

**KEEPING OUR SKIES SECURE:  
OVERSIGHT OF THE TRANSPORTATION  
SECURITY ADMINISTRATION**

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**HEARING**

BEFORE THE

**COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

**ONE HUNDRED FIFTEENTH CONGRESS**

SECOND SESSION

SEPTEMBER 5, 2018

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

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**WEDNESDAY, SEPTEMBER 5, 2018**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:22 a.m. in room SD-106, Dirksen Senate Office Building, Hon. John Thune, Chairman of the Committee, presiding.

Present: Senators Thune [presiding], Nelson, Wicker, Cantwell, Udall, Peters, Hassan, Sullivan, Markey, Inhofe, Lee, and Gardner.

**OPENING STATEMENT OF HON. JOHN THUNE,  
U.S. SENATOR FROM SOUTH DAKOTA**

The CHAIRMAN. Well, good morning and welcome back, Admiral Pecoske.

I want to begin by thanking you and the men and women of the TSA for the vital job that you do. That's probably something we don't say often enough. At the same time, I want to encourage you to continue improving, and that's the spirit that underpins our oversight hearing today.

Over two years ago, the FAA Extension, Safety, and Security Act of 2016, or FESSA, was enacted into law. It included multiple provisions from my Airport Security Enhancement and Oversight Act designed to reform and refocus TSA's efforts.

Two years after enactment, however, some important mandates contained in FESSA remain outstanding, including updated regulations to enhance airport and airline employee access controls.

I look forward to hearing an update on implementation of these measures. As threats to aviation continually evolve, we must ensure that TSA is able to test, procure, and deploy new technologies to counter those threats.

Recent advancements in computed tomography, biometrics, and credential authentication technologies empower TSA to enhance its layers of security and better respond to potential vulnerabilities.

Nevertheless, TSA has had difficulty testing and deploying these technologies to airports in a timely manner as well as adequately communicating and adhering to its long-term technology investment plan, which makes it challenging for security technology manufacturers to do their part in supporting the agency's needs.

TSA must provide certainty in its equipment procurement plans to enable the consistent rapid deployment of advanced security technologies.

This past Labor Day weekend, an estimated 16 and a half million passengers were predicted to travel through our nation's airports, which is a new record for that particular holiday travel period.

With so many passengers requiring screening at airport checkpoints, we're reminded of the importance of the PreCheck Program to pre-vet and expedite screening for low-risk travelers so that public airport areas are less vulnerable and TSA can focus on screening passengers who are higher-risk.

Unfortunately, TSA has not significantly increased its pre-check enrollment numbers in recent years and has not yet offered expanded services and options for travelers to make enrollment easier as required under FESSA.

On the whole, however, TSA continues to lead the world in creating a secure global aviation environment. In the last year, TSA has issued security directives for airports with commercial flights to the United States aimed at countering threats related to personal electronic devices, powders, and air cargo.

Since these security directives were announced, many countries have successfully implemented enhanced security screening protocols and some countries, including the United Kingdom, have followed the TSA's lead with similar directives, raising the global standard for aviation security, ensuring safer international travel.

We want to ensure that TSA remains a global security leader and sets the standards for the rest of the world. The TSA Modernization Act, which I authored along with Senators Nelson, Blunt, and Cantwell, would help the agency do so by addressing the issues I've mentioned here today.

I'm hopeful that we can enact this reauthorization bill in the coming weeks as part of our FAA reauthorization effort.

Before concluding my remarks, I want to note the words of a man who led this Committee for many years. In April of 2000, months before the attacks of 9/11, he said the following in prepared remarks for an Aviation Security hearing, and I quote: "I am certainly aware that aviation security is a complex and difficult undertaking and any system involving humans is going to have flaws. Every effort must be made to increase awareness and performance. You can be sure that Osama bin Laden and others like him will continue to target Americans and American interests."

Those words were by then Chairman John McCain and they not only demonstrated a remarkable foresight but still hold true in many ways even though the names of those who want to do us harm have changed.

It is also a reminder of the legacy and impact of our friend and colleague who as Chairman helped craft legislation establishing the TSA and stabilizing the airline industry in the wake of the horrific events of 9/11.

As we near the 17th Anniversary of these attacks, we are soberly reminded once again of how important the TSA's work is and of all your agency does to keep the traveling public secure.

With that, I reiterate my thanks to the Administrator for being here and will turn to Ranking Member Nelson for his opening remarks.

Senator Nelson.

**STATEMENT OF HON. BILL NELSON,  
U.S. SENATOR FROM FLORIDA**

Senator NELSON. And those comments sound just like John McCain, who had an extraordinary insight into matters of national security.

As the Chairman said, we want to get TSA attached to the FAA bill and the TSA Modernization Act this Committee passed last October focused on improving security at airports by authorizing an increase in the Law Enforcement Officer Reimbursement Program.

Expanding the use of explosive detection K-9 teams, which every TSA officer that I talk to says that's the most effective, and expediting the deployment of security screening equipment.

We hope that this bill will help the TSA grow its pre-check program, which has been successful but continues to struggle with enrollment. I look forward to your updates.

I also hope that we can shine some light on TSA's Quiet Skies Program, which has been in the news recently. Along with Senator McCaskill, we sent you a letter last week asking for clarification about this program. It's important for us to know the program's details, and I believe it's imperative that we have a discussion on the ways that TSA is responding to the emerging threat, as you and I, Admiral, discussed, of 3-D printed guns.

As we have had that discussion, there's a great concern about the danger that these weapons pose to getting through the screening equipment.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Nelson.

Admiral Pekoske, as always, great to have you here, and thank you again to you and the many folks who work with you and for you at the TSA to keep our traveling public safe.

But welcome, and we look forward to your remarks.

**STATEMENT OF HON. DAVID PEKOSKE, ADMINISTRATOR,  
TRANSPORTATION SECURITY ADMINISTRATION,  
U.S. DEPARTMENT OF TRANSPORTATION**

Mr. PEKOSKE. Thank you, Mr. Chairman and Ranking Member Nelson and distinguished Members of this Committee. Thank you for the opportunity to appear before you today.

Mr. Chairman, I appreciate your and Ranking Member Nelson's opening comments, particularly with regards to Senator McCain. I also appreciate both of your leadership in support of TSA.

First and foremost, let me acknowledge the outstanding men and women of TSA. It has been my privilege to serve as the Administrator to the over 63,000 dedicated professionals that provide security for millions and millions of travelers every day.

On behalf of this team, I thank you for your support enabling TSA to accomplish a mission so critical to the safety, security, and economic well-being of the American people.

I appreciate the Committee's work on the TSA Modernization Act that may be included with the FAA Reauthorization Act. They will, these Acts—the TSA Modernization Act, will certainly strengthen our ability to execute our mission.

And I also appreciate, sir, you and your staff's input to the new TSA Strategy and Administrator's Intent.

As you noted, we will mark the 17th Anniversary of 9/11 next Tuesday. The threat today is no less concerning than it was immediately following 9/11. It is somewhat different. It's more diffuse. It has evolved and to meet the mission of protecting the Nation's transportation systems, we must evolve with the threat, and you have seen us do that over the past year.

Let me highlight just a few of our many accomplishments.

First, we've significantly improved security here at home, both in aviation and surface transportation security. You mentioned the development of the CT, CAT scan technology at our checkpoints. We have made significant progress in bringing the CT capability to our checkpoints.

We are in the final phases of operational testing and evaluation as I speak. That program remains on track and I am very pleased so far with the results.

With respect to K-9 teams, we have very much valued the additional layer that canines provide to our security. They provide an excellent deterrence and detection and I'm happy to report that between this time last year and today, we have increased the number of deployed K-9 teams at our security checkpoints by 41 percent. That's a very significant improvement and, in fact, our throughput results over the busy summer travel season reflects the addition of those K-9 teams, and I'll talk about that in just a second.

We have also recently published the Pipeline Security Guidelines. I'm very focused, as you know, on surface transportation security. These guidelines were put together in great collaboration with the industry and have raised the security profile on the pipeline industry.

As you mentioned, sir, we have also raised the global baseline for aviation security. We implemented our measures, thanks to the authority that you've provided in the Aviation and Transportation Security Act, and this was done in full cooperation with our industry and international partners.

And all the while, passenger growth continues to increase by about 4 percent per year. We just had our busiest summer travel season on record and just to think about a number, if you would, please, we screened over a quarter billion people through our security checkpoints here domestically between Memorial Day and Labor day this past Monday, and our passenger throughput was well within the norms for both pre-check and standard lay-in passengers.

We also have recently received some very positive FEVs or Federal Employee Viewpoint Survey Results that were contributed to by the TSA workforce.

I'm happy to report that TSA was up in every single FEVs category. The greatest improvement in our FEV scores was with the Federal Air Marshal Service and this represents, in my view, continued steady progress in both workplace morale and job satisfac-

tion. That will continue to have my focus, I know it has your focus, and we owe it to respond to the input that our workforce has provided to us.

Two current issues that I'd like to address upfront with the Committee, the first is the incident at Seattle-Tacoma International Airport on August 10, which involved the theft of an aircraft.

There are multiple investigations underway, including one by TSA. None of those investigations are yet complete, but once they are complete, we will review the results and then determine whether or not changes are needed.

On the Quiet Skies Program, this program is not a new program but it is an intelligence-driven risk-based rules program that has been in place since 2011. Privacy impact statements have been filed and updated and there is, I assure you, strong oversight of this program from the department.

I am confident that it has reduced risk for nearly seven years, and I would note that we're fortunate to have the Air Marshal capability supporting this program and I am proud of the professionalism of the Federal Air Marshal Service, and I would state unequivocally that we have the best Air Marshal Service in the world. Our Air Marshals are a critical element of aviation security.

Much of the Quiet Skies Program, as you can appreciate, is security-sensitive information and the intel that supports it is classified. I am always available to answer your questions on SSI or classified matters in closed session.

As I look to the future, I see several things immediately on the horizon: continued technology infusion throughout TSA, a refreshment of our Insider Threat Programs, continued K-9 Program growth, enhanced air cargo security, the integration of the TSA PreCheck Program and Customs and Border Protections Global Entry Program, and the publishing of regulations and guidelines for surface transportation security.

Chairman Thune, Ranking Member Nelson, Members of the Committee, I appreciate your oversight and support. My overarching goal is very simple, three simple words, better security faster, and I need your help to achieve this.

And, finally, were it not for your support of my confirmation, I would not have had this opportunity to serve and I thank you all for your confidence in me.

Sir, before I conclude my opening statement, I would like to introduce two members that are new to TSA over my left shoulder. Both are supervisory transportation security officers.

I have brought uniformed officers into TSA Headquarters because when I arrived, I saw none, and uniformed officers represent the vast majority of the TSA workforce.

The first is Supervisory Transportation Security Officer Charles Meador from Anchorage Airport and the second Supervisory Transportation Security Officer Cavel Malcolm from LaGuardia Airport. So we've gone from coast to coast but Charles sits in my front office, Cavel will in about 6 months, and they're there for our direct input and they participate in all of our policy discussions.

I will bring and am soliciting at this point in time, one of our Federal Air Marshals also into the front office, because I want the frontline workforce to be right by my side and to have a view and

to have input into how we develop policy and procedures inside TSA.

So this concludes my opening statement, and I look forward to your questions.

[The prepared statement of Mr. Pecoske follows:]

PREPARED STATEMENT OF HON. DAVID P. PEKOSKE, ADMINISTRATOR,  
TRANSPORTATION SECURITY ADMINISTRATION,  
U.S. DEPARTMENT OF HOMELAND SECURITY

Good morning Chairman Thune, Ranking Member Nelson, and distinguished Members of the Committee. Thank you for inviting me here today to testify about the Transportation Security Administration (TSA) and the work we are doing to keep our transportation system secure despite persistent threats. TSA appreciates the support of this Committee as we carry out our vital security mission. We are grateful for the constructive relationship TSA enjoys with each Member and are confident, that if enacted, the TSA-related provisions potentially to be included within H.R. 4, the *FAA Reauthorization Act*, will further strengthen the Agency's ability to execute its mission.

Next week, the entire nation will reflect upon the 9/11 attacks. While aviation security operations have advanced significantly in 17 years, we still face determined adversaries. The threat to aviation remains high and terrorists remain intent on attacking civil aviation. We also cannot ignore the real threat to the surface transportation system, as evidenced by the 2017 attacks in New York City, London, Paris, and Barcelona. Last month's vehicular attack outside of London's House of Parliament and the intentional crashing of an airplane in the vicinity of the Seattle-Tacoma airport are recent reminders of the types of dangers we face every day.

We must remain vigilant in continually assessing vulnerabilities, identifying threats, and mitigating risks while ensuring massive volumes of passengers and commodities can move securely and efficiently through the transportation "system of systems." That system is the lifeblood of our economy and way of life and one that requires all stakeholders to help protect it.

Since being confirmed as Administrator a little over a year ago, I have spent a significant amount of my time at the front lines of TSA, engaging with employees at all levels of the organization, and meeting with our partners. I have visited many airports; numerous transit infrastructure venues, to include train stations and operation control centers; met with rail, pipeline, and motor carrier operators and owners; and traveled abroad to gain greater perspective regarding the security challenges we face and to advance discussions on how we continue to raise the global baseline for transportation security.

Securing the Nation's transportation system requires the collective efforts of all segments of our society; it is not something that the government can accomplish alone. As such, I recognize the critical importance of partnering with and actively including as many of our stakeholders in the process of developing transportation security solutions. This is why I value the opportunity to engage with stakeholders directly as well as through the Aviation Security Advisory Committee (ASAC), the DHS Critical Infrastructure Partnership Advisory Committee's Transportation Systems Sector Coordinating Council, and other forums. In fact, later this month I will participate in a roundtable discussion with pipeline operators and government partners in Alaska to discuss the important topic of pipeline security.

In all of my encounters, I have observed a deep commitment to our shared mission to protect the Nation's transportation system to ensure freedom of movement for people and commerce. This dedication is critically important because we face both multiple determined adversaries and a threat environment that remains complex, diverse, and persistent.

I am honored to be leading the 63,000 dedicated professionals who make up TSA's workforce, share our core values of integrity, respect, and commitment, and provide security for millions of Americans using our transportation systems each and every day. I am also focused on ensuring we are prepared to address today's risks and tomorrow's threats. This challenge is compounded by increased user demand on the transportation system and passenger expectations for customized and seamless travel experiences. As it relates to air travel, my first year at TSA was the busiest in TSA history—with extremely busy spring and summer travel periods.

Compared to the 771 million passengers screened in 2017, we are projected to screen more than 800 million passengers and crew this year. Of note, TSA has managed the nearly four percent annual passenger growth experienced over the last few

years while only increasing the size of its Transportation Security Officer workforce at roughly half that rate each year as a result of funding limitations, which has impacted both training and morale. We have worked as efficiently as possible, are introducing more capable equipment (*e.g.*, computed tomography (CT) screening systems), and are updating approaches for recruiting, retaining, and developing our personnel.

TSA's continued success is contingent on our ability to rise to the challenge of outmatching a dynamic threat to our aviation and surface transportation systems. To be effective and efficient in a changing environment, TSA must continuously re-evaluate how it uses its resources and performs its mission.

First, quintessential to using our resources as effectively as possible is understanding where they can best be directed to address the greatest level of risk. TSA uses several risk-based programs, including QUIET SKIES, to inform a series of operational actions—such as whether to conduct enhanced screening at the checkpoint and when to assign Federal Air Marshal Service (FAMS) coverage. These risk-based programs are critically important for our security. They are intelligence-based and designed to identify individuals who may pose a higher risk, so that TSA can take action to mitigate these security risks. We aggressively employ procedural and privacy safeguards and have robust review procedures within TSA and with the DHS Privacy Office,

Office of Civil Rights and Civil Liberties and Office of the General Counsel. TSA's intelligence-driven risk-based programs rely on passenger provided data and do not use race, color, religion, disability, sexual orientation, or parental status as a basis for operational decisions.

Second, every year as part of the Federal budget process, TSA is charged with considering ways to create operational efficiencies. For example, as part of that deliberative process for the Fiscal Year 2020 budget request, TSA was required to respond to various budget scenarios and explain how limited resources would be allocated based on proposed funding levels. The possibility of eliminating security screening at low volume airports was one of many options discussed as part of the budget development process. Internal consideration of that option, however, did not constitute a decision. In fact, TSA decided not to propose that strategy for further consideration by the Department or Administration.

In short, we must not only continue to work hard, but we must also work smarter and more strategically. This is why it was a priority for me to issue guidance within my first year to explain to our work force, Congress, and our stakeholders how TSA would continue to improve the execution of our mission into the future. I did so via the publication of my "Administrator's Intent"—a document that lays out my priorities for the Agency and is intended to be updated periodically—and the 2018–2026 TSA Strategy. Together, these structured documents ensure strategic alignment and a greater level of transparency.

The TSA Strategy ensures our focus on capability innovation and threat-informed, information-driven operations. My Administrator's Intent explains how we will execute the strategy between now and 2020. The TSA Strategy and my Administrator's Intent detail the three main strategic priorities for the organization and how we will accomplish them. Both are posted on our website for public review and transparency. The first priority is to improve security and safeguard the transportation system. Our second is to accelerate action. And the final priority is to commit to our people. These priorities reflect my focus on preserving frontline operations, quickly transitioning to new technologies, and creating efficiencies to optimize limited resources.

### **Improve Security and Safeguard the Transportation System**

TSA's operational environment requires robust partnerships and effective security operations across all modes of transportation. We strive to strengthen our operational approach through a proficient and professional workforce, more effective detection capabilities, enhanced intelligence and vetting, and better communication and coordination with stakeholders.

Simultaneously, we also strive to improve the passenger experience.

For more than a year and in response to the evolving international aviation threat, TSA has mandated enhanced security requirements for all commercial flights to the United States. Those measures include enhanced screening of passengers and electronic devices and heightened security standards for aircraft and airports. These new security measures have been implemented at 280 last points of departure airports in over 105 countries. These airports service approximately 180 U.S. and foreign airlines transporting an average of 375,000 passengers on 2,100 flights daily.

In addition to raising the baseline for passenger aviation security, TSA has worked closely with U.S. Customs and Border Protection (CBP) to “raise the bar” for cargo operations by requiring the use of the Air Cargo Advance Screening program for cargo on all flights destined for the United States. This allows CBP and TSA to target potential U.S. bound cargo before it is loaded aboard an aircraft, based on threat reporting, for a higher level of screening. As threats continue to evolve, TSA, in cooperation with partners world-wide, will work to improve intelligence sharing and standardize best practices, while also pursuing technological security advancements.

Domestically, TSA is also strengthening and expanding our security screening procedures and capabilities to address the dangers we face. We are working to expand participation in our TSA Pre✓® program through improved marketing and partnership. For instance, since January 2018, TSA announced that TSA Pre✓® expedited screening program would include eligible customers of certain airlines in addition to those already participating. The number of airlines participating in TSA Pre✓® stands at 54 domestic and international carriers representing more than 90 percent of passengers traveling to or within the U.S. TSA is also working with CBP to identify ways that we can better leverage and align the two DHS Trusted Traveler programs, Global Entry and TSA Pre✓®.

To manage risk and resources more effectively, TSA is exploring ways to further segment the passenger screening process through innovative applications of its screening capabilities, including passenger screening canines. As a result of increased appropriations, TSA has been able to procure additional canines from domestic and international sources to build the capacity needed to implement this option more broadly. Efforts like this will be designed to make the screening process more efficient, match procedures with level of risk, and improve the passenger screening experience. In short, TSA is striving to provide better security, faster.

Just as it is the case for passengers, knowing more about aviation workers and the air carrier population is a critical component of understanding the security risk associated with potential insider threats. TSA’s implementation of FBI’s RAP Back services, which provides recurrent vetting for those populations and automatic notification to airports and air carriers of new criminal activity, began in May 2016 at two airports and with one carrier. Today, RAP Back services have expanded to 132 airports and two airlines.

In addition to our aviation passenger screening mission, we continue to oversee the security of the surface transportation system. The interconnected, varied, and expansive scope of the surface transportation system creates unique security challenges that are best addressed by system owners and operators. TSA’s approach to surface transportation security reflects this reality and focuses on providing system owners and operators Federal support through communication, coordination, and collaboration. On a daily basis, TSA assists surface stakeholders through conducting vulnerability assessments, analyzing security programs across the surface sector, from pipelines, to mass transit, to freight rail, to over-the-road bus entities, providing training and exercise support, executing collaborative law enforcement and security operations, and sharing intelligence information.

Additionally, TSA strives to keep pace with the fast-moving advancement of security technologies to address current and evolving threats by looking at emerging technologies, including from outside the transportation environment, to assess their potential applicability to the surface transportation environment. We work closely with surface transportation owners and operators to develop and deploy technology solutions to advance transit security through collaborative operational test beds for different modes of transportation (mass transit, highway motor carrier, pipeline, and freight rail). While TSA does not procure the technology for surface transportation operators and owners, our efforts are designed to assist with development of their technology requirements, to represent them in government technology forums, and to help inform their acquisition decision making process.

A good example of the results of this process received national attention recently. On August 14, 2018, Los Angeles County Metro announced that it had become the first transit system in the country to purchase passenger screening technology capable of detecting weapons and explosive devices on passengers. TSA and L.A. Metro had been testing the equipment since last year. The same detection system has also been tested by Amtrak at Penn Station in New York City and New Jersey Transit at Newark Penn Station in New Jersey. This technology would have been able to detect the improvised explosive device on the individual that attempted a suicide attack while walking from the Port Authority of New York and New Jersey bus terminal to the New York Metropolitan Transportation Authority train last year.

### **Accelerate Action**

TSA is building a culture of innovation that can anticipate and rapidly counter the changing threats across the transportation system. Rapid development and deployment of technical or non-material solutions will enable TSA to continuously improve operations.

TSA's Innovation Task Force, in partnership with stakeholders, has accelerated efforts to advance security technology. This year we expanded the use and testing of CT screening systems in numerous airports. We are grateful for the support of Congress, as well as CT equipment donated by American Airlines, that has enabled us to announce plans to expand testing of CT systems this year. Computed tomography technology allows TSA officers to more easily identify potential threats and in the future may eliminate the need for passengers to remove liquids, electronics and food items from carry-on passenger bags. This technology will significantly enhance the effectiveness of TSA's security screening process while also improving the passenger experience. As such, the President's Budget for Fiscal Year 2019 calls for deployment of CT systems nationwide beginning in 2019. I appreciate your support of this important technology enhancement.

TSA has also continued to work with airport and airline partners to deploy Automated Screening Lanes (ASL) to more airports. The ASLs are designed to improve the checkpoint screening process for travelers, including the ability for multiple passengers to divest their belongings at the same time. To date, thanks to Congressional support as well as donations from our airline and airport partners, there are over 140 lanes at more than a dozen airports, with additional deployments scheduled this year.

Additionally, TSA has made significant advancements with the deployment of biometric and identity technology to improve security and strengthen the identification process. We continue to test and expand the use of Credential Authentication Technology (CAT), which allows us to validate the security features of a passenger's photo ID and match the information from the ID against our Secure Flight vetting system. Credential Authentication Technology is a cornerstone technology for TSA. Testing of CAT, which started with 17 systems at seven airports, has expanded to 42 active systems at 13 airports and we expect to award a contract in January 2019 for an additional 294 systems.

Finally, TSA has conducted tests of facial recognition technology at John F. Kennedy International Airport. Last month, TSA conducted further testing, in collaboration with U.S. Customs and Border Protection (CBP), at the Tom Bradley International Terminal at LAX. During the most recent testing, TSA used CBP's traveler vetting systems to match facial images of international outbound passengers to photos in U.S. Government systems, such as photos obtained from passports or visa applications or taken at time of entry to the U.S., to verify a passenger's identity. This technology could help TSA improve identity validation and verification, an essential component of intelligence- and risk-based screening. Such was the case last month, where the CBP facial recognition technology we are currently testing was used to identify an individual at Dulles airport trying to enter the U.S. using a passport other than his own.

Through embracing emerging technologies, leveraging agile processes, and continued collaboration efforts, TSA is positioning itself to keep pace with industry partners while advancing security across all modes of transportation. To that end, TSA has taken steps to formalize a strategic management process that aligns strategy and policy to operations by leveraging risk assessment capabilities to inform budgeting and investment decisions.

### **Commit to Our People**

The most critical element impacting our ability to keep the transportation system secure is our workforce. TSA is wholly committed to its people and recognizes that our strategic success depends upon how well we attract, hire, train, develop, promote, and equip our workforce at all levels of the organization. Over the past two years, TSA has seen the Federal Employee Viewpoint Survey (FEVS) Employee Engagement Index increase by seven points. In fact, TSA's 2018 FEVS results that we just received several weeks ago reflect improvement on every index. We are encouraged by this progress and hopeful that the actions we are currently taking will continue these very positive trends.

Our workforce is comprised of professionals from many disciplines within TSA, to include Transportation Security Officers, FAMS, inspectors, vetting experts, international representatives, and mission support personnel. Earlier this summer, TSA announced a new comprehensive career progression plan for frontline employees. This plan is designed to foster career growth and reflect an expanded investment in our Transportation Security Officers.

Through defined career paths and standardized processes, TSA will provide greater transparency and opportunity to recognize, reward, and promote those who consistently excel in their role.

Complementing this effort, TSA is implementing a new Annual Proficiency Review process that focuses on improving and sustaining Transportation Security Officers' ability to correctly perform security screening procedures through receiving real time feedback based on observations in a live screening environment. This approach represents a shift from performance remediation to a coaching model.

Concurrent with its Career Progression Plan, TSA is also working to institutionalize TSA training and a development roadmap for our workforce. Through these efforts, TSA is focused on making its outstanding cadre of Transportation Security Officers and Inspectors even more effective and proficient in carrying out their mission.

As a further reflection of TSA's commitment to facilitate leadership development at all levels of the workforce and effective communication throughout our ranks, I recently created two Advisor positions on my direct staff that are being filled by a Supervisory Transportation Security Officer and a FAM. The role of these two leaders is to provide frontline input directly to me on policies, procedures, and initiatives. Whenever there is a major decision within TSA that impacts the frontline screening workforce, these TSO and FAMS advisors will be part of the discussion.

### **Conclusion**

The future to which TSA aspires is ambitious. It requires accountable leadership. It requires the unique contributions of all members of our dedicated TSA workforce. It requires close collaboration with our partners to transform transportation security together on behalf of the American people. Noting such, I am confident that with the continued support of Congress and all of our stakeholders, TSA is well positioned to achieve the goals outlined in its Strategy.

Since TSA's inception, it has functioned with the motto "Not on My Watch." This has served as a powerful call to action for TSA but one that, not by intent, was limited. As security of our Nation's transportation system is a common objective for all segments of our society, it is one that is best achieved through a shared and complementary effort between government, industry, and the public. In short, to secure all modes of our transportation system requires an "All Hands On Deck", collaborative approach. Consequently, TSA has adopted a new creed reflective of this fact. TSA hopes that its new motto, "*Not on Our Watch*", will serve as a reminder of the collective effort, commitment and vigilance we must all share to protect our Homeland.

Chairman Thune, Ranking Member Nelson, and Members of the Committee, thank you for the opportunity to testify before you today. I am honored to serve in this capacity along with the dedicated men and women of TSA. I look forward to your questions.

The CHAIRMAN. Thank you, Admiral, and we thank the members of your team for the great work that they do and encourage you to keep it up.

There are constantly-evolving threats and we have to stay ahead of the bad guys. So thank you for all your efforts in that regard.

Admiral, as I noted in my opening remarks, two years ago we had required TSA to update its rules on access controls and on vetting requirements for airport employees with access to secure areas of an airport.

As you know, TSA has yet to issue even a Proposed Rulemaking for the vetting rulemaking and decided to take other action and not issue a rulemaking to update access control requirements.

These requirements were centerpieces of FESSA designed to improve security by requiring TSA to consider adding more disqualifying criminal offenses and a longer look-back period for individuals seeking access to secure airport areas.

What is the current status of TSA's efforts to implement each of these directives and why have they been so delayed?

Mr. PEKOSKE. Yes, sir, thank you for your question, and implementing the regulations is amongst our highest priorities and with

respect to the vetting requirements for employees with site requirements, we do plan to issue a Notice of Proposed Rulemaking coming up in the first part of Calendar Year 2019.

With respect to the access control issues, as we looked at the requirements in law, it's our view that those access control issues don't require new regulation, that we can do it within our existing regulatory regime.

We have put out for comment a change to the Airport Security Plans and got a lot of comments back on the first round. We're about to issue the second round for comment in the next couple of days, but given the issues that we've seen with inside or across the board, Seattle-Tacoma one very recent example, this is a very high priority of mine.

With respect to the TSA PreCheck Program, pre-check actually is growing quite a bit. We added 1.8 million pre-check registrants over the past year, so that's about a 30-percent growth. That's pretty healthy. I'm not satisfied yet, though, where we're at. We have about seven million registrants in TSA pre-check.

Part of what we're looking at, as I mentioned in my opening statement, is this integration of CBP's global entry in TSA pre-check, particularly from an enrollment standpoint and also from an ease of marketing, ease of communication with the traveling public and so we're going to put a lot of effort because I would like to see many more passengers in our Trusted Travel Programs, either Global Entry or TSA PreCheck.

The CHAIRMAN. TSA is currently preparing to undertake significant new technology acquisitions, including computed tomography or CT units, for more effective 3-D screening of carry-on bags and long-delayed credential authentication technology units for more accurate verification of travel identities.

Given past delays associated with the testing and evaluation of some of these technologies, could you please update the Committee with the current timeline for the roll-out and full deployment of CT and CAT as well as TSA's next steps?

Mr. PEKOSKE. Yes, sir. CT is on track. In fact, you know, a year ago, we really didn't have much of a CT program in place whatsoever and so in the course of a year, we have gotten to the point where we have five vendors actively participating in the process, going through operational test and evaluation, four of the five going through OT&E.

I've been out to airports. We have 13 airports around the country right now that have those CT systems in place. I've watched them in operation. They are a significant enhancement in security effectiveness and I've also watched passengers actually self-align behind the CT machines because it's a better passenger experience. Passengers are not required to take as many things out of their carry-on bags.

We expect to be in the position to have awarded the initial contract for CT in the first quarter of 2019, sir, which is on the original schedule that we had established. So that project is on schedule. I expect to see roughly 200 CT machines procured over the course of the next year.

With respect to CAT or the Credentialed Authentication Technology, we do have CAT deployed in a number of airports around the country and that has been very, very successful.

CAT essentially does an automatic validation of a credential that a passenger provides to the first officer in the checkpoint and then automatically queries our Secure Flight database as that passenger is standing there, and for a passenger with the current credential authentication technology, that passenger will not need to have a boarding pass. So there's a passenger benefit to this and also a security benefit to us.

We have in our Fiscal Year 2019 budget funds requested for 300 more CAT machines and we intend to deploy those as rapidly as we can. The CAT machines individually are relatively inexpensive. They're about \$15,000 apiece, but for me that's a really good investment for what it provides for better security and for passenger convenience.

The CHAIRMAN. We also understand TSA is developing a biometrics roadmap, and my question is have industry stakeholders or U.S. Customs and Border Protection been consulted in the design of the roadmap?

Mr. PEKOSKE. Yes, sir. The roadmap is in final draft form. I expect that we will sign that out very, very shortly and certainly all of our interagency partners, including the Office of Biometric Identity Management in DHS, have been involved in this. We reached out to partners external to TSA and got their input, as well.

The roadmap is in my view a very good one. It sets a path ahead for us with biometric technology and recognizes the fact that as TSA, we don't need to repeat the lessons that CPB has already learned with biometrics. We should benefit from what they have already demonstrated.

As we speak, there is a demonstration project going on at the Tom Bradley International Terminal at LAX Airport that combines the CBP Biometric Exit Program with entrance into the TSA Security Line. So this is all an effort to integrate programs the best we can and to save taxpayer money in the process.

The CHAIRMAN. Do you see CAT intersecting with biometric solutions?

Mr. PEKOSKE. Yes, sir, I do. There is a corollary to CAT called BAT, everything's an acronym, and that's Biometric Authentication Technology, and we will continue to move forward on that, as well.

As you know, sir, we have a registered traveler partner CLEAR that works with us that provides biometric identification for their customers and then we have CBP that has biometric capability, plus our own in TSA with this Biometric Authentication Technology. So part of the reason for the roadmap is to put a path ahead for those three programs.

The CHAIRMAN. Thank you.

Senator Nelson.

Senator NELSON. If you don't present a boarding pass, what do you present?

Mr. PEKOSKE. You present your driver's license, sir, or your passport, and then when it queries—what the system does is it validates the credential of the—the authenticity of the credential, rather, and then it pulls the information from the credential off auto-

matically. So it will pull your name, your date of birth, and your gender, and then while you're standing there, it queries the Secure Flight database.

Secure Flight database will come back and tell us which flight, at what time, and which terminal, and also give us a risk assessment for that passenger. It's a huge step forward.

Senator NELSON. You are testing that in Miami and I have seen that. Very good.

Well,——

Senator WICKER. Amen.

Senator NELSON.—the big question is so much of TSA is trying to protect us on an airplane and now with 3-D guns and despite the court injunction about a thousand of those plans have been uploaded and downloaded. What are you going to do?

Mr. PEKOSKE. Yes, sir. We've looked at this issue very carefully and I appreciate the conversation you and I had a couple of weeks ago.

Our officers at the checkpoints are skilled in identifying 3-D weapons. We can see them on the existing X-ray technology we have. The CT technology makes it even better because with the CT technology, you get that 3-dimensional view. It's much easier to discern what an object is and so what we've done is we've certainly trained our officers to use the existing technology to the best of our advantage to detect these 3-D printed weapons, but also work forward with the technology solution that enhances our capability.

Senator NELSON. And the CT technology is the replacement for the metal detector?

Mr. PEKOSKE. No, sir. The CT technology is the replacement for the existing X-ray machines. The AIT, and the acronyms, I know, can be confusing, the AIT is the replacement eventually for the walk-through metal detector.

Senator NELSON. Right. But the conveyor belt, that's an X-ray?

Mr. PEKOSKE. Yes, sir.

Senator NELSON. And so it's the CT that would detect then a bulge of plastic which could be a 3-D gun?

Mr. PEKOSKE. Yes, sir.

Senator NELSON. And what's your time table for replacing the older technology with the new?

Mr. PEKOSKE. So with the X-ray technology, sir, so that's what your carry-on bag goes through, that X-ray technology, we're in operational test and evaluation for that new CT or computed tomography technology or typically called CAT scan. We should begin a large-scale purchase of those systems beginning in the first quarter of Calendar Year 2019.

With the AIT technology, which is the walk-through, the machine you put your hands over your heads, we are working very hard to upgrade the software with that technology to provide additional visibility into what a person might have on their person.

The CHAIRMAN. Thank you, Senator Nelson.

Senator Wicker.

**STATEMENT OF HON. ROGER F. WICKER,  
U.S. SENATOR FROM MISSISSIPPI**

Senator WICKER. Mr. Administrator, thank you for being with us.

I appreciate the fact that Senator Nelson would ask about the Miami Airport and we are all interested in our large major airports. I think also, I think, across the board on both sides of the dais, we're interested in our medium-size airports and I have a question about a couple of them.

Let's start with Jackson-Medgar Wiley Evers Airport in Jackson, Mississippi. They've got particular design problems. They have two concourses, but right now they have only one screening line for each concourse. This prohibits them from having TSA PreCheck which is quite an inconvenience.

Now the airport is being proactive. They have expansion plans, \$1.5 million, to add one processing lane at each concourse. Here's our problem. We don't have an assurance from your agency that they will staff and provide the necessary resources for these additional lanes which are going to be done based on a local \$1.5 million expansion plan.

So can you work with us on that, and can you commit your agency's support to provide the necessary resources after we've done this new project?

Mr. PEKOSKE. Yes, sir, I can absolutely commit to working with you on that, and I'm sure the Federal Security Director at that airport is already very much involved in the process.

As you may know, sir, every year we look at where our resources are allocated and adjust those resource allocations based on what we see as throughput and so our primary metric is passenger throughput going through that particular airport, but we also have a desire to continue to enhance the TSA PreCheck brand and part of that process is to make sure that we have more predictable hours for PreCheck lanes to be open and closed, and where we do have the capability to expand the PreCheck footprint, we'd very much like to do that.

I would also add that thanks to the work we've done with a lot of the airlines, we have more and more airlines signing up all the time for TSA PreCheck. So it's more available to passengers in Jackson if they're using a certain carrier. It's more likely than not they can use PreCheck with that carrier.

Senator WICKER. Thank you very much. Let's talk about then passenger throughput, which is important, but I hope you can see also that there are other factors that are available and pertinent in determining the amount of, say, baggage scanners that an airport gets and particularly if you're a medium-size airport and you try to expand and getting more airlines in and successfully doing so, if you've got to use last year's throughput numbers, it's a handicap in attracting the additional business.

So do you have any ideas about how TSA can adjust its formula to take into account other factors, such as stakeholder input, facility design, past costs incurred by the airport itself, as well as customer convenience?

Mr. PEKOSKE. Yes, sir, and we consider all those factors, and actually when we look at throughput projections—

Senator WICKER. So it's not totally bound by this one—

Mr. PEKOSKE. That's correct.

Senator WICKER.—statistic?

Mr. PEKOSKE. Yes, sir. No, we look at the whole picture. We also look at, you know, does an airport have steady stream load throughout a day or is it just focused on certain parts of the day. That changes how we staff because we might go to more part-time employees, for example, in that regard, and so I can assure you that we collaborate very closely with the airports and if there is any issue, I'll take a look at Jackson myself, to make sure that we're taking a very close look at that to ensure that the airport investment is going—you know, that we're partnered with them very closely on that.

Senator WICKER. OK. Now one other thing, when there's a security incident that TSA can't completely handle at an airport, local law enforcement has to come in, and we have a program called Law Enforcement Officer, LEO, Reimbursement Program, and there's a proposal coming out of the Budget Office to substantially cut funding for this reimbursement program.

What can TSA do to mitigate the burden on small airports that are going to have to use these local law enforcement people but don't have the revenue streams to reimburse the local law enforcement personnel?

Mr. PEKOSKE. Senator, we rely on law enforcement across the board, large airports, small airports, to provide a security presence at our checkpoints, and I will tell you that they are invaluable in providing that service to my officers at the checkpoint.

Senator WICKER. You'll concede that this LEO Reimbursement Program is part and parcel to that?

Mr. PEKOSKE. Yes, sir, I would. The Airport Security Plan requires the airports to provide security at the checkpoint. The Law Enforcement Reimbursement Program was designed to support work above and beyond what the Airport Security Plan requires.

With the Airport Security Plan proposal to reduce the funds going to law enforcement agencies around the country, it's a tough choice. You know, we don't have the top-line budget that—you know, a budget is always a constrained document, by and large, and you have to make some tough choices in that and that was one of the very difficult choices that we made.

But, you know, that budget is still up for congressional review and I know it's ready to go to a conference committee.

Senator WICKER. Thank you very much and thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Wicker.  
Senator Cantwell.

**STATEMENT OF HON. MARIA CANTWELL,  
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman, and thanks for holding this important hearing, and thank you for mentioning the secure briefings and having several of them. I think this is something that's very important to our Committee and I hope we continue to do them.

Some of this is the larger Homeland Security but I think our efforts to move our borders overseas that Senator Collins and I worked with Homeland on has been a great solution in stopping some people from coming to the United States and so there are

many aspects to this aviation security and so we appreciate the fact that we can have secure briefings to talk about many of these elements.

Administrator Pekoske, thank you so much for being here and I very much appreciate your prioritizing your challenges at the agency and what you're working on. I appreciate that very much, appreciate the 41-percent increase in the K-9 activity.

For us at Sea-Tac, being one of the fastest-growing airports in the country, the amount of demand this K-9 flexibility both in more canines, particularly at high season time, and more canines through the flexibility you're giving to airports, I just can't speak enough about. This is not just the speed of moving people through TSA lines, this is a layer of security that cannot be underestimated and so appreciate it and so appreciate that they are also in the outer terminal of the airport and doing good work, too, because that is a line of defense and very much appreciated.

You mentioned the incident at Sea-Tac where an air-ground service agent was involved with the theft of a plane and I definitely want to recognize the air traffic controllers and the military and the first responders who handled this situation so well. We appreciate it.

The incident, though, raises questions about our layers of security. My understanding is your—obviously there are lots of people involved here. There are airlines, there are airports, there's TSA, and your main responsibility as it relates to airports are the security plans and reviewing the security plans of airports, is that correct? Is that a good characterization of your role here and responsibility?

Mr. PEKOSKE. Yes, ma'am, but we're also responsible for overall security and that's really why—and we have a number of investigations underway. I want to see what those investigations say from a fact set.

I would also reassure you that we've done a lot already on this issue. As soon as the incident happened—and we do this all the time, if something happens in a particular airport, we telegraph to all of our Federal Security Directors throughout the entire system so that they can work with their airline and airport partners in their locations to make sure we don't have a copycat issue, that we close up or put additional eyes on whatever vulnerability might have existed.

The other thing that we have done is, you know, I have a great Aviation Security Advisory Committee and I appreciate the authorities that you have given me with respect to the ASAC.

They have helped me immeasurably in my year in this position. I have asked the ASAC several times in several different ways to look at the insider issues. So I expect to get another report back from the ASAC sometime toward the end of the year.

The final thing that I would just like to recognize is the industry initiative here. The airlines and the airports have gotten together and formed a work group so that they can share across their peers in the system best practices with respect to aircraft and airport security and they've agreed to feed their best practice input into our ASAC deliberations.

So there's an awful lot of work being done on this insider issue.

Senator CANTWELL. So currently, right now, TSA has already implemented interim measures to help prevent copycat events from happening?

Mr. PEKOSKE. Senator, we haven't changed any measures. What we've done is we've highlighted the incident and provided some additional detail to our Federal security directors so that they're particularly alert for this particular incident and then, as we get the investigative information in and look at the facts, we'll determine whether or not some changes are needed to procedures.

Senator CANTWELL. And I get that that's both interim and long-term and appreciate the——

Mr. PEKOSKE. Right.

Senator CANTWELL.—fact that you're going through that investigative process or that there are several organizations going through that investigative process and will continue to get information.

So, OK, on that point, one of the things that I'm always amazed about obviously coming from both an aviation and a technology state is that, you know, things like flight radar or flight aware, even, you know, you can stand on the shores of Puget Sound and get information about various——

Mr. PEKOSKE. Right.

Senator CANTWELL.—vessels going through our waterways.

As we look at Next Gen, why not have better situational awareness on all ground planes or all airport assets? Why is that not going to be part of the array in the future so that you actually know where every asset is on the airport and whether it should be or should not be being moved, given that you could have some data and information about that?

Mr. PEKOSKE. Yes, Senator, that is part of the review that's being done. As you mentioned, there are several investigations underway. There's one with TSA, one with the Federal Bureau of Investigations, certainly one with the Port Authority of Seattle, and also one with the National Transportation Safety Board, and, you know, we collaborate very closely with each other on those investigations so that we can look at things, the technologies that might be available to help us at low or no-cost to provide that situational awareness for something that may be occurring that you don't necessarily have visual eyes on but you may have technology eyes on.

Senator CANTWELL. Well, I definitely encourage us to look at those. I'm pretty sure this is where we're going with Next Gen anyway because Next Gen is about moving all the assets cost effectively through the system as expeditiously.

As you were saying, that it's not just security but also the efficiency of how we move things through the system and having that level of efficiency of knowing where everything on the ground is and where it's going and whether it should be moved or not be moved or is part of a repair plant, whatever the information is.

I know that in past discussions here in the Committee, a lot of people think that's going to actually help us moving aircraft through the system on the ground because of the level of congestion that exists. So why not capitalize on that data and information and use it to our advantage on the security side, as well? So you're look at those details?

Mr. PEKOSKE. Yes, ma'am, along with our partners.  
 Senator CANTWELL. Thank you. Thank you, Mr. Chairman.  
 The CHAIRMAN. Thank you, Senator Cantwell.  
 Senator Udall.

**STATEMENT OF HON. TOM UDALL,  
 U.S. SENATOR FROM NEW MEXICO**

Senator UDALL. Thank you, Mr. Chairman, and appreciate you holding this hearing and, Administrator Pecoske, thank you for your efforts to keep us safe in our travels.

And this hearing is very important in terms of oversight, as you recognized, the oversight Congress does and today, I'd like to focus on TSA's use of facial recognition technology.

TSA claims this technology will streamline the security process but it is unclear how these technologies will impact efficiency and whether this software treats all travelers and all Americans equally in practice.

A recent Massachusetts Institute of Technology study showed that facial recognition software can have an error rate as high as 35 percent for dark-skinned women. If a TSA agent was wrong a third of the time, they'd be considered ineffective at their job.

So why would we want to implement technology that can be inaccurate for a large segment of the population?

An ACLU test of one major facial recognition technology found that it falsely identified 28 members of Congress to arrest photos of people accused of crimes. Those 28 members were disproportionately people of color, including Civil Rights Hero John Lewis, and even included a member of this Committee, our law-abiding colleague, Senator Markey, who sits right here on my right.

Additionally, we don't know whether the impact of this technology on the privacy of American travelers. Overseas, we're seeing authoritarian nations, like China, roll out facial recognition technology in public on a massive scale to surveil its population.

As TSA considers scaling up this technology, I would urge you to halt full implementation until there is clear transparency into its effects this technology is having on our travelers.

In February of this year, the *Government Executive* published an article titled "TSA's Facial Recognition Pilot Program May Make Travel Worse for Ethnic Minorities," and, Mr. Chairman, I'd like to enter this into the record.

The CHAIRMAN. Without objection.

[The *Government Executive* article follows:]

*Government Executive*—February 20, 2018

**TSA'S FACIAL RECOGNITION PILOT PROGRAM MAY MAKE TRAVEL WORSE  
 FOR ETHNIC MINORITIES**

By Rosie Spinks

You'd be hard pressed to find a traveler who would describe getting through security at Los Angeles International Airport as an orderly or peaceful experience. Even when the threat level is deemed moderate, long lines, stringent security, and barking security agents are more or less the norm.

But as of *this week*, the Transportation Security Administration is trying to streamline the experience, with an opt-in pilot program using biometric facial recognition technology, which is aimed at verifying and matching a passenger's identity to their travel documents. It's intended to automate the often repetitive and human

error-prone process of verifying a passenger's boarding pass and passport several times over before boarding. The pilot project is being run at the boarding gate—documents will also be *manually checked* during the test program to ensure no security lapses—in a partnership with British Airways, U.S. Customs and Border Protection, and LAX's Tom Bradley International terminal.

According to industry intelligence agency *CAPA Centre for Aviation*, the plan is in keeping with President Donald Trump's wider aims to tighten border security measures. Though the technology existed before he took office—similar programs have been tested or are in use in the United Kingdom, Canada, Australia, and at Washington Dulles airport in 2015 and New York's JFK in 2016—Trump has expedited implementation, despite the technology's so-called “teething problems.”

Whether you are a fan of Trump's policies to tighten border security or not, there is certainly a case to be made that biometric boarding could eventually be a boon for all travelers who dislike what CAPA colorfully calls the “slow, mundane, intrusive, unfashionable and irritating” process of airport security. If implemented at its highest capability, passengers theoretically wouldn't have to hold onto and flash their travel documents at multiple points throughout an airport visit.

That could one day mean no more panicking that you've forgotten your passport or boarding pass—because your face would be all you need.

In addition, costly snafus like All Nippon airway's “*flight to nowhere*” in December—when the plane had to make a U-turn because it had inadvertently allowed a non-ticketed passenger to board—would be *less likely*. Indeed, data from air travel IT and communications firm SITA shows that passengers are generally a fan of technology-enabled travel, with 57 percent reporting they would use biometrics for their next trip. Thus, passenger satisfaction is often positioned as the reason for the technology.

But there's a huge caveat. Where the technology currently stands, face recognition doesn't work the same for everyone. As *CAPA noted*, “face recognition software is not so good at identifying ethnic minorities when most of the subjects used in training the technology were from the majority group.” In addition, commonplace accessories or personal effects like hats, scarves, facial hair, long hair, heavy make-up or even low resolution images and poor lighting mean the current technology may perform inaccurately.

Given those limitations, it's not hard to imagine a whole host of ways that biometric security could make travel more seamless for one set of travelers, and an even larger headache for others. Whether it's being asked to remove cultural dress such as head or face coverings, someone who's undergone corrective or plastic surgery, or having an ID photo that's not in CBP's database, there are number of scenarios in which ethnic minority, non-American, or heavily ornamented travelers could find biometric boarding the opposite of seamless.

The CBP reports that the technology is 97.5 percent accurate, and has aspirations to roll it out at all U.S. airports within four years. While the technology still has a way to go, the desired end point for some in the industry is for airport security to be able to focus on “finding bad people, not bad objects.”

Senator UDALL. Thank you. And this seems to suggest that facial recognition does not work the same for everyone, and the article quotes the Center for Aviation saying, “Face recognition software is not so good at identifying ethnic minorities when most of the subjects used in training the technology were from the majority group.” That's the end of the quote there.

Other factors that seem to affect the accuracy are facial hair or makeup, scars. Given these limitations, it's hard not to imagine a whole host of ways that biometric security could make travel more seamless for one set of travelers and an even larger headache for others.

Can you guarantee that no population of U.S. travelers will be disproportionately inconvenienced, harassed, or discriminated against by this new TSA technology?

Mr. PEKOSKE. Yes, Senator. Thank you for your comments and I promise to you and to the entire Committee that I will carefully look at all those studies as we proceed forward with facial recognition biometrics in general, and the goal here is not to dispropor-

tionately affect any aspect of our population. So we will be very, very careful and completely transparent with all of you as we move forward.

I would also mention—

Senator UDALL. Have you looked at these specific studies that I've talked about and mentioned?

Mr. PEKOSKE. I haven't read them—sir, I haven't read them in detail, but I'm aware that they're out there.

But, sir, the other thing I just wanted to mention to you is, you know, as we're registering new PreCheck passengers, so if somebody comes in and says, hey, I'm not currently a PreCheck passenger, they're going to register, let's say, in two or three months from now, we are capturing their facial biometric with their permission but we also capture a print, so we have two biometrics, and so, you know, there is a potential that the multiple biometrics that would be in a database, voluntarily given by a passenger, could begin to—you know, if that issue persists as the technology is developed, could provide a remedy for it.

Senator UDALL. Yes. Do you know if the technology that the TSA is using was tested on enough people of different genders and ethnicities so that it does not have the inherent bias that many of these technologies have?

Mr. PEKOSKE. So we're using the technology that U.S. Customs and Border Protection has developed. I have not looked specifically at those test results but will, based on your comments.

Senator UDALL. OK. Thank you very much. I have a number of other questions but based on all the Members that are here, I'd like to put them in the record and work with you to make sure you get timely answers to them.

Thank you, Admiral.

Mr. PEKOSKE. Yes, sir, and I'd be most happy, sir, you know, your schedule permitting, to come up and chat with you about some of this.

Senator UDALL. Happy for you to do that. Thank you.

Mr. PEKOSKE. Thanks.

The CHAIRMAN. Thank you, Senator Udall.

Senator Peters.

**STATEMENT OF HON. GARY PETERS,  
U.S. SENATOR FROM MICHIGAN**

Senator PETERS. Thank you, Mr. Chairman.

Mr. Pekoske, it's good to have you here and thank you for your service every day in this very important job that you have.

I want to take a moment and follow up on some questions that Senator Wicker asked you regarding expanding airports and how TSA resources are allocated to meet those growing needs.

In Michigan, we have the Gerald R. Ford International Airport in Grand Rapids and they just completed the first phase of really a major transformation project which included an update to the checkpoint footprint that can accommodate seven active TSA screening lanes but, unfortunately, the local TSA only has equipment and staffing to operate six of those lanes.

The Gerald R. Ford Airport, as you may know, is actually the second fastest-growing commercial airport in the United States

right now and so it's absolutely critical that they have TSA staffing necessary for West Michigan and have already made substantial investment to make that happen.

So I know you answered the question in terms of your process, the staffing and looking at throughputs and making that analysis, but my question is how often do you look at that?

You mentioned annual, but it seems to me if an airport has just completed an expansion, has just brought in additional aircraft as a result of that, there needs to be some sort of expedited process. If you could walk me through that, I'd appreciate it.

Mr. PEKOSKE. Yes, sir. Thanks for the question and really, you know, working with airports very closely, as we do, we review the designs for any checkpoint modifications that an airport is going to make before those designs are even approved and moved forward.

So I'm pretty certain that our Federal Security Director was involved in that from the beginning and, you know, as we look at our algorithms for how we staff our checkpoints throughout the system, we would have that information in advance.

So I'll go back and look specifically at the Gerald Ford staffing issues, but, you know, we don't really wait for a project to be complete and then decide how we're going to deal with the staffing. We usually do that as soon as the plans are put in place and plan our way through because, as you know, the budget process generally takes two years to provide new resources for new capability.

Senator PETERS. Well, good, and I appreciate you looking at that and we'd love to follow up with your office as to the status of that and what we might expect in the future, depending on what you find.

You also mentioned your desire to expand PreCheck and that's, of course, important, increased throughputs, so we can get more people through these lines.

One process is having offsite and onsite periodic enrollment events but those events, as you know, are usually completely booked and the airports that I've heard from say that permanent in-airport enrollment centers would be enormously helpful in order to increase it.

So my question is how does the TSA currently pick where to set up enrollment sites?

Mr. PEKOSKE. So the way we do it is we target in our PreCheck enrollment frequent flyers because those are the ones that will benefit most by the investment in PreCheck and for us, candidly, from a managing the throughput issue, we benefit most if frequent travelers are in PreCheck, as well.

We've looked at many, many ways to make the enrollment process as easy as we possibly can. We have mobile enrollment vehicles that travel around the country, based on demand, and enroll people as, you know, just basically driving up to the front of an airport and enrolling people right there if there is no enrollment center at the airport.

The other thing that I mentioned that's really important to this whole process is in our work with Customs and Border Protection to try to integrate the Global Entry and PreCheck Programs.

Right now, we each have our own set of infrastructures that manage—you know, I have mine that manages TSA. CBP has theirs that manages Global Entry.

We will have more capacity when we bring these programs closer together and one of the first things you'll see, sir, is a universal portal. So passengers just go to one place and it kind of steps you through the different criteria you have for your own travel and will recommend a solution that might be best for that passenger, but the whole idea is to make a better investment of the dual systems we have right now by integrating them together.

Senator PETERS. You mentioned your desire to expand the program. There is currently not a cap on the program, is that correct?

Mr. PEKOSKE. No, sir.

Senator PETERS. Do you think there will ever be an eventual need for a cap or do you believe that the program will be able to continue for the foreseeable future?

Mr. PEKOSKE. No, sir. I think the program will be able to continue for the foreseeable future. If you think about, you know, we have seven million people right now in the TSA PreCheck Program, probably another six or seven million in CBP's Global Entry, so let's say a total of 14 or 15 million passengers.

On any given day, on a busy day in the summer, for example, we had 2.5 million people go through our security checkpoints. So I just see continued growth in the PreCheck Program which is good for security and it's good for passenger experience.

Senator PETERS. Yes. In response to some earlier questions, principally from Senator Nelson, you talked about 3-D printed firearms and your efforts to make sure you're protecting us from those firearms.

My question to you is, what about international coordination? Are there other countries preparing for this threat, and are they taking measures to ensure that they are not trafficked in it on flights or used onboard to harm passengers, particularly those that may be heading towards the United States, and what are some of the lessons we can learn from what you're seeing around the world?

Mr. PEKOSKE. Yes, sir. We coordinate very closely with our partners around the world, particularly our FVEY partners, with respect to threat information and exchange, and then also some of our other key partners in Europe, in the Middle East, and in Asia.

I've traveled extensively to have personal relationships with my key partners around the globe. We do a very good job, I think, of sharing best practices and, in fact, we're trying to get to the point where we can more integrate our standards of performance so that, for example, as we're—you know, the CT technology that I mentioned earlier that we're deploying in our checkpoints is also being deployed at other airports around the world.

We're sharing to the maximum extent we possibly can and vice versa with our test results, so that we don't relearn, but we're also trying to see where we can merge standards of technology development so that there's more of a seamless, there's more of a similarity in security around the globe to be part of the process.

We're also very active participants in ICAO and ICAO has a Global Aviation Security Plan that's quite good and we are very

strongly advocating, as are our key partners, to continue to advance the criteria in the Global Aviation Security Plan so that globally we get better all the time.

Senator PETERS. Great. Thank you.

Mr. PEKOSKE. Thanks.

The CHAIRMAN. Thank you, Senator Peters.

Senator Hassan.

**STATEMENT OF HON. MAGGIE HASSAN,  
U.S. SENATOR FROM NEW HAMPSHIRE**

Senator HASSAN. Thank you, Mr. Chair, and good morning, Administrator Pecoske, it is so good to see you. Thank you again for your service to TSA and as a member of the Coast Guard. We are very lucky to have you.

I wanted to follow up a little bit on a related line to what Senator Peters was just talking about. It was just about a year ago that you testified before this Committee as a nominee to be the TSA Administrator, and I asked you to look into the adequacy of our foreign partners in addressing insider threats.

In particular, I asked you to provide your assessment of whether countries with airports that served as last points of departure into the United States were sufficiently screening their airport workers for terrorist threats.

So kind of three questions here. At the time you committed to looking into the matter, so, first, have you since investigated it, and, two, in your view, are our allies and aviation partners in foreign countries doing enough to screen their workers, and, finally, are any of these allies specifically allowing TSA and the Federal Government to screen their workers against United States counterterrorism databases?

Mr. PEKOSKE. Yes, ma'am, and I remember our conversation, and I have looked very closely into the insider threat issue.

In fact, if I look across the entire spectrum of what TSA does with respect to security, there are two that are going to be a key focus over the coming years, not that they're not a focus already. One is insider, the other is cargo security.

On the insider piece, I have discussed this extensively with my international partners and, as you know, we do have standards of performance for insider that are established by ICAO. The countries agree to abide by and we audit their compliance with those standards for all last point of departure airports. So there is an active look, an active auditing process in place in doing that.

I would submit that, given what we've seen around the world, I don't think any of us are really doing enough here and that's why I've asked the ASAC, the Aviation Security Advisory Committee, to take another look at this and that's why it's always an active topic of discussion amongst our key international partners because I think we can all do better with it.

Some countries do have very, very good programs and I've stated publicly several times in international fora that the United States can learn from other countries' experience. You know, we never stand for the proposition that ours is always the best in every single aspect. There are other examples out there that we should learn from and we are doing that.

Senator HASSAN. OK. That is good to hear. Are they allowing TSA and the Federal Government to screen their workers against our counterterrorism databases?

Mr. PEKOSKE. I'm sorry. That last question.

Senator HASSAN. Yes.

Mr. PEKOSKE. Not that I am aware of, Senator, and that goes to specific country law and practices. So I'm not aware of them using our vetting systems for their airport workers at this point.

Senator HASSAN. Well, I think what I would suggest, and we can further discuss this, is that they allow us to vet their workers against our database, so giving us the information about their workers would seem to me to be a way that we don't have to get into necessarily their systems but we want enough from them to get into our systems, right?

Mr. PEKOSKE. Yes, and thank you for that clarification, and we actually have engaged in some conversations with a key partner on doing that with respect to cargo, as well.

Senator HASSAN. OK. Well, thank you. I would look forward to following up with you on that.

I also wanted to ask you about another conversation we had during your nomination hearing. Congress was considering the President's Fiscal Year 2018 Budget Request at that time and there had been a cut in funding for the Viper Teams and the Law Enforcement Reimbursement Program.

Many members, including myself, asked you at that hearing about whether you supported cutting these programs that help secure the public areas of airports, and at the time you pledged to thoroughly review the cost-benefit analysis of those proposed cuts.

Now fast forward several months to the release of the President's Fiscal Year 2019 Budget Request, and TSA, now under your leadership, again proposed the elimination of the Viper Teams and the Law Enforcement Office Reimbursement Program, which you spoke about a little bit ago, but the request in the budget, in the 2019 budget, certainly signals your support for cutting the only Federal programs that would help to secure the public areas of airports, the same public areas that have previously been targeted by ISIS and Al Qaeda.

So now you are beginning your second year as TSA Administrator. There are reports that have also surfaced about TSA pondering proposals to eliminate screening all together for 150 smaller airports.

These proposals suggest that TSA is trying to pull back its resources from a large number of airports all across the country. If true, that's really an alarming trend. While terror groups, like ISIS and Al Qaeda, have suffered some defeats on the battlefield, they still pose an extraordinary threat to our homeland and to our aviation system, making these cuts all the more concerning.

So can you please share with us your unclassified analysis of the terror threat to the homeland that TSA is using to justify these cutbacks?

Mr. PEKOSKE. Yes, ma'am, and a couple comments. First on VIPR, as I testified in my confirmation hearing, I've testified since then in other committee settings that I'm a strong supporter of the VIPR Program. It has value. I like the program. The men and

women who staff our VIPR Operations are largely Federal Air Marshals and they do an outstanding job.

VIPR were particularly critical for us in hurricane response because in some locations they were the security in airports for a period of time. So it's a very, very valuable program.

Senator HASSAN. Right.

Mr. PEKOSKE. I also, as I stated earlier, I very much strongly support Law Enforcement Reimbursement Program. I value what our law enforcement partners bring to the security checkpoint and we're better for their presence there.

This all rolls up into what can you afford and if you have to make some reductions, where would you make them, because the budget is not unlimited, and so these are very difficult choices that we had to make but it does not in any way, shape, or form signal anything but strong support for those programs.

The other part of this, if I could just for a second,—

Senator HASSAN. Yes.

Mr. PEKOSKE.—is that these programs recognize the fact that there is some existing capability at the state and local level. So if you reduce VIPR, for example, it's not like the capability that's provided by the overall community is completely gone.

Senator HASSAN. So I appreciate that answer and I know I'm going over here, so I will wrap up, but please understand that what we expect from you is to stand up for the security needs—

Mr. PEKOSKE. Right.

Senator HASSAN.—for our airports, for our homeland, and the notion that we would cut back after other priorities, like big tax cuts have been provided, is really astonishing to me.

I will also tell you that state and local governments are already, most of them, very extended themselves and this is a Federal function to keep our airports safe. You said that a lot of the help you get from the reimbursement program really goes hand-in-hand with TSA and is critical to its mission, which is a Federal mission.

So I would look forward to having further discussions with you. I think you need to be standing up for these programs and refusing to cut them, unless you have security information or intelligence information that tells us we don't need them anymore.

Thank you, Mr. Chair.

Mr. PEKOSKE. Yes, ma'am. If I can just add one piece of this because I didn't answer your question on low-volume airports, we are not reducing our presence at low-volume airports. In fact, quite the contrary, I think we need to improve our security profile at smaller airports and so the reports that we were going to pull away from 150 airports around the country, that's not what we're doing.

Senator HASSAN. Good. Thank you.

The CHAIRMAN. Thank you, Senator Hassan.

Senator Sullivan.

**STATEMENT OF HON. DAN SULLIVAN,  
U.S. SENATOR FROM ALASKA**

Senator SULLIVAN. Thank you, Mr. Chairman, and, Admiral, welcome, and I want to reiterate the Chairman's opening statements.

I think you and your team are doing a really good job. You don't always get that enough and it's, you know, obviously not perfect,

but when you think about how far we've come from 9/11 and standing up a brand-new Federal agency, I'm glad to see you got your frontline workers—particularly someone from Alaska—but, you know, all of us, we travel a lot. I try to get home every weekend, and I always take the time to compliment your team in Alaska because I think they do outstanding work and it's not easy work. It's not perfect, but I just want to thank you and please pass that on to all of the members of TSA because I agree with what the Chairman said at the outset here.

Let me ask an issue that I know it's not completely in your lane, but it's a really important one to so many of us, and that's TSA working with local law enforcement on drug interdiction issues.

Like most states, Alaska's experiencing a lot of problems with addiction and the related crime. Fentanyl obviously is a big one. We're hopefully going to pass the STOP Act here, which is going to put more resources into stopping fentanyl coming in from China.

That is actually remarkable that the Chinese could stop that, if they wanted to right now. It's a Communist state. I was in China several months ago and I asked them to stop sending fentanyl that's killing our citizens.

But what are you doing or what can you do with local law enforcement to help? You know, we have small communities in Alaska, many of which are only served by airports, not even roads. So we know when drugs—a lot of times when drugs are coming in.

Are there things that you can do more or you have ideas for maybe agencies that aren't in your—it's not your jurisdiction but the Post Office and others. I'm sure you get this question a lot. It's actually a very important one.

Mr. PEKOSKE. Yes, sir. Thanks for the question and really thanks for your comments, as well.

I agree wholeheartedly with your comments on the workforce, as I mentioned in my opening statement, and I'm really proud to lead these 63,000 professionals that do amazing work every single day, not just in the United States but around the globe.

With respect to drug interdiction, sir, you're right, that is not a TSA mission per se. We do discover drugs in our screening process at security checkpoints, but our procedure is to turn that contraband over to local authorities and local authorities typically handle that very well for us.

Your question really relates to when there is no local authority, how can we help? The only thing I could think of off the top of my head with respect to TSA, sir, is with our VIPR Teams, they do supplant some local requirements. So, in other words, if we have a VIPR Team operating in Anchorage, for example, that might free up some Alaska State Police to go somewhere else for a period of time and that's the way we could indirectly assist with this.

Our requirement for VIPR is that they perform their mission around transportation centers, of course, because it is TSA.

Senator SULLIVAN. Let me ask you another question that relates to my state, but it also relates nationally, in that TSA at one time had a Cargo Division. I know it's complex with regard to how cargo operates, how you screen it, but it's also a big security issue. Cargo hubs in my state are very big.

What are you doing on that, and what are you looking at in the future with regard to cargo screening as a security measure?

Mr. PEKOSKE. Yes, sir. I spent a significant amount of time with the major cargo carriers in this country. I've learned an awful lot in my visits with them, spent an entire day with most, and we recently established a Cargo Division in TSA Headquarters.

I mentioned earlier that that's a key area of focus for me and I need to have an organizational structure that focuses on that, as well, and I want to provide an easy point of contact for the cargo industry inside TSA Headquarters.

Senator SULLIVAN. Let me ask a final question. It's not necessarily related as much to my state but certainly out here, you know, every time I've gotten on a train, like a passenger train on the East Coast, I always kind of, you know, sense that this is a pretty soft target.

What are you doing? I mean, there doesn't seem to be a lot of kind of visible presence from somebody who wanted to do damage to our commuter train system, particularly, you know, Amtrak and those high-volume areas on the East Coast. What are you doing on that, and do you need help from Congress on an area that to me seems, like I said, pretty vulnerable?

Mr. PEKOSKE. Yes, sir. We have very good relationships with the operators of major rail systems around the country, and I've spent significant amount of my time, my personal time in understanding these issues.

We regularly provide intelligence updates to our rail partners, as we do across the entire surface transportation spectrum.

Senator SULLIVAN. And is that relationship good?

Mr. PEKOSKE. Yes, I think that relationship is outstanding, and for a number of the major systems, we also support their Explosive Detection K-9 Program. So those canines, a portion of them at least, are provided for and trained by TSA, and we also certify them every year. So there's a very good relationship back and forth between the major rail carriers in the country, in my view.

Senator SULLIVAN. So you are not concerned about that as a vulnerability?

Mr. PEKOSKE. I'm concerned about it as a vulnerability. I'm concerned about, you know, any vulnerability to a transportation system and certainly, as we've seen instances occur around the world, that that is very much a target, and I know the owners and operators of those systems very much feel that way, as well, and Amtrak in particular has a very robust, in my view, police presence and, you know, as I've seen before I came into this position, as I traveled up the Northeast Corridor, I would typically see Amtrak Police Officers on trains that I was on, not every single one but on a fairly regular basis, and the whole idea is to provide—you can't cover every transit, which you can't, is to provide that unpredictability of when you're going to be there.

Senator SULLIVAN. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Sullivan.

Senator Markey.

**STATEMENT OF HON. EDWARD MARKEY,  
U.S. SENATOR FROM MASSACHUSETTS**

Senator MARKEY. Thank you, Mr. Chairman.

Mr. Pekoske, recent reports have revealed concerning details about your agency's previously undisclosed Quiet Skies Program.

Under the program, Air Marshals monitor American travelers who aren't suspected of any crime and aren't on any watch list.

Mr. Pekoske, I want to learn more about what exactly the TSA is monitoring. Does the TSA monitor whether Americans go to the bathroom during flights?

Mr. PEKOSKE. Sir, the Quiet Skies Program is not a new program. It has been in existence since about 2011.

Senator MARKEY. Right. Does the TSA monitor whether Americans go to the bathroom during flights?

Mr. PEKOSKE. Sir, we place Federal Air Marshals on flights where some Quiet Sky selectees may be passengers—

Senator MARKEY. So yes or no? Do you monitor?

Mr. PEKOSKE.—and part of their presence to mitigate the risk of a Quiet Skies passenger—

Senator MARKEY. Yes or no?

Mr. PEKOSKE. Yes, yes.

Senator MARKEY. Does the TSA monitor what Americans eat or drink on a flight?

Mr. PEKOSKE. We don't monitor—I would not use the term “monitor.” We observe. This is a law enforcement mission.

Senator MARKEY. So the answer is yes?

Mr. PEKOSKE. They observe. Yes, sir.

Senator MARKEY. Does the TSA follow Americans after they've deplaned and are walking to their car or taxi?

Mr. PEKOSKE. Yes, sir.

Senator MARKEY. Yes. So, again, the American public does deserve to know the extent to which they are being surveilled. Again, we are talking about Americans who aren't on any watch list and aren't suspected of any crimes.

Who at TSA determines what passengers land on the Quiet Skies list?

Mr. PEKOSKE. Quiet Skies is an intelligence-based risk assessment program, sir, that's operated by rules and so the rules set are reviewed continuously and changes to those rules can only be approved by myself or my deputy.

Senator MARKEY. OK. Once you gather information about flying Americans, where is the data stored and who has access to that information?

Mr. PEKOSKE. The data is stored in our intelligence office and our intelligence professionals have access to the information.

Senator MARKEY. It's limited to them?

Mr. PEKOSKE. Right.

Senator MARKEY. What do you do with the information about innocent Americans? Do you delete it immediately?

Mr. PEKOSKE. With respect to an individual who would be a Quiet Skies selectee, based on rules, based on intelligence, if, after a certain period of time,—

Senator MARKEY. What is the period of time?

Mr. PEKOSKE. I can't reveal that in open session, sir, but there is a period of time. It is short.

Senator MARKEY. Well, if they haven't done anything wrong, why is it not immediately?

Mr. PEKOSKE. We, by our rules, want to see a certain number of encounters before they're removed from that program.

Senator MARKEY. Even if you've already determined that they're innocent?

Mr. PEKOSKE. We would not have made that determination—

Senator MARKEY. Once you've determined that they're innocent, do you—

Mr. PEKOSKE. We would—

Senator MARKEY.—then delete it immediately?

Mr. PEKOSKE. Sir, once we determine—I wouldn't use the term "innocent" either. Once we determine that they don't present a risk, an additional risk to security, then they are removed from the Quiet Skies Program. Those records are retained for 2 years.

Senator MARKEY. Two years?

Mr. PEKOSKE. Yes, sir.

Senator MARKEY. Even though they're innocent Americans. They haven't—you don't have any reason to have—

Mr. PEKOSKE. Sir, I wouldn't say that. I would say that it's a rules-based program that assesses risk. People that are selected for Quiet Skies, based on patterns of travel, in our view, informed by intelligence, represent more risk than other passengers do.

Senator MARKEY. Right. But having surveilled them and not able—and not having any evidence which has been developed, it just seems to me that they do have a right to the presumption of innocence.

I'm also concerned that the Quiet Skies Program may not pass constitutional muster. Mr. Pecoske, does TSA take into account characteristics, like a traveler's name, when determining who to monitor?

Mr. PEKOSKE. We take into consideration a traveler's record. We do not take into consideration a traveler's race or religion.

Senator MARKEY. So identifiers, like race or religion or their name, can clearly be used as proxies for race and religion. Monitoring travelers based on these criteria raises pressing concerns about the constitutionality of the Quiet Skies Program.

So you are saying that you do not use race, religion, or the traveler's name in determining who to monitor?

Mr. PEKOSKE. We don't use race or religion, sir. We do, of course, use the traveler's name because that's part of the reservation data.

Senator MARKEY. Right. But is a traveler's name used to create a suspect category just because of the traveler's name and with no other information gathered about him or her, with the exception of the name?

Mr. PEKOSKE. No, sir, it wouldn't be the name all by itself. It would be the name and other criteria.

Senator MARKEY. All right. The American public also deserves to know whether other agencies, besides TSA, are involved here.

Does the White House or Department of Justice have any involvement with this program?

Mr. PEKOSKE. This program is part of a privacy impact assessment that has been published on the DHS website for years and we do use the travel vetting system that Customs and Border Protection employs.

Senator MARKEY. So does the White House or Department of Justice have any involvement in this program?

Mr. PEKOSKE. Involvement meaning what, sir?

Senator MARKEY. Are they participating—

Mr. PEKOSKE. Awareness?

Senator MARKEY. Yes. Are they participating in this program?

Mr. PEKOSKE. The White House, to my view, is not participating in the program.

Senator MARKEY. OK. The Department of Justice, do they have any involvement with the program, the Department of Justice?

Mr. PEKOSKE. This is a law enforcement program. Department of Justice may, in certain circumstances, but it wouldn't be based just on Quiet Skies.

Senator MARKEY. Air Marshals have recently come forward and voiced doubts about the Quiet Skies Program, which they say saps their ability to do more vital law enforcement work.

Approximately how many people has TSA monitored so far under the program?

Mr. PEKOSKE. Sir, I don't have those numbers right in front of me. I'd be happy to provide them to you for the record because we do record those numbers.

Senator MARKEY. Could you give me a range?

Mr. PEKOSKE. I would say, you know, in Quiet Skies, with the Air Marshal involvement, it's in the thousands of passengers.

Senator MARKEY. OK. Of those, how many were American citizens?

Mr. PEKOSKE. I don't have that information off the top of my head.

Senator MARKEY. How many individuals surveilled under the Quiet Skies Program have been arrested or prosecuted?

Mr. PEKOSKE. I don't believe anybody has been arrested or prosecuted. However, people that are in the Quiet Skies Program have eventually been determined to be part of a larger selectee pool, based on what the Quiet Skies Program—

Senator MARKEY. I appreciate that, but no one has been arrested or prosecuted yet,—

Mr. PEKOSKE. No, sir.

Senator MARKEY.—and how many threats has the program foiled thus far?

Mr. PEKOSKE. The program is a prevention program designed to mitigate risks onboard aircraft and so, you know, like many of our prevention programs, there's no particular plot that has been foiled as a result.

Senator MARKEY. So it hasn't foiled any threats yet?

Mr. PEKOSKE. Not to my knowledge.

Senator MARKEY. OK. And without knowing more, the program appears like a huge waste of taxpayer dollars and infringement on our privacy. This is a vast program that actually takes Americans and puts them into a suspect category and thus far there's no evi-

dence that it has produced anything that would, in fact, enhance the safety of the American flying public.

So from my perspective, it is something that you should seriously reconsider because to me it just does look like a huge waste of taxpayer dollars.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Markey.  
Senator Inhofe.

**STATEMENT OF HON. JIM INHOFE,  
U.S. SENATOR FROM OKLAHOMA**

Senator INHOFE. Thank you, Mr. Chairman.

I've got a couple of things that come from personal experience, and we had a discussion before this Committee about the K-9 Program and how effective it has been and some of the problems with it.

Well, it has been very effective in Oklahoma. In fact, the Oklahoma City's Will Rogers World Airport, we had a canine that was working and was reassigned to DFW. Now immediately after it was reassigned and we have all the documentation on this, all of a sudden we had waiting times for passengers increase immediately after that.

Now I know that the Homeland Security has in their appropriation bill, which we're working through right now, has an additional \$10 million to fund more dogs and I think in your written testimony, you talked about some enhancements to that program.

Tell me what is going on right now with that program. It has been very successful in Oklahoma.

Mr. PEKOSKE. Yes, sir. Thanks for your comments, and I agree it has been very successful. In fact, it has been so successful we want to continue to increase the number of K-9 teams that are available throughout the system and so we've seen about a 41-percent increase in the number of K-9 teams available at airports between today and this time a year ago, so a very significant increase there.

We have also increased the capacity at our K-9 Training Center down in San Antonio, Texas, so we can train 50 more teams per year. So that's quite a significant increase in capacity—

Senator INHOFE. Yes.

Mr. PEKOSKE.—at that training center.

The final thing I'd mention to you, Senator, is that, as you may know, we have our Passenger Screening K-9s, which were operated by TSA handlers, and then we have our Law Enforcement K-9 Program, which are TSA canines trained at the TSA K-9 Training Center but with local law enforcement officers being the handlers.

We've offered to local law enforcement authorities the opportunity for them to up-train their canines in that program to the passenger screening standard that involves about four or five weeks of additional training at our K-9 Training Center and today we've had five law enforcement agencies agree to do that. So that again increases our capacity at the screening checkpoints.

Senator INHOFE. Yes. Well, as we rebuild that program, keep Oklahoma in mind. Will you do that?

Mr. PEKOSKE. Yes, sir, will do.

Senator INHOFE. All right. The other problem that I had is the search problem. I know you guys have the capacity to help with that and just as an example, if I take the early flight coming from Tulsa, Oklahoma, to Washington, you don't have a direct flight, if you could help us get a direct flight, I'd appreciate that, too, but if you get there for the early flight, which is about 6 o'clock in the morning, I mean, it's about a block long you're waiting in there. If you come back an hour later, there's nobody there.

Now what is your capability of handling the surges, and do you have a program that might help with that type of thing?

Mr. PEKOSKE. Yes, sir, and that's one of the big challenges in the checkpoint screening because you do run into surges early in the day and early in the evening, large volumes of passengers trying to get through, and sometimes we're constrained by the infrastructure at the airport. We just can't put any more screening lanes in the existing footprint of the airport.

We do use canines to help alleviate that,—

Senator INHOFE. Yes, yes.

Mr. PEKOSKE.—but one of the things, sir, with the canines is that canines are terrific at detection and deterrence both, and I want to make sure that as we deploy canines, we just don't deploy them during surge periods because an adversary can gain that system on us and just look and observe when we deploy canines and then if they're concerned about the canine capability, which they should be, then they would try to go through it at an off time and so we want to make sure that we kind of roll out that canine capability, but—

Senator INHOFE. Yes.

Mr. PEKOSKE.—we do pay very close attention to the surge issues and try to bring as much—as many officers as we can in for the checkpoint to speed the passengers through.

Senator INHOFE. Yes, yes. Well, that makes sense. Well, you're doing a great job. Keep it up. All right.

Mr. PEKOSKE. Thank you.

Senator INHOFE. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Inhofe.

Senator Lee.

**STATEMENT OF HON. MIKE LEE,  
U.S. SENATOR FROM UTAH**

Senator LEE. Thank you, Mr. Chairman. Thank you, Admiral, for being here with us today.

Currently, there are 22 airports in the United States that participate in the TSA's Screening Partnership Program, or SPP, which, of course, allows the TSA to have oversight over screening services conducted not by Federal employees but by private screening personnel through a private screening service security company of some sort.

Now in 2015, when the General Accountability Office produced a report, it reported that contract award prices for private screeners within the SPP Program carried an average of 11 percent in savings compared to the TSA's own cost estimate for Federal screening.

So as TSA considers better operational changes to more effectively allocate taxpayer dollars and ultimately make TSA more effective at fulfilling its mission, which is making the American people safer, is the SPP a viable option? Is that an attractive option? If so, why?

Mr. PEKOSKE. Sir, the SPP remains an option for any airport that wants to, what we call, opt-in to the SPP Program.

What they do is they just indicate a desire to participate in that program and then we within a very short period of time, 30 to 60 days, engage with them and help them work through the process of becoming an SPP airport.

SPP is a contract that TSA manages with a set of about 10 or 12 vendors and then we basically do a task order bid for that particular airport because every location has different costs and different structure to it and then once we get those bids in, we award it to the best value bidder. So it's a fairly quick process for airports.

Senator LEE. And ultimately that's your judgment call, not theirs? In other words, you review the bids, including the TSA being one of the bidders?

Mr. PEKOSKE. The TSA is—if they opt to SPP, we are not one of the bidders, but the cost, sir, can't be more than what we're currently—

Senator LEE. Right, right.

Mr. PEKOSKE.—using for Federal service, and I do want the airport authorities to have visibility into that process.

Senator LEE. Got it. Now the 2015 GAO report, as I understand it, also acknowledged that in that cost assessment that you run through, it's not necessarily an apples-to-apples comparison because it doesn't take into account some of the costs that are borne not by the TSA specifically, but are nonetheless borne by the Federal Government.

Shouldn't be that be an apples-to-apples comparison?

Mr. PEKOSKE. That's a very hard apples-to-apples comparison, as you can imagine,—

Senator LEE. Sure.

Mr. PEKOSKE.—to be able to make and it really—

Senator LEE. But the GAO was able to acknowledge that, you know, there was this lag that should enable you to at least get closer, shouldn't it?

Mr. PEKOSKE. It's easy to acknowledge a gap and very hard to figure out the metrics to close that gap.

The other thing, sir, is, from a TSA perspective, for those non-TSA expenditures, that does not come out of my budget and so, you know, what TSA looks at is what is the TSA budget requirement for SPP and not letting the SPP cost exceed the Federal cost for TSA.

Senator LEE. Sure.

Mr. PEKOSKE. But you're right. There is a larger Federal cost that is very hard to quantify.

Senator LEE. You can understand why, as a member of the U.S. Senate, I'd be concerned about costs that extend farther than your agency. I mean, as long as this is a cost comparison, you can understand why I would want it to incorporate costs to the Federal Government generally?

Mr. PEKOSKE. Yes, sir, I understand the concept. Yes, sir.

Senator LEE. So things like retirement, other things that might be backfilled by the Federal Government, sure, it's complex, but those can be estimated, can't they?

Mr. PEKOSKE. They can be estimated. Yes, sir.

Senator LEE. And so are you willing to look at that and take steps to work toward more of an apples-to-apples comparison?

Mr. PEKOSKE. That is certainly something that, you know, I'm sure when we got the GAO report, which I believe was issued before I got into this position, so I haven't read it in detail, I'm sure TSA did a review, but I need to be careful personally because I'm recused from SPP issues for another year. So I can't directly get involved in that.

Senator LEE. OK. I understand that, but would you agree as a general matter that within the SPP, private screeners ought to be evaluated on an equal even playing field within an apples-to-apples comparison with TSA services?

Mr. PEKOSKE. Yes, sir, I would always agree with apples to apples. My concern, though, as an agency would be would the costs to the agency be higher in that regard.

Senator LEE. Would the costs to the agency be higher—

Mr. PEKOSKE. Right.

Senator LEE.—if they went with a private screener?

Mr. PEKOSKE. That's correct. In other words, because I'm trying to manage a budget.

Senator LEE. Sure, sure. OK. Mr. Chairman, if I could ask one more question, I see my time's expiring.

In both 2015 and 2017, the Department of Homeland Security's Inspector General revealed some very alarming fail rates that documented how auditors from the IG's Office were able to consistently evade airport security screeners while they were carrying in banned items.

Can you tell me what changes you've incorporated in order to stop this dangerous trajectory and to reverse it?

Mr. PEKOSKE. Yes, sir. I think the trajectory has been reversed and I've paid very close attention, as you would expect me to, to those IG audits, and I said in my response to the IG audit that I agreed with their results and that we would take steps to close the vulnerabilities that they identified.

I would also add that we do our own red team or covert testing out of TSA Headquarters and we continue to do tests on the system to see what changes we've made and what kind of improvements have resulted from that.

But to get to some of the changes, first and foremost, the CT technology, I mean, you know, as I look at this problem, there are kind of three ways you can address it. You can put better technology out there which we sorely need. You can change your procedures, and you can provide better training for your officers.

One of the things that I have consistently stated is that those test results are not a reflection on officer performance. They're a reflection on technology procedures and training that systematically needs to be provided by the agency.

So with technology, we've got the CT technology. As I mentioned, operational test and evaluation right now, very, very promising re-

sults from that that will be a game changer for us from a security perspective in the checkpoints.

We are also looking at other technologies for on-body anomaly detection, for example, in the checkpoint. For procedures, we changed our procedures at the very end of last summer and so you may have seen this as you travel, sir, where the officers ask you to take more things out of your carry-on bag. That was a very deliberate change on our part that significantly enhanced security from the end of last summer all the way through the present day, and while we did have a temporary slow-down in throughput at our checkpoints, once passengers got used to it and once our officers got used to it, we've seen no change year over year, and then we've placed a significant emphasis on training for our officers, so that it's more face-to-face, less computer-based. So I think we're making progress there, sir.

Senator LEE. I'm pleased to hear that. You can understand why I'd be concerned about that, not only for the safety itself but also as we hear from constituents. I've lost track of how many constituents have come to me themselves in tears talking about seeing their daughters, their sons subjected to invasive groping searches. Then when they read about reports like this one indicating lapses in security, they become even more upset about seeing their daughter groped.

So I hope we can increase the security and do so in a way that respects the dignity of each American as he or she travels.

Thank you, Mr. Chairman.

Mr. PEKOSKE. Yes, Senator, and as you can appreciate that's an equally uncomfortable operation for our officers, and I don't think any of our officers groped any passengers. They're following the procedures that we put in place.

Senator LEE. With all due respect, I've seen it happen. I've seen that happen to my own family members. They've been groped.

Mr. PEKOSKE. Well, if the officers are following the standard operating procedure, that should not happen, but I would make a key point for you, Senator, and it goes right back to technology.

The reason why those pat-downs occur is because a machine detected an anomaly. What I look at a lot is the false alarm rate on those machines and that's something that we need to address and we need to put more effort towards and we are doing that.

Senator LEE. I appreciate that. Thank you.

The CHAIRMAN. Thank you, Senator Lee.  
Senator Gardner.

**STATEMENT OF HON. CORY GARDNER,  
U.S. SENATOR FROM COLORADO**

Senator GARDNER. Thank you, Mr. Chairman. Thank you, Mr. Pecoske, for your time and testimony today and your service to our country, and I know we've had many conversations about Denver International Airport.

I think they're in the process of about a \$3 billion renovation effort, expanding their gates, redoing the Great Hall, and making some other improvements to their security system, of course, which you are partnering with them and working with them very closely on, and I'm grateful for that. So thank you for that.

I also want to commend the folks over at Denver International Airport for the excellent trolling they're doing on Twitter right now. Part of the construction signs that they have, of course, if you live in Denver, if you've watched some late night comedy, they talk about the work camps underneath DIA, the horse outside of DIA that they've nicknamed "Blucifer" and some other conspiracies at DIA.

If you go through the airport now, you see the construction signs. You'll see signs like "Construction or Cover-up? What are we doing? Planning for the end of the world." So this is a pretty great troll effort by DIA right now on social media.

Mr. Pekoske, following up on the testimony, you talked a little bit about efforts to analyze and develop emerging security technology.

In 2016, Congress, this Committee, authorized and passed legislation called the SCREEN FAST Act, which I introduced and sponsored. This bill established pilot programs at airports for the purpose of implementing innovative screening checkpoints to bolster security, passenger throughput and other things.

Thank you very much to TSA for utilizing the pilot program to test and implement new technologies, like the automated screening lanes and now 3-D bag scanners, at the checkpoint.

We've seen airlines, like DIA, stepping up, taking the initiative, prioritizing screening equipment, to the purchasing of equipment, and it's my understanding that TSA and DHS are working on a program that would allow their partner organizations to purchase security equipment and then gift it to TSA.

Could you provide an update on that process?

Mr. PEKOSKE. Yes, sir. First, thanks for your comments and I would just like to commend DIA. I think they're doing a terrific job in moving the checkpoint up to the mezzanine level, addressing a security issue in and of itself with having a mezzanine, and their great partnership with us along the way, and we do have the authority in law to accept gifts of equipment and that's what DIA is doing.

They've agreed to purchase equipment and then they will gift it over to TSA and that's really a great solution because the airport is able to get technology that they're willing to purchase in place much faster than if we had to go through a Federal procurement process.

I would also note, too, that the automated screening lanes in particular has allowed us to—you know, the fact that airlines and airports have been able to gift those to TSA will allow us to skip some steps or very much shorten some steps in our Federal acquisition process.

So when we get into a large-scale acquisition for the rest of the system, we will benefit from all of the testing and evaluation, the manning studies, and everything else that has been done on that gifted equipment.

What I would ask is that what we can't do right now is we cannot accept as a gift payment for services that TSA provides and a number of airports, for example, have hotels that are right in the airport and they would like to put a screening lane right at the hotel entrance.

We would like to see that, too, because that actually helps us manage throughput to some degree. They can gift us the equipment, but they cannot reimburse us for the services to provide a separate screening lane, and we've asked for that to be considered as part of the TSA Mod Act.

It would very much parallel but would not apply to the central checkpoint but would very much parallel authorities that Customs and Border Protection has and so, you know, I would just, you know, recognize the work of the airports, the airlines, our Innovation Task Force, to really kind of push the envelope and say, hey, how can we really embed technology, use the private sector capability to buy things quicker and put it in place so the passengers can see the immediate benefit of all that.

I would tell you, sir, that with the CT, huge improvement in security, huge improvement in convenience. ASL, same comments, and so it has really been a really good program.

Senator GARDNER. So thank you and so the TSA Mod Act is where you've requested that language and working with—

Mr. PEKOSKE. For reimbursement, yes, sir, and we've worked with our industry partners on that to make sure that they—you know, that was language they could live with, as well, and I think we're in a good place there.

Senator GARDNER. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Gardner.

Back to Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman, very much.

I want to turn to facial recognition. TSA recently began taking pictures of American faces at a Los Angeles International Airport security checkpoint in collaboration with Customs and Border Protection, yet dating back to 2017, Senator Mike Lee and I had already called on the Department of Homeland Security, which includes both TSA and CBP, to implement formal rules to address important concerns with biometric technology at U.S. airports.

Number One: Americans need to be able to opt out of facial recognition. Number Two: We need to ensure the security of traveler data. Number Three: We need to prevent any racial bias in the technology. Those are the concerns that Senator Lee and I have.

In response to our letter, DHS promised to not expand the program until it completed a formal rulemaking to put privacy rules on the books. Yet, DHS continues to expand the program.

I know how problematic facial recognition can be. The ACLU recently used Amazon's facial recognition software to see who of the 535 Members of Congress who matched with a criminal database. Well, 28 of us did, including me, Congressman John Lewis, and 26 others. So there are problems here.

So, Mr. Pecoske, can you commit here to completing a formal rulemaking to address these issues before expanding TSA's use of biometric technology?

Mr. PEKOSKE. Well, Senator, we are simply prototyping the biometrics in partnership with CBP and we are using CBP's technology. We're using CBP's testing and we have an updated privacy impact assessment for that prototype.

We don't have any plans at this point for a formal program expansion. We just want to see how it works and passengers—

Senator MARKEY. Will you commit to completing a formal rulemaking to address these issues before expanding TSA's use of biometric technology?

Mr. PEKOSKE. Sir, I will defer to the Department of Homeland Security, which is overseeing the overall biometric effort of the components.

Senator MARKEY. Well, I am very disappointed, you know, that you and your agency will not commit to ensuring that these fundamental protections aren't in place through a formal rulemaking before you move forward.

The American people deserve to have a set of guidelines which are put in place in order to protect their privacy. I already personally have had a mistake made with regard to facial recognition, a United States Senator.

Now it's one thing for a United States Senator or Congressman. We can protect ourselves. But for an ordinary person of color in our country, that can cause real problems for them, and I just think that a formal rulemaking is the absolute prerequisite that your agency should engage in and I would like you again to make a commitment that you would do it.

Mr. PEKOSKE. Sir, what I will commit to, without hesitation, is that whatever systems we put in place will provide equitable treatment for all.

Senator MARKEY. No. We need a formal rulemaking. We need a formal rulemaking. This just can't be informal and a set of—

Mr. PEKOSKE. Well, I think the larger thing, though, sir, is, are we concerned about privacy rights for passengers? Absolutely. Are we concerned with equity across all passengers? Absolutely. But where I might disagree is the method to get there.

Senator MARKEY. OK.

Mr. PEKOSKE. But the concept—

Senator MARKEY. But we need a formal rulemaking. This is too important not to.

And, finally, there's a proposal to cut screening at 150 smaller airports in response to budgetary constraints. I find that very unfortunate in the aftermath of the September 11 attacks. Two of the planes were hijacked from my congressional district. We lost 150 people on those two planes from Massachusetts.

Congress established the September 11 Security Fee to help finance the cost of securing the Nation's aviation transportation system.

Regrettably, the 2013 Congress began diverting approximately one-third of the revenue generated by these security fees for deficit reduction.

Administrator Pecoske, would dedicating all of the revenue generated by the security fee help TSA provide basic aviation security and modernize their systems to address emerging threats?

Mr. PEKOSKE. Well, sir, just a factual correction, if I could. We have no plans to reduce screening at any airport in the United States whatsoever. In fact, we have plans to enhance security at low-volume airports.

Senator MARKEY. So you're saying this report that 150 small airports, there is going to be a cut in screening is erroneous?

Mr. PEKOSKE. It's wrong.

Senator MARKEY. It is wrong?

Mr. PEKOSKE. It's wrong.

Senator MARKEY. It's not going to happen?

Mr. PEKOSKE. No, sir.

Senator MARKEY. OK. Well, I am glad to hear that and just to make sure that that's the case, I'm introducing with Senator Blumenthal today The FASTER Act, which would ensure that none of these fees are diverted and that we'll just make that policy once and for all. The FASTER Act, Funding for Aviation Screeners and Threat Elimination and Restoration Act. In fact, it's my legislation in 2007 that passed in the 9/11 bill that requires for the screening of all cargo that goes on all passenger planes in America. That was a six-year battle by me to get that law on the books to screen.

So any retreat on this is absolutely unnecessary if one-third of the security funding is being diverted just to deficit reduction and not to the security of the passengers who are flying in our country.

Mr. PEKOSKE. Yes, sir. None whatsoever. In fact, further investment in both low-volume airports and cargo screening, and, sir, just a request from me for you to consider at your convenience. I would like to come and talk with you about Quiet Skies because I think some of the issues that you've raised, I could help provide more information to give you more context to that program because it is a very, very valuable program in my view, and I can't go through the details in this setting but I would very much like to have that conversation with you, if you're available.

Senator MARKEY. OK. And, again, I would love to have that conversation in my office. I'm relying now on Air Marshals who are telling us that they just don't think it's worth the money.

Mr. PEKOSKE. Yes, sir. But in a large organization, you're going to have some people that have a different point of view. I would take a look at the intelligence information first.

Senator MARKEY. I do appreciate that but thus far there has been no evidence that it has thwarted any attacks whatsoever, and I think that's—

Mr. PEKOSKE. Yes, sir.

Senator MARKEY.—the relevant—

Mr. PEKOSKE. Yes, sir, but there is evidence that it has transitioned some passengers identified in Quiet Skies to the known or suspected terrorist list, significant numbers. It is successful, and I would love to have that conversation with you.

Senator MARKEY. Thank you.

The CHAIRMAN. Thank you, Senator Markey.

Senator MARKEY. Thank you for your generosity.

The CHAIRMAN. It sounds like you guys need to have that conversation, and I, too, raised with Admiral Pecoske when there was reporting about reductions at low-volume airports and he assured me that that wasn't the case. That was like many other things that sometimes make it into the press, something that had not been agreed upon or implemented or anything like that. So we appreciate that.

And when it comes to the biometric stuff, Senator Markey's often confused with Brad Pitt. So it's really important that we make sure that we get this right.

We'll keep the hearing record open and ask members to submit questions and if you could, Admiral, respond to those as quickly as possible, keep the hearing record open for two weeks.

But we appreciate you being here and your responsiveness and we'll look forward to working with you and your team to again ensure that Americans who travel here at home or abroad have the absolute top-level safety precautions put in place.

So thank you again, and with that, this hearing is adjourned.

Mr. PEKOSKE. Thank you, Mr. Chairman.

[Whereupon, at 11:57 a.m., the hearing was adjourned.]

## A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DEB FISCHER TO  
HON. DAVID PEKOSKE

*Question 1.* I have heard from airports across Nebraska that their passenger traffic has been increasing. To support that increase in traffic, airports from Eppley Airfield in Omaha to the Western Nebraska Regional Airport in Scottsbluff need additional TSA staff to maintain security and address longer wait times. How is TSA working with airports in Nebraska to ensure they have a sufficient number of TSA security officers to meet their needs?

Answer. Strong passenger traffic growth is a challenge being faced by the majority of our airports nationwide. Each year, the Transportation Security Administration (TSA) evaluates the staffing requirements at each airport, with a heavy focus on individual airport growth rates. These passenger traffic increases are applied to our staffing model, which was validated as part of a Government Accountability Office review, and airport staffing allocations are adjusted appropriately. The President's budget request for Fiscal Year FY 2019 includes 717 Full Time Equivalents (FTE) for volume growth within TSA over current levels, and the Nebraska airports were allocated an additional 8 percent in staffing for the upcoming year. In particular, Eppley Airfield (OMA) received a 23 FTE (12 percent) increase in allocated staffing for FY 2019.

Additionally, many of the airports in Nebraska, similar to other airports across the country, have seen an increase in Transportation Security Officer (TSO) attrition as the U.S. economy improves with additional job opportunities and competitive wages. This has been the case in OMA, where employment competition from both private sector employers and positions within the Federal Government that offer more traditional work schedules have resulted in attrition. To offset this impact, TSA recently put in place a retention incentive for OMA to help retain existing employees and attract new TSO applicants. TSA has also expanded our statewide recruitment efforts beyond traditional advertising venues by concentrating on digital and social media advertising to ensure we reach the broadest applicant pool. This, along with attending in person and virtual job fairs and working with local workforce offices to create our own employment events, is helping promote TSA's employment opportunities in the smaller communities. TSA's Recruitment and Hiring staff stays in close contact with the local TSA airport staff members to identify other opportunities to promote TSO position openings.

*Question 2.* General aviation is particularly important in a rural state like Nebraska. TSA has received 19 recommendations in the past several years from the Aviation Security Advisory Committee to reform security programs related to general aviation. These recommendations cover a variety of issues, such as vetting for flight training candidates and compliance requirements. Can you provide an update on TSA's work to respond to the Aviation Security Advisory Committee's recommendations on general aviation security?

Answer. The Transportation Security Administration (TSA) concurred with 13 of the 19 recommendations put forth by the Aviation Security Advisory Committee's General Aviation Sub-Committee and non-concurred with the others after careful consideration and for reasons specific to each recommendation. Of the recommendations with which TSA concurred, six have been closed and the appropriate action taken. Of the seven recommendations which remain open, five are related to flight training candidates that are in the process of rulemaking.

The remaining two open recommendations relate to "Twelve Five" operators.

Unlike General Aviation, which is largely unregulated by TSA, each operator of an aircraft with a certificated takeoff weight of more than 12,500 lbs. (*i.e.*, "Twelve Five"); in scheduled or charter service; carrying passengers or cargo or both; and not regulated by TSA under a full security program, partial security program, or full call-cargo security program is regulated by TSA under the Twelve Five Standard Security Program. See 49 CFR 1544.101(d). Many General Aviation stakeholders who

serve on the ASAC General Aviation Subcommittee are also Twelve Five stakeholders and have advanced their recommendations through the General Aviation Subcommittee and will be addressed at the next meeting on December 12, 2018.

As required by section 1952(d) of the FAA Reauthorization Act of 2018, Pub. L. 115-254, TSA will provide a Report to Congress by February 3, 2019 regarding the implementation of certain recommendations that were submitted by the ASAC and with which the Administrator has concurred.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. BILL NELSON TO  
HON. DAVID PEKOSKE

*Question.* Mr. Administrator—There has been reporting in the media on allegations from several years ago that Federal Air Marshals at Orlando International Airport were encouraged to racially profile African-American travelers. I received TSA’s statement disputing these allegations.

Can you ensure this committee that you have thoroughly reviewed these allegations and that TSA is not racially profiling today?

*Answer.* The Transportation Security Administration (TSA) takes all allegations of profiling seriously and is committed to treating all travelers with dignity, courtesy, and respect. TSA thoroughly reviewed the allegations that were reported in the media regarding the profiling of African American travelers at Orlando International Airport and can assure the Committee that TSA is not racially profiling passengers.

TSA is dedicated to operating our programs in compliance with Federal laws, executive orders, and directives. TSA follows a 2013 policy statement, titled “The Department of Homeland Security’s Commitment to Nondiscriminatory Law Enforcement and Screening Activities” and, as applicable, the 2014 Department of Justice “Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity.”

All TSA employees, including Federal Air Marshals, must complete mandatory “multicultural awareness” training on an annual basis. This training provides guidance to help employees better understand different religions and cultures. Additionally, all Federal Air Marshals must annually complete a training module called, “Guidance Regarding the Use of Race for Law Enforcement Officers.”

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO  
HON. DAVID PEKOSKE

*Question 1.* Passenger wait times are on the rise at airports across the country. Minneapolis-St. Paul International Airport (MSP) has made significant investments to modernize and streamline its security checkpoints to address this trend, but a significant portion of the efficiency gains resulting from these investments are being lost due to the Transportation Security Administration’s (TSA) staffing reductions. While the number of MSP passengers increased by 12 percent last year, TSA reduced its screeners by 9 percent. Administrator Pekoske, on September 4, 2018 I sent you a letter on the need to address recent increases in checkpoint wait times. What is TSA doing to ensure airports have the staffing they need to capitalize on new investments to improve security?

*Answer.* As the Transportation Security Administration (TSA) deploys new technology, such as Automated Screening Lanes (ASL) and Computed Tomography (CT), staffing models are updated and airport staffing allocations are adjusted appropriately. TSA’s staffing allocation process uses a proven methodology that was reviewed by the U.S. Government Accountability Office (GAO) in Fiscal Year (FY) 2017 without any resulting recommendations. This process ensures that each airport’s staffing levels are based on their unique operating characteristics. TSA works closely with the airports and airline industry to ensure staffing models are updated to reflect changes to airport configurations, equipment, and flight trends. As changes occur that affect national staffing requirements, TSA works closely with other DHS elements such as the DHS Chief Financial Officer, as well as the Office of Management and Budget to ensure those requirements are represented in our budget requests. For example, the FY 2019 budget request supports an additional 717 Full-Time Equivalents (FTE) to support increased passenger loads.

*Question 2.* The last time we faced extended wait times at MSP, I invited former TSA Administrator Neffenger to see the lines first-hand and worked with him to bring in more K-9 teams. These K-9 teams have proven very effective in expediting passenger screening and reducing wait times. The Senate FAA reauthorization bill

that passed the Senate Commerce Committee in June 2017 includes provisions that would promote and expand the use of explosive detection K–9 teams. What operational benefits do these teams provide and does TSA currently have the capacity to meet demand for these K–9 units?

Answer. Passenger Screening Canine (PSC) teams are an effective and versatile tool within the Transportation Security Administration's (TSA) multi-layered security process. They also serve as a highly visible deterrent against criminal and terrorist threats. TSA is able to deploy PSC teams at passenger security checkpoints in a manner that not only helps mitigate the explosives threat to aviation, but also helps mitigate the threat to the security checkpoints themselves.

TSA has significantly increased the capacity for training canine teams at our Canine Training Center (CTC) in San Antonio, Texas. In Fiscal Year (FY) 2016 TSA trained 250 canines, while in FY 2017 and FY 2018 TSA trained 300 canines each year. We are on track to meet all FY 2019 projected canine requirements provided by the operators by training 350 canines, as well as continuing to increase capacity for anticipated future growth.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO  
HON. DAVID PEKOSKE

*Question 1.* TSA is conducting pilots to use biometrics data collection for identifying and screening passengers.

How is TSA informing travelers about what information is being collected in these pilots? Can travelers opt out of facial recognition? If so, how does the traveler's experience differ from those who do not opt out? How does TSA independently test the accuracy and potential bias of algorithms that are used for any face recognition?

Answer. As part of the Transportation Security Administration's (TSA) collaboration with U.S. Customs and Border Protection (CBP) on biometric technology pilots, CBP has provided general notification of the biometric pilots to travelers through airport signage, through Privacy Impact Assessments (PIAs), published on [www.dhs.gov/privacy](http://www.dhs.gov/privacy) and through program information readily available on [www.cbp.gov](http://www.cbp.gov). TSA has coordinated with CBP on providing these notices. For joint pilots conducted with CBP, travelers can opt out of facial recognition technology used in the pilot programs. Persons who choose not to participate undergo regular manual identity verification procedures using their travel documents.

TSA currently does not have its own facial matching system. We are evaluating CBP's facial matching system—Traveler Verification Service (TVS)—for potential use at TSA checkpoints. CBP and other DHS partners are working to ensure the accuracy of any biometric services provided to TSA.

CBP is working with DHS Science and Technology Directorate to continue to develop and refine methods to analyze differences in matching performance (e.g., age, gender, and citizenship) based on the available data garnered through biometric entry-exit operations. CBP is also moving towards formalizing a partnership with the National Institute of Standards and Technology. Although CBP's currently available data does not at present demonstrate any significant difference in match rate between age, gender, or citizenship, CBP will continue to work with its partners to develop methods to address any performance variations within the system.

*Question 2.* The number of guns brought into our airports is growing. Last year, TSA confiscated nearly 4,000 guns from security checkpoints—an increase of 17 percent from 2016. Based on information provided by your staff that number will go even higher this year. Do you believe that the presence of these weapons is a threat to the safety of the traveling public and to our aviation industry? What actions is TSA taking to prevent loaded guns from entering our airports in the first place? What more can be done?

Answer. Yes, the presence of weapons of any kind, including firearms, continues to remain a threat to the safety of the traveling public and to the aviation industry. As such, the Transportation Security Administration (TSA) remains vigilant in its mission to protect the Nation's transportation systems and is committed to ensuring items on our Prohibited Items list do not enter the sterile area of an airport or cabin of any aircraft.

TSA new hire and recurrent training curriculum addresses firearms via classroom lecture, x-ray image training, and checkpoint labs and simulations. Image training uses both threat and non-threat items to assist officers in detecting guns (both standard construction and 3D printed, as well as assembled and disassembled) and gun parts (including magazines, loose ammo, firing pins, etc.). In addition, TSA collaborates with external Government partners, including USSS, ICE, CBP, and ATF,

to share intelligence information with regards to guns and guns parts to further enhance training and awareness for Officers and Supervisors.

Further, TSA's Public Affairs Office has taken several steps to inform travelers that firearms are not permitted past airport checkpoints.

- TSA partners with airports to post signs in the airport terminal that alert travelers that firearms are not permitted past airport checkpoints. Additionally, TSA posts signs at checkpoints with the same message.
- TSA maintains a detailed webpage dedicated to inform travelers of the proper way to travel with firearms and ammunition. <https://www.tsa.gov/travel/transporting-firearms-and-ammunition>
- TSA produced a video that demonstrates the proper way to travel with firearms. The video is posted on TSA's website and YouTube: <https://www.tsa.gov/videos/travel-tips-traveling-firearms#>
- TSA has a free downloadable app called "My TSA" that has a useful feature called "Can I bring?" A traveler can enter the name of the item (*i.e.*, gun, rifle, pistol) and find out right away if it cannot go into a carry-on bag or if there are special instructions for proper transport.
- TSA's homepage has the same feature, entitled "What can I bring?", in the upper right-hand corner of its home page. A traveler can enter the name of the item (*i.e.*, gun, rifle, pistol) and find out right away if it cannot go into a carry-on bag and if there are special instructions for proper transport. <https://www.tsa.gov/travel/security-screening/whatcanibring/all>
- TSA operates its own social care program, which enables a traveler to send a question to @AskTSA on Twitter and Facebook Messenger about security policies and procedures. Travelers may also send a photo of an item to find out if the item is permitted in carry-on or checked baggage. @AskTSA operates 365 days a year.
- TSA has a customer call center with representatives available every day of the year to answer questions from travelers at 1-866-289-9673. The TSA Contact Center representatives are available 8 a.m. to 11 p.m. ET weekdays; and 9 a.m. to 8 p.m. on weekends and holidays.
- TSA issues a weekly blog post that features a rundown of firearm discoveries and other interesting finds to bring public attention to the fact that guns are not to be brought to checkpoints and that TSA officers will detect firearms if they are brought to checkpoints (visit <https://www.tsa.gov/blog>).
- TSA Public Affairs leverages its social media following to educate travelers on what not to bring to the checkpoint, including firearms and other weapons. Photos, videos, and information about firearms are available on TSA's Instagram, Twitter, Facebook, and YouTube.
- TSA issues a year-end summary of gun catches on its blog and it gets national media attention every year.
- TSA spokespeople across the country conduct media events at airports regularly, during which they discuss and demonstrate the proper way to travel with firearms stressing that passengers should not bring guns to checkpoints. These events typically garner significant local coverage in the cities and towns where they/are conducted.
- The TSA Public Affairs Office also issues local news releases on a daily basis about firearm catches to bring awareness about the criminal and civil penalties to which travelers are subject if they bring a firearm to the checkpoint.

Lastly, the TSA Public Affairs Office established a group this past spring to explore additional ways to message the public about the firearm regulations. The group is working to develop an awareness campaign on firearm travel.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. EDWARD MARKEY TO  
HON. DAVID PEKOSKE

*Question 1.* How many individuals have been monitored under the Quiet Skies program? Of that total number, how many are American citizens?

Answer: The response to the question includes Sensitive Security Information and can be briefed upon request.

*Question 2.* How many individuals have been subject to Special Mission Coverage (SMC) under Quiet Skies since SMCs were initiated under this program in March 2018? Of that total, how many are American citizens?

Answer. The response to the question includes Sensitive Security Information and can be briefed upon request.

*Question 3.* At the hearing, Administrator Pekoske stated that the Quiet Skies program has “transitioned some passengers identified in Quiet Skies to the known or suspected terrorist list.” Please detail how many individuals monitored under the Quiet Skies program have been added to this list, and what precisely the list is. What percentage of all individuals monitored under the Quiet Skies program have been added to this list? Were these individuals added to this list specifically because of information gathered about them under the Quiet Skies program? Administrator Pekoske and Transportation Security Administration (TSA) spokespersons have stated that the Quiet Skies program surveillance missions have identified no threats or activity meriting follow-up action. How are these statements consistent with the fact that Quiet Skies selectees have been added to a terrorist watch list? Please explain why someone who does not merit follow up action can also exhibit behavior that places them on a terrorist watch list.

Answer. Quiet Skies is a risk-based, intelligence driven program to mitigate the threat from higher risk travel, not a surveillance program. Quiet Skies relies on an analysis of current intelligence reporting to develop rules that identify a small portion of the traveling population as higher risk to determine whether those passengers should receive enhanced screening. The Transportation Security Administration (TSA) does not nominate individuals to the Terrorist Screening Database (TSDB) on account of matching a Quiet Skies rule, and would not share Quiet Skies matches with other agencies such as the Terrorist Screening Center unless suspicious activity is noted during the passenger’s travel. Individuals must meet specific criteria in order to be nominated to the TSDB. The nomination of a subject to the TSDB is separate from and independent of Quiet Skies.

TSA analyzed data on passengers who matched Quiet Skies rules over a period of time and preliminarily found that passengers over that time period who matched a Quiet Skies rule were subsequently added to the TSDB—for reasons independent of their match to a Quiet Skies rule—at a higher rate than all other passengers. This data shows that Quiet Skies, which is based on timely intelligence, is identifying travelers who are higher risk and who are unknown to the Federal Government or only partially identified at the time of the travel resulting in a Quiet Skies match. TSA can provide specific information regarding passengers identified by Quiet Skies who were later added to the TSDB in a classified briefing.

*Question 4.* According to a TSA document published in the Boston Globe, “Effective Tuesday, March 13, 2018, OLE/FAMS will initiate SMC on flights carrying Quiet Skies Selectees.” What prompted this decision? Why was the program initiated on this date? Was there an incident or specific issue that promoted the decision? If so, what? What are the Quiet Skies rules and criteria for selection for SMC? On what intelligence is Quiet Skies mission coverage based? How does TSA choose who from the Quiet Skies selectee list to assign teams of Federal Air Marshals (FAMs) for SMC? Are all Quiet Skies selectees monitored in flight under SMC?

Answer. Quiet Skies is an intelligence-driven, risk-based program designed to identify higher-risk patterns of travel. Quiet Skies rules are based upon current intelligence regarding threats to aviation security within the homeland. Explaining specific Quiet Skies rules and criteria for selection for Special Mission Coverage (SMC) requires conveyance of Sensitive Security Information (SSI) and classified information, which we can provide in a briefing in a secure setting. As part of its review of scheduling priorities, the Federal Air Marshal Service sought to improve the degree to which Federal Air Marshal deployments are based upon intelligence-informed risk analysis, and to add the unique law enforcement capabilities of the Federal Air Marshal Service to ensure aviation security where intelligence indicated higher risk associated with a particular flight.

For additional detail regarding the Federal Air Marshal Service Concept of Operations, including priorities and rationales for SMC assignments, we recommend a private briefing in a secure setting.

*Question 5.* Is there a minimum age for individuals monitored under the Quiet Skies program? Could a four-year-old child be the target of a Quiet Skies SMC assignment?

Answer. The response to the question includes Sensitive Security Information and can be briefed upon request.

*Question 6.* Please describe the selection process and intelligence collection and retention policies for the Silent Partner program. Who does this program target and what rules are used to select targets?

Answer. The Transportation Security Administration (TSA) bases Silent Partner rules on current intelligence indicating a current credible threat to aviation security

or the Homeland, as assessed by TSA Intelligence and Analysis. TSA relies upon intelligence provided by the Intelligence Community (IC) to identify potential threats of concern to TSA. TSA uses its authorities, experience, and expertise in evaluating threats to transportation security to create the Silent Partner or Quiet Skies rules that are used to identify higher risk passenger itineraries based on terrorist travel, trends. The specific rules are sensitive and would need to be provided in a closed briefing.

TSA retains specific information pertaining to the passenger's travel for a limited period of time, in accordance with established record retention schedules (two years for TSA Intelligence and Analysis Silent Partner/Quiet Skies program, seven years for Secure Flight records reflecting that an individual was selected for enhanced screening as a Silent Partner or Quiet Skies match and five years for Federal Air Marshal Service after action reports). TSA maintains these records for appropriate follow-up when there is suspicious activity during travel and for the purposes of evaluating program performance and effectiveness, redress, and litigation. TSA's operation of Silent Partner and Quiet Skies are reviewed on a routine basis by the DHS Office for Civil Rights and Civil Liberties, the DHS Privacy Office, and the DHS Office of General Counsel.

*Question 7.* At the hearing, Administrator Pekoske stated that intelligence collected during Quiet Skies SMC assignments is kept for two years after determining the passenger in question is cleared as a threat. According to investigations published in the Boston Globe, FAMs submit two types of reports to TSA after they complete Quiet Skies missions. Are there different conditions or guidelines governing the collection, retention, sharing or accessing of information in these two types of reports?

*Answer.* Federal Air Marshals (FAMs) do not engage in intelligence collection and do not submit two reports. As a law enforcement officer, a FAM will look for suspicious behavior by engaging in observation of a Quiet Skies passenger and other passengers to ensure the security of the aircraft. These observations are not part of any larger investigation into a passenger. A FAM will either report that no suspicious activity was observed, or will document suspicious activity observed in an after-action report. In either case, the rules governing the retention of FAM reports are the same, which require a retention period of five years. TSA has begun the process of reducing the retention period of reports following Quiet Skies missions for which no suspicious activity was observed.

TSA retains specific information pertaining to the passenger's travel for a limited period of time in accordance with established record retention schedules. This includes retention by TSA's Office of Intelligence & Analysis (I&A) Silent Partner/ Quiet Skies program for two years, seven years for Secure Flight records reflecting that an individual was selected for enhanced screening as a Silent Partner or Quiet Skies match and five years for Federal Air Marshal Service after action reports). TSA maintains these records for appropriate follow-up when there is suspicious activity during travel and for the purposes of evaluating program performance and effectiveness, redress, and litigation. This data is accessible to TSA personnel solely for one or more of these particular purposes. TSA, including both TSA I&A and the Federal Air Marshal Service, does not share this information unless it is necessary to accomplish one of these purposes (e.g., sharing Quiet Skies information with the Department of Homeland Security Traveler Redress Inquiry Program when necessary to resolve a redress application).

*Question 8.* Why does TSA retain data about individuals cleared as a threat for two years? What is this data used for and what happens to it for those two years? What individuals and what agencies can access, copy or modify this data and under what circumstances?

*Answer.* Following the attempted detonation of an explosive device onboard flight 253 from Amsterdam to Detroit by Umar Farouk Abdulmutallab in 2009, the Transportation Security Administration (TSA) conducted a review of the existing threats to aviation security and determined that it needed to mitigate the risk to commercial aviation posed by unknown or partially known potential terrorists. Quiet Skies does not identify passengers as known threats. Quiet Skies relies on an analysis of current intelligence reporting to identify a small portion of the traveling population as higher risk to determine whether those passengers should receive enhanced screening for a defined number of flights or period of time. In accordance with established records retention schedules, TSA's Intelligence and Analysis Silent Partner/ Quiet Skies program retains data about Quiet Skies passengers for two years for the purposes of evaluating program performance and effectiveness, redress, and litigation, Secure Flight records reflecting that an individual was selected for enhanced screening as a Silent Partner or Quiet Skies match are retained for seven years and

Federal Air Marshal Service after action reports are retained for five years. This data is only accessible to TSA personnel for carrying out one of those specific purposes. TSA does not share this information unless suspicious activity is noted during travel or is necessary to accomplish a specific purpose (*e.g.*, sharing Quiet Skies information with the Department of Homeland Security Traveler Redress Inquiry Program when necessary to resolve a redress application). To date, TSA does not share information it retains about Quiet Skies passengers except as consistent with the purposes described above. TSA's operation of Silent Partner and Quiet Skies are reviewed on a routine basis by the DHS Office for Civil Rights and Civil Liberties, the DHS Privacy Office, and the DHS Office of General Counsel.

*Question 9.* TSA documents indicate that individuals selected for Quiet Skies SMC remain on this list for up to 90 days or 3 encounters, whichever comes first. After they are monitored on flights for this amount of time, they are then removed from the list and their information is removed from the database, TSA has stated. Please explain how this time-frame is consistent with the two-year time-frame Administrator Pecoske referenced at the hearing.

Answer. The Quiet Skies program identifies higher risk passengers for enhanced screening, and automatically precludes an individual from receiving additional scrutiny based on the same Quiet Skies rule after the passenger has been encountered for a defined number of times or period of time, whichever comes first. The specific number of encounters and the period of time under which an individual may receive additional scrutiny on account of matching a Quiet Skies rule is Sensitive Security Information. This automated preclusion is built into the program in order to limit impact on passengers. At the end of the defined period of time, TSA's Intelligence and Analysis office retains specific information pertaining to the passenger's travel for two years in accordance with established record retention schedules for the purposes of evaluating program performance and effectiveness, redress and litigation and, in accordance with established records retention schedules, Secure Flight records reflecting that an individual was selected for enhanced screening as a Silent Partner or Quiet Skies match are retained for seven years and Federal Air Marshal Service after action reports are retained for five years.

*Question 10.* Is information about Quiet Skies targets who have been cleared as threats ever accessed by anyone at any agency or organization inside or outside government after the two-year period?

Answer. Quiet Skies passengers are not identified as known threats. Quiet Skies relies on an analysis of current intelligence reporting to identify a small portion of the traveling population as higher risk to determine whether those passengers should receive enhanced screening for defined number of flights or period of time. The Transportation Security Administration (TSA) retains Quiet Skies passenger data in accordance with established record retention schedules. TSA uses the information for appropriate follow-up when there is suspicious activity during travel and for the purposes of evaluating program performance and effectiveness, redress, and litigation. TSA does not share this information unless it is necessary to accomplish a specific purpose (*e.g.*, sharing Quiet Skies information with the Department of Homeland Security Traveler Redress Inquiry Program when necessary to resolve a redress application).

*Question 11.* Administrator Pecoske has stated that "intelligence professionals" have access to data collected during Quiet Skies SMC missions. Who exactly is considered for this purpose an "intelligence professional," and are these individuals all TSA employees? Do employees of any other agencies have access to information about Quiet Skies targets?

Answer. "Intelligence professionals" refers to Transportation Security Administration (TSA) personnel within TSA's Intelligence and Analysis office who fall within the intelligence series job classification. These individuals are responsible for reviewing all current and relevant information to ensure that Quiet Skies rules remain valid, based upon current intelligence, and participate in the redress process for individuals affected by Quiet Skies. Since TSA's Federal Air Marshal Service began mission coverage using Quiet Skies information to inform its mission deployments in March 2018, all information provided back to TSA intelligence analysts by the Federal Air Marshal Service has been for the purposes of evaluating whether the passenger is of low risk and should be removed from Quiet Skies. TSA does not share information about passengers identified for additional scrutiny by Quiet Skies outside of the agency unless suspicious activity is noted during travel, or as necessary for the purposes of evaluating program performance and effectiveness, redress, and litigation.

*Question 12.* Is there any way in which Quiet Skies SMC is carried out differently than non-Quiet Skies missions such as SMC targeting subjects of active FBI ter-

rorism investigations? Is information collected about targets of these different types of missions stored differently?

Answer. There are differences between how Federal Air Marshals carry out Quiet Skies Special Mission Coverage (SMC) and non-Quiet Skies SMCs. Those differences are considered Sensitive Security Information. However, the information obtained is stored in the same manner, regardless of the type of SMC. For more information, we recommend a private briefing in a secure setting.

*Question 13.* What agencies and individuals were involved in initiating SMC of Quiet Skies selectees? What agencies and individuals were made aware of this decision? Was anyone at the White House or Department of Justice involved in the initiation of Quiet Skies SMCs or notified about this initiation?

Answer. The Federal Air Marshal Service (FAMS) new Concept of Operations (CONOPS) that expands FAMS SMC deployments to include Quiet Skies missions was approved for implementation by the TSA Administrator on February 20, 2018 to improve the deployment CONOPS based on risk. The CONOPS was briefed to DHS leadership and relevant offices, the Office of Management and Budget, and Congressional Committees, including the Senate Commerce, Science, and Transportation Committee. The new FAMS CONOPS took into account recommendations from Inspector General reports, congressional oversight, and internal assessments. The implementation of the new CONOPS further mitigates the risk presented by passengers onboard the aircraft.

*Question 13a.* What agencies or officials at the Federal or state level are currently involved in the Quiet Skies program? More specifically, what agencies or officials can recommend someone for monitoring under Quiet Skies or Silent Partner programs, or any other kind of SMC? What agencies or officials can request or otherwise gain access to information gathered during the missions?

Answer. The Transportation Security Administration (TSA) bases Quiet Skies rules on current intelligence indicating a current credible threat to aviation security in the Homeland, as assessed by TSA Intelligence and Analysis. TSA relies upon intelligence provided by the Intelligence Community (IC) to identify potential threats of concern to TSA. Although the IC provides intelligence to TSA regarding threats to aviation security and the homeland, the IC does not provide recommendations to TSA about the creation of Silent Partner or Quiet Skies rules or the identification of passengers for additional scrutiny through Silent Partner or Quiet Skies. Indeed, no agency recommends any person for inclusion within Silent Partner or Quiet Skies. TSA uses its authorities, experience, and expertise in evaluating threats to transportation security to create the Silent Partner or Quiet Skies rules that are used to identify higher risk passenger itineraries. TSA may coordinate with U.S. Customs and Border Protection, which assists in the operation of Quiet Skies through TSA's use of ATS-P, regarding TSA's rules to ensure the effective operation of Quiet Skies. CBP does not recommend that any person or group of persons be identified for additional scrutiny by TSA through Silent Partner or Quiet Skies. Information about Quiet Skies may be shared within the Department of Homeland Security for redress, litigation, and oversight purposes, and with the Department of Justice for litigation purposes.

TSA does not collect intelligence through Silent Partner or Quiet Skies. TSA does not provide activity reports completed by the Federal Air Marshal Service to other external Federal agencies or internal DHS components unless suspicious activity is noted during travel.

*Question 14.* At the hearing, Administrator Pekoske stated that "in certain circumstances" the Department of Justice may be involved in the Quiet Skies program. Please elaborate and detail any involvement of Department of Justice personnel in the Quiet Skies program.

Answer. The Department of Justice does not have regular involvement in the Quiet Skies program. If a Federal Air Marshal notes suspicious activity or other conduct that appears to violate Federal law, the Federal Air Marshal Service may refer the activity or conduct to the Department of Justice's Federal Bureau of Investigation, regardless of whether the person has been identified by Quiet Skies or not. To date, the Federal Air Marshal Service has not referred any Quiet Skies information to the Department of Justice. The Transportation Security Administration (TSA) may share Quiet Skies information with the Department of Justice for litigation purposes as appropriate.

*Question 15.* Administrator Pekoske publicly responded, "To my view, no," when asked if the White House is involved with the Quiet Skies Program. Please elaborate. Does the White House have any involvement in the Quiet Skies program?

Answer. In a January 7, 2010 memorandum responding to the December 25, 2009 attempted bombing of Northwest Flight 253, President Obama concluded that im-

mediate actions must be taken to enhance the security of the American people. Following this direction, and in coordination with interagency partners, TSA designed and implemented the Silent Partner program, leveraging capabilities already in use by U.S. Customs and Border Protection, and subsequently, the related Quiet Skies program. The White House does not direct any person be included within Silent Partner or Quiet Skies or otherwise have any involvement in the operation of Quiet Skies. TSA's allocation of funding for Silent Partner and Quiet Skies has been a consistent element of TSA's budget, which is submitted through interagency budgeting processes.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
HON. DAVID PEKOSKE

*Question 1.* Customs and Border Protection reports that the facial recognition technology is 97.5 percent accurate. This percentage seems to be dramatically higher than what is expected given the reported faults of the technology for ethnic populations and women and children. Does TSA keep its own statistics on accuracy of this technology in real world practice? What documentation about the accuracy of the technology will TSA share with this committee to be transparent about how this technology is performing?

Answer. The Transportation Security Administration (TSA) currently does not own a facial matching system. We are evaluating U.S. Customs and Border Protection's (CBP) facial matching system—Traveler Verification Service (TVS)—for potential use at TSA checkpoints. CBP and other Department of Homeland Security partners are working to ensure the accuracy of any biometric services provided to TSA.

As of September 1, 2018, CBP has processed 600,000 travelers departing the United States from 15 airports and 1.7 million passengers arriving into the United States at 14 airports. The biometric match rate for departing travelers is 97 percent and for arriving travelers is 95 percent.

CBP is working with DHS Science and Technology Directorate to continue to develop and refine methods to analyze differences in matching performance (*e.g.*, age, gender, and citizenship) based on the available data garnered through biometric entry-exit operations. CBP is also moving towards formalizing a partnership with the National Institute of Standards and Technology. Although CBP's currently available data does not currently demonstrate any significant difference in match rate between age, gender, or citizenship, CBP will continue to work with its partners to develop methods to address any performance variations within the system.

*Question 2.* Customs and Border Protection has aspirations to roll out the technology at all U.S. airports within four years. That kind of expedited time frame is concerning, especially considering all of the questions about the accuracy of the technology and who might get caught up in the program's inadequacies. How quickly does the TSA plan to expand the program from the current pilot? Is TSA hoping for the same expedited time frame?

Answer. The Transportation Security Administration (TSA) has not yet defined a timeline for the development and deployment of its biometrics capability. TSA's collaboration with CBP on a series of operational technology pilots is one of a series of efforts that TSA is engaged in to inform future requirements and acquisitions strategy for any biometrics capability. The results of the TSA-CBP pilot program testing will inform but not necessarily determine TSA's timeline.

*Question 3.* Will there be increased reporting to this committee and the public as the pilot program expands?

Answer. Transportation Security Administration (TSA) is committed to informing Congress and the public of its development and exploration of biometric technologies. We will continue to engage on a regular basis with Congress to inform them of our progress with biometrics, including TSA and U.S. Customs and Border Protection (CBP) collaboration on biometric technology pilots. TSA is working to schedule a Biometrics Roadmap briefing with the Senate Committee on Commerce, Science, and Transportation in mid-November.

*Question 4.* It is important for the data collected through the facial recognition program not to be abused. There seems to be a lack of transparency about how TSA will store this data and how widely the information stored will be shared. Travelers have a right to know what our government is doing with their sensitive biometric data. What protections exist to ensure that U.S. citizens biometric data and this technology is not abused?

Answer. The Transportation Security Administration (TSA) does not have its own facial matching system. TSA is collaborating with CBP on pilot programs testing the

use of CBP's Traveler Verification System (TVS), a cloud-based matching service, at TSA security screening checkpoints to compare photographs voluntarily provided by international travelers at the checkpoint against a gallery of previously captured photographs (e.g., visa or passport photographs etc.). TSA does not collect or store photographs in TSA systems. Matching and storage of biometric data by the TVS system is conducted by CBP, in accordance with applicable privacy and information management requirements. For example, CBP has developed and posted for public availability, updates to the Privacy Impact Assessment for TVS, to address each phase of the pilot program with TSA, including the handling and protections for personally identifiable information collected using facial recognition technology at the checkpoint.

*Question 5.* How will the TSA plan to address the privacy concerns associated with deploying biometrics?

*Answer.* The Transportation Security Administration (TSA) is committed to protecting the privacy rights of individuals' subject to TSA security procedures and safeguarding personally identifiable information (PII) collected by TSA in accordance with Federal laws, regulations and DHS policies. TSA follows the eight DHS Fair Information Practice Principles (FIPP) of transparency, individual participation, purpose specification, data minimization, use limitation, data quality and integrity, security, and accountability and auditing, to analyze the collection of PII necessary to fulfill TSA's transportation security mission and to determine how TSA can best provide privacy protections to information collected under these principles.

Before TSA implements any biometric-enabled technology as part of its standard security procedures, TSA will develop and make publicly available applicable Privacy Impact Assessments. Following from FIPPs, as described above, the PIA will address the privacy risks of deploying biometrics and how TSA plans to mitigate these risks. TSA will share the PIA with the traveling public to ensure awareness of any privacy risks inherent in the use of biometrics.

*Question 6.* At full implementation, what is the projected cost for a full implementation of the facial recognition program? If the cost will be split with CBP, please explain this breakdown.

*Answer.* TSA is also working with other DHS elements, including the Office of Biometric Identity Management (OBIM), to conduct an independent business case analysis for different population segments that TSA services. This analysis is expected to begin in Q1 FY19. Currently, TSA screens up to 2.5M passengers a day, with volume increasing year over year. With such volume, TSA will not likely have a "one-size-fits-all" biometrics solution to include all the various populations that we screen. Therefore, a business case analysis that articulates the cost-benefits of deploying biometrics capability to different populations would be critical to design the appropriate solution architecture and governance framework. TSA is also leveraging and strengthening existing security partnerships within the Department (such as CBP, OBIM, etc.) and aviation security stakeholders on biometrics, working to clearly articulate public and private sector roles and responsibilities in the context of applicable laws and regulation.

Because TSA has not established what a complete facial recognition solution would look like at this time, full costs for TSA's implementation of biometric final operating capability (FOC) are unknown. While the costs are unknown, the benefits are clear. On the basis of pilots conducted to date, TSA anticipates that biometric solutions will enhance security effectiveness, capture operational efficiencies, and improve the passenger experience, but additional study is needed.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TAMMY BALDWIN TO  
HON. DAVID PEKOSKE

*Question 1.* I remain concerned by the potential dangers posed by the lack of adequate in-flight security measures whenever pilots unlock flight deck doors, including to get food, sleep, or use the lavatory. It is my understanding that a veteran Air Marshal has raised concerns internally with DHS, TSA and Federal Air Marshal Service (FAMS) officials regarding the threats to aviation security posed by the potential use of weaponized synthetic opioids, such as fentanyl or carfentanyl, and so-called rush attacks. What steps are TSA and FAMS taking to combat the potential use of weaponized synthetic opioids to attack pilots when flight deck doors are unlocked?

*Answer.* The tactical mission statement of the Federal Air Marshal Service is to ensure the security of the flight deck, protect the integrity of the aircraft, and the safety of the crew and passengers.

To increase awareness and a Federal Air Marshal's (FAMs) ability to combat opioid and chemical attacks, training courses and materials were made available to FAMs. *TSA most recently provided training to Federal Air Marshals (FAMs) in early 2018 to increase awareness and ability to combat opioid and chemical attacks. In February 2018, TSA provided a Fentanyl Awareness presentation, a Drug Enforcement Administration (DEA) Fentanyl Awareness video, and a DEA Fentanyl Briefing Guide for First Responders. All armed LE/FAMS personnel received this training by July 31, 2018. As threats evolve, TSA updates training materials to address the current threats.*

Additionally, TSA published advisories in August and September 2017: Emergency Response to Chemical or Biological Threats Against Aircraft, Acid Attack First Aid, Small Scale Poisons and Toxins, and a presentation on the Chemical and Biological Threats to Aircraft. In June 2016, the TSA issued a Training Advisory to the LE/FAMS workforce to ensure review of a DEA produced training video regarding the safety issues related to Fentanyl exposure. The TSA continues to work with the DEA and other agencies to update training materials commensurate with the current threat.

*Question 2.* What steps are being taken to combat potential rush attacks when flight deck doors are unlocked? Do you believe that current safety protocols related to rush attacks are effective?

Answer. The Federal Aviation Administration (FAA) has the primary regulatory authority over flight deck doors. Under the Aviation and Transportation Security Act, TSA works with the FAA on actions or activities that may affect aviation security or air carrier operations. 49 U.S.C. 114 (f) (13).

The FAA issued a final rule on August 15, 2007 (Flightdeck Door Monitoring and Crew Discreet Alerting Systems), requiring a means for flight crews to visually monitor the door area outside the flightdeck and requiring that flight attendants have a means to discretely notify the flight crew of suspicious activity or security breaches in the cabin. *See 72 FR 45629; 14 Code of Federal Regulation (CFR) part 121.* The current safety protocol in 14 CFR Section 121.584(a)(1) states that prior to the flight deck door opening the flight crew must ensure "the area outside the flight deck door is secure."

*Question 3.* Do you believe that physical secondary barriers should be installed on all aircraft to prevent successful rush attacks?

Answer. The Federal Aviation Administration (FAA) has the primary regulatory authority over flight deck doors, and in 2015, published an Advisory Circular addressing the issue of secondary cockpit barriers on all commercial aircraft by developing guidance on onboard procedures to safeguard the flight deck when the flight deck door is unsecured during flight. The Advisory Circular listed three acceptable methods of secondary flight deck security: (1) installation of physical secondary barriers; (2) use of improvised non-installed secondary barriers; and (3) human secondary barriers (flightcrew members). At the present time, FAA subject matter experts have informed TSA that FAA does not require commercial aircraft to install secondary barriers, but they report that all aircraft carriers are in voluntary compliance with the Advisory Circular. Additionally, the FAA Reauthorization Act of 2018 requires TSA, in consultation with the FAA to complete a threat assessment to identify any safety or security risks associated with unauthorized access to the flight decks on commercial aircraft and any appropriate measures that should be taken based on the risks.

In order to assess the landscape of existing information on the issue of secondary barriers on commercial aircraft, on July 15, 2018, TSA tasked the Aviation Security Advisory Committee (ASAC) with conducting an assessment of secondary barriers. TSA has asked that the ASAC:

- Consult with the FAA with respect to activities or actions taken concerning air carrier operations that may affect the ASAC's assessment;
- Review documents and literature on secondary barriers such as circulars, white papers, and reports;
- Evaluate the types of secondary barriers that are currently installed and in use onboard commercial passenger aircraft and/or are available to install onboard aircraft;
- Evaluate the security risk of not having a secondary barrier and provide a cost benefit analysis should such barriers be required; and
- Include the number of passenger airlines currently using a secondary barrier or are considering the use of secondary barrier onboard their aircraft.

TSA anticipates receiving the report shortly, and will carefully review the ASAC's findings to determine appropriate next steps, if any.

*Question 4.* I remain concerned by the lesser Federal civil service rights and protections afforded to Transportation Security Officers (TSOs) compared to the rest of the TSA workforce. This unequal treatment of TSOs is the result of TSA deviating from the statutory framework-set out in Title 5 U.S. Code-governing Federal civil service, including labor-management relations.

The following is a list of labor rights and standards that apply to the Federal workforce:

Neutral Merit Systems Protection Board review of personnel decisions, including adverse actions.

A negotiated grievance/arbitration procedure with Federal Labor Relations Authority and U.S. Court oversight.

Statutory civil rights (protections under the Rehabilitation Act, the Age Discrimination in Employment Act, and the Equal Pay Act).

The Fair Labor Standards Act, including enforcement by the Wage and Hour division of the U.S. Department of Labor.

The Back Pay Act (5th Amendment right to Due Process against wrongful taking, including back pay awarded due to an agency's unjustified personnel action).

For each of the following categories of TSA employees, please tell me whether the aforementioned labor rights and standards apply and, if they do not, please tell me why not and whether in your judgment, the effectiveness of the category of employees in question would be improved by applying such labor rights and standards.

Federal Air Marshals  
 Cargo Inspectors  
 Criminal Investigators  
 Executive Assistant  
 Truck Driver  
 Telecommunications Specialist  
 Budget Analyst  
 Accounting and Civilian Pay Technician  
 Contract Specialist  
 Administrative Assistant  
 Screening Manager  
 Transportation Security Officer

Why does TSA extend the aforementioned labor rights to a minority of its employees and limit or deny rights to the majority that work as TSOs?

Answer. The Transportation Security Administration (TSA) has unique requirements because of its mission to protect the Nation's transportation systems and ensure the freedom of movement of people and commerce. TSA was established by Congress as an excepted service agency under the Aviation and Transportation Security Act (ATSA) in 2001. ATSA gives TSA the flexibility required to complete its security-based mission and be responsive and agile in managing a workforce while responding to an emerging threat or national emergency. Under ATSA, there are two categories of TSA employees for purposes of personnel management. For non-screener employees, ATSA provides that the Federal Aviation Administration (FAA) personnel management system applies, subject to modifications by the TSA Administrator. Like FAA, TSA non-screener employees are not covered by Title 5, with the exception of a few specific provisions such as veterans' preference, whistleblower protections, labor management relations, anti-discrimination, suitability, compensation for work injury, retirement benefits, unemployment compensation, and insurance coverage and MSPB appeal rights. For the screening workforce, the Transportation Security Officers (TSOs), ATSA vests authority and responsibility for all final employment actions with the TSA Administrator.

TSA has implemented many policies and procedures for the entire workforce, both screening and non-screening employees, that are similar to Title 5 through TSA's Management Directives and other human capital policies. For example, TSA employees, including TSOs, are covered by TSA policies on Premium Pay (overtime, night pay differential, split shift differential, etc.) and Back Pay. In addition, Title VII of the Civil Rights Act, the Equal Pay Act, the Age Discrimination in Employment Act, and the Rehabilitation Act have been applied to the TSA workforce

since TSA's inception. Further, TSA complies with Equal Employment Opportunity Commission regulations and guidance. Please note that TSO applicants and TSOs must still meet the statutory requirements of the position, including physical and medical requirements, as set forth in ATSA.

As stated above, the TSA Administrator has the authority and responsibility for all final employment actions for the screening workforce. TSA's labor framework for the non-supervisory screening workforce is designed to be implemented in the context of how to best achieve TSA's critical security mission and not adversely impact the resources and agility necessary to protect the security of the traveling public.

The non-screening workforce (all positions listed above except TSO positions) may appeal to the Merit Systems Protection Board (MSPB), as MSPB appeal rights are covered under the specific, limited Title 5 provisions noted above. However, the screening workforce (TSO positions) may appeal adverse actions to an impartial internal board, the TSA Office of Professional Responsibility Appellate Board (AB). The AB is independent from Security Operations, the office in which the screening workforce resides. On average, the AB process is quicker than the MSPB process. In addition, the AB overturns and mitigates a higher percentage of cases than the MSPB.<sup>1</sup>

There are two areas for which Congress acted to grant two exceptions permitting screening workforce appeals to MSPB: 1) application of the Uniformed Services Employment and Reemployment Rights Act (USERRA) to the screening workforce, and 2) enactment of the Whistleblower Protection Enhancement Act to afford all TSA employees coverage for discrimination, whistleblower retaliation, and certain other forms of retaliation.

*Question 5.* What percentage of the TSA workforce is employed in the TSO classification?

*Answer.* 77.2 percent of the Transportation Security Administration (TSA) workforce is employed in the Transportation Security Officer (TSO) classification.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO  
TO HON. DAVID PEKOSKE

*Question 1.* As you know, McCarran International in Las Vegas is among the busiest airports in the world. So obviously safety is a huge priority for them, and to ensure that passengers can travel in and out of our great state they convey that canine teams are a huge success in assisting them with screenings. However, they have expressed some concerns about delays in getting their canine teams because of the training is not completed on time. This is a very important program for McCarran, so we need to ensure that it continues to operate in a way that is useful and efficient. Given the challenges the TSA has in training canines, have you been able to identify any improvements to the overall status and future of the program?

*Answer.* The Transportation Security Administration (TSA) has significantly increased the capacity for training canine teams at our Canine Training Center in San Antonio, Texas. Since 2015, the Canine Training Center has increased production by 57 percent (from 200 to 350) to meet operational requirements and is continuing to increase capacity for future growth. In the past months, four additional Las Vegas Passenger Screening Canine (PSC) handler teams have graduated from training and are now operationally deployed. This brings LAS's total number of PSC teams available for duty to 11. In FY19, LAS is scheduled to receive two additional teams to their authorized allocation, bringing the total number of PSC teams working at LAS to 13.

*Question 2.* Both of the major airports in Nevada, McCarran and Reno-Tahoe, have emphasized the importance of the TSA staffing exit lanes as well as ensuring that there is proper reimbursement for our the service of our law enforcement officers. You may remember I asked about you about this issue during your nomination hearing before the committee, when proposed budget cuts would have cut this staffing, and you replied that you weren't involved in the decision but would review them. Now fully entrenched in your position, do you think it would be a wise decision to cut the ability of the TSA to staff these lanes?

*Answer.* The Transportation Security Administration (TSA) currently staffs exit lanes by utilizing its existing checkpoint resources as mandated by the *Bipartisan*

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<sup>1</sup>The data available for the MSPB does not separate adverse actions from other types of appeals (e.g., reduction in force, performance, retirement) when reporting percentage of cases overturned, mitigated, and upheld. However, adverse actions make up approximately 40 percent of the appeals cases reported. Source: Table 2, Disposition of Appeals Decided in the Regional and Field Offices, by Type of Case, p. 14, *MSPB Annual Report for FY2017*.

*Budget Act of 2013.* TSA will continue to staff exit lanes as required by law, to include Las Vegas, McCarran, and Reno-Tahoe.

Staffing exit lanes does not require the specialized skills of TSA's Transportation Security Officers. We believe moving those TSOs from exit lanes to screening positions is better for both safety and efficiency. TSA also plans to work with airports on implementing exit lane technology solutions, such as double doors with monitoring systems, which are also more effective and efficient than monitoring by staff.

*Question 3.* In your testimony you note that "every year as part of the Federal budget process, TSA is charged with considering ways to create operational efficiencies." It's vital that the Federal Government operate efficiently and we work to reduce the deficit, but often times in this administration this language has meant proposing to gut agencies without any thought as to how they will continue to perform their important missions, like keeping our skies safe. For example, in the President's FY 2017 budget proposal he eliminated the Law Enforcement Officer Reimbursement Program, which pays our law enforcement professionals for keeping our airports secure. Can you please describe how you've been advocating internally for the resources you need to maintain effectively addressing the agency's mission?

Answer. TSA is committed to being a responsible steward of taxpayer dollars as we pursue our mission to protect the Nation's transportation systems. As part of the annual budget process, program reviews are performed as well as a select number of internal studies. Each are designed to provide TSA leadership with information to identify areas in need of funding or potential savings. TSA crafts its budget and advocates for resources in accordance with the Administration's priorities and program requirements to best fulfill its mission through negotiations with DHS and OMB.

*Question 4.* In Nevada we have a great group called *Gender Justice Nevada* which has talked with me about some of the security screening issues they're having at airports. In June of this year, Representatives Jayapal and Kennedy wrote a letter to you about this, which they cite a survey in which 43 percent of transgender individuals reported having had negative experiences passing through TSA. This includes false alarms, intimate pat-downs, and intrusive personal questions. My understanding is that TSA has looked at both potential software and hardware improvements to its advanced imaging technology to make traveling more comfortable for these individuals. Can you describe what is being done in the screening process to make it more inclusive, both from a technical and training perspective? Is there a timeline for when travelers will be able to notice some of these changes?

Answer. From a technical perspective, you are correct that we would like to update Advanced Imaging Technology (AIT) software to improve the screening experience for transgender individuals. The Transportation Security Administration's (TSA) Acquisition Program Management office is analyzing the AIT market, encouraging development of gender-neutral algorithms that also improve threat detection and decrease false alarms.

TSA is committed to ensuring all travelers are treated with respect and courtesy and that screening is conducted without regard to a person's race, color, sex, gender identity, national origin, religion or disability. TSA recognizes the concerns that some members of the transgender community may have with certain security screening procedures at the Nation's security checkpoints.

To ensure all our employees understand how to screen transgender passengers, TSA has added a module in its Transportation Security Officer (TSO) Basic Training Program focused on transgender awareness. This course places a heavy emphasis on respecting privacy when interacting with a traveler who self-identifies as transgender.

In addition, TSA offers a series of webinars, which are available on-demand through our Online Learning Center. These webinars focus on transgender etiquette and sensitivity in security screening, and feature guest speakers from TSA's Multicultural Coalition, such as Gender Justice Nevada, the National Center for Transgender Equality, Kristin Beck, Lady Valor, Equality Florida, and former Federal Air Marshal Veronica Pickell. Also, when feasible, our Civil Rights & Liberties Ombudsman and Traveler Engagement (CRL/OTE) office delivers in-person civil rights and liberties training to officers at airports across the country, which includes a discussion of communicating with, and screening, transgender passengers. During 2018, CRL/OTE conducted onsite training at Denver International Airport, Newark International Airport, Detroit Metropolitan Wayne County Airport, Phoenix Sky Harbor International Airport, Tucson International Airport, San Francisco International Airport, and Philadelphia International Airport.

*Question 5.* What is the best way for this population to report some of these concerns when they are the victim of some of this, frankly, rude and discriminatory behavior?

*Answer.* The Transportation Security Administration (TSA) has multiple avenues for individuals to report concerns about their screening experience. The TSA Contact Center (TCC) is the main portal for individuals to communicate concerns with the Agency. The TCC can be reached by phone at (866) 289-9673 (Federal Relay 711). Information is available in multiple languages and agents are available from 8 a.m. to 11 p.m. ET on weekdays, and 9 a.m. to 8 p.m. on weekends and holidays. The TCC can also be e-mailed at TSA-ContactCenter@tsa.dhs.gov. In addition, we encourage individuals to ask to speak with the Supervisory Transportation Security Officer at the screening checkpoint to discuss their concerns.

*Question 6.* When you were nominated for this position, you highlighted workforce engagement as a specific challenge and priority of yours. I appreciate that you specifically highlighted some of these issues in your testimony, but how is this process going? What specific metrics are you using to measure any improvement?

*Answer.* The Transportation Security Administration (TSA) is showing a promising upward trend in morale over the past two years. This data is based on the Employee Engagement Index (EEI) of the Office of Personnel Management's Federal Employee Viewpoint Survey. TSA experienced a seven-point increase in this index in the two year period. We are making improvements in all the indices comprising the EEI—including satisfaction levels regarding topics, such as Leader's Lead, Supervisors, and Intrinsic Work Experience.

Airports are a particular sub-element within TSA driving the overall improvement in EEI. Our 2018 results indicate that 70 airports improved their EEI by at least 10 points while 58 airports had an EEI of 65 percent or higher. Additionally, LE/FAMS improved their EEI by 6 points this year.

To help further the progress we have made on the EEI, we recently conducted a study to analyze the drivers of airports and offices with the highest employee engagement survey scores. We are using the lessons learned from this study to replicate them enterprise-wide and help worksites with lower morale improve in key areas that drive employee satisfaction and morale, such as creating a supportive environment, empowering employees, and open communication.

In addition, I have spent a lot of time on the road visiting our frontline workforce, traveling to almost all of our Category X<sup>1</sup> airports within my first year. We've also created a new Uniformed Advisors position in our Front Office to allow our Transportation Security Officers (TSOs) to engage with senior leadership.

*Question 7.* There are various improvements that are needed to improve the morale and retention of these workers we pay to train and need to be our first level of defense. What was the attrition rate prior to your arrival? What is it now?

*Answer.*

#### Attrition Rates for Transportation Security Officers Prior to Administrator Pekoske's Arrival

(Year to date attrition as of Pay Period 15 of 2017: July 23–August 5, 2017)

Full Time Attrition Rate	12.42%
Part Time Attrition Rate	29.53%
Total Attrition Rate	15.92%

#### Attrition Rates for Transportation Security Officers as of

(Year to date attrition as of Pay Period 17 of 2018: August 19–September 1, 2018)

Full Time Attrition Rate	13.92%
Part Time Attrition Rate	28.60%
Total Attrition Rate	16.74%

We are continually analyzing our attrition rates, why individuals separate, and ways to increase satisfaction in the Agency in order to retain our employees and

<sup>1</sup>Category X is an airport where screening is performed and the number of annual enplanements is 5 million or more and international enplanements of 1 million or more.

continue to meet our critical mission. We are also further developing initiatives, including improved employee recognition and career development opportunities as well as exploring incentives to improve satisfaction in the workforce.

In August 2018, the Transportation Security Administration (TSA) implemented Transportation Security Officer (TSO) Career Progression, which allows TSOs, depending on operational need, to remain at their home airport for approximately 2 to 6 months before attending Transportation Security Officer—Basic Training Program (TSO—BTP) at the TSA Academy to potentially address attrition among new TSOs. The program is designed to show new hires the specific steps and timelines for advancing their career at TSA.

On an encouraging note, TSA saw a reduction in the attrition rate during the first 180 days of being hired for those attending TSO Basic Training at the Academy in 2016 versus those who received their initial training at field airports through the New Hire Training Program.

*Question 8.* In your nomination hearing last June, we discussed the TSA workforce, and my hope you'd be an advocate on behalf of the staff. You noted that that was a "key aspect of my job" and that you planned "to invest an awful lot of time in developing relationships within TSA, understanding what they deal with day in and day out. . . and how TSA can best support them." So how has that process been going, and what have they expressed to you?

Answer. Since becoming Administrator I have made it a goal to get out and interact with the workforce as much as possible. By the end of my first year as Administrator, I was able to visit all Category X airports in the United States with the exception of one, and that visit is scheduled for early 2019. I have managed to visit numerous other airports and Transportation Security Administration (TSA) facilities in that time as well. Those travels have helped me better understand the operational aspects of TSA and they have afforded me the opportunity to engage with our employees across the country. I make it a point to have engagements with the workforce at every location visited, which includes the opportunity for the employees to share feedback directly with me. This practice will continue as long as I am privileged to hold this position. I have also held Town Halls at our Headquarters location—simultaneously broadcast to the field—and encourage all employees to submit questions in person or electronically. It is also a priority to be as responsive as possible to those employees who e-mail me personally. I have found that our employees are not shy in letting me know about their thoughts and concerns, and I listen, no matter what way they choose to communicate with me.

In the coming months we will utilize our crowdsourcing functionality known as *Idea Factory* to pulse the entire TSA community on various topics. The *Idea Factory* is a way of hearing what is most important to the workforce. It is a mechanism for our workforce to be heard, to submit ideas, based upon their frontline experiences, that they feel will improve and strengthen TSA.

In August, we brought on two Supervisory Transportation Security Officers (STSOs) from the field, one from Anchorage, AK, and one from New York City, to act as Uniformed Advisors to the Administrator. Additionally, I plan to bring on a Federal Air Marshal Advisor in the coming months. The Uniformed Advisor role is a one-year detail position, and we intend to continue this role, rotating in new Uniformed Advisors each year so we get a diverse field of candidates with varied background and experience. We have tasked the current Uniformed Advisors to come up with a process for a feedback loop for the front office that we believe will pay extensive dividends in making policy and procedures that are heavily informed by the field. The intent will be communications out to the field on items that would be of interest to our front line employees, but also an opportunity for our workforce to reach into the front office of TSA. I believe by building on the relationships between Headquarters and field employees, and increasing two-way communication, this will lead to higher job satisfaction and lower attrition rates.

Further, being exposed to frontline employee's thoughts and concerns is the only way to ensure that we make informed policy decisions for the workforce and for the traveling public, and this is a top priority for my time here. These efforts, among others, will advance TSA's strategic priority to commit to our people.

*Question 9.* During July TSA rolled out the TSO Career Progression Program, in part to address career advancement, training, and hopefully morale among the Transportation Security Officer workforce. Career advancement, access to training and a boost in morale are very welcome, especially by the TSO workforce. Under the career progression program, new hires receive a pay raise after the completion of initial training. This is not available to incumbent TSOs. In addition, incumbent TSOs were not included in a 5 percent 2014 pay raise for new TSOs. In a sense, TSOs with experience on the job and commitment to aviation security have missed

out on two 5 percent pay increases. Are TSOs who complete trainings under the career progression program ensured a promotion or raise? How will the TSO workforce be eligible for promotions under your framework?

Answer. In 2014, the Transportation Security Administration (TSA) increased the entry-level pay for newly hired D Band Transportation Security Officers (TSOs) by five percent, and also increased the minimum rate for TSOs who are promoted to the E Band. At that time, we provided an increase to all current D Band and E Band TSOs in order to keep their pay comparable to TSOs who would be hired after implementation of those new minimum salary rates.

The TSO Career Progression program, which went into effect on August 5, 2018, is a strategic and comprehensive approach which establishes a clearly defined and transparent career path with pay increases tied to enhanced skills and training for the TSA frontline workforce. TSOs hired after the implementation of the Career Progression program and incumbent TSOs hired before the program's implementation will be paid the same amount once they reach the E Band, which is five percent over the minimum rate of our E Band. The difference is that pay adjustments and the promotion to E Band for these two groups of employees are staged at different points in their career. While TSOs hired after August 5, 2018 will receive a five percent pay adjustment after successfully completing required training and being employed for six months, TSOs hired before August 5, 2018 will be eligible for promotion to the E band one year after being on board, which is likely sooner than their Career Progression counterparts depending on timing of Career Progression training completion. Additionally, TSA implemented an On-the-Job Training (OJT) Coach program for which certified OJT Coaches, selected from among high-performing E Band TSOs (regardless of hire date), are eligible to receive an incentive of \$300 per quarter.

The Career Progression program will be further developed to address progression beyond the TSO position and into the Lead TSO, Supervisory TSO, and Transportation Security Manager positions. We also exploring a similar Career Progression pay adjustment opportunity for E Band TSOs who acquire specific skills or complete training courses. In order to maintain pay comparability with TSOs hired prior to the implementation of Career Progression, we will provide this same opportunity to all E Band TSOs.

*Question 10.* You also stated in your testimony before the House Homeland Security Committee that the issue of TSO pay is not one of your authority, but “the ability with respect to funding to pay workers.” Did the FY 2019 TSA budget request include a request for additional funding to cover a TSO pay raise, and if not, why?

Answer. The Fiscal Year (FY) 2019 Transportation Security Administration (TSA) budget includes annualization for the FY18 pay raise, but does not include a request for additional funding to cover a pay raise for any TSA employee, including Transportation Security Officers (TSOs).

*Question 11.* Mr. Administrator—in questions for the record after your last appearance, you described challenges in attracting and retaining the workforce within TSA. One area you focused on was the compensation available to your employees. Can you explain where you are as far as a competitive wage and what you're doing to work within your position to advocate for improvements or increases to the compensation package you need to maintain the best of your labor force?

Answer. We have initiated and are evaluating various options to address compensation issues, particularly for the Transportation Security Officer (TSO) workforce.

In August 2018, we rolled out the TSO Career Progression initiative, a strategic and comprehensive approach that established a clearly defined and transparent career path for the TSO workforce with pay increases and promotions tied to enhanced skills and training. Additionally, we implemented an On-the-Job Training (OJT) Coach program for which certified OJT Coaches, selected from among high-performing E Band TSOs, are eligible to receive an incentive of \$300 per quarter. Peer-to-peer coaching is a fundamental component of mission success and this new model recognizes and rewards TSOs who seek additional training and acquire additional security and leadership skills.

We have also identified approximately 70 geographic areas for the use of targeted retention incentives for TSOs. Some of these are carry-overs from incentives that were in effect during the previous Fiscal Year, while others are additions. The incentive rates for Fiscal Year 2019 became effective on October 1, 2018. We will evaluate the labor market conditions throughout the year and may add localities to the list of retention incentive locations, or may adjust the amount of the incentives, as needed.

We are also taking an in-depth look at vacancy and attrition rates for both our screener and non-screener workforce to determine whether pay rate adjustments may be necessary, and what is possible within current budget constraints. We plan to make a determination on a way forward during FY19.

*Question 12.* Because you highlighted the competition you have with staff leaving for other posts within the Federal Government, so we need to analyze what can be done to increase their professional satisfaction, in those cases, for individuals we've paid to train and develop. You noted some of this in your testimony, but do you feel that's sufficient to adequately staff this priority agency?

Answer. We are continually analyzing our attrition rates, why individuals separate, and ways to increase satisfaction in the Agency in order to retain our employees and continue to meet our critical mission. We are also continually developing initiatives, including improved employee recognition and career development opportunities such as our recent launch of Career Progression for our Transportation Security Officers, as well as exploring incentives to improve satisfaction in the workforce. In addition, I've recently asked our senior leaders to review their local Federal Employee Viewpoint Survey (FEVS) results and create action plans that lead to tangible improvements in employee satisfaction across TSA.

*Question 13.* You raise the Employee Viewpoint Survey Employee Engagement Index in your testimony. Specifically you note an increase in the TSA by seven points. Where does that leave in you the overall ranking with in the Federal Government? And as you note the increase, looking at the 2018 results, as well as previous years, what do you read from these results as the top three challenges to your agency's workforce satisfaction viewpoint, because as you know, the TSA has also ranks very poorly in the nonpartisan rankings for the "Best Places to Work in the Federal Government?"

Answer. Although the 2018 government-wide report has not been released yet by the Office of Personnel Management (OPM), we do know that our scores are below the government average. However, it is interesting to note that within TSA, headquarters employee scores match the government average at 68 percent positive responses on the Employee Engagement Index, a key metric on the OPM Federal Employee Viewpoint Survey (FEVS). Airports and Law Enforcement/Federal Air Marshals scores are still below the government average, but they have made notable progress this year.

The *Best Places to Work in the Federal Government* rankings for 2018 have not been released yet, but our preliminary FEVS scores from OPM improved on the three items the Partnership for Public Service uses to calculate their annual rankings:

	2016	2017	2018
<i>I recommend my organization as a good place to work.</i>	37%	43%	47%
<i>Considering everything, how satisfied are you with your job?</i>	46%	53%	54%
<i>Considering everything, how satisfied are you with your organization?</i>	32%	40%	43%

According to our survey scores for 2018, our most challenging areas are consistent with those of previous years:

- Leaders Lead: Employee perceptions of the integrity of leadership, as well as leadership behaviors such as communication and workforce motivation;
- Collaborative Management: Management styles that promote and support collaborative communication and teamwork in completing projects and accomplishing goals/objectives; and
- Performance Recognition and Reward: Providing incentives to, and recognition of, employees for their performance, and acknowledging employee contributions to the agency's mission.

Leaders Lead, at 44 percent positive, has shown notable improvement in the past two years, improving by four points since 2017 and by 10 points since 2016. We continue to focus on these areas and monitor our progress.

*Question 14.* You've noted that in an attempt to "facilitate leadership development at all levels of the workforce" you have created two Advisor positions on your direct staff. I couldn't agree more with you about the need to get create input from staff at all levels and the need to create an atmosphere for mentorship and leadership development. Now, are these standing positions within your office, or will you be rotating those individuals to sit in these positions to help generate an on-going de-

velopment process and generating an ever changing dialogue with more of your subordinates?

Answer. Establishing a position for a Uniformed Advisor to the Administrator was one of my initial goals as the TSA Administrator. This past summer, we posted an announcement to the field, looking for a Supervisory Transportation Security Officer (STSO) to serve as a Uniformed Advisor to my office. In fact, in recognition of the positive effects this role could have within TSA, we also sought a Uniformed Advisor for our Security Operations office, as well. In August, we brought on two STSOs from the field, one from Anchorage, and one from New York City, to fill these two details.

The Uniformed Advisor role is a one-year detail position, rotating in new Uniformed Advisors each year, so we get a diverse field of Advisors with varied backgrounds and experience. These Advisors have jumped right in and began participating and advising on policy from Day One of their details.

The current Uniformed Advisors are creating a feedback loop process that we believe will pay extensive dividends in making policy and procedures that are heavily informed by the field. The intent of the process is ensuring that we get communications widely disseminated to the field on items of interest to our front-line employees, but also ensuring there is an opportunity for our front-line employees to communicate back to the TSA Front Office.

Additionally, I plan to add a Federal Air Marshal Advisor to my office in the coming months. The Federal Air Marshal Advisor selection and detail term will mirror the process used for the Uniformed Advisor positions.

We are very excited about these roles and the opportunities they offer for making more informed decisions for all employees, as well as the traveling public.

*Question 15.* What else are you doing to create a sense of potential upward mobility in your workforce, and giving them a platform to provide you more direct input from all levels within the agency?

Answer. In addition to Transportation Security Officer (TSO) Career Progression, the Transportation Security Administration (TSA)'s Human Capital office is developing an agency-wide career mapping system that will enable employees to map a progressive career ladder of job opportunities within TSA, as well as view skills, abilities, competencies, recommended training, and developmental activities necessary to advance from one position to another. The first iteration of the system, which is anticipated to be available in 2019, will include maps for TSOs, Law Enforcement/Federal Air Marshals (LE/FAMs), and certain support positions (*e.g.*, Human Resources Specialist, Financial Specialist, Program Specialist).

The Administrator also holds periodic employee town halls at headquarters—in addition to the employee engagements he conducts during his field site visits. During his headquarters events, he dedicates more than half of the time to Q&A, which includes a polling feature that any employee can access, whether they physically attend the town hall or not. The poll allows employees to not only answer questions the Administrator's staff publishes, but it also allows people to ask their own questions of the Administrator. Many dozens of questions were submitted during the latest town hall (September 25). As many questions were answered as time allowed. As in the past, all questions will be grouped and answered; and the answers will be published on a dedicated SharePoint page for all employees to access.

*Question 16.* During our conversation at your last appearance in this committee on surface transportation security, you noted that you believed TSA needed “to look at our risk quotient overall within the transportation system and then allocate the resources where we see the greatest risk.” That was in January. Have you made progress on this priority that you flagged, and where do we stand on it? And how are you incorporating this analysis into your budget formations?

Answer. As part of our upcoming budget planning process, the Transportation Security Administration (TSA) analyzed each proposed initiative and evaluated them within a risk-metric system. The analysis showed TSA has an appropriate alignment with the level of risk identified by the Agency; meaning, we are successfully investing more funding (75 percent) to those areas we have determined to be of the most significant risk; less funding (10 percent) in those areas we have assessed to be of lower risk; and some funding (15 percent) in those areas we are willing to accept additional risk in order to be successful.

*Question 17.* In your testimony you noted that “TSA is also working with CBP to identify ways that we can better leverage and align the two DHS Trusted Traveler programs, Global Entry and TSA PreCheck.” Please describe what that coordination looks like for the Nevadans I know who travel, as well as the millions we bring into our state every year.

Answer. The Transportation Security Administration (TSA) and the U.S. Customs and Border Protection (CBP) are working towards finding efficiencies between the various Trusted Traveler Programs, including *TSA Pre✓*<sup>®</sup> and *CBP Global Entry*.

*TSA Pre✓*<sup>®</sup> and *CBP Global Entry* leadership are focusing on ways to increase security effectiveness, leverage resources to create cost savings, and enhance the traveler experience. Currently, TSA and CBP are examining integration of public-facing messaging and enrollment activities, such as a joint landing page for all trusted traveler programs. We anticipate a six month's level of effort for completion of the Landing Page once the task has been prioritized by both Components. We are still assessing the other efforts.

*Question 18.* As we've discussed multiple times, I'm a big proponent of innovation when it can be done safely and effectively. Now, you noted in your testimony that TSA is conducting "tests of facial recognition technology at JFK Airport." Can you walk me through how that testing has been going, whether you've seen any specific concerns related to the implementation of this technology related to traveler's race?

Answer. The Transportation Security Administration (TSA) and U.S. Customs and Border Protection (CBP) have launched a series of operational technology pilots to evaluate the use of facial recognition technology that CBP developed called the Traveler Verification Service (TVS).

Phase I, which was voluntary for passengers, was completed in November 2017 at John F. Kennedy International Airport. It explored the feasibility of using TVS at the TSA checkpoint; no TSA Standard Operating Procedure was altered. The technology was used in parallel to the standard TSA identification verification process in order to see whether CBP's facial matching system could be scaled up to handle the volume of passengers through a TSA checkpoint. The scalability and responsiveness of CBP's system when stressed with TSA passenger volume justified TSA-CBP moving to the next phase of the pilot program.

Phase II, initiated in August 2018 at Tom Bradley International Terminal at Los Angeles International Airport, which is also voluntary, uses TVS to verify the identity of passengers when there is a positive match, in lieu of the manual processes currently performed by the Transportation Security Officer (TSO) at the Travel Document Checker (TDC) stations. Phase III, which is still under development, may allow data sharing between CBP and TSA systems to test potential automation of certain TDC manual functions to reduce the need for travelers to present a boarding pass and/or physical identification to TDC. These pilots aim to test whether this technology is a viable way to improve TSA operations, achieve efficiencies, and streamline the passenger experience by bringing biometric capabilities to the TSA checkpoint.

TSA currently does not own a facial matching system. We are evaluating CBP's facial matching system—TVS—for potential use at TSA checkpoints. According to CBP, its presently available data does not currently demonstrate any significant difference in match rate through TVS between age, gender, or citizenship. CBP and other DHS partners are working to ensure the accuracy of any biometric services provided to TSA.

CBP should be consulted for additional information regarding the capabilities of its biometric systems.

During the hearing, several of your colleagues raised concerns about this issue and cited studies that had been done on the topic of biometrics and race. In an effort to fully understand the concerns I have asked my team to research the mentioned studies to make sure we are mindful of their findings as we move forward in our pilots with CBP.

CBP is seeking to enter into an interagency agreement with NIST to provide verification and validation for CBP's face recognition system. NIST will examine the technology, methodology, and data from the biometrics pilot programs that have been based on the Traveler Verification Service (TVS) that CBP has built. In parallel, CBP and TSA have regular joint-technical team meetings to discuss the solution architecture and governance related to the further expansion and integration of biometrics technology between CBP and TSA, including analysis of matching data in testing and operational environments.

As we have specifically stated in the recently published TSA Biometrics Roadmap, we will be deliberate, intentional, and transparent as it tests and deploys biometrics-based identification verification capability. TSA will adopt a "privacy by design" mindset that incorporates privacy considerations into each phase of biometric solution development (design, build, implement).

To address the Privacy considerations embedded in TSA pilots with CBP, DHS/CBP have issued Privacy Impact Assessments (PIA), available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy); TSA contributed in the PIA for CBP-TSA Technical Demonstration Phase II, issued in August 2018. Additionally, CBP has issued program information, such as

Frequently Asked Questions (FAQs) on [www.CBP.gov](http://www.CBP.gov); there are Public signage is available at pilot sites; and U.S. Citizens can request not to participate in biometric pilots and seek an alternative means of verifying their identity and documents.

*Question 19.* If you can, what are the current tangible logistical benefits of the use of this technology, and what are the ongoing challenges?

Answer. Facial recognition technology will increase security by allowing the Transportation Security Administration (TSA) to verify the identity of passengers more reliably and will improve the travel experience by enabling more passengers to get through the checkpoint more quickly.

Aviation travel volume is increasing rapidly year after year. The summer of 2018 was TSA's busiest summer to date. Between the Wednesday before Memorial Day from until the Tuesday after Labor Day, we screened 253 million—more than a quarter of a billion—travelers and nearly 165 million pieces of checked baggage.

A challenge to throughput is the need to ensure identity verification, a crucial security layer at this key entry point to the screening process, and deployment of TSA resources to address potential security threats. Today, Transportation Security Officers and airline employees manually compare the passenger in front of them to their photo identification to verify their identities for bag drop and checkpoint screening. Technological solutions for biometric verification can provide automation to improve the accuracy and speed of identity verification, making the passenger experience faster and more seamless without any negative impact on security.

Facial recognition technology has several potential benefits for TSA's processes: it can be self-service, facilitative, and incorporate anti-tampering countermeasures. These features can reduce reliance on physical travel documents.

We recognize the potential benefits of these new technologies and are monitoring their development with the goal of using biometrics to reduce the need for passengers to physically present identification documents to verify their identity.

*Question 20.* Have you begun to make any kind of determinations on the cost benefit of implementing more of this technology?

Answer. The Transportation Security Administration (TSA) is working with the Office of Biometric Identity Management, U.S. Customs and Border Protection, the Science and Technology Directorate, and appropriate industry stakeholders to conduct an independent business case analysis for different population segments that TSA services. This analysis is expected to begin in the first quarter of Fiscal Year 2019. As TSA will not likely have a "one-size-fits-all" biometrics solution for all the various populations that it screens, a business case analysis that articulates the costs and benefits of deploying different available types of biometrics capabilities to different populations is critical to design the appropriate solution architectures and governance frameworks.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JON TESTER TO  
HON. DAVID PEKOSKE

*Question 1.* How is TSA working with small and rural commercial service airports to identify specific challenges pertaining to airport access control measures and surveillance technologies and implement best practices?

Answer. The Transportation Security Administration (TSA) is working with small rural airports to overcome challenges with access control, surveillance technologies, and best practices in several ways. The following highlights a few initiatives specifically focused on rural airports:

- In July 2015, TSA issued the *Airport Security Design Guidelines*, which offers several recommendations on the use of Closed Circuit Television (CCTV). This document is intended to bring to the attention of the airport planning, design, and engineering community the serious security concerns that must be considered for incorporation into an airport design at the earliest possible planning stage, in order to bring the most efficient and cost-effective security solutions to bear. The Guidelines are available for small airports to use when considering new or upgrading existing surveillance systems.
- In October 2017, TSA shared with industry a *List of Effective Measures from Airport Vulnerability Assessments* developed after completing airport assessments of perimeter and access controls to support voluntary initiatives to mitigate vulnerabilities. Approximately 145 small and rural airports were included in the assessments.
- TSA continues to provide National Safe Skies Alliance evaluations and reports on varying topics regarding access control and surveillance testing for airports to provide insights into technologies being tested without the individual invest-

ment from a small airport. National Safe Skies Alliance, Inc. (Safe Skies) is a non-profit organization that works with airports, government, and industry to maintain a safe and effective aviation security system. Safe Skies' core services focus on helping airport operators make informed decisions about their perimeter and access control security. Safe Skies evaluations and reports are available for small and rural airports to use when considering new or upgrading existing access control and surveillance systems. National Safe Skies Alliance posted guidelines regarding airport security design in April, 2017 on their public website.

In addition, TSA looks at the environmental and demographic needs of small airports when considering demonstration activity through work within its Innovation Task Force (ITF). Through ITF's work, TSA is better positioned to refine a long-term investment strategy, inform future requirements and refine potential solutions with a "system of systems" approach. ITF approaches technology demonstrations with the understanding that no two airport environments are alike, and has the ability to complete demonstrations at specialty sites such as small airports. The TSA Innovation Task Force supports TSA's mission to foster innovation by working with key stakeholders to identify and demonstrate emerging solutions that increase security effectiveness and efficiency, improve passenger experience and the flow of commerce, and deliver solutions that secure the freedom of movement throughout the Nation's transportation systems.

In addition to these initiatives, TSA initiated several changes to its security program requirements and recommendations related to access media, watch list vetting, and security of identification documents. Rural and small airports are being directly consulted on the impact of these requirements. TSA can provide a secure briefing on these issues upon request.

*Question 2.* The Horizon Air incident displayed in full view an issue that is normally out-of-sight to the general public—threats to aviation security by insider employees. Presently, TSA conducts background checks and airports rely upon TSA's findings from those background checks when determining whether or not to issue a Security Identification Area (SIDA) badge. Does TSA know when an airport revokes a SIDA badge? If yes, what is the process for TSA being notified? If no, how does TSA prevent the situation where an employee whose SIDA badge has been revoked at one airport, lands a job at a different airport and is issued a new SIDA badge?

*Answer.* Yes, airports are required to notify the Transportation Security Administration (TSA) when they revoke a Security Identification Area (SIDA) badge for cause, electronically through TSA's Vetting System. TSA is in the process of establishing a national database of revoked badges that should be operational in Fiscal Year 2019. This aligns with Congress' intent, as reflected in Section 1934 of *H.R. 302, the FAA Reauthorization Act of 2018*.

*Question 3.* Regarding revoked SIDA badges, does TSA have a nationwide database of employees whose SIDA badges have been revoked? If not, is TSA planning to establish such a database?

*Answer.* The Transportation Security Administration (TSA) is in the process of establishing a database of individuals whose SIDA badges have been revoked for cause, which may be operational in Fiscal Year (FY) 2019, depending on whether notice and comment is necessary. TSA intends to complete its analysis and determination regarding notice and comment requirements by the end of Q2 FY19. This database would be for use by airports and would align with Congress' intent, as reflected in Section 1934 of *H.R. 302, the FAA Reauthorization Act of 2018*.

*Question 3a.* What issues would need to be addressed in any guidelines for managing the database's content (*e.g.*, duration of data retention, deletion, mistaken identity)?

*Answer.* We must work with the airports to establish the parameters that govern when it is appropriate to list an individual in the database, what information should be included, privacy protections to prevent unauthorized disclosures, procedures to prevent errant listings, and appropriate redress procedures to remove listings that are determined to be incorrect. Some considerations involve:

- The need to create new data inputs to distinguish revocation based on voluntary separation,
- Disqualifying offenses,
- Suitability determinations by airports unrelated to transportation security, and
- The length of time for which an individual's information should be retained in such a database and other privacy considerations.

*Question 3b.* Would TSA issue draft rules for public comment?

Answer. TSA continues to analyze this issue to determine what, if any, notice and comment opportunity must be afforded. Whether database input is mandatory or voluntary, as well as the database content, will inform this analysis. TSA intends to complete its analysis and determination regarding notice and comment requirements by end of Q2 FY19.

*Question 4.* How would TSA ensure the database's validity while safeguarding individuals' privacy? What role would the Department of Homeland Security play in the establishment of this database or in its data validation?

Answer. As with all Transportation Security Administration (TSA) systems, we implement U.S. Department of Homeland Security directives and guidance on information technology standards to ensure the protection and accuracy of an individual's information. This includes establishing parameters that govern when it is appropriate to list an individual in the database, what information should be included, privacy protections to prevent unauthorized disclosures, procedures to prevent errant listings, and appropriate redress procedures to remove listings that are determined to be incorrect.

*Question 5.* With regard to passenger screening technologies, TSA has prioritized deployments of various checkpoint security systems, such as Advanced Imaging Technology whole-body scanners and now Computed Tomography scanners for carry-on bags, to the Nation's largest airports. Are there any innovative strategies that TSA is exploring or implementing to address the various challenges of applying cost-effective passenger and baggage screening at smaller airports?

Answer. The Transportation Security Administration (TSA) looks at a diverse range of solutions across a variety of metrics and measures that apply to smaller airports. TSA engages and collaborates with transportation security equipment (TSE) stakeholders (such as, original equipment manufacturers, U.S. Department of Homeland Security's Science and Technology Directorate, national laboratories, academia, and industry) in part to address the overall physical footprint of TSE in order to accommodate smaller-sized airports.

As part of its efforts to develop and mature TSE technology for future procurements, TSA is committed to defining cost-effective system requirements with multiple hardware configurations. These efforts seek to accommodate the types of space and staffing constraints, such as those common in small airport environments, within the broader context of maintaining operational efficiencies and security effectiveness.

TSA is also exploring innovative screening capabilities (*e.g.*, remote screening), which will reduce overall costs, including TSE and staffing, for checkpoint screening. Remote screening offers the opportunity to build and operate a centralized image interpretation room that allows a single security officer to oversee multiple carry-on screening lanes, thus reducing the number of operators required to fully staff a lane. In addition to screening equipment, TSA also understands the crucial needs of staffing and scheduling in the small airport environment and is identifying solutions that will alleviate local staffing and scheduling burdens for a more integrated and comprehensive system.

*Question 6.* Has TSA investigated new software products that utilize deep learning and computer vision technology to enhance current and future screening machines?

Answer. The Transportation Security Administration (TSA) actively engages industry, national laboratories, and academic partners to develop and test advanced algorithms based on deep learning for automated threat detection. To date, these efforts have provided us with a path forward for automated prohibited items detection in carry-on baggage for both current Advanced Technology and future Computed Tomography systems, as well as shown enhancements for explosives detection and false alarm reduction in both carry-on and checked baggage screening. Future plans include further applications of machine learning to passenger and baggage screening systems, as well as security system optimization.

*Question 7.* Earlier this year, TSA withdrew its long-delayed rulemaking proposal on security for large general aviation aircraft (known as the Large Aircraft Security Program or LASP). What is TSA doing to work with the general aviation community (including general aviation airports, fixed-base operators, and aircraft owners and pilots) to strengthen security measures and access controls to general aviation facilities and aircraft, particularly large business and private jets?

Answer. The Transportation Security Administration (TSA) continues to work with the general aviation (GA) community and industry partners to strengthen security measures and awareness surrounding general aviation operations. The GA

subcommittee of the Aviation Security Advisory Committee collaborates regularly to offer suggestions to enhance GA security.

TSA partnered with the Aircraft Owners and Pilots Association to develop the Airport Watch program. Similar to the *If You See Something, Say Something*<sup>®</sup> campaign, it encourages pilots, airport employees, and associated personnel to take an active role in securing GA facilities and aircraft. The program promotes a hotline (866 GA SECURE) to report security concerns in the GA environment. This hotline is answered by TSA personnel on a 24/7 basis.

TSA also published Security Guidelines for General Aviation Airport Operators and Users which was developed jointly with the GA community. The document provides suggested security enhancements for GA airports including lighting, fencing, access control, closed circuit television, etc. It also covers associated areas such as fixed base operators and fuel storage facilities. The full document can be found at: [https://www.tsa.gov/sites/default/files/2017\\_ga\\_security\\_guidelines.pdf](https://www.tsa.gov/sites/default/files/2017_ga_security_guidelines.pdf)

*Question 8.* What are some of the unique characteristics of general aviation that have made it so challenging to move forward with these security regulations?

*Answer.* The Transportation Security Administration (TSA) is not moving forward with this rulemaking for three primary reasons: (1) an assessment of the relative risk associated with general aviation operations; (2) feedback from the industry; and (3) alignment with the Executive Orders related to regulatory costs and regulatory reform.

First, TSA regularly assesses the risk of the aviation sector and has determined that the risk from GA aircraft is relatively low. Unlike commercial aviation, most GA aircraft are operated by recreational pilots or serve as corporate aircraft. The low risk is attributed to the fact that passengers and crew are typically family, friends, and/or business colleagues. Thus, the familiarity of the passengers would generally result in identifying bad actors and preventing them from boarding. The low risk evaluation also considers that GA operations often involve small aircraft with minimal fuel and passenger loads, which are less likely to do the kind of harm that commercial operations can cause. Finally, GA operators do not fly with the same frequency as commercial flights, which further reduces the opportunities for these operators to do harm.

Second, in a rulemaking proceeding TSA initiated several years ago, more than 7,000 pilots, aircraft operators, airports, aviation workers, individuals, Members of Congress, aviation associations, and civic organizations provided comments objecting to the proposed regulations. The overwhelming majority of commenters asserted that the rulemaking would increase costs and other burdens unnecessarily, and would lead small airport and aircraft operators to go out of business, causing loss of employment. Also, the commenters noted that they did not support TSA issuance of regulations absent a statutory mandate.

Third, in January 2017, the President issued two Executive Orders (EOs) related to regulatory reform. EO 13771 directs all Federal agencies to eliminate two regulations for every one regulation the agency implements and ensure that any new regulatory action has a \$0 net cost.

In consideration of all of these factors, TSA decided not to pursue a rulemaking and issued a notice in March 2018 to withdraw the notice of proposed rulemaking. Should TSA determine the threat to or from general aviation has increased, the agency has authority to take appropriate action. This action can be taken quickly, as it was in 2001 when general aviation operations were prohibited at Ronald Reagan National Airport (DCA), or through notice and comment rulemaking.

*Question 9.* What alternative approaches can strengthen general aviation security in the future?

*Answer.* TSA continues to work with the general aviation (GA) community and industry partners to strengthen security measures and awareness surrounding general aviation operations. The GA subcommittee of the Aviation Security Advisory Committee collaborates regularly to offer suggestions to enhance GA security.

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*Question 10.* In January 2016, TSA centralized the training of its security officers under the TSO Basic Training program by sending staff to Glynco, Georgia for two weeks of training that includes standard operating procedures, threat detection, and the use of screening equipment. Has there been a measurable difference of performance by TSOs since the Basic Training program was instituted? What metrics is TSA using to measure performance?

Answer. The Transportation Security Administration (TSA) uses the industry standard Kirkpatrick Evaluation Model to determine the effectiveness of its training, which includes the Transportation Security Officer Basic Training Program (TSO-BTP) at the TSA Academy in Glynco, Georgia. We have complete data for Fiscal Year (FY) 2017. A Level 1 Kirkpatrick evaluation refers to the immediate feedback from students participating in the course, and the Level 1 data has been overwhelmingly positive. In addition, Human Capital's 2017 Employee Engagement Survey revealed that overall morale was 11 percent higher for TSO-BTP graduates when compared to their peers trained at local airports. Organizational commitment, which is a measure of an individual's attachment to the organization, was also 12 percent higher for TSO-BTP graduates, and overall satisfaction was 13 percent higher.

A Level 2 Kirkpatrick evaluation refers to transferred knowledge, which is measured at the end of training or a segment of training. For TSO-BTP, that means a Job Knowledge Test and an Image Interpretation Test (IIT). To meet operational needs, some local new-hire training was conducted at airports during FY 2017. We were therefore able to look at Level 2 data, comparing the results of traditional new-hire training at the airports with TSO-BTP at the TSA Academy. Initial IIT results show that TSO-BTP students trained at the TSA Academy achieved passing rates that were higher than those of TSOs trained locally.

*Question 10a.* In your estimation, when will TSA have enough data to show whether attrition at TSA slowed as a result of this Basic Training program?

Answer. Attrition is a complex problem and factors outside of training become more important the longer an employee is with the organization. Two factors outside of training which can affect attrition are pay and the economy.

Noting the importance of these factors and the difficulty linking attrition to a single training event, TSA did see positive results in the population of new hires attending TSO-BTP at the TSA Academy. According to data collected in 2016, graduates from TSO-BTP showed lower attrition rates within their first 180 days of employment, when compared to new hires trained at field airports. Within this 180-day period, the attrition rate for new hires attending TSO-BTP at the TSA Academy in 2016 was 12.76 percent, while the attrition rate for field trainees was 15.66 percent. This approximately three-percent difference indicates a positive trend in the first six months for students receiving a standardized, Academy-delivered basic training program.

TSA has also implemented TSO Career Progression, which allows TSOs, depending on operational need, to remain at their home airport for approximately two to six months before attending TSO-BTP at the TSA Academy. The timing shift is intended to increase operational capacity at the airports, help ensure career fit prior to further training investment, and potentially address attrition among new TSOs.

TSA also has implemented TSO Career Progression, which allows TSOs, depending on operational need, to remain at their home airport for approximately two-to-six-months before attending TSO-BTP at the TSA Academy to potentially address attrition among new TSOs.