

Through its assessments, TSA evaluates the security measures that are in place at the roughly 300 airports across the world that fly directly to the United States.

Over the past years TSA has significantly improved its foreign airport assessment program by adding more consistent and tar-

geted assessments, risk-based operations, more systematic vulner-
ability scores and new approaches for data analysis.

When TSA inspectors do identify a deficiency, they have a broad
set of tools that they can use to help foreign officials address the
problem, including on-the-spot counseling, training for airport staff,
technical consult, and providing equipment.

Importantly, TSA can also require the air carriers operating from
that airport to implement security procedures to help fill any gaps
in airport security measures.

Figuring out how to best address a deficiency is complicated be-
cause each airport is unique in its laws, customs, the equipment,
and the knowledge about how best to use it. So what works at one
airport may not always work well at another airport that has the
same type of problem.

Therefore TSA needs good data on the root causes behind each
deficiency, what corrective actions were recommended, what capac-
ity-building steps were taken and the outcome to understand how
to most effectively deploy its resources.

We found that TSA does have a data management system to
track these factors, but agency officials are not using it consistently
and the data fields are not specific enough. For example, our re-
view of the 2016 data showed that 70 percent of the data on root
causes and corrective actions was blank.

If TSA officials were to complete the databases required and if
the data collected was more specific, the agency could analyze the
relative success of different types of approaches and would also
have better visibility on the state of security at LPD airports world-
wide. In our forthcoming report we will recommend that TSA make
these changes.

One note of caution before I conclude. Although TSA has a strong
program for assessing foreign airports, that does not necessarily
ensure strong security across all LPD airports. Some airports still
struggle to fully implement all aspects of the ICAO standards. Our
analysis of 5 years' worth of TSA data from 2012 to 2016 showed
regional variation in LPD airport compliance with the ICAO stand-
ards.

TSA considers the results to be sensitive so I can't address them
here, but I can say that airports in certain regions are more likely
to fall short of the standards and that some of the ICAO standards
tend to be more challenging to implement than others.

Given the on-going vulnerabilities that remain at some LPD air-
ports, TSA should pursue improved data management to better
monitor the relative effectiveness of the wide variety of different
approaches that they have available to them, as well as the avia-
tion security environment as a whole. This concludes my state-
ment. I look forward to your questions.

[The prepared statement of Ms. Grover follows:]

PREPARED STATEMENT OF JENNIFER GROVER

SEPTEMBER 26, 2017

Chairman Katko, Ranking Member Watson Coleman, and Members of the sub-
committee: Thank you for the opportunity today to discuss our work examining the
Transportation Security Administration's (TSA) foreign airport assessment and air

carrier inspection programs. We are conducting this work in response to a provision in the Aviation Security Act of 2016.[1]

Civil aviation, including U.S.-bound flights, remains a target of coordinated terrorist activity. The threat has become more diverse as adversaries develop new tactics to attack the aviation system. With approximately 300 airports in foreign countries offering last-point-of-departure flights to the United States, TSA's efforts to evaluate the security of foreign airports and air carriers that service the United States—and mitigating any identified security risks—are of vital importance in ensuring the security of the aviation system.

This statement is based on a draft report, the sensitive version of which is currently with TSA for comment.[2] This testimony discusses key preliminary findings from that report on: (1) The steps TSA has taken to enhance foreign airport assessments and air carrier inspections since 2011 and (2) the steps TSA takes to address any deficiencies identified during foreign airport assessments and air carrier inspections. In addition to these objectives, our forthcoming sensitive report will describe the results of TSA's foreign airport assessments and air carrier inspections. We also plan to issue a public version of that report.

To address these objectives, we reviewed TSA documents, including its 2016 Foreign Airport Assessment Program Standard Operating Procedures (FAAP SOP). In addition, we interviewed senior TSA officials, inspectors, and country and industry liaisons located at TSA headquarters and in the field. We also interviewed other stakeholders, such as officials with the Department of State (State) and the European Commission (EC) to discuss efforts these organizations have in place to enhance international aviation security and their experiences coordinating with TSA. We accompanied a team of TSA inspectors during an air carrier inspection at an airport in Europe and we spoke with airport officials and representatives from two air carriers at a separate European airport. We based our site selection on several factors, including the air carrier locations TSA had plans to inspect during the course of our audit work and host Government willingness to allow us to accompany TSA. Finally, we compared TSA's efforts to leverage information for capacity development to the FAAP SOP and criteria for obtaining and processing information in Federal internal control standards.[3]

The work upon which this statement is based is being conducted in accordance with generally accepted Government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

BACKGROUND

Enacted shortly after the September 11, 2001, terrorist attacks, the Aviation and Transportation Security Act (ATSA) established TSA and gave the agency responsibility for securing all modes of transportation, including the Nation's civil aviation system.[4] Consistent with ATSA and in accordance with existing statutory requirements, TSA is to assess the effectiveness of security measures at foreign airports: (1) Served by a U.S. air carrier, (2) from which a foreign air carrier serves the United States, (3) that pose a high risk of introducing danger to international air travel, and (4) that are otherwise deemed appropriate by the Secretary of Homeland Security.[5]

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[1] See Pub. L. No. 114–190, tit. III, § 3202(b), 130 Stat. 615, 652 (2016). The Aviation Security Act was enacted on July 15, 2016 as title III of the FAA Extension, Safety, and Security Act of 2016.

[2] We shared the information in this statement with TSA for a sensitivity review and to obtain its views. TSA officials provided us with technical comments, which we have incorporated as appropriate, and determined that the statement contains no sensitive information.

[3] GAO, *Standards for Internal Control in the Federal Government*, GAO–14–704G (Washington, DC: September 2014).

[4] See Pub. L. No. 107–71, 115 Stat. 597 (2001); 49 U.S.C. § 114. For purposes of this statement, U.S.-flagged air carriers are air carrier operations regulated in accordance with 49 C.F.R. part 1544 and are referred to as "U.S. air carriers" or "domestic air carriers," and foreign-flagged air carriers are air carrier operations regulated in accordance with 49 C.F.R. part 1546 and are referred to as "foreign air carriers."

[5] 49 U.S.C. § 44907. Prior to the establishment of DHS in March 2003, authority for conducting foreign airport assessments resided with the Secretary of Transportation and was carried out by the Federal Aviation Administration (FAA). TSA assumed responsibility for conducting the assessments following the enactment of ATSA (enacted Nov. 19, 2001). In March

Continued

TSA assesses the effectiveness of security measures at foreign airports using select aviation security standards and recommended practices adopted by the International Civil Aviation Organization (ICAO), a United Nations organization representing 191 member countries.[6] In addition, TSA is to conduct inspections of U.S. air carriers and foreign air carriers servicing the United States from foreign airports in order to ensure that they meet applicable security requirements, including those set forth in an air carrier's TSA-approved security program.[7]

In 2007, we recommended that TSA take steps to improve oversight of its foreign airport assessment and air carrier inspection programs.[8] In 2011, we reported on TSA's efforts to assess the security at foreign airports and made several recommendations to enhance program efficiency and effectiveness, among other things.[9] Specifically, we recommended that TSA: (1) Develop a mechanism for trend analysis, (2) establish criteria and guidance to help decision makers with vulnerability ratings, and (3) consider the feasibility of conducting more targeted foreign airport assessments and compiling best practices. DHS concurred with the three recommendations and has since taken several actions to address them all, including developing a mechanism to compile and analyze best practices.

SINCE 2011, TSA HAS TAKEN VARIOUS STEPS TO STRENGTHEN ITS FOREIGN AIRPORT ASSESSMENT AND AIR CARRIER INSPECTION PROGRAMS

Our preliminary analysis showed that, since 2011, TSA has taken various steps to strengthen its foreign airport assessment and air carrier inspection programs. For instance, TSA has taken steps to:

- *Better target program resources based on risk.*—For example, based on a recommendation in our 2011 report, TSA has taken actions to conduct more targeted foreign airport assessments. Specifically, TSA developed the Pre-Visit Questionnaire, which foreign airport officials fill out prior to TSA's visit. This information enables each TSA foreign airport assessment team to tailor the on-site assessment at each airport and focus TSA's assessment efforts on specific areas of concern. TSA also implemented more focused airport assessments, known as targeted risk assessments, in locations where risk is high or there are other factors that require a more focused evaluation of the site's security posture.
- *Strengthen foreign airport access and the comprehensiveness of its airport and air carrier evaluations.*—For instance, according to TSA officials, the agency has used several tactics to resolve access issues and overcome delays with scheduling foreign airport visits at certain locations, including deploying the same inspectors over multiple assessments to build rapport with foreign airport officials. Furthermore, since our 2011 review, TSA has begun primarily assessing airports in Europe through joint assessments with the EC.[10] TSA officials we met with indicated that TSA's strong relationship with the EC has afforded the agency excellent access to foreign airports in Europe and a better understanding of vulnerabilities at these locations, which has resulted in more comprehensive assessments.
- *Create operational efficiencies.*—For instance, TSA developed the Global Risk Analysis and Decision Support System (GRADS) to streamline the assessment report writing process and strengthen the agency's data analysis capabilities of its foreign airport assessment results. According to TSA officials, GRADS has provided agency personnel with a number of benefits, including the ability to

2003, TSA transferred from the Department of Transportation to DHS in accordance with the Homeland Security Act of 2002. See Pub. L. No. 107–296, §403(2), 116 Stat. 2135, 2178 (2002).

[6] See 49 U.S.C. §44907(a)(2)(C). ICAO has a primary objective to provide for the safe, orderly, and efficient development of international civil aviation.

[7] In general, domestic and foreign air carriers that operate to, from, or within the United States must establish and maintain security programs approved by TSA in accordance with requirements set forth in regulation at 49 C.F.R. parts 1544 (domestic air carriers) and 1546 (foreign air carriers). See 49 U.S.C §§44903(c), 44906; 49 C.F.R. §§1544.3, 1544.101–1544.105, 1546.3, 1546.101–1546.105.

[8] GAO, *Aviation Security: Foreign Airport Assessments and Air Carrier Inspections Help Enhance Security, but Oversight of These Efforts Can Be Strengthened*, GAO–07–729 (Washington, DC: May 11, 2007).

[9] GAO, *Aviation Security: TSA Has Taken Steps to Enhance its Foreign Airport Assessments, but Opportunities Exist to Strengthen the Program*, GAO–12–163 (Washington, DC: October 21, 2011).

[10] The EC is the executive body of the European Union and is responsible for proposing legislation, implementing decisions, upholding the Union's treaties, and the general day-to-day running of the Union.

run standardized reports, extract and analyze key data, and manage airport operational information, such as data on security screening equipment.

TSA ADDRESSES SECURITY DEFICIENCIES THROUGH VARIOUS CAPACITY DEVELOPMENT EFFORTS, BUT DATA MANAGEMENT CHALLENGES EXIST

TSA Assistance to Foreign Airports and Air Carriers

Our preliminary analysis showed that TSA assists foreign airports in addressing identified security deficiencies in various ways. For instance, inspectors transfer knowledge on how to mitigate identified airport security deficiencies to foreign airport officials. According to TSA officials, inspectors typically offer on-the-spot counseling during airport assessments when they discover deficiencies, usually of an infrequent, less serious, or technical nature, that can be addressed immediately. To address deeper problems with staff security knowledge or to strengthen staff knowledge in an evolving threat environment, TSA may provide training, such as traditional classroom courses or interactive workshops, to foreign airport staff. TSA also assists foreign governments in securing technical assistance and consultation provided by TSA and other U.S. and foreign government agencies to help improve security at foreign airports, particularly after security incidents or at airports in developing countries.

TSA also takes steps, such as on-the-spot counseling, to help air carriers address security deficiencies identified during air carrier inspections. According to TSA, since carriers have TSA-approved security programs, additional training may not be necessary to correct small issues. Rather, officials said that counseling air carrier staff on the proper procedures and follow up observations of them practicing the procedures may suffice. In addition, TSA assigns liaisons to counsel air carriers and provide clarification regarding TSA security requirements when necessary.

Leveraging Information and Enhancing Data Management

Our preliminary analysis indicated that, since our 2011 report, TSA has taken a number of steps to strengthen its analytical processes and better understand the impact of the foreign airport assessment and air carrier inspection programs. Specifically, TSA now conducts regional strategy meetings in which officials examine trend data for airport assessments and air carrier inspections, identify common areas of non-compliance, and develop capacity building approaches customized to one of four regions: Africa-Middle East, Asia-Pacific, Europe, and Western Hemisphere. TSA also produces regional risk reports, which are meant to provide TSA personnel operating within each of the four regions with an understanding of known vulnerabilities in the region in order to inform mitigation planning efforts.

While TSA has taken steps to leverage the results of foreign airport assessments and air carrier inspections to monitor system-wide vulnerabilities and inform capacity development, our preliminary analysis showed that TSA lacks key information for decision making. For instance, TSA's database for tracking the resolution status of identified foreign airport deficiencies has gaps and its system for categorization does not result in sufficient specificity of information related to security deficiencies' root causes and corrective actions.

Root causes represent the underlying reason why an airport is not meeting security standards and, according to TSA documentation, fall into three general categories: Lack of knowledge, lack of infrastructure, and lack of will. Corrective actions are efforts to mitigate security deficiencies and might include training and other capacity-building efforts. According to TSA, a thorough understanding of the underlying reasons for each deficiency is critical to selecting the appropriate mitigation activities. However, we found that 70 percent of fiscal year 2016 records in TSA's database exhibited empty fields pertaining to root cause or recommended corrective action. TSA officials indicated that the agency began requiring staff to record root cause and corrective action information in 2015 and that institutionalizing this requirement to facilitate consistent data entry will take time. Having complete data on root causes and corrective actions would help TSA systematically monitor airport performance in addressing deficiencies and leverage information for decision making regarding capacity development.

We also found that the same database has limitations related to the categorization of root causes and corrective actions. TSA procedures indicate that root causes may relate to three broad categories, as explained earlier, and 12 subcategories: Aviation security infrastructure, communication, cultural factors, human factors, management systems, physical infrastructure, procedures, quality control, resources, supervision, technology, and training. However, the database does not include a field to categorize root causes according to these subcategories or other more specific areas. As a result, it does not capture more granular information that would better

explain the specific root cause of an identified security issue. Moreover, information on recommended corrective actions is stored entirely in narrative fields and, therefore, is difficult to analyze without manual intervention.

TSA staff stated that they recognize that the classification of data currently contained in the database could be improved, but that they have not had an opportunity to address the issues because they have been focused on developing the newest release of GRADS. TSA staff also indicated that they are exploring opportunities to better classify data in future releases of GRADS. However, according to TSA procedures, a thorough understanding of the underlying reasons for each deficiency is critical to properly selecting the appropriate mitigation activities. By classifying information on root causes and corrective actions with additional specificity, TSA would be better positioned to assure that corrective actions accurately address the specific, underlying reasons for security vulnerabilities. Our draft report includes two recommendations to TSA to strengthen data management.

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

Mr. KATKO. Thank you very much, Ms. Grover. Before I recognize myself for 5 minutes of questions, I want to recognize my friend from Mississippi, the Ranking Minority Member Mr. Thompson for 5 minutes of opening statement.

Mr. THOMPSON. Thank you very much, Mr. Chairman. I am interested in getting to the questions, and I will just submit my written testimony for the record.

Mr. KATKO. Thank you, Mr. Thompson.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

SEPTEMBER 26, 2017

Thank you to the Chairman and Ranking Member for holding today's hearing.

I also thank our witnesses for appearing before the subcommittee.

Earlier this month, we commemorated the anniversary of the September 11 terrorist attacks. Unfortunately, 16 years after the attacks, terrorist threats to transportation systems both abroad and at home remain.

Last month, we saw the threat to cargo security when Australians connected to ISIS were arrested in connection with attempting to place an explosive on an international flight. Less than 2 weeks ago, we saw the threat to rail and public transportation systems when a bomb partially detonated on the London Underground.

We know that terrorist networks often encourage attacks overseas to be mirrored in the United States, and just this summer, *Inspire* magazine called for attacks against U.S. rail systems. Persistent threats to transportation systems make clear that we must remain vigilant and build on the significant transportation security improvements made by the Obama administration.

I look forward to hearing testimony from GAO and TSA about the progress made over the last decade to improve foreign airport assessments and air carrier inspections and their recommendations for further enhancements.

I also look forward to hearing from CBP about the future of its Preclearance program. The Obama administration recognized the security benefit of having our CBP officers overseas to screen U.S.-bound passengers and expanded the program for the first time in decades. I hope to hear about the status of negotiations initiated under the prior administration to expand the program.

Additionally, I have real questions about whether President Trump—with his preoccupation with banning travelers from Muslim-majority countries and building a Border Wall—will continue efforts to expand Preclearance and implement other meaningful aviation security measures.

I also have serious questions about the newest misguided travel ban announced this week and its potential detrimental effects to our Nation's security and our American values.

In closing, I want to recognize the front-line officers working every day to keep the American people safe. Their hard work and dedication allows our security systems to operate effectively and we thank them for their service to our country.

Once again, thank you to the witnesses for being here today. I yield back the balance of my time.

Mr. KATKO. I now recognize myself for 5 minutes of questions. Ms. Grover, I want to start with you, a couple of quick questions I have for you. You mentioned—well, one really. You mentioned they can prove data management, but something you said later in your testimony really kind of concerned me, and that was that some airports struggle to comply with ICAO standards.

As you know and the whole panel knows, ICAO standards are the bare minimum by which airports must operate. If LPD airports are not complying or struggling to comply with even the bare minimum standards of international travel, that is quite concerning to me, to say the least.

So I know we can't get into which airports and which standards they are struggling to comply with in an opening setting, but I definitely want to be able to follow up with you in a secure setting either through a briefing or through written statements for the committee to have.

But I want to take a step back for a second about the ICAO standards overall. Based on your years of experience and what you have seen, do you have concerns about some of the requirements of ICAO standards not being sufficient, No. 1? No. 2, do you have any concerns about, any suggestions about how we can make those standards better?

One of the things I am concerned about is what you said. If we have these standards and people are struggling to meet them, why are they still having LPD airports flying into the United States?

Ms. GROVER. Yes, sir, I appreciate the question. So the ICAO standards are very broad and they encompass essentially all aspects of airport operations. So in that aspect they are quite comprehensive, and I agree they do provide a baseline set of standards and they are non-prescriptive. So there are lots of different ways that airports across the world in theory could meet the standards.

So this really gets at the heart of what we are talking about today is the TSA inspectors, when they are out doing their assessment every single time, they have to make a judgment about what they see in place at that airport to say is this situation adequate to ensure security?

What they do is at the end of each assessment they essentially rate the airport on a 1 to 5 scale, depending on their assessment of the vulnerabilities. So is everything in good shape or are there vulnerabilities that are coming to the fore?

Mr. KATKO. Now, is that assessment, that 1 to 5 scale, is that based on the ICAO standards or is it just based like on other standards as well?

Ms. GROVER. It is based on the ICAO standards. It is based on the inspector's assessment of how well the airport is doing at implementing the ICAO standards. They have several tools that they can use that TSA has developed over time to make sure that those judgments are consistent and that they look at everything that is important.

So, you know, TSA also has several tools they can use to work with airports, and the air carriers are really the fallback measure. So it is important to note that even if there are vulnerabilities at an airport, that doesn't necessarily mean the flight departing that

airport is not secure because the air carriers can fill in as a back-stop.

Mr. KATKO. OK. That still is troubling to me because of course airlines want to make sure their flights are safe, but there is a business aspect, a business incentive that is quite strong to make sure they do that. But still I am not quite sure I understand the depth or gravity of the situation with respect to airports or not being able to keep up with the ICAO standards, so we will have to talk about that in a secure setting.

But more importantly do you think it is time for more prescriptive measures for ICAO, given the repeated attempts in some successful, some not successful, airports especially in the Middle East?

I mean, look what we have had. We have had the Daallo Airlines, the Metrojet. We have Egypt Air, and we had the attempt in Australia. That is all over the last 2 years. So I am interested in that.

Ms. GROVER. Sir, I would defer to DHS on that. At the end of the day it is the responsibility of the DHS Secretary to determine whether or not the measures in place at any airport are sufficient. The Secretary always had the option of saying that flights cannot come to the United States from a specific airport.

As far as strengthening ICAO standards, I mean, I do think it would be valuable to follow up with TSA. They have all of the data on the specific vulnerability scores and the risk assessments. So they have a good understanding of the vulnerabilities across the world, as well as the threats.

But given that there are airports that are currently not meeting the ICAO standards regularly that are in place now, I am not sure that raising them across the board would necessarily help lift up those airports. TSA has a number of tools that they are using to try to work with airports to enhance their efforts to meet the current ICAO standards.

Mr. KATKO. I understand that, but for example, the laptop ban seemed to snap some of those airports into order, and I really applaud the Homeland Security and TSA for having the guts to do that because it worked. It sounds like they got their act together.

But I don't think we should be in a situation, and we will ask the others as well, of just simply saying, well, since they can't meet the ICAO standards as they are now so there is no sense raising them. That is not what we should do.

We don't want another Pan Am Flight 103. We don't want another attempt like the Australian Airlines. Lord knows, based on the secure briefings we have all had, that the vulnerabilities are getting more and more difficult to detect. So I think we need to have a more robust discussion in a secure setting on that.

But Mr. Owen, I would like to hear from you about my question about ICAO standards, whether you think that they are sufficient, whether they need to be tweaked, whether they need to be revamped?

Mr. OWEN. Well, really with the ICAO standards that really is under the purview of TSA. Where CBP comes involved is at those last-point-of-departure airports where we have a physical presence, i.e., the pre-clearance locations.

We do have 15 pre-clearance locations around the world, and as part of that agreement with pre-clearance, those airports adopt higher security standards, not only on the screening side as administered by TSA, but as well as things such as vetting the airport employees who have access to the Federal inspection site to the aircraft.

At those 15 pre-departure airports, individuals with access, we have their biographic and biometric information, which we run through all of our targeting screening. So in many ways I see pre-clearance as the gold standard in our counterterrorism efforts overseas at last points of departure.

Again, we are at 15 locations. Ranking Member, we are expanding. We have two new agreements in place, and we are negotiating with another 10 countries. So we will continue to advance that program under the last administration as well as under the current administration.

Mr. KATKO. So what can we do? I agree with Mrs. Watson Coleman, as well. I think pre-clearance is critically important. So what can we do in Congress to help you expand that program and incentivize all those countries to get on-board? Because that may be a way to basically say if you are not—I am sorry, LPD, if you are not on-board you are not doing your job, we can't take the risk.

Mr. OWEN. Yes, absolutely.

Mr. KATKO. What can we do to help you with that?

Mr. OWEN. Absolutely. With the pre-clearance, again, the countries come to us in a voluntary nature. So anything we can do to encourage additional countries to want to partner with us through the pre-clearance model is definitely the step forward.

We need to make sure in each of the pre-clearance agreements that we do sign that our officers have the full authorities to conduct the performance of their duties as they would in a U.S. airport. So we cannot have reduced standards for our officers overseas. They must have the same standards as we do here in the United States.

Mr. KATKO. All right. That is excellent.

Mr. Lynes, anything you want to add before I turn it over to Mrs. Watson Coleman and Mr. Thompson?

Mr. LYNES. Yes, thank you. As you know, the ICAO standards are outcome-focused. As Ms. Grover pointed out, our TSA assessment and inspection teams they are looking at actually at the implementation effectiveness of those standards.

For example, controlling, one of the standards would be all contracting States shall ensure and control access to a critical restricted area of an airport. Our inspection teams are looking at how well that is being performed. We do that by first reviewing the National programs, what is set out by the State. Then that is at the macro level.

Then we will get back into looking at the actual airport implementation, how well that airport is meeting those standards. They could be, such as having a fence with three strands of barbed wire.

If we find a hole in the fence we are looking at, OK, what are they doing beyond that to control that, whether they have guards, patrols? So we are ensuring how well they are actually meeting that National standard during our assessments and inspections.

Mr. KATKO. Thank you very much.

The Chair now recognizes the Ranking Member Mr. Thompson for 5 minutes of questions. I will note Mr. Thompson that I went over a little bit, and the Chair will exercise a lot of flexibility since we don't have a lot of Members here today.

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

Ms. Grover, you talked a little bit about the lack of the analyzing data. Can you expound a little bit on that?

Ms. GROVER. Yes, sir. So at the micro level, TSA has good information about what is going on at each airport. One of the things that TSA has done really well in the past few years is developed regional data analysis groups.

So they have their staff get together and they talk all about what are the threats and vulnerabilities for a specific set of groups in a region and talk about each airport. So at that level, they are really doing a fine job at keeping track of what is going on.

But at a world-wide level, the database that they have set up to track the root causes behind the vulnerabilities that they find, the deficiencies, and the record of the corrective actions that they have recommended, it is just the data is not being entered as it should. So——

Mr. THOMPSON. So excuse me. Is that from an operational standpoint that somebody is just not doing it?

Ms. GROVER. That is right. Somebody is just not doing it. It is a relatively new requirement, and I think it just hasn't become routine practice. But it is important to make sure that TSA has the information at an enterprise level to understand the different root causes behind the problems, what they are putting in place at the airports to try to fix it so that they can get a sense of what works and what doesn't.

Mr. THOMPSON. Thank you.

Mr. Lynes, have you been made aware of this?

Mr. LYNES. Yes. Yes, I have, sir, and let me reassure the subcommittee that TSA is taking immediate action whenever we identify a vulnerability. We do have the documentation about those vulnerabilities, and we do concur with the GAO's recommendations. We have been working quite closely to shore up those recommendations.

Mr. THOMPSON. OK. So it is not a matter of you not having the resources to do it. You just need to have the—well, I guess you have the will, but we just need to carry it forward?

Mr. LYNES. As Ms. Grover points out, it is a relatively new requirement in our system. Independent of GAO's review of our program, we have been working at revisions to our system to create a new tool to track the life cycle of those vulnerabilities so that we can identify the root cause of that vulnerability and what mitigation efforts we can apply to address that vulnerability.

Mr. THOMPSON. So have you formally submitted this, Ms. Grover, to TSA?

Ms. GROVER. Yes, sir, and they have formally concurred with our recommendation and stated that they intend to take action.

Mr. THOMPSON. OK. Thank you. I guess the other question talks about the pre-clearance model and whether or not Mr. Owen, you have all of the resources to expand pre-clearance to other airports?

Mr. OWEN. Yes. Part of the requirement with the new pre-clearance model that we adapted after we went operational in Abu Dhabi, is that the partner countries that sign on for pre-clearance do so under a cost recovery basis. So they bear much of the cost to establish the facility, to have our officers present so the resources are coming from those other countries that want to have us there.

Mr. THOMPSON. So are we now saying if you can pay for it, we will pre-clear you? Or are we doing it based on number of passengers, or?

Mr. OWEN. It is based on risk and the negotiations that we have place pre-clearance in places like Abu Dhabi where we believe there is a strategic importance to be there.

So that is really was what driving that. Clearly there is a facilitation benefit as well that the airlines very much appreciate, but whenever we have an opportunity to address that potential risk at a last-point-of-departure airport before that individual gets put on a plane to come here, that is the model we need to embrace more of.

Mr. THOMPSON. Right. But if I said where the next two airports the highest enplanement airports in the world coming to the United States, what would your answer be?

Mr. OWEN. I am sorry. The question?

Mr. THOMPSON. In other words, the pre-clearance we are giving to the next two airports——

Mr. OWEN. Yes.

Mr. THOMPSON [continuing]. Is this based on the ability of those countries or those airports to pay the cost? Or is it based on the number of passengers who are coming through the airport en route to the United States?

Mr. OWEN. It is pretty much a combination of both. I mean, they have to incur the cost to have our officers there to have the facility there. The cost only makes sense when there is a large enough throughput to really have that return on investment. So a very small airport would probably not embrace pre-clearance, but a larger airport where that return on investment is financially possibly would be more likely to embrace pre-clearance.

Mr. THOMPSON. Mr. Chair——

Mr. OWEN. Again, our decision to go out is based on where we see a strategic value from a risk assessment standpoint.

Mr. THOMPSON. When we first put this in place one of the problems is, Mr. Chairman, we went to airports who could pay rather than airports with the largest volume of passengers coming to the United States. So that kind of skewed the risk model.

I am trying to see how we get it back and saying if we have 5,000 people coming from this airport and 1,000 coming from another, why are we doing the 1,000-passenger airport rather than the 5,000?

Mr. OWEN. Right. You really have to look at all the different variables as to what is behind this. Pre-clearance started in the early 1950's and was primarily a facilitation program with the airports out of Canada.

The Abu Dhabi model, which we adopted 3 years ago, was really the new standard for how we treat pre-clearance. Identify high-risk

locations where we feel our presence adds value, work cooperatively with the host country to make sure all of our requirements are met, as we have seen in Abu Dhabi.

Mr. THOMPSON. Mr. Chairman, I think it would be instructive for the committee if we got the list of pre-clearance airports tied to how many passengers from those airports are coming and how they rank in terms of airports that we work with.

I think, you know, that is the politics of it, but one of the challenges we have is if we put reimbursement for participation above numbers of passengers from a particular area——

Mr. KATKO. Right.

Mr. THOMPSON [continuing]. Some of us think we are creating a bigger problem because those who can pay——

Mr. KATKO. Right.

Mr. THOMPSON [continuing]. Get pre-clearance and those who can't participate by paying and might have two, three time more people coming. I understand the risk.

Mr. KATKO. Yes.

Mr. THOMPSON. But I think that is something that from a policy standpoint we can look at, Mr. Chair.

Mr. KATKO. Yes, Mr. Thompson, I think that is an excellent point. I would ask Mr. Owen to endeavor to get those statistics to us within 10 days, and then I think we should meet and talk about it.

Mr. THOMPSON. OK.

Mr. KATKO. Thank you.

Mr. THOMPSON. I yield back. Thank you.

Mr. KATKO. Thank you, Mr. Thompson.

The Chair now recognizes Mrs. Watson Coleman for 5 minutes of questioning.

Mrs. WATSON COLEMAN. Thank you, Mr. Chairman. First of all, I seek unanimous consent to submit testimony for the record from the National Treasury Employees Union for today's hearing.

Mr. KATKO. Without objection, so ordered.

[The information follows:]

STATEMENT OF ANTHONY M. REARDON, NATIONAL PRESIDENT, NATIONAL TREASURY EMPLOYEES UNION

SEPTEMBER 26, 2017

Chairman Katko, Ranking Member Watson Coleman, distinguished Members of the subcommittee, thank you for the opportunity to submit this statement on Customs and Border Protection (CBP) staffing issues that affect aviation security around the globe on behalf of the 25,000 CBP officers, agriculture specialists, and trade enforcement personnel stationed at 328 land, sea, and air ports of entry across the United States and at preclearance stations currently in Ireland, the Caribbean, Canada, and United Arab Emirates airports represented by the National Treasury Employees Union (NTEU).

As of June 2017, CBP's Office of Field Operations (OFO) has 22,810 CBP officers on-board at the ports of entry—1,404 short of its fiscal year 2017 on-boarding target of 24,214. The fiscal year 2018 House appropriations bill includes funding to filling the current vacancies to meet the fiscal year 2017 target of 24,214, but provides no new funding to address the current CBP officer staffing shortage of at least 2,107 additional CBP officers as stipulated by CBP's own fiscal year 2017 Workload Staff Model and to fund an additional 631 CBP agriculture specialists as stipulated by CBP's own fiscal year 2017 Agriculture Resource Allocation Model (see appendix.)

CBP PRECLEARANCE PROGRAM

The U.S. currently has 15 airport preclearance locations in six countries: Aruba; Freeport and Nassau; the Bahamas; Bermuda; Calgary, Toronto, Edmonton, Halifax, Montreal, Ottawa, Vancouver, and Winnipeg, Canada; Dublin and Shannon, Ireland; and Abu Dhabi, United Arab Emirates. More than 600 CBP law enforcement officers are stationed at 15 locations around the world checking travel documents, passports, visas, and making sure travelers abide by strict customs and agriculture importation rules. Passengers departing these airports are treated the same as domestic travelers, and do not have to go through customs when they arrive in the United States.

Airports with preclearance programs accounted for about 18 million travelers in 2016–15 percent of all commercial air travellers to the United States. The Department of Homeland Security (DHS) has stated that it would like to see this increased to 33 percent of foreign passengers annually by 2024. The effort is designed to extend the United States' border security to foreign airports as part of new initiatives to reduce the risk of potential terrorists entering the country.

The preclearance operations in the United Arab Emirates and the foreign airports to be chosen for new preclearance operations are responsible for most of the program's costs, including a significant portion of CBP officers and agriculture specialists' salaries and benefits, as well as the construction and maintenance of the space dedicated to the preclearance operation inside the airport.

In May 2015, the United States identified airports in 9 countries as possible participants in the program—Punta Cana, Tokyo, Stockholm, London, Manchester, Istanbul, Oslo, Madrid, Amsterdam, and Brussels. Agreements with CBP were reached late last year for new facilities at Stockholm Arlanda Airport in Sweden and Punta Cana International Airport in the Dominican Republic. CBP is expected to reach final agreements with a few of the other foreign airports that were named in its 2015 expansion round. Preclearance operations in these airports may begin as early as 2019.

In November 2016, DHS selected 11 additional foreign airports, located in 9 countries, for possible Preclearance expansion. The new airports selected to potentially take part are El Dorado International Airport in Bogota; Ministro Pistarini International Airport in Buenos Aires; Scotland's Edinburgh Airport; Keflavik International Airport in Iceland; Mexico City International Airport; Italy's Milan-Malpensa Airport; Kansai International Airport in Osaka; Rio de Janeiro-Galeao International Airport; Rome's Leonardo da Vinci-Fiurnicino Airport; Sao Paulo-Guarulhos International Airport in Brazil; and Princess Juliana International Airport in St. Maarten. More than 10 million travelers fly to the United States from these airports annually.

NTEU recognizes the security benefits of preclearance including preventing high-risk travelers from boarding aircraft bound for the United States and reduced wait times for passenger processing at the busiest U.S. international airports. Nonetheless, NTEU has serious concerns about the impact of preclearance expansion on the already critical staffing shortages at the Nation's ports of entry.

CBP AT THE PORTS OF ENTRY STAFFING SHORTAGE

There is an existing vacancy rate of nearly 1,400 funded CBP officers at the ports and, according to CBP's analytic workload staffing model, an additional 2,100 CBP officers need to be funded and hired in order to meet 2017 staffing needs—translating into a total CBP officer staffing shortage of 3,500 today.

The economic cost of this shortage is also staggering. For every 33 additional CBP officers hired, the United States can potentially gain over 1,000 private-sector jobs. If Congress fully staffed the ports with the needed 3,500 additional CBP officers, 106,000 private-sector jobs could be created. Understaffed ports lead to long delays in travel and cargo lanes and also create a significant hardship for front-line employees. Both involuntary overtime and involuntary work assignments far from home disrupt CBP officers' family life and destroy morale. Notably, on-going CBP staffing shortages directly contribute to CBP's perennial low ranking in Federal employee workforce satisfaction surveys.

In addition to CBP's trade and travel security, processing and facilitation mission, CBP employees at the ports of entry are the second-largest source of revenue collection for the U.S. Government. In 2016, CBP processed more than $2.2 trillion in imports and collected more than $44 billion in duties, taxes, and other fees.

As you know, the President's January Executive Order calls for hiring 5,000 additional Border Patrol agents (BPAs) and 10,000 new Immigration and Customs Enforcement (ICE) agents, but does not ask for one additional CBP officer new hire, despite the fact that CBP officers at the ports of entry in 2016 encountered over

274,000 undocumented immigrants and seized over 600,000 pounds of illegal drugs, and over $62 million in illicit currency, while processing over 390 million travelers and $2.2 trillion in imports through the ports.

As preclearance operations come on board, NTEU asks how can CBP OFO staff these new locations when it has a current staffing shortage of 3,500 CBP officer and 631 agriculture specialist positions?

The 1,400 existing vacancies at U.S. ports of entry must be filled first and 2,100 new CBP officer staffing positions needs to be funded by Congress. CBP officers should not be diverted to new preclearance operations before the existing staffing shortage at the U.S. ports of entry is resolved.

Congress should reevaluate CBP's funding priorities as it finalizes its fiscal year 2018 appropriations bills. Unlike other DHS components operating between the ports of entry and at ICE, both of which received significant increases in personnel funding in the fiscal year 2018 appropriation bill recently approved by the House, CBP at the ports of entry has established and documented Workload Staffing Models that justify the need to hire 3,500 CBP officers and 631 agriculture specialists today. Because of the on-going staffing shortages at the nations' ports, CBP officers at some ports work up to 16 hours a day and since 2015, CBP OFO has had to divert several hundred CBP officers from already short-staffed ports to the critically short-staffed land ports at San Ysidro and Tucson for 90-day stints.

Even though the salaries of CBP personnel at the new preclearance ports will be primarily funded by the foreign countries hosting the new preclearance facilities, there are no excess CBP employees today that can be reassigned to preclearance ports without exacerbating the staffing shortages at domestic ports of entry.

Delays at the U.S. ports of entry result in real losses to the U.S. economy. Understaffed ports lead to long delays in travel and cargo lanes, hurting businesses and consumers, and also create a significant hardship for front-line employees. NTEU agrees that expanding CBP inspection facilities at preclearance locations adds another level of security to the homeland, but until Congress acknowledges and addresses the current critical CBP staffing shortages at the ports of entry, preclearance expansion will only exacerbate current deficiencies at domestic air, sea, and land ports.

If Congress is serious about improving aviation security around the globe, there is an opportunity to address the justified and documented need to fund additional CBP staffing at the ports in the Omnibus bill that will be considered later this year. On behalf of the men and women represented by NTEU at the Nation's ports of entry, I urge you to authorize and fund CBP officers and agriculture specialists at least to the levels that BPAs and ICE agents are funded in the recently-approved fiscal year 2018 House appropriations bill.

Thank you for the opportunity to submit this statement to the committee.

APPENDIX.—CBP RESOURCE OPTIMIZATION STRATEGY

CBPO STAFFING REQUIREMENTS THROUGH FISCAL YEAR 2017: 28,414

GAP: 2107 [1]

Funding Source	CBPOs	
Appropriations, CBPO Staff		15,104
User Fees, CBPO Staff	♦	8,867
User Fees, Core Overtime	♦	2,474
COBRA User Fee Increase – Up to	♦	840
IUF Increase – Air - Up to	♦	1,230
Mission/Operational Support Specialists	♦	194
FY 2017 Total Funding	▬	**28,709**
CBPO WSM Requirements	▬	**28,414**
Non-CBPO WSM Mission and Operational Support Specialists	▬	**295**

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[1] Incorporates legislative proposal fee increases in staff gap calculation.

CBP AGRICULTURAL SPECIALIST STAFFING REQUIREMENTS THROUGH FISCAL YEAR 2017: 3,048

GAP: 631

	CBPAS	
Appropriations and AQI User Fees, CBPA Staff		2,417
Non-CBPO WSM Mission and Operational Support	↓	295
AQIUF Increase – Up to	↓	145
Mission/Operational Support Specialists	↓	17
FY 2017 Total Funding		**2,874**
CBPAS AgRAM Requirements	–	**3,048**
Remaining CBPAS Requirements		**(174)**

Mrs. WATSON COLEMAN. Thank you, Mr. Chairman.

Ms. GROVER. thank you so much for your testimony. It actually is good news that it is your assessment, it is GAO's assessment that TSA is moving forward in doing the kinds of things that you have recommended over the course of time.

Then the minor issue, not minor minor, but the issue that you are really concerned about now is that they establish what they are finding and what they are going to do to respond to their findings. Is that right?

Ms. GROVER. Yes, ma'am. TSA has made significant improvements in this program over many years, and——

Mrs. WATSON COLEMAN. That is great to hear because so then with TSA not getting beaten up so badly I hope that you will find that you will have higher morale and people will recognize that the job that you all are doing is appreciated by everybody at every level. One of the concerns that we have always had with TSA is that perhaps the morale was impacted by lack of movement out of certain positions, type of job that you get to do.

What I am wondering is do you all have an upward mobility program where you take people within your agency that you see have certain promise and give them training so that they can move up through the agency and do some of these other what seem to be really pretty exciting jobs on the international air level, on the regional levels and things of that nature?

Mr. LYNES. Yes. I think I am a really good example of that over my 20-year career. We do have mid-level and senior-level development programs. I would be more than happy to take that back as I am not in the H.R. department. But I would be more than happy to take that back and give the committee some additional details about our programs within TSA.

Mrs. WATSON COLEMAN. Abu Dhabi was an airport that had pre-clearance.

Mr. LYNES. Yes, yes.

Mrs. WATSON COLEMAN. But it also at some point became an airport where you had the restrictions on the personal electronic devices. Is that not true? Tell me how did that happen?

Mr. LYNES. Well, the security directives that were issued in March 2017 by then Secretary Kelly were to counter a very specific threat. Then later in June 2017, the then, again, then-Secretary Kelly was evaluating the threat and directed TSA to issue global security directives and emergency amendments.

It was after our TSA assessment and inspection teams were able to review those locations that they were able to meet those enhanced standards and since the restrictions were removed.

Mrs. WATSON COLEMAN. The restrictions on all the airports was removed.

Mr. LYNES. From the 10 locations that were specified——

Mrs. WATSON COLEMAN. From the 10——

Mr. LYNES [continuing]. In the March directives. That is correct.

Mrs. WATSON COLEMAN. OK. So this restriction doesn't exist anywhere at any of the airports now, or does it?

Mr. LYNES. That is correct.

Mrs. WATSON COLEMAN. OK. You all have been very active and you have done a lot of, I guess, going back monitoring, making sure that things that you think were agreed upon are being done and ensuring that the security standards are being upheld. Is that placing any kind of a—is that sustainable in terms of the resources that you have?

I know that you went to a couple of hundred airports. You are going to go again to recheck. Do you have the resources to sustain that kind of oversight and monitoring?

Mr. LYNES. Yes, we do. We do have a risk methodology for visiting airports, and our inspection teams follow that risk methodology in the way that they go and visit these locations.

Mrs. WATSON COLEMAN. So you have the manpower resources, the ability to hire? You have got a sufficient staff?

Mr. LYNES. Yes. We believe that we are adequately resourced to perform our duties.

Mrs. WATSON COLEMAN. Mr. Owen, a couple of months ago there were these incidences that were found at the Newark airport involving hazing, actually assaulting of some of the newer or low-level employees by supervisors. As a result of that I believe that three of your employees were actually arrested and about five of them were put on suspension or administrative leave?

Mr. OWEN. Right. Once the initiation of the investigation several officers were placed on administrative duties where their law enforcement authorities were suspended and with the conclusion of the—or the on-going investigation by the Office of the Inspector General, we have now had three officers that have been arrested and indicted for those actions.

Mrs. WATSON COLEMAN. Are you all looking into seeing if there are any other airports that have similar situations?

Mr. OWEN. Yes, we are. I would just tell you that we are all appalled by the behavior of those employees, and we would—fully cooperated with the I.G. throughout the investigation. I personally made management changes in Newark to address what I felt had been allowed to continue unaddressed. So we have taken this very seriously throughout the agency.

Mrs. WATSON COLEMAN. So are you looking at other airports? Are you—OK.

Mr. OWEN. Yes, we are. We have not found any indication that there has been similar misconduct at any other of our ports of entry.

Mrs. WATSON COLEMAN. Thank you, Mr. Owen. Have you engaged in any kind of employee development, employee training to ensure that your supervisors know their responsibilities, their accountabilities and what is improper behavior that will not be tolerated?

Mr. OWEN. Yes, we have.

Mrs. WATSON COLEMAN. OK. Yes. Yes. We talked about the expanding of the pre-clearance programs to two or ten or what other airports. You said that there are two other airports that——

Mr. OWEN. Yes.

Mrs. WATSON COLEMAN. We have engaged in that?

Mr. OWEN. We have two additional——

Mrs. WATSON COLEMAN. Can you tell us who they are?

Mr. OWEN. Yes, we have two signed agreements to move forward. So one is in Punta Cana and one is in Stockholm, Sweden. So those agreements have been signed. We are basically just waiting for the host country to address the infrastructure issues and any of their legal authority matters that they need to address.

Outside of those two signed agreements we are in negotiations at various stages with another 10 countries for further expansion throughout the world.

Mrs. WATSON COLEMAN. So my last question at this moment, because I am just a little bit over as well?

Mr. KATKO. That is fine.

Mrs. WATSON COLEMAN. OK. The most recent travel ban——

Mr. OWEN. Yes, ma'am.

Mrs. WATSON COLEMAN. That has been released by the administration, do you anticipate—first of all, we don't completely understand the criteria that was used, and I don't think either one of you has the capacity to respond to why these particular countries were under this ban and what this ban really means. But what do you see the sort of pressure it is going to place on your resources?

Mr. OWEN. Well, I could speak to the, you know, expected impact at the ports of entry. We will not see what we saw with the first travel ban. This is a more measured approach. There is a time period before it becomes effective.

Anyone who currently has a valid travel document from those eight countries is still allowed to travel. This does not pertain to legal permanent residents.

Many of the areas that were so problematic in the first travel ban are not within this. So while I can't speak to the formulation of the policy, I can speak to the impact it will have at the ports of entry. This will be very smooth and you will not see any problems like you saw back in January, late January.

Mrs. WATSON COLEMAN. What is the implementation date, the beginning? I know it is phasing in.

Mr. OWEN. It is there is phasing in for some of the countries——

Mrs. WATSON COLEMAN. Effective?

Mr. OWEN [continuing]. It is immediate. For some it goes through October 18.

Mrs. WATSON COLEMAN. OK.

Mr. OWEN. So based on different countries and the different categories there is a more phasing in.

Mrs. WATSON COLEMAN. Does this require a different training?

Mr. OWEN. No, because in order to travel to the United States you need a valid travel document.

Mrs. WATSON COLEMAN. OK.

Mr. OWEN. Anyone who has a valid travel document it will be admissible outside of other concerns that have nothing to do with the travel ban, our normal performance of the duties. So if someone from those eight countries has a valid travel document today they would still be allowed to travel. As a result the impact at our ports of entry will be very, very minimal.

Mrs. WATSON COLEMAN. The impression I got was that there would be people who may not be permitted to come into this country today or in the beginning of this travel ban, but that that could change. So is someone training people on what that criteria would be, those changes would be?

Mr. OWEN. Once again, within CBP it is quite simple. They need a valid travel document, a visa. If they have the visa——

Mrs. WATSON COLEMAN. So you are at the end of it.

Mr. OWEN. We are at the end of it.

Mrs. WATSON COLEMAN. You are at the end of that food chain.

Mr. OWEN. State Department is at the front of it, yes, ma'am.

Mrs. WATSON COLEMAN. OK. Thank you. That is something I think we need to explore with DHS. Thank you. Thank you, Mr. Owen, Mr. Lynes, and Ms. Grover.

Thank you.

Mr. KATKO. Thank you, Mrs. Watson Coleman.

The Chair now recognizes the gentleman from Massachusetts, Mr. Keating.

Mr. KEATING. Thank you, Mr. Chairman. I was concerned with a recent *Boston Globe* investigative report entitled "Secrets in the Sky." It went back to something we still haven't corrected. It seems that there are gaps, serious gaps between our agencies.

This deals with the FAA procedure of licensing pilots and other related activities. You know, in the course of that, the FAA came back and said they are not the police officers of the sky, leaving the job to groups like Transportation Security Administration, Homeland Security, and the FBI.

Indeed, TSA monitors all the time. In fact, they reference this 28 million airmen, you know, with threat assessments that they have monitored in a course.

However, that is only as good as the material you have to look at. There is a huge gap that exists here where people have got their pilot's license using dead people's names, where there was someone who was sentenced to life imprisonment and released on compassionate grounds because he had cancer with the Lockerbie bombing threats. He still had some valid credentials in the air.

So my question is this. I think Congress has tried from the FAA standpoint to get them to move and correct some of these things, which doesn't seem to be really working.

My concern is can TSA or Homeland Security have more oversight? What would you suggest to close this gap, to give you more

ability to look at the materials you get in from the FAA? Because this gap is a serious one and presents a real safety issue.

With all the other things we are doing, this persists and it was one of the concerns dating back to the 9/11 Commission that hasn't been addressed. So what I am asking you is from Homeland Security, from TSA's standpoint and having GAO look at these kind of issues, as well as the inspector general, we have to somehow—we can't let this gap exist between the FAA and TSA.

So from your perspective what changes could we make as a Congress to give you more ability to have oversight over the original material that you are dealing with? I mean, looking at the numbers, 43,000 pilots received their license and they didn't provide permanent address, according to an audit just a few years ago. Eight thousand people found the Social Security numbers on file belonged to dead people.

So you are only as good as the information you get to review. What could you recommend we do to give you more oversight authority to make sure that that material you are getting from the FAA is, you know, is valuable, is accurate and doesn't present a security risk?

Mr. LYNES. Yes, thank you. We do work quite well with the intelligence community on information that we receive and while I am aware of the security threat assessment process that is being performed by the TSA, it is not my area of expertise. I would be more than happy to take that question back to get additional information regarding the security threat assessments that we do perform of FAA certificate holders.

Mr. KEATING. Yes. My question is not with TSA's ability to do that. You are only able to do that well given the information that you have to review. So anything you could suggest as a follow-up to this hearing where we could look at changes where TSA has a greater ability to review that FAA procedures, because they are letting, it is so decentralized they let airports do it.

It is a real black hole in our security system. It is something I think TSA and Homeland should have more ability to have oversight over. So I would appreciate that. That is a real concern of mine. It should be a concern of all of ours. It hasn't been corrected since the recommendations of the 9/11 Commission.

It is still with reports just like this, which I will share with the committee——

Mr. KATKO. Do you want to enter it into the record?

Mr. KEATING. Yes.

Mr. KATKO. Without objection, so ordered.

[The information follows:]

REPORT SUBMITTED FOR THE RECORD BY HONORABLE WILLIAM R. KEATING

SECRETS IN THE SKY

By Kelly Carr, Jaimi Dowdell and Jenn Abelson, Spotlight Fellows and Globe Staff

The FAA was warned in 2009 that people with terrorist ties were licensed to fly and repair aircraft. Eight years later, it is, incredibly, still the case.

BORNHOLM, DENMARK.—Just two minutes after the private jet was cleared for landing, the pilot realized his error and declared an emergency. He had miscalculated the fuel needs for the one-hour journey from Germany, and now his engines were flaming out.

The Learjet plummeted toward the ground that day in September 2012, then carved its way through a field, coming to rest amid cornstalks and mud, the passenger on-board seriously hurt. First responders found the pilot, an Iranian with a criminal record, unconscious in the cockpit. Nearby, investigators discovered a US pilot certificate with a name that wasn't his.

Nader Ali Sabouri Haghighi's own pilot certificate, it turned out, had been revoked years earlier for providing false information, but the Federal Aviation Administration conveniently mailed him a new one. Haghighi had called the FAA hotline claiming to be a professional pilot named Daniel George who had lost his license. He then recited George's license number and other personal details that he'd obtained from their business dealings. Without asking further questions, the FAA agent sent Haghighi a license with George's name on it.

It ought to have been difficult for the black-haired, brown-eyed Iranian to use a pilot's license belonging to a fair-skinned, gray-haired American nearly 20 years his senior, except for one factor: FAA pilot licenses do not include photographs of the pilot. Haghighi was able to pull off his ruse for nearly four years until Danish police found the license in the rubble of the crash.

Almost a decade after Haghighi's brazen identify theft, the FAA still does not include pilot photos on its licenses, and the agency does not fully vet pilot information before issuing them credentials. Last year, a leading congressional overseer of the FAA, then-Representative John Mica, called US pilot licenses "a joke" and said that a day pass to Disney World in his native Florida contains more sophisticated security measures.

FAA officials defend their licensing practices, noting that pilots are also required to carry a government-issued ID such as a driver's license to prove their identity. The pilot certificate, they say, is more an indicator of the pilot's level of training than a security tool, and commercial airports and airlines generally issue their own IDs for access to tarmacs, planes, and other secure areas.

But the flawed airman licenses are part of a troubling pattern of lax oversight of more than 1 million FAA-approved airmen—including pilots, mechanics, flight attendants, and other aviation personnel—that has made the agency vulnerable to fraud, and the public vulnerable to those who mean to do harm, a Spotlight Team review has found.

After the 9/11 attacks, Congress called on the FAA to overhaul its licensing for more than 600,000 US-certified pilots. But the FAA's changes so far have been modest, such as making licenses with higher-quality materials to reduce forgeries. Today, FAA security procedures remain geared more toward the convenience of pilots than the needs of a nation engaged in a "war on terror," often failing to challenge airmen's claims on their applications and seemingly unaware of deceptions.

Haghighi, for example, continued to finagle help from the FAA even after he went to jail in Denmark for flying without a valid license and endangering his passenger. After his release, the FAA issued him a medical certificate that helped him land a job at an airline in Indonesia in 2014. All he had to do was change one letter in the spelling of Sabouri and alter his birth year. An official at another federal agency eventually tipped off the FAA to Haghighi's duplicity.

Or take the case of Richard Hoagland. Beginning in 1994, he purchased homes, registered a plane, obtained a pilot license, and even got married under the name Terry Symansky, according to court records. The ruse wasn't discovered until Symansky's nephew was doing family research on Ancestry.com and found that his late uncle was listed as alive. The FAA never caught on that the real Terry Symansky had been dead since 1991, issuing Hoagland a new private pilot certificate in Symansky's name as recently as 2010. Hoagland is now serving a two-year sentence in federal prison for identity theft.

FAA procedures also make it easy for pilots to hide damaging information, by simply not reporting it. That's because the agency relies on them to self-report felony convictions and other crimes that could lead to license revocation. Among the licensed pilots currently listed in the airman registry are Carlos Licona and Paul Grebenc, United Airlines pilots who were sentenced to jail in Scotland earlier this year for attempting to fly a commercial airliner with alcohol in their blood. Under FAA rules, an alcohol-related offense, especially related to flying can be grounds for license revocation or suspension, though the FAA decides on a case-by-case basis.

But as of Sept. 1, Grebenc and Licona were still listed in the FAA's active airman registry. Agency records showed that as of January, four months after the men were arrested, there were no reported incidents or enforcement actions related to the pilots.

FAA officials stress that they are not the police officers of the skies, leaving that job to an alphabet soup of agencies including the Transportation Security Administration, Homeland Security, and the FBI. The FAA merely issues the airman certifi-

cates and keeps the database that helps these investigators do their work. And, while FAA officials admit they don't routinely investigate information that pilots, mechanics, and others list on license applications, the TSA says it continuously reviews the FAA database against the Terrorist Screening Database, additional terrorism-related information, and other government watch lists. Since 2010, the TSA has completed 28 million airman threat assessments.

But it is hardly a fail-safe system. Outside reviewers have repeatedly found that the FAA's Airman Registry is riddled with errors and gaps, making it difficult for law enforcement officials to rely on. More than 43,000 pilots received licenses even though they did not provide the FAA with a permanent address, according to a 2013 audit by the Department of Transportation inspector general. Two years earlier, the Department of Homeland Security inspector general found that 8,000 of the Social Security numbers on file belonged to dead people, in part because the FAA doesn't purge its files of dated information. Another 15,000 didn't match the airmen's personal information on file.

When asked whether the FAA vets the information on airman certificate applications, officials did not answer directly. The FAA issued a statement reading, "Pilots are expected to provide accurate and complete information on all FAA forms."

Agency officials also said that, when pilots apply for medical certificates—a crucial document needed to fly—they conduct a one-time check against the national drivers' database for drug- or alcohol-related convictions.

The lack of accurate information can have serious consequences. Last October, when a student pilot from Jordan intentionally crashed a twin-engine plane near a major defense contractor in East Hartford, Conn., law enforcement officials initially feared terrorism and converged on the Illinois address he had given the FAA. But the student, Feras M. Freitekh, had listed the address of a family friend, a place where he had never lived, so law enforcement descended or a house nearly 900 miles from his actual home.

Most worrisome, even with on-going TSA vetting, people with suspected or proven ties to terrorism still keep active airman certificates.

FAA-approved offenders

Mark Schiffer couldn't believe what he was finding.

Schiffer, the chief scientist for a company that helps banks detect fraud, was simply testing an algorithm to check names against publicly available watch lists that included suspected terrorists and other bad actors. In April 2009, he was using data from the FAA Airman Registry for his test because the list was large and readily available.

But he kept turning up terrorists.

There was Fawzi Mustapha Assi, who was on the FBI's most-wanted list for five years before being convicted of providing material support to Hezbollah in 2008. Though imprisoned, he had an active pilot's license, which never expires. His release was expected in a few years.

Also on the list was Myron Tereshchuk, an FAA-certified mechanic and student pilot, who was convicted in federal court in 2005 for possession of biological agents or toxins that could be used as weapons. Tereshchuk was also in prison, but he, too, was expected to be released in a few years.

And there was Abdelbaset Ali Mohmed al-Megrahi, who was sentenced to life in prison for his role in the bombing of Flight 103 over Lockerbie, Scotland. Scottish authorities released him in 2009 on compassionate grounds after he was diagnosed with terminal cancer. He still had a valid aircraft dispatcher certificate from the FAA.

"Holy cow," Schiffer said to himself.

In all, Schiffer and his company, Safe Banking Systems of New York, confirmed eight matches between FAA-approved airmen and various watch lists.

"The results were as unexpected as they are chilling," Safe Banking Systems said in a June 2009 report distributed to nearly 40 lawmakers and top government officials, including the FAA administrator and then-Secretary of State Hillary Clinton.

But no one responded until a New York Times reporter asked the Transportation Security Administration about the certified airmen with terror ties listed in the Safe Banking Systems report. The following day, in June 2009, the TSA advised the FAA to revoke airman certificate for six of the eight names that SBS gave to the reporter.

The Department of Homeland Security's inspector general, in an 18-month investigation released in July 2011, found that the TSA's ability to screen airmen for national security threat is hampered by the quality of information the FAA provides. The TSA could not properly vet thousands of airmen because of missing or inaccurate data within the FAA's registry, according to the report. From 2007 to 2010,

the TSA recommended the revocation of 27 licenses, but the number would likely have been larger had all of the information been complete.

The inspector general also found that the TSA doesn't screen for broader criminal activity, allowing airmen who "have outstanding warrants or are known fugitives" to escape detection. The IG said that one U.S.-approved pilot was actually a "drug kingpin" serving 20 years in a foreign prison.

Since then, the TSA and FAA have stepped up their screening for national security threats, reviewing the FAA database four times a year to ensure accuracy.

The Spotlight Team wanted to check whether the heightened scrutiny has improved the FAA's record in preventing bad actors from having pilot's licenses. At the request of the Globe, Safe Banking Systems tested the public part of the airman registry and again found problems.

Running the same name-matching program in January 2017, SBS found five active airmen on watch lists with possible ties to terrorism or international crime, including Tairod Nathan Webster Pugh, a former Air Force mechanic who bought a one-way ticket to Turkey in 2015. His packed bags included flash drives with maps, a letter to his wife about jihad, and his Federal Aviation Administration airman certificate, according to court records. When he was arrested, Pugh was headed to Syria to offer himself as an aircraft mechanic.

In May, Pugh was sentenced to 35 years in prison for attempting to provide material support to the Islamic State, though he is appealing.

On Aug. 1, Pugh's name still appeared on the FAA's list of active airmen. But Pugh was removed by Sept. 1, days after the Globe requested his records. FAA officials now say that Pugh's license was actually revoked in 2015, though on Friday, they could not explain why his name continued to be on the active list for another two years.

In addition, SBS turned up a long-time American Airlines mechanic who attempted to broker a deal that would have moved seven Airbus A300s to Iran, which the United States has identified as a state sponsor of terrorism; a Florida businessman who was planning on illegally shipping navigation systems used for steering planes, ships, and missiles to Turkey; and an Irish pilot sanctioned by the U.S. Office of Foreign Assets Control for his connections to a company and plane that were also sanctioned. The mechanic and Florida businessman both have been released from prison, while the Irish pilot has not been charged with a crime.

In August, when the Globe requested information about the airmen identified by SBS, FAA records contained no indication that any of the five had faced FAA enforcement action.

"Have things really changed? Does the government know who they are dealing with?" said David Schiffer, Safe Banking Systems' chief executive officer (and Mark Schiffer's father). "The fact that some are licensed while still incarcerated is unbelievable. We certainly view this as a very serious threat to national security."

A history of deceit

Long before the crash in Denmark, Nader Haghighi had spent years duping the FAA. When his name came across the desk of federal investigator Robert Mancuso in late 2008, Haghighi had already racked up a significant criminal record for stealing a plane, had had his pilot's license revoked, and had even been deported from the United States in 2006, according to federal investigative reports and court records. And the FAA was receiving two new calls per month about Haghighi's scams.

Mancuso, a special agent for the U.S. Department of Transportation Inspector General's Computer Crimes Unit, began investigating a report that Haghighi had tried to illegally obtain a pilot's license on-line using Daniel George's name. Mancuso quickly discovered that George was just one more victim of a con man who used at least a dozen aliases and falsely claimed to have a degree from the Massachusetts Institute of Technology and a job at Lockheed Martin.

But Haghighi made a mistake when he initially tried to get George's license. He had collected George's personal information when he hired the professional pilot to fly a plane for him. But when Haghighi entered the stolen information on-line to get a copy of George's license, Haghighi neglected to change the e-mail address on the account, so George received notification about the new license and contacted the FAA. The agency intercepted the certificate before it was sent out.

And Mancuso thought that was the end of it, though he kept investigating Haghighi.

Then, when Haghighi crashed with George's license in his possession a few years later, Mancuso made a stunning discovery: Haghighi had found yet another way to get a license. He called the FAA directly, posing as George and complaining that he had never received the certificate he had requested weeks earlier. The FAA,

without further investigation, mailed out new copy to Haghighi's post office box in Texas, something an FAA employee told Mancuso was "not uncommon for our office to do, based on a phone call from the airman."

"I was shocked," said Mancuso, who traveled to Denmark to testify against Haghighi. "I assumed that some type of fraud alert would be placed on Mr. George's record to prohibit this from happening, especially when it was sent to the same bad address."

The FAA said pilots today can no longer request duplicate certificates by telephone, but they can get them on-line or by mail.

During his trial in Denmark, Haghighi tried yet another scam, insisting that his real name wasn't Haghighi or George but the one on another passport recovered from the crashed plane. But the judge didn't believe him and sentenced Haghighi to 10 months in prison for endangering passengers, including children, flying without a valid license or a required co-pilot on multiple occasions.

Even then, Haghighi was not through tricking the FAA. A year after his release from prison, in February 2014, he contacted the agency to secure another medical certificate, which is needed for pilots to fly.

On his application, he changed his name from "Sabouri" to "Saboori" and his birth year from 1972 to 1973. According to a U.S. Department of Transportation investigative report, Haghighi lied repeatedly on the form, claiming that he had not visited a medical professional in three years, even though emergency responders had found him unconscious inside a crashed plane just two years earlier.

His word was good enough for the FAA, which gave Haghighi a new certificate that he promptly used to land a job with Susi Air, an Indonesian airline.

Flying again

Haghighi is an extreme example, but his case is by no means isolated. At least one other pilot on the FAA registry, Re Tabib, won his license back after he went to prison for attempting to smuggle aircraft parts to Iran and was formally declared a security threat by the TSA.

In 2006, federal officers seized thousands of aircraft parts, some packed in suitcases, and "shopping lists" from the California home of Tabib, an Iranian-born FAA certified pilot. He was arrested on charges of attempting to illegally export parts for F–14 Tomcat jets to Iran.

Tabib, a veteran airman who at one time piloted private flights for the designer Gianni Versace pleaded guilty and served time in federal prison from July 2007 until January 2009. Yet, according to court records, the FAA issued him an Airline Transport Pilot certificate, the highest-level license for pilots, just three months after his release, allowing him to fly large jets.

Unlike other pilots with a criminal record, Tabib made no attempt to hide his past, alerting the agency about his felony conviction on an application form that calls on candidates to disclose any previous arrests or convictions. But the FAA—which can suspend flying privileges for anyone with an ATP license it judges not of "good moral character"—did not revoke or suspend his license.

As of August, FAA records revealed no incidents or enforcement records connected to Tabib. The agency declined to comment further on Tabib's case but said it examines possible violations of the "good moral character" standard on a case-by-case basis. The agency said that a criminal conviction is not automatic grounds for action against an ATP license.

In June 2009, just months after Tabib received his new certificates from the FAA, Safe Banking Systems, the New York fraud detection company, matched Tabib's name to public watch lists and passed it along with others to The New York Times.

The TSA responded to the story by advising the FAA to revoke Tabib's certificate. Tabib's airman certificates gave him "insider access" that, combined with his connections to Iran, could render him a security threat, according to a 2010 decision by an administrative law judge.

Tabib fought the decision for years and finally reached a settlement with the TSA in 2012. His attorney, Robert Schultz, said the law permitting the TSA to revoke airman licenses is unconstitutional because it treats airmen as presumed guilty without proper due process.

"Mr. Tabib was a professional pilot who was denied the right to earn a living for years based on mere suspicion," Schultz said, referring to the TSA threat assessment. Last year, the FAA issued him new commercial pilot and flight instructor certificates.

This time, Tabib's name was kept out of the FAA database of active airmen that the public can download to review the full list of pilots and mechanics. As a result, his name did not appear this year when Safe Banking Systems checked for airmen

who had been on terror watch lists. More than 350,000 airmen were excluded from the public database at their request.

Recent social media posts show Tabib in front of a King Air C90 turboprop aircraft. A photo from this spring shows him wearing an aviation headset in the cockpit of a plane at the Azadi airport in Iran. His Facebook page says he's now a flight instructor and pilot at John Wayne Airport in Orange County, Calif. Tabib is flying again.

Con air

Mario Jose Donadi-Gafaro, a U.S.-licensed pilot, died along with six others in a horrific plane crash in Venezuela in 2008 when his plane plummeted into a bustling neighborhood a few minutes after takeoff. He never made a distress call, and questions still remain nine years late about the cause of the accident.

But another mystery is how Donadi-Gafaro, a pilot who also moonlighted as a drug trafficker, kept a U.S. pilot's license as long as he did.

Donadi-Gafaro's criminal career began at least a decade before the crash. His initial U.S. felony drug conviction in 1999 for importing cocaine into Miami International Airport should, under FAA rules, have immediately triggered agency scrutiny of his license.

But even after the pilot was convicted a second time—this time in Venezuela—in 2006 for attempting to transport cocaine on an aircraft, the FAA did not revoke Donadi-Gafaro's license instead, the agency gave him a promotion. He applied for and was issued his Air Transport Pilot's License, the gold standard of U.S. airmen ratings, on July 23, 2007. Almost a decade after the crash in Venezuela that killed him, the FAA still listed Donadi-Gafaro as an "active" pilot, including him in its database as recently as March 2016.

The agency finally deactivated his license in 2016 after the Globe began asking questions about it. The FAA declined to comment on whether Donadi-Gafaro had reported his conviction, saying that information is protected under the Privacy Act.

"We don't know who they are"

A frustrated John Mica held up a plastic card as he addressed a 2016 hearing of his House subcommittee on the topic of "securing our skies." The card, borrowed from then-Representative Tammy Duckworth, a pilot, was an example of a modern FAA certificate.

"An airline pilot has access to the controls, flying the plane," said Mica, but a U.S. pilot's license lacks basic security features and includes only a decorative picture. "The only photo on this license are the Wright brothers, Orville and Wilbur. Orville and Wilbur, I blew it up here. OK?"

To make his point, the congressman held up an entry pass for Disney World. The card, decorated with Minnie Mouse, has a magnetic strip that is capable of linking identities to fingerprints. This allows Disney to track when cardholders enter or leave the park. The FAA license is primitive by comparison.

"This is Minnie Mouse," said Mica, referring to the Disney pass. Then, nodding to Duckworth certificate in his other hand, he added, "and this is Mickey Mouse."

Congress long ago called on the FAA to implement significant changes. The Intelligence Reform and Terrorism Prevention Act of 2004 mandated not only pictures of pilots, but also that pilot licenses include biometric capabilities such as fingerprints or iris scans.

"Fifteen years later, we see a system that has not complied with the laws that we have passed multiple times," said Mica. "We have pilots that are flying planes. We don't know who they are."

The FAA said that it has made some improvements. In 2003, the agency switched from paper licenses to new "security-enhanced airman certificates," the FAA said. The plastic documents include an FAA seal and, according to the FAA, are resistant to tampering, alteration, and counterfeiting.

But lawmakers have repeatedly challenged the agency on why the FAA has not followed congressional mandates regarding the licenses. Mica, in particular, voiced his concern publicly about the licenses in letters and hearings in 2010, 2011, 2013, and most recently, last year.

In 2017, the former congressman says he's still concerned about the lack of progress and failure to have a "credible" document.

"We tried to get them to comply, but they never did fully comply," Mica said. "Any credit card in your wallet has better capability."

Many pilots and flight instructors opposed the photo IDs, some complaining that it could add to the cost of licensing without improving national security. In written comments to the FAA, pilots said the photo on the license was unnecessary because

they are already required to carry other photo IDs—and because airport officials never ask to see pilot certificates anyway.

"Many of our members describe this effort as 'security theater,' putting a photograph on a document that authorities never ask for," said Doug Stewart, chairman of the Society of Aviation and Flight Educators, in a 2011 letter.

"What is most critical in the issuance of an FAA pilot certificate from a security standpoint is the accurate establishment of the pilot's identity, background descriptors, and qualifications," wrote Robb Powers, chairman of the national security committee at the Air Line Pilots Association, International. "Presently, FAA does not verify the identity of the person requesting a pilot certificate other than through visual inspection of the individual's driver's license or passport."

As of last month, the agency said it, along with the Department of Transportation, is "still evaluating options for including a photo," a project expected to cost about $1 billion.

While the FAA has pondered additional security requirements for more than a decade, special interest groups have worked to quietly relax regulation for pilots. In a victory for advocates of general aviation, Congress eased the medical requirements for pilots seeking a basic license, requiring only a visit to the family doctor and participation in an on-line course provided by th Aircraft Owners and Pilots Association. And the FAA reauthorization bill now in the Senate includes an amendment to roll back some commercial pilot training requirements enacted after a 2009 regional airline crash that killed 50 and was blamed on pilot error.

"What a nightmare"

Early into his new job, officials at Susi Air in Indonesia grew suspicious of Nader Haghighi an discovered that his passport number belonged to someone else. They alerted the United States.

Robert Mancuso, the Department of Transportation investigator who tracked Haghighi for years as the con man fooled authorities while using many aliases, including Nader Schruder, learned about the latest escapade and sent an e-mail to FAA officials.

"Hello all! It's my yearly e-mail regarding Mr. Nader Schruder. He seems to have popped back up in Indonesia with his revoked FAA certificate . . . Can you also run a search for any pilots with the name 'Nader Ali Saboori' to make sure he doesn't have another certificate."

The FAA responded the next day: "I do show a record for SABOORI; Nader Ali with a First Class Medical certificate issued 2/27/14 . . . It's probably the same airman."

Haghighi soon after found himself without a job. He left Indonesia and was detained during a stopover in Panama after U.S. authorities put out an alert. In November 2014, Haghighi pleaded guilty in U.S. District Court in Houston to four counts of identity theft.

George, the man whose identity Haghighi stole, wrote a letter to the judge detailing the personal toll—hundreds of thousands of dollars in lost revenue from potential pilot position and thousands of hours spent trying to figure out where Haghighi would turn up next.

"What a nightmare this man has been to me personally and professionally," George wrote.

After Haghighi was released from federal prison in October 2016, he was deported to his native Iran—ending roughly 15 years of deception.

"It's sad it went on this long. He was putting the public's life in danger," said Mancuso, now a special agent at another federal office of the inspector general.

Haghighi, in Facebook messages to a Globe reporter, expressed no remorse for his behavior and described the FAA in bluntly critical terms: "know the right person, pay the right amount in a right way and then the sky turns green."

The Globe could find no evidence that Haghighi has a U.S. pilot's license today, but a Facebook photo update in March suggests he hasn't given up hope: He was smiling from the cockpit of a plane with his hand inches away from the controls.

Q: How could the man on the bottom steal—and use—the pilot's license of the man on the top?
A: U.S. pilot's licenses don't include photos of the pilots, a big advantage for an experienced con man like Nader Ali Sabouri Haghighi.

Mr. KEATING. Thank you. So I will do that. I will look forward to suggestions. I know it is difficult for some of the agencies to come forth with suggestions over the boundaries, but I honestly think given the time period and the results it would seem FAA isn't just isn't gonna do this. So we have to, I think particularly this committee have to give TSA more authority and oversight to review this serious issue. So thank you very much.

I yield back.

Mr. KATKO. Thank you, Mr. Keating.

Mrs. Watson Coleman.

Mrs. WATSON COLEMAN. Thank you, Mr. Chairman. I would ask unanimous consent for Congresswoman Jackson Lee to be allowed to sit at the dais and to ask questions at today's hearing?

Mr. KATKO. Without objection, so ordered.

Mrs. Watson Coleman, you are recognized for 5 minutes of questions.

Mrs. WATSON COLEMAN. Jackson Lee.

Mr. KATKO. Ms. Jackson Lee, you are recognized for 5 minutes of questions.

Ms. JACKSON LEE. First of all, let me thank you for the courtesy of the Chairman and the Ranking Member and also the courtesy of extending to me the opportunity to be with you this morning. Forgive me for being delayed at another meeting, but I thought this was very important for several reasons, and I have a number of questions.

But my first question is have you all made an assessment of the conditions as relates to security at the airport in Puerto Rico, San Juan in particular? Not sure whether we have discussed that already, but the conditions are of a level of humanitarian crisis.

I understand there may be a thousand people or more at the airport. Have you sent additional personnel? What is the level of security at that airport?

Then can I ask you on a just a side issue, we have had a briefing from a number of our Members of Puerto Rican descent, and it is imperative that you convey back to Secretary Duke, Chief of Staff Kelly, that there is a humanitarian crisis and there is need for immediate action even today.

I want to put on record there should be some kind of military czar. Obviously you are civilians established and as well the C–130's can probably land on the airport delivering food and medicine, which is what is their desperate need.

So you might comment as well as you will convey that aspect of it but the question would be have you assessed since we are talking about aviation security, global whether you have had an assessment or there is an assessment going on, on the conditions at the airport in Puerto Rico because of the vulnerabilities that are there?

I will let you answer that. I am looking—I will let you answer that and let me follow up with another question.

Mr. LYNES. Yes, thank you. Puerto Rico does have a TSA Federal security director because it is what we consider a domestic airport.

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It falls outside of my remit. I am not sure of the exact details of the current status.

TSA has stood up its Critical Incident Management Group, which is monitoring the situation to provide any needed assistance from the TSA assets. So I am sorry. I would have to take that back and get some further information for you.

Ms. JACKSON LEE. So would you be willing to take it back as well as my addendum regarding the immediate crisis that needs to be responded to? Obviously, Homeland Security is the supervising agency that can collaborate with the U.S. Department of Defense. Would you convey that back please?

Mr. LYNES. I would, yes.

Ms. JACKSON LEE. Sir, from the CBP, conditions there that you are working with?

Mr. OWEN. Yes, we have officers on the ground that have been working for full employee accountability to make sure our employees have come through the storm. We have done an initial assessment on the Federal inspection site at the San Juan airport. The area that we work in is in where we process the international.

There has been some damage there, but it is not as significant— saw much greater damage in St. Thomas and St. Croix as a result of the earlier storm. So we do have officers on the ground that are working toward that mission. But for the larger point we will take that back to the Department, ma'am.

Ms. JACKSON LEE. Great. Ms. Grover, unless you want to answer. I don't know whether you——

Ms. GROVER. Nothing to add, thank you.

Ms. JACKSON LEE. Thank you. Let me additionally thank the TSA and CBP for their service to the Nation. I usually always start with that and the excellent work that you all are doing. Particularly to the Transportation Security Administration, it is important to convey because I remember the very thorny start that you had because we were so unused to it. Please let the men and women there know, because they are the first encountering, how much I appreciate their service.

So my last question has to do with the enhanced ban, which I think takes a lot of resources. I am not sure how effective the ban is adding these additional nations. What are you crafting? Are you going in to get a different matrix dealing with these expanded numbers? Are you needing expanded resources? Will you be using additional intelligence?

The last point, do you feel that you are at a high level of accountability on aviation security throughout the Nation's domestic airports?

Mr. KATKO. If I may interject for just one moment? This was covered thoroughly, so if you would do it in a summary fashion, that would be helpful. Thank you.

Ms. JACKSON LEE. Thank you.

Mr. OWEN. Yes, ma'am. In terms of the new travel ban, CBP is involved with the implementation at the airport. So we were not involved with the formulation. I can't speak to that. But what I can speak to is that it will be a very smooth implementation. Those that have valid travel documents will continue to be allowed for travel.

There is a graduation, a graduated roll-out for certain countries as part of this. Really the emphasis becomes at time of application for a visa and that falls within the State Department.

But at the U.S. airports it will be a very smooth implementation. If there is valid travel document they will be allowed to come into the country. We will not see the issues that we saw back in late January.

Ms. JACKSON LEE. Anything with TSA?

Mr. LYNES. No. From the perspective of—you asked about the ban. I defer to the Department of Homeland Security statement on the travel ban.

Ms. JACKSON LEE. Anything Ms. Grover?

Ms. GROVER. No, ma'am.

Ms. JACKSON LEE. Yield back. Thank you.

Mr. KATKO. Thank you, Ms. Jackson Lee.

Before we conclude I just want to ask a question of both Mr. Lynes and Ms. Grover for information that both Mrs. Watson Coleman and myself would like to have quickly, and that is as the subcommittee continues its oversight and due diligence in assessing the National aviation threats, especially at LPD airports, it is very helpful for us to see which specific airports are of concern.

Now, we touched on some of those today. I understand the sensitivity of this information. That is why we didn't get into it in an open setting. That is why I am requesting that TSA provide to the committee in writing a ranking of the 10 worst LPD airports in terms of security and the reasoning for the poor ranking.

I also asked Ms. Grover to provide information that she has regarding those airports that are either not meeting ICAO standards or are having troubles meeting those ICAO standards and provide as much detail as you can on those. I ask that both of you produce that information to us within 5 business days. Is that doable?

Ms. GROVER. Yes, sir.

Mr. KATKO. Mr. Lynes.

Mr. LYNES. Yes, Congressman, I do believe that we have provided some of those details from the FAA Extension Safety and Security Act of 2016. Our agency was required to produce a report. If you have not already received that, I will make sure that you get that.

Mr. KATKO. But it is not just a report I want. We specifically asked about the 10 worst LPD airports in terms of security and the reasoning for the poor ranking, as well as those that are struggling to meet the ICAO standards. All right?

Mr. LYNES. Yes, sir.

Mr. KATKO. Thank you very much. I would like to thank all of the witnesses for their testimony today. It was extremely helpful as always. We are all on the same page here.

That is one thing I love about this subcommittee and this Homeland Security as a whole. It is about as bipartisan as you can get because keeping this country safe is about as bipartisan an issue as you can have. That is why it is very rewarding to work on this committee.

Members of the committee may have additional questions for witnesses, and we will ask you to respond to these in writing. Pursu-

ant to committee rule VII(D), the hearing record will be open for 10 days. Without objection, the subcommittee stands adjourned.

[Whereupon, at 11:16 a.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS FROM RANKING MEMBER BONNIE WATSON COLEMAN FOR CRAIG LYNES

Question 1a. In your testimony, you mentioned that TSA "invite[s] select foreign Government aviation security personnel to participate in some of our own training programs such as FAMs training." How does TSA choose which countries to invite for training programs?

Question 1b. How does TSA vet individuals participating in the training?

Answer. The Transportation Security Administration (TSA) offers a number of training opportunities to its foreign counterparts which meet the requirements under the International Civil Aviation Organization (ICAO) Annex 17. This includes train-the-trainer programs such as those to assist in the development of sustainable in-flight security officer programs. In this specific reference, countries selected to participate must have a current air marshal program with a concept of operations comparable to the TSA's Federal Air Marshal Service (FAMS) and available funding to pay the participants' travel costs if training is conducted domestically, or TSA's cost if it is to occur overseas.

Question 2. On September 24, President Trump announced his revised travel order which indefinitely bans entry for nationals from eight countries, including Venezuela, which is home to three last-point-of-departure airports. The White House stated that Venezuela was included because the Venezuelan government is "uncooperative in verifying whether its citizens pose National security or public-safety threats" and does not share "terrorism-related information adequately." Given these concerns, what is the Trump administration's rationale for continuing to allow direct flights to the United States from Venezuela?

Answer. As noted in Proclamation 9645 of September 24, 2017, Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists and Other Public Safety Threats, the Secretary of Homeland Security has determined that Venezuela has been uncooperative in verifying whether its citizens pose National security or public-safety threats. In addition, the Venezuelan government has failed to share public-safety and terrorism-related information adequately, and has been assessed to be not fully compliant with regard to the acceptance of its nationals who are subject to final orders of removal from the United States. The entry restrictions and additional vetting requirements established by the President are necessary to prevent the entry of those foreign nationals about whom the U.S. Government lacks sufficient information to assess the risks they pose to the United States; elicit improved identity-management and information-sharing protocols and practices; and advance U.S. foreign policy, National security, and counterterrorism objectives.

Notwithstanding these deficiencies, DHS has reasonable confidence in our ability to verify Venezuelan nationals' identity, which contributes to our aviation security efforts. In addition to information provided directly by foreign partners, the U.S. Government has an array of data sources at its disposal to assist with vetting and screening of Venezuelan nationals regardless of whether they arrive in the United States on direct flights from Venezuela. Therefore, we have determined that direct flights from Venezuela to the United States can continue. As articulated in the Proclamation, the restrictions imposed on Venezuela focus on government officials of specified agencies who are responsible for the identified inadequacies rather than the Venezuelan general public.

Question 3a. What steps can TSA take when it finds that a foreign airport or air carrier is not meeting security standards?

If a last-point-of-departure airport fails an assessment and neither the airport or host government can absorb the cost associated with correcting the cause of failure, what happens to the airport?

Question 3b. Is the air carrier responsible for the costs?

Answer. When the Transportation Security Administration (TSA) determines that a foreign airport or air carrier is not meeting security standards, TSA will work with the appropriate authorities in the host country to address and properly mitigate any identified security deficiencies through training, instruction, or capacity development where resources and political partnership will allow.

If the assessment of the last-point-of-departure airport results in significant findings which indicate that a condition exists that threatens the safety and security of aviation transportation to or from that airport, the Secretary of Homeland Security, in coordination with the Secretary of State, may determine if further Secretarial action is warranted. Secretarial action may include: 90-day action to give the host country time to improve security measures; public notification; imposition of operating authority conditions; or suspension of service for applicable air carriers operating to/from that location.

In locations where resources do not facilitate the ability of the host country to absorb the cost of improving security measures, it may be incumbent upon air carriers operating from that location to absorb costs associated with meeting TSA-issued security directives and emergency amendments, in accordance with the requirements of the air carrier's approved security program.

QUESTIONS FROM RANKING MEMBER BONNIE WATSON COLEMAN FOR TODD C. OWEN

Question 1. With a CBP officer vacancy of 1,335 funded positions and, according to CBP's own CBP Officer Workload Staffing Model documenting a need to fund and hire an additional 2,100 CBP officers, how will CBP be able to staff these two new preclearance locations that CBP has recently signed agreements with Punta Cana and Stockholm and the up to 10 additional preclearance locations by 2024?

Answer. Preclearance locations hire experienced journeyman officers for its overseas locations, which allows for a more expedient and flexible hiring process than that of onboarding a new officer. Thus, preclearance will be able to staff any new locations—including Punta Cana and Stockholm—within agreed-upon time lines for operations following entry into force of the agreements.

Staffing the front line with well-qualified individuals of the highest integrity and capability remains a top mission support priority for CBP. CBP will maintain the hiring surge that has been in effect since fiscal year 2014. In the last 2 years, CBP has made significant improvements, including the implementation of an expedited hiring process, to reduce the average time-to-hire from 469 days in January 2016 to fewer than 300 days. As of April 2017, CBP is applying this expedited process to all applicants and we expect it to continue to significantly decrease the new hire process.

Question 2. Will CBP be diverting CBP officers from already extremely short-staffed U.S. ports of entry to staff new preclearance ports?

Answer. Preclearance does hire its journeyman officers from our U.S. ports of entry, as well as from Field Operations program offices. However, precleared flights from these foreign airports land at U.S. domestic terminals, decreasing workload requirements at U.S. domestic air ports of entry. Furthermore, a portion of the operational cost to post CBP officers at these future locations will be covered by the host nation airport operator as well as through routine user fee collections, allowing CBP to hire at its domestic U.S. ports of entry in order to backfill a portion of new Preclearance assignments.

Question 3a. Earlier this summer, we learned of deeply troubling allegations of misconduct by CBP Officers at Newark Liberty International Airport. We were told that 11 CBP employees at this airport, including three supervisors, were placed on administrative duty and that their firearms, badges, and access to sensitive databases were suspended meanwhile DHS' Office of the Inspector General investigated the allegations. In September, we were notified that three of these accused CBP officers were arrested on charges of forcibly assaulting and intimidating fellow officers. Can you please tell us when CBP's headquarters first learned of these allegations at Newark and its response?

Answer. CBP Headquarters became aware of the alleged misconduct in Newark on or about January 23, 2017, when the allegations were reported via email to CBP's Office of Professional Responsibility (OPR). In accordance with Department of Homeland Security (DHS) policy, the information was immediately forwarded to the DHS Office of Inspector General (OIG), which opened an investigation.

Question 3b. Does CBP have any recent or new information about any similar allegations of misconduct among its employees at other ports of entry?

Answer. Review of the CBP OPR Joint Intake Case Management Systems did not identify any additional allegations involving ritualistic hazing by one or more CBP employees as alleged in this case.

Question 3c. What specific steps has CBP taken to determine whether similar improper conduct has occurred at other locations?

Answer. CBP takes all misconduct allegations seriously. As such, CBP Office of Field Operations (OFO) has a program manager assigned to CBP Office of Professional Responsibility (OPR) who also reviews the Joint Intake Case Management System daily. This program manager also serves as a liaison to OPR and Office of the Inspector General (OIG) for OFO.

Question 3d. What specific actions are under way to prevent this type of egregious misconduct from happening in the future?

Answer. Immediately after the alleged misconduct became known to OFO, mandatory musters geared toward both managers and employees were conducted to reiterate the standards of conduct and table of offenses for unprofessional and disruptive behavior. OFO also maintains a robust professionalism program at each Field Office. There are approximately 169 full-time Professionalism Service Managers (PSMs) Nation-wide. OFO Headquarters conducts routine conference calls with all PSMs to discuss topics of concern and best practices on how to avoid and address unprofessional and disruptive behavior.

Question 4a. The Obama administration identified, based on risk, 21 expansion priority locations around the world for the Preclearance security program. Two locations, Sweden and the Dominican Republic, are in the agreement phase of negotiations but, no new agreements have been executed. Since January, have there been any meetings or discussions with the other 19 selected locations? Are any agreements in the pipeline?

Answer. CBP continues to engage in discussions and take part in negotiations with the other prioritized locations for the establishment of preclearance. Ultimately, before preclearance operations may begin at any location, an agreement between the United States and the host government which will permit air transport preclearance in the host country must be signed and entered into force. Overall, CBP intends to match the speed at which host countries and airports are willing to move forward with negotiations and airport designs. Currently, CBP is engaged in varying levels of discussion with a number of the prioritized locations and our expectation is that more agreements will be signed in the near future.

Question 4b. Does DHS plan to solicit additional expressions of interest from foreign countries in the upcoming fiscal year? If not, why not?

Answer. CBP remains committed to furthering our discussions and engagement with the already selected prioritized countries from the previous open seasons for the establishment of preclearance. CBP is willing to discuss preclearance with any additional interested locations, however, at this time another open season has not yet been established.

Question 5a. In previous years, Congress was briefed on the deployment of CBP Preclearance to the United Arab Emirates, and we were told by the Department that the plan was for the program to be deployed first to Abu Dhabi and then soon after to Dubai. As you know, the latter has a greater volume of travelers, more travelers of possible concern, and is served by U.S. air carriers. Is Dubai on the administration's current priority list?

Answer. Although Dubai remains a priority location for CBP in the establishment of preclearance, there are no U.S. air carries that fly direct to Dubai. Currently Dubai is in the midst of a large airport construction project for Al Maktoum International Airport. CBP will continue to engage with the airport authorities.

Question 5b. Does DHS still plan to establish Preclearance in Dubai?

Answer. Establishing preclearance in Dubai will require CBP to enter into either a new agreement or amendments to the current agreement with the host country. CBP continues to pursue preclearance in Dubai, once Dubai meets the U.S. legal prerequisites for a preclearance location.

QUESTIONS FROM RANKING MEMBER BONNIE WATSON COLEMAN FOR JENNIFER GROVER

Question 1. How are TSA's inspection authorities different for air carriers and foreign airports and what implications does that have for TSA's ability to impact aviation security?

Answer. Although TSA is authorized under U.S. law to conduct foreign airport assessments at intervals it considers necessary, it may not perform an assessment of security measures at a foreign airport without permission from the host government. TSA also does not have authority to impose or otherwise enforce security requirements at foreign airports and, therefore, seeks to address security deficiencies it identifies through capacity building, such as training of foreign airport staff and on-site consultation, and working with U.S. and foreign-flagged air carriers (i.e., air

carriers) to implement security measures, among other things. In contrast to the airport assessments, TSA is authorized under U.S. law to place security requirements on air carriers that service the United States and may take enforcement actions if TSA determines through its air carrier inspection program that carriers have failed to comply with the requirements.[1] For example, in June 2017, DHS announced new security requirements, including heightened screening of personal electronic devices, for air carriers operating last-point-of-departure flights to the United States from foreign airports.[2] Although we did not conduct work to specifically answer whether differences in TSA's inspection authorities have implications for TSA's ability to impact aviation security, we did find that while TSA does not have authority to impose requirements or compel action by host-government officials at foreign airports should a deficiency be identified, TSA has exercised its regulatory authority over both U.S. and foreign-flagged air carriers to mitigate identified deficiencies or threats.

Question 2. What is the most important change that TSA has made in its foreign airport assessment program since GAO's last review?

Answer. Since 2011, TSA has taken various steps to strengthen its foreign airport assessment program, including better targeting program resources based on risk, resolving airport access issues, making evaluations more comprehensive, and creating operational efficiencies. Some of the important changes that TSA has made in these areas include:

Better target program resources based on risk.—In 2013, TSA established a working group to evaluate ways to better integrate risk management in the foreign airport assessment and air carrier inspection programs. This working group developed a risk framework, which, according to TSA documentation, provides a systematic approach for analyzing risk at international airports, supports Office of Global Strategies (OGS) decision making, and informs efforts to mitigate security deficiencies. In 2015, OGS created the Analysis and Risk Mitigation (ARM) Directorate, which formalized the risk mitigation responsibilities of the working group and serves as the data analysis and evaluation arm of OGS. OGS officials stated that ARM helps the program focus its resources based on risk. For example, ARM analyzes and prioritizes activities, such as training, that are designed to mitigate security vulnerabilities at foreign airports.

Resolve airport access issues.—Since our 2011 review, TSA has faced delays in scheduling some foreign airport assessments and obstacles in obtaining full access to airport operations at certain locations. According to TSA officials, TSA has used several tactics to resolve access issues, including deploying the same inspectors over multiple assessments to build rapport with foreign airport officials. For example, in one country in the Western Hemisphere region, TSA's access to airport operations was initially limited by the host government. However, over time, TSA used a small pool of inspectors who officials said were able to build trust with the host government and gain better access, including the ability to conduct interviews of airport officials and take photographs of the security environment. Additionally, in 2011, we reported on TSA's challenges in obtaining access to airports in Venezuela. Specifically, we reported that TSA had not been able to assess airports in Venezuela or conduct TSA compliance inspections for air carriers, including U.S. carriers, flying from Venezuela to the United States since 2006. According to TSA officials, in 2014, TSA regained access in Venezuela after establishing dialogue with the new government in place and emphasizing the benefits of the evaluation process.

Make evaluations more comprehensive.—In 2012, TSA developed job aids that provide inspectors with a set of detailed areas to assess for each foreign airport assessment standard. For example, a job aid for passenger and cabin baggage screening includes several prompts related to screening roles and responsibilities, the resolution process if a suspicious item is detected, and alternative procedures if screening equipment is not working as intended. According to TSA officials, these actions have led to more comprehensive evaluations and a better understanding of foreign airport vulnerabilities.

Create operational efficiencies.—In 2012, TSA developed the Global Risk Analysis and Decision Support System (GRADS) to streamline the assessment report writing process and strengthen TSA's data analysis capabilities of its foreign airport assessment results. According to TSA officials, GRADS has provided TSA personnel with a number of benefits, including the ability to run standardized reports, extract and

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[1] See 49 U.S.C. §§ 44903(c), 44906. See also 49 C.F.R. pts. 1544 and 1546 (imposing requirements on U.S. and foreign-flagged air carriers, respectively).
[2] See Security Directive §§ 1544–17–01A, International Aviation Security (July 13, 2017); Emergency Amendment 1544–17–01A, International Aviation Security (July 13, 2017); and Emergency Amendment 1546–17–02A, International Aviation Security (July 13, 2017).

analyze key data, and manage airport operational information, such as data on security screening equipment. According to TSA documentation, prior to 2012, the agency captured the results of its foreign airport assessments in narrative form that often amounted to more than 80 pages, hampering the ability to perform data analysis.

Question 3. How well is TSA doing at monitoring the results of its foreign airport assessments and air carrier inspections?

Answer. TSA has taken a number of steps to strengthen its analytical processes and better understand the impact of the foreign airport assessment and air carrier inspection programs. For example, since fiscal year 2012, TSA has held strategy meetings to address aviation security threats and vulnerabilities within each of TSA's four regions: Africa-Middle East, Asia-Pacific, Europe, and Western Hemisphere. During these meetings, TSA officials examine trend data for both airport assessments and air carrier inspections, including vulnerability ratings over a multi-year period, identify common areas of non-compliance, and develop capacity-building approaches customized to each region. Additionally, in 2016, TSA began producing regional risk reports to provide TSA personnel operating within one of the four regions with an understanding of known vulnerabilities and their associated risk in order to inform mitigation-planning efforts. These reports include such information as key risks at each location and region-wide trends on vulnerabilities. While TSA has taken steps to leverage the results of foreign airport assessments and air carrier inspections to monitor system-wide vulnerabilities and inform capacity development, TSA lacks key information for decision making. For instance, we found that the Open Standards and Recommended Practices Findings Tool (OSFT)—a database for tracking the resolution status of identified foreign airport deficiencies—has gaps and its system for categorization does not result in sufficient specificity of information related to security deficiencies' root causes and corrective actions. For example, we found that around two-thirds of fiscal year 2016 records in the OSFT exhibited empty fields pertaining to root cause or recommended corrective action. We also found that the OSFT has limitations related to the categorization of root causes and corrective actions. TSA procedures indicate that root causes may relate to three broad categories (lack of knowledge, lack of infrastructure, and lack of will) and 12 subcategories: Aviation security infrastructure, communication, cultural factors, human factors, management systems, physical infrastructure, procedures, quality control, resources, supervision, technology, and training. However, the OSFT does not include a field to categorize root causes according to these subcategories or other more specific areas. As a result, it does not capture more granular information that would better explain the specific root cause of an identified security issue.

Question 4. What are examples of the specific types of capacity development that TSA offers to foreign airports?

Answer. TSA assists foreign airports in addressing identified security deficiencies in a variety of ways. TSA inspectors work to transfer knowledge on how to mitigate identified airport security deficiencies to foreign airport officials and provide TSA program officials with suggestions for capacity development that could be effective in addressing these deficiencies. Specifically, TSA capacity development assistance to foreign airports includes on-the-spot counseling, training, technical assistance and consultation, and provision of security equipment.

Inspectors counsel foreign airport staff on-the-spot.—According to TSA officials, inspectors typically offer counseling during airport assessments when they discover deficiencies, usually of an infrequent, less serious, or technical nature, that can be addressed immediately. For example, during a 2013 assessment of an airport in the Europe region, inspectors observed a total of 53 employees within the restricted area, of which one was not displaying his badge. Airport officials immediately requested that the individual display his badge and informed the TSA inspection team that they will remind all staff to properly display their airport media while in the restricted area. For the remainder of the airport visit, no badge display issues were noted. In another example, during an assessment in the Western Hemisphere region, inspectors observed persons entering a restricted area without undergoing screening. The inspectors counseled the airport's security officials on the importance of adhering to the airport's security program, and observed the airport officials take immediate action by implementing escort and screening procedures.

TSA provides security training.—TSA may provide training to foreign airport staff to address deeper problems with staff security knowledge or to strengthen staff knowledge in an evolving threat environment. Training may take several forms, including traditional classroom courses or interactive workshops, and can range in length from 1 or 2 days to more than 1 week. Course topics include risk management, screening operations, and airport security, with a broad variety of sub-topics, such as insider risk, cargo security, and inspection techniques. According to TSA,

new courses are in development to meet the changing security landscape. New course topics include landside security, behavioral awareness, and the effective use of canines.

TSA arranges for technical assistance and consultation.—TSA assists foreign governments in securing technical assistance and consultation provided by TSA and other U.S. and foreign government agencies to help improve security at foreign airports, particularly after security incidents or at airports in developing countries. For example, after the 2016 terrorist attack on Brussels Airport, TSA was invited by airport officials to provide on-site consultation during the reconstitution of the airport facilities. In another example, TSA provided a country in the Africa-Middle East region with on-site technical assistance for configuring and testing explosives detection equipment at baggage screening checkpoints. In addition, the Department of State's Anti-Terrorism Assistance Program augments TSA's resources in building the aviation security capacity of foreign governments. For instance, the Department of State provides recipient nations with courses focused on airport security management, quality control, and fraudulent document recognition as well as multi-day passenger and cargo security consultations. In addition, with regard to capacity development TSA collaborates with other countries. Partners may promote common aviation security goals to other countries when political considerations preclude TSA from doing so, or combine resources with TSA for joint efforts. For example, in one collaboration, a country in the Asia-Pacific region provided resources and facilities, while TSA provided staff so that neighboring countries could attend aviation security training.

TSA loans and donates security equipment.—TSA may loan or donate security equipment such as explosives detection devices and metal detection hand wands to lower-income countries. Since fiscal year 2012, TSA has loaned X-ray screening equipment and explosives detection devices to five countries. TSA may also provide staff at foreign airports with demonstrations for using equipment that has been loaned or donated by TSA, as well as equipment otherwise acquired by host governments. For instance, in 2016 TSA provided operator training and maintenance assistance to a country in the Africa-Middle East region that had procured passenger body scanners.

Question 5. Given the strides that TSA made under the Obama administration on addressing GAO's key findings at last-point-of-departure airports, do you think that TSA has the resources to keep up the level of compliance activities while executing new security directives?

Answer. We did not conduct the work necessary to evaluate whether TSA has sufficient resources to keep up the level of compliance activities while executing new security directives.

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