

**ONE YEAR LATER: IMPLEMENTATION OF THE
TSA MODERNIZATION ACT**

HEARING
BEFORE THE
SUBCOMMITTEE ON
TRANSPORTATION AND
MARITIME SECURITY
OF THE
COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES
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ONE YEAR LATER: IMPLEMENTATION OF THE TSA MODERNIZATION ACT

Tuesday, October 29, 2019

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

The subcommittee met, pursuant to notice, at 10:01 a.m., in room 310, Cannon House Office Building, Hon. J. Luis Correa [Chairman of the subcommittee] presiding.

Present: Representatives Correa, Cleaver, Coleman, Barragán; Lesko, Katko, Green, and Bishop.

Also present: Representative Jackson Lee.

Mr. CORREA. Good morning, everyone. Welcome. The Subcommittee on Transportation and Maritime Security will now come to order.

I like to start off by welcoming Mr. Dan Bishop of North Carolina to the committee.

Welcome, sir.

Mr. BISHOP. Thank you, Mr. Chairman. I am delighted to be with you.

Mr. CORREA. I look forward to working with you, sir.

The subcommittee is meeting today to receive testimony on, “One Year Later, the Implementation of The TSA Modernization Act.”

Without objection, the Chair is authorized to declare the subcommittee in recess at any point.

I want to thank you, Ranking Member Lesko, and our distinguished witnesses for joining us today.

One year ago this month Congress enacted the first comprehensive reauthorization of the TSA, known as the TSA Modernization Act. The Act incorporated a substantial number of bills and provisions that originated in this committee. It stands as a testament to the committee’s long-standing bipartisan efforts to conduct oversight of TSA.

I thank my colleagues, Mrs. Watson Coleman and Ms. Katko—and Mr. Katko, I should say, for their leadership in advancing legislation last Congress that—I am glad to carry on those efforts with the Ranking Member Lesko in this Congress.

The TSA Modernization Act enhances and improves our Nation’s transportation security. The Act is too comprehensive to describe in detail in the few minutes that we have, but I would like to highlight a few key points.

First, the Act established a 5-year term for the TSA administrator to provide stability to the agency's leadership. Sadly, the current chaos and leadership vacancies within DHS have undermined those efforts. Administrator Pekoske has been forced to wear 2 hats, acting as both TSA administrator and DHS deputy secretary.

I commend the administrator for answering the call to duty, but the role of TSA administrator is a full-time job that requires full-time dedication to ensuring the security of our transportation system. I hope the President will nominate permanent leaders to fill many of the DHS vacancies, and thus provide TSA with the stable leadership that Congress envisioned when it passed this legislation.

In addition to establishing the administrator's term, the TSA Modernization Act first pushes TSA to enhance its strategic planning efforts; No. 2, secures public areas of airport and surface transportation systems; and it improves the security of air cargo transportation.

We appreciate TSA's dedication to implementing the many directives and reporting requirements in this legislation, as well as TSA's transparency in updating the committee on its progress. Although TSA has made significant progress on implementing the Act, I am still concerned that TSA has not yet complied with the provisions that present some of the committee's biggest priorities in this act.

First, TSA is late in providing this committee a report on recommendations to reform its personnel management system. As you know, this subcommittee recently highlighted issues facing the TSA work force at its hearing in May.

Transportation security officers serve on the front lines, securing our Nation's transportation system, yet are among the lowest paid workers in the Federal Government. They are also not afforded some of the basic workplace protections that most other Government employees enjoy. Improving working conditions for these officers is key to TSA's evolution as a professional National security agency, and I look forward to hearing more about the status of this important report.

I am going to ask, at this point, unanimous consent to enter into the record a letter from the American Federation of Government Employees.

[The information follows:]

LETTER FROM THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

October 29, 2019.

Honorable LOU CORREA,
Chairman, Subcommittee on Transportation and Maritime Security, House Homeland Security Committee, Washington, DC 20515.

Honorable DEBBIE LESKO,
Ranking Member, Subcommittee on Transportation and Maritime Security, House Homeland Security Committee, Washington, DC 20515.

DEAR CHAIRMAN CORREA AND RANKING MEMBER LESKO: On behalf of the American Federation of Government Employees, AFL-CIO, which represents more than 700,000 Federal and District of Columbia employees who serve the American people in 70 different agencies, including the 44,000 Transportation Security Officers who protect the flying public, we appreciate the opportunity to submit this letter for the record for the Subcommittee's hearing, "One Year Later: Implementation of the TSA Modernization Act."

Transportation Security Officers (TSOs) are sworn to protect the nation's aviation security. They conduct themselves with the utmost professionalism and respect for the importance of the work they do. Every day, they identify and eradicate threats to aviation security. TSOs take pride in making sure all systems are working and that personnel are fully trained in operations and observing standard operating procedures to ensure security.

Today, we commend the Subcommittee for its examination of how the TSA Modernization Act has enhanced airport security, and where it has fallen short. As the Committee considers the implementation of the Act, we point out one provision, Section 1907, which required the TSA Administrator to convene a working group consisting of representatives of the TSA and representatives of AFGE to recommend reforms to TSA's personnel management system. Security screening requires a substantial investment in technology, but it is essentially a human function and thereby requires a commensurate investment in the personnel who carry out these crucial functions.

TSA's personnel management system is perhaps the worst in the Federal Government. It is a system that gives agency management tremendous discretion and very little accountability because it deprives employees of full due process and collective bargaining rights guaranteed to other Federal employees under Title 5. Under Title 5, personnel management is governed by a set of checks and balances that ensures merit system principles are upheld for the benefit of good government. Title 5 processes provide mechanisms that prevent managers from hiring, firing, demoting, or disciplining employees for bad reasons such as politics, bias, bigotry, or to shift blame for mismanagement. Because TSA's workforce has fewer and weaker protections against the consequences of mismanagement, it is unsurprising that the agency experiences massive turnover, low morale, and a low level of trust in management's decisions.

The recent decision to change the terms of coverage under the Federal Employees Health Benefits Program (FEHBP) for TSA's large "part-time" workforce is a good example of the misuse of authority in the area of personnel management. Without notice, bargaining, or rationale; without any mention during any of the Section 1907 Work Group meetings, TSA issued a "management directive" on September 20, 2019 that effected a reduction in the agency's contribution to FEHBP premiums for its part-time workforce. TSA defined part-time as all employees "assigned to work schedules of 32 hours or less per week (64 hours or less per pay period) . . .". Prior to the issuance of this directive, TSA paid the same portion of FEHBP premiums for its full-time and part-time workforce. Now, for those hired after September 30, 2019, FEHBP premiums will be pro-rated for those assigned to part-time schedules. Of course, the assignment of a part-time vs. a full-time schedule is at the sole discretion of management. Likewise, regular assignment of overtime for a "part-time" Transportation Security Officer (TSO) at management's discretion will not affect his or her status as a part-time employee with a lower employer subsidy for FEHBP.

When TSA was established and granted authority to have a large portion of its workforce on permanent part-time status in order to maximize its flexibility, it agreed to provide FEHBP coverage on the same basis for its part-time and full-time workforce. This arrangement was far from optimal, as the vast majority of those assigned to part-time schedules wanted and needed a full-time paycheck. The full FEHBP subsidy has served as an important offset to the undesirable and inadequate part-time schedule and associated salary. Indeed, TSA has acknowledged that low TSO salaries and involuntary part-time schedules have been large factors in creating the agency's difficulties with turnover and low morale, both of which undermine its ability to carry out its mission. Indeed, apart from the base meanness of the action, it is difficult to understand why TSA has decided to worsen its problems by cutting health insurance benefits for such a large portion of its workforce.

The decision to convene a Working Group under Section 1907 of the TSA Modernization Act of 2018 was a second-best effort to address TSA's miserable record on the use of its vast flexibilities and discretion in the area of personnel management. AFGE has argued strenuously that TSA's personnel management shortcomings will not be solved unless and until its employees are provided the same rights under Title 5 as other Federal employees, including Federal law enforcement officers elsewhere in the Department of Homeland Security. The Working Group was not a substitute for collective bargaining rights, which at TSA exist almost entirely at the whim of each subsequent Administrator. Thus, the extent of these rights is highly politicized and varies with an administration's level of support toward the right of employees who elect union representation to engage in collective bargaining.

Nevertheless, AFGE participated fully and in good faith in the Section 1907 Working Group meetings. As the surprise FEHBP reduction for a substantial portion of the TSO workforce shows, it is not at all clear that TSA participated on the same terms.

The Section 1907 Working Group met over several months this year and TSA is preparing the Group's report to Congress. What was remarkable about the Working Group was that all proposals for improvement were made by the Group's AFGE members. Rather than a robust discussion of the needs of personnel from both a management and labor perspective, the Agency's participation was primarily delivered in the form of decisions to recommend AFGE's proposals or decline them with little or no discussion. Included were proposals to change pay scales to incorporate regular and reasonable increases over time, essential decisions about fitness for duty, fair representation of the workforce including reasonable grievance procedures and neutral arbitration, and basic rights at work. Without fair pay and representation for its TSOs, TSA will continue to experience high turnover, requiring significant investment in hiring and training.

Because TSOs are so essential to the security of the flying public, they should be under the same law that governs personnel management in the rest of the Federal Government. It is just as important to TSA's mission that its workforce have fair compensation, full due process and union rights as it is to every other component of DHS. During the historic 2018–2019 Government shutdown, the Nation learned about the dedication and mettle of TSOs at the same time they learned of their meager pay and substandard rights on the job. Please remember that TSOs showed up at work every day during that difficult period. Many had to find additional temporary jobs to try to make ends meet as the shutdown dragged through three pay periods, but they kept their promise to the American public. TSOs are frequently required to perform mandatory overtime, are faced with ever-changing shifts and insufficient rest time between shifts, and management failure to execute the rotation of duties in accordance with standard operating procedures. These represent potential security threats, many of which we tried to address through the Working Group. Congress must understand that while AFGE did its best, TSA did not reciprocate and thus the Section 1907 of TSA Modernization Act was not fully utilized to improve personnel management in a way that will enhance aviation security.

As the Subcommittee continues to examine the implementation of the TSA Modernization Act of 2018, please know the workforce stands ready and determined to ensure the security of the flying public. We take pride in our work protecting America's airports and skies. Should you have any questions, please contact Julie Tippens[.]

Thank you for your consideration.

Sincerely,

ALETHEA PREDEOUX,
Director, Legislative Department.

Mr. CORREA. Second, TSA is substantially late in providing a strategy that was due in February regarding plans to open procurement—the procurement process to a wider network of technology companies, including participation of small businesses. TSA relies on the small number of vendors today to provide many of the screening technologies in use at airports Nation-wide. As you know, small businesses, in particular, face difficulties in competing for TSA awards due to limited procurement cycles, high cost of certification, and lengthy testing and evaluation processes. I look forward to hearing what steps TSA is taking to ensure these processes are open and fair to all. Finally, TSA is overdue in providing an assessment of potential enhancements to surface transportation security. As you know, mass transit and other surface transportation systems are particularly vulnerable to terrorist attacks, and it is important that TSA prioritize completion of these requirements. TSA must work to come into full compliance with the requirements of the TSA Modernization Act as soon as possible.

Once again I would like to thank TSA and the GAO for being here today, and I look forward to our conversation.

[The statement of Chairman Correa follows:]

STATEMENT OF CHAIRMAN LOU CORREA

OCTOBER 29, 2019

One year ago this month, Congress enacted the first comprehensive reauthorization of TSA, known as the “TSA Modernization Act.” The Act incorporated a substantial number of bills and provisions that originated in this committee. It stands as a testament to the committee’s long-standing bipartisan efforts to conduct oversight of TSA. I thank my colleagues Ms. Watson Coleman and Mr. Katko for their leadership in advancing legislation last Congress, and I am glad to carry on those efforts with Ranking Member Lesko this Congress. The TSA Modernization Act enhances and improves our Nation’s transportation security. The Act is too comprehensive to describe in detail in the few minutes I have here, but I’d like to highlight a few key provisions.

First, the Act established a 5-year term for the TSA administrator in an attempt to provide stability to the agency’s leadership. Unfortunately, the current chaos and leadership vacancies within DHS have undermined those efforts. Administrator Pekoske has been forced to “wear 2 hats,” acting as both TSA administrator and DHS deputy secretary. I commend the administrator for answering the call to duty, but the role of TSA administrator is a full-time job that requires full-time dedication to ensuring the security of our transportation systems.

I hope President Trump will nominate permanent leaders to fill the many DHS vacancies he has created, and thus provide TSA with the stable leadership Congress envisioned when we passed this bill. In addition to establishing the administrator’s term, the TSA Modernization Act pushes TSA to enhance its strategic planning efforts, secure public areas of airports and surface transportation systems, and improve the security of air cargo transportation. We appreciate TSA’s dedication to implementing the many directives and reporting requirements in this bill, as well as TSA’s transparency in updating the committee on its progress. However, though TSA has made significant progress on implementation overall, I am concerned that TSA has not yet complied with provisions that represent some of the committee’s biggest priorities in the Act.

First, TSA is late in providing this committee a report on recommendations to reform its personnel management system. As you know, this subcommittee recently highlighted issues facing the TSA workforce at a hearing in May. Transportation Security Officers serve on the front lines securing our Nation’s transportation systems, yet are among the lowest-paid workers in the Federal Government. They are also not afforded some of the basic workplace protections that most other Government employees enjoy. Improving working conditions for officers is key to TSA’s evolution as a professional National security agency, and I look forward to hearing more about the status of this important report.

Second, TSA is substantially late in providing a strategy that was due in February regarding plans to open procurement processes to a wider network of technology companies, including increasing participation of small businesses. TSA relies on a small number of vendors to provide many of the screening technologies in use at airports Nation-wide. Small businesses, in particular, face difficulties in competing for TSA awards due to limited procurement cycles, high costs of certification, and lengthy testing and evaluation processes. I look forward to hearing what steps TSA is taking to ensure these processes are open and fair for all.

Finally, TSA is overdue in providing an assessment of potential enhancements to surface transportation security. Mass transit and other surface transportation systems are particularly vulnerable to terrorist attacks, and it is critical that TSA prioritizes completion of these requirements. TSA must work to come into full compliance with the requirements of the TSA Modernization Act as soon as possible.

Mr. CORREA. With that I would like to turn this conversation over to the Ranking Member Lesko for an opening statement.

Mrs. Lesko.

Mrs. LESKO. Thank you, Mr. Chairman. I want to welcome, as well, Representative Dan Bishop from North Carolina.

Welcome. This is a great committee. You are going to enjoy it. Very important.

I want to thank the witnesses for being here, and the TSA officers and other employees that are here from TSA and DHS. Thanks for being here and participating.

I am pleased that this subcommittee is meeting today to oversee implementation of last year's bipartisan reauthorization of the Transportation Security Administration, the TSA Modernization Act.

Terrorists, of course, continue to target both surface and aviation transportation in ways that are constantly evolving. The TSA Modernization Act recognizes this reality and provides direction to the agency at a critical time.

Importantly, this legislation marks the first-ever reauthorization of TSA since the agency was created in 2001 following the terror attacks of September 11. In so doing, Congress fulfilled its Constitutional role to provide oversight, accountability, and direction to the Federal Government and the resources appropriated to protect the traveling public.

The TSA Modernization Act took measurable steps to update many offices and programs within TSA and make the agency more prepared for current and evolving threats to transportation security. Some of these provisions included the establishment of a 5-year term for the TSA administrator, authorizing the use of third-party explosive detection canines for passenger and cargo screening, providing additional resources and support to the Federal flight deck officer program, and outlining new enrollment objectives for TSA PreCheck.

Now, a little more than 1 year after enactment, it is prudent for our subcommittee to echo the bicameral bipartisanship that facilitated the passage of this landmark legislation as we examine how effectively TSA has worked to implement the law.

I commend Administrator Pekoske, who is currently serving doubly as the acting director—acting deputy secretary of the Department of Homeland Security, for working closely with Congress on this legislation last year, and for his team's dedication to providing regular briefings to the relevant committees on implementation status. This work, along with Congressional oversight, has resulted in 87 percent of the law's required actions for TSA being either successfully completed, or on track for successful completion in a timely manner.

For many of these provisions, GAO serves as the committee's watchdog on implementation in its review of TSA programs, offices, and security mitigation efforts. So I am pleased that they are represented here today, as well.

I look forward to hearing from TSA and GAO today on the status of outstanding provisions in the law, as well as what the agency has accomplished over the last year in fulfilling its statutory requirements.

[The statement of Ranking Member Lesko follows:]

OCTOBER 29, 2019

STATEMENT OF RANKING MEMBER DEBBIE LESKO

I am pleased that the subcommittee is meeting today to oversee implementation of last year's bipartisan reauthorization of the Transportation Security Administration, the TSA Modernization Act. Terrorists continue to target both surface and aviation transportation in ways that are constantly evolving. The TSA Modernization Act recognizes this reality and provides direction to the agency at a critical time.

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I look forward to hearing from TSA and GAO today on the status of outstanding provisions in the law, as well as what the agency has accomplished over the last year in fulfilling its statutory requirements. Thank you, and I yield back the balance of my time.

Mrs. LESKO. Thank you. I yield back the balance of my time, Mr. Chairman.

Mr. CORREA. Thank you, Mrs. Lesko.

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

[The statement of Chairman Thompson follows:]

STATEMENT OF CHAIRMAN BENNIE G. THOMPSON

OCTOBER 29, 2019

A year after enactment, it seems appropriate to look closely at the Transportation Security Administration's implementation of the TSA reauthorization legislation. The TSA Modernization Act included important provisions that this committee championed, including many Democratic priorities that were included although we were in the Minority when the bill passed. Among them was my bill, the TSA OPEN for Business Act, which will improve the agency's partnership with small businesses, ensure procurement activities are open to all, and diversify the marketplace.

Also included was my Air Cargo Security Improvement Act, which will evolve TSA's cargo security efforts by reestablishing a dedicated cargo security office, directing reviews of cargo security programs, and requiring a pilot of new cargo screening technologies. Another key provision was the requirement for TSA to convene a working group with labor representatives to work on reforms to TSA's personnel management system, since Transportation Security Officers do not receive the same basic workplace rights and protections afforded to most other Federal employees. The Act also highlights surface transportation security as a significant area of focus, directing a study of new technologies and a survey of transit agencies' operational needs. I thank TSA for its efforts to implement the agency's first-ever reauthorization, a complex law with a large number of provisions. I appreciate TSA's commitment to transparency and providing this committee regular updates.

However, although on paper TSA estimates nearly 60 percent of requirements are completed, many of those counted are provisions that codified existing activities, and many others were relatively minor. When it comes to some of the key provisions and priorities of this committee, there is much work left to do. Important reports and notifications are late—including on each of the critical topics I've described. I look

forward to hearing from TSA how they plan to meet their responsibilities under the law.

Mr. CORREA. I want to welcome the panel of witnesses.

Our first witness, Ms. Patricia Cogswell, is the acting deputy administrator for TSA. Prior to joining TSA, Ms. Cogswell held several leadership positions within the U.S. Immigration and Customs Enforcement and DHS, including as acting under secretary for DHS intelligence and analysis.

Our next witness, Mr. William Russell, is a director at the Government Accountability Office, GAO's homeland security and justice team, where he is responsible for leading GAO's work on aviation and surface transportation security. Mr. Russell has over 17 years of experience at GAO, and was previously an assistant director in GAO's contracting and National security acquisitions team.

Without objection, the witnesses' full statements will be inserted in the record. Now I ask each witness to summarize their statements for 5 minutes, beginning with Ms. Cogswell.

Welcome, ma'am.

STATEMENT OF PATRICIA F.S. COGSWELL, ACTING DEPUTY ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

Ms. COGSWELL. Good morning, Chairman Correa, Ranking Member Lesko, and distinguished Members of this committee. On behalf of TSA's employees, I want to express our appreciation for the continued support of Congress, the productive relationship we have with this subcommittee, and as well with the Government Accountability Office, as well as the authorities provided by the TSA Modernization Act of 2018.

Implementing the TSA Modernization Act is a priority for TSA. I am grateful for the invitation to testify about our efforts to execute these authorities.

Since its creation following the September 11 attacks, TSA's ongoing commitment to ensuring transportation security has enabled public and commerce to continue traveling securely and freely. Eighteen years later, the reality is that transportation systems remain highly-valued targets for terrorists, and their methods of attack are more decentralized and opportunistic than ever. TSA must meet the challenge of a pervasive and constantly-evolving threat environment in both the cyber and physical realms.

In meeting this challenge, TSA's most important asset is its people. I am very proud of the 63,000 dedicated professionals who make up our work force and every day demonstrate our core values of integrity, respect, and commitment. Together, the efforts of our work force secures and facilitates transportation for an average of 85 million passengers, 2.56 billion in cargo, and critical transportation infrastructure around the country.

Earlier this year a significant portion of our work force went without pay for 35 days during the partial Government shutdown. Despite suffering financial and personal hardships, they demonstrated true professionalism and commitment to the transportation security mission. We are grateful to Congress for continuing to explore ways to prevent this from happening again, and stand ready to help you in achieving this goal.

2018 was a very important year for TSA and its direction. Not only did we release our strategy and administrator's intent, highlighting our strategic priorities and improving security and safeguarding the transportation system, accelerating action, and committing to our people, but the TSA Modernization Act became law, the first reauthorization of our agency.

2019 has been the year of implementation. We have conveyed through 8 progress meetings with this committee—subcommittee staff that, as of today, TSA has implemented more than 60 percent of the 180 requirements mandated by the Act, and 72 percent of those with specific deadlines. Completed requirements include conducting a global aviation security review, creating an air cargo division, establishing a surface transportation security advisory committee, initiating a pilot program to test CT Technology for air cargo, executing an automated exit lane technology pilot program in Phoenix Mesa Airport.

Additionally, consistent with the TSA Modernization Act, requirements to grow TSA PreCheck enrollment and limit the use of PreCheck lanes to those with known traveler numbers, we successfully conducted 2 pilots, both ensuring the feasibility and throughput for TSA use of PreCheck-only lanes, as well as the future lane experience model where non-PreCheck passengers designated as lower risk would receive alternative screening procedures.

Continuing to evaluate risk in assessing technology, policy, and procedures in place to address that risk is critical to our mission execution. Recent examples of where we have done so consistent with the Modernization Act include updating the Federal Air Marshal concept of service—concept of operation through prioritized mission deployment strategy focused on high-risk travelers, and revised international risk assessment models, as well as implementing changes to address insider risk, including establishing an Aviation Security Advisory Committee Subcommittee on Insider Threat to assess ways to improve airport worker controls.

Building on this critical work, TSA plans to produce a road map for mitigating insider risk in all modes of transportation.

TSA also recognizes our strategic success depends on our work force. TSA commissioned a blue ribbon panel of public and private-sector human capital experts to review TSA's human capital policy and policy processes, and re-established our National Advisory Council, which is comprised of advisors from our uniformed work force. Through recommendations from these groups and others, TSA developed a number of work force initiatives that we are now implementing, such as our two-tier performance system, our model officer recognition program, and our TSA career progression.

Chairman Correa, Ranking Member Lesko, and Members of the subcommittee, thank you for this opportunity to testify you—before you today. TSA is grateful for the authorities provided through the Modernization Act, and is committed to implementing them as quickly as possible. I look forward to your questions.

[The prepared statement of Ms. Cogswell follows:]

PREPARED STATEMENT OF PATRICIA F.S. COGSWELL

OCTOBER 29, 2019

Good morning Chairman Correa, Ranking Member Lesko, and distinguished Members of the subcommittee. On behalf of all TSA employees, I'd like to express our appreciation for the continued support of Congress, the productive relationship we have with this subcommittee, and the authorities provided through the TSA Modernization Act of 2018, the first reauthorization of our critical security agency. Thank you for inviting me to testify about our implementation of the TSA Modernization Act and the work we are doing to keep the Nation's transportation system secure.

TSA was created in the wake of the September 11 attacks and through the Aviation and Transportation Security Act of 2001 was charged with the mission of protecting the Nation's transportation system to ensure the freedom of movement for people and commerce. Much has changed since then, but our fundamental mission has not, nor has our most important asset—our people.

I am extremely proud of the 63,000 dedicated professionals who comprise TSA's workforce, who demonstrate our core values of integrity, respect, and commitment and provide security for our transportation systems each and every day. Together, the efforts of our workforce secures and facilitates the transportation for a daily average of 85 million passengers, cargo, and industry with daily revenues totaling over \$2.56 billion, and critical transportation infrastructure across the country. Exemplary of their dedication to the mission, earlier this year Transportation Security Officers (TSOs), Federal Air Marshals, vetting and intelligence personnel, Transportation Security Inspectors, canine handlers, and support staffs worked for 35 days without pay under extraordinarily challenging circumstances during the lapse in appropriations—despite suffering personal financial hardship. Although TSA was able to leverage the flexibility provided by our authorities and appropriations to use prior year carry-over funding to provide a small portion to our workforce, the impact was real. In fact, our 2019 Federal Employee Viewpoint Survey (FEVS) results reflected that nearly 44 percent of our workforce indicated the partial Government shutdown had a “very negative” or “extremely negative” impact on their everyday work, while an additional 39 percent characterized it as a “moderately negative” or “slightly negative” effect. We are hopeful that such circumstances can be avoided in the future and look forward to working with Congress to develop solutions.

The U.S. transportation system accommodates approximately 965 million domestic and international aviation passengers annually—this equates to the screening of 2.8 million passengers, 1.4 million checked bags, and 5.1 million carry-on bags each day. In surface transportation, there are more than 10.1 billion passenger trips on mass transit per year, approximately 600 million passengers traveling over-the-road buses each year, and more than 1 million hazardous material shipments on trucks every day. Beyond those usage numbers associated with a relatively open network of transportation modes, the physical scope of the system encompasses approximately 138,000 miles of railroad tracks; 4.2 million miles of highway; 616,000 highway bridges; 503 road tunnels; and nearly 2.7 million miles of pipeline.

Although the scope of our transportation system is significant, it is critically important from a planning and execution perspective to also recognize that demands are increasing. For instance, the last 12 months represent the highest volume of air travelers in the agency's history, and we just completed the busiest summer travel season ever, screening more than 262 million aviation passengers and crew between Memorial Day and Labor Day. These increased numbers will likely continue as the aviation industry estimates anticipated annual growth of 4.5 percent for passenger travel and 2.5 percent for cargo over the next 20 years. Thanks in part to the support of Congress, TSA has been able to take measures to address the recent increases in volume, with current staffing levels at 2,100 more full-time employees than last year as well as a 20 percent increase in the allocation of overtime to ensure airports have the flexibility to schedule officers during peak times.

Today, aviation and transportation hubs remain highly-valued targets for terrorists. Adversaries whose methods of attack, which now includes the potential use of unmanned aircraft systems (or drones), are more decentralized and opportunistic than ever before. The reality for TSA is that every day we are challenged by a pervasive and evolving threat environment, both in the physical and cyber realms. We are constantly working to address these challenges and recognize that we must both ensure we are effectively countering known threats, while investing in analysis, research, and development to prepare for the threats of the future, including changes to improve our people, procedures, and technology.

TSA's continued success is contingent upon our ability to rise to the challenge of outmatching dynamic threats to our aviation and surface transportation systems and doing so within the parameters of increasing demand—and, importantly, our fiscal environment. We are grateful to Congress for the support it has provided for us to execute our mission. Implementing the TSA Modernization Act is a priority for the Agency. TSA, through its leadership corps and organizational structure, has implemented more than 58 percent of the 180 requirements contained within the TSA Modernization Act and continues its efforts to execute those that remain. As part of our implementation approach, in the last year we have provided 8 regular status updates on all requirements, including communicating challenges associated with carrying out Congressional direction.

The authorities provided by the TSA Modernization Act of 2018 have provided more flexibility for meeting the challenges the agency faces today. Our Nation relies on the professionals at TSA, and across both the domestic and international transportation community, to protect passengers and commerce traveling to and within the United States. Securing the Nation's transportation system, which is complex, expansive, and interdependent, requires a collective effort; it is not something that the Government can accomplish alone. To that end, TSA recognizes the critical importance of partnering with stakeholders in developing transportation security solutions. For instance, pursuant to the TSA Modernization Act, we are currently working with Phoenix-Mesa Airport to collect and analyze data associated with automated exit lane technology.

We are also pleased to immediately use the authority provided by the TSA Modernization Act to establish a Surface Transportation Security Advisory Committee, which was established in April and held its second meeting last week. TSA is grateful for the invaluable insights provided by this new committee as well as continued support and collaboration we receive from stakeholders through the Aviation Security Advisory Committee, DHS Critical Infrastructure Partnership Advisory Committee's Transportation Systems Sector Coordinating, and other forums. The discussions, feedback, and input provided by those entities, as well as new working groups we established pursuant to the TSA Modernization Act—focused upon explosives detection, canine capacity, and public area security—are facilitating formal and regular information sharing between transportation stakeholders and the development of best practices and guidance for countering determined adversaries.

Resiliency is reflected in TSA's people, structure, and doctrine. As required by the Modernization Act, we conducted an overarching efficiency review of the organization, better aligned our structure to improve how we execute our surface transportation security, elevated our vetting and air cargo missions, and performed comprehensive reviews of our personnel system. These efforts, along with Congress establishing a 5-year term for the administrator, have placed TSA on a sound course for years to come.

The TSA Strategy, which mirrors the TSA Modernization Act's emphasis on enhancing security technology and risk-based decision making, ensures our focus on capability innovation and threat-informed, information-driven operations. The Administrator's Intent explains how we will execute the Strategy through 2020. The TSA Strategy and Administrator's Intent detail how we will accomplish them. Both documents are posted on our website for public review and transparency. In our Strategy, we list 3 priorities: Improve security and safeguard the transportation system; accelerate action; and commit to our people. These priorities reflect TSA's focus on preserving front-line operations, quickly transitioning to new solutions and capabilities, 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 threat detection capabilities, enhanced intelligence and vetting, and better communication and coordination with stakeholders. Simultaneously, we also strive to improve the passenger experience.

When Administrator Pekoske testified before this subcommittee earlier this year, he explained the efforts TSA was taking to rapidly test computed tomography (CT) screening systems and expand their use at airport checkpoints. CT technology allows TSA officers to more easily identify potential threats in a less invasive way, and eventually may eliminate the need for passengers to remove liquids, electronics, and food items from carry-on passenger bags. This technology enhances the effectiveness of TSA's security screening process and improves the passenger experience. Thanks to the support of Congress, TSA recently awarded a contract for 300 CT

units. The deployment of this technology along with Credential Authentication Technology (CAT), which identifies documents that are fraudulent or have been tampered with as well as providing our officers direct access to individual passenger vetting results, is transforming the effectiveness and efficiency of our checkpoint screening process.

TSA has explored a number of other ways to improve performance, manage risk, and use resources more effectively. Consistent with the TSA Modernization Act requirement to limit the use of TSA PreCheck lanes to only individuals with Known Traveler Numbers, which represents approximately 20 percent of passengers traveling through our Nation's airports each day, we successfully conducted pilots at 2 airports, demonstrating that TSA can achieve higher throughput for "pure PreCheck" lanes. In addition, we also sought to test our Future Lane Experience (FLEX) model at 2 airports to assess throughput when we provide alternate procedures for processing passengers identified as lower risk; this screening is not as streamlined as what a TSA PreCheck member would receive but is more efficient than standard processing. CAT units are integral to further expanding these initiatives.

Similarly, TSA conducted joint pilots with U.S. Customs and Border Protection (CBP), using the facial recognition system and photo galleries CBP built to meet its biometric entry-exit program mandate, to assess how facial recognition technologies could be used to potentially automate Travel Document Checker (TDC) functions at our checkpoint. TSA recently conducted a pilot program at Las Vegas McCarran Airport, adding an automated facial matching capability to existing CAT systems to assess operational effectiveness for matching a traveler's image to the photo on the ID they present to the officer at the TDC. In carrying out these efforts, which are designed to find ways to both improve security effectiveness and enhance the passenger experience, TSA is committed to ensuring appropriate privacy and data protections are in place. Building upon the biometrics report DHS submitted to Congress earlier this year, we are currently working with DHS Science and Technology Directorate to analyze data derived from the Las Vegas pilot to evaluate camera system and system matching performance and assess any variation in biometric performance based on the reference image source.

Looking abroad, for the last 2 years, TSA has implemented 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 283 last-point-of-departure airports in 106 countries. These airports service approximately 338 U.S. and foreign airlines, transporting an average of 375,000 passengers on 2,100 flights daily. While those actions are effective in the near term, TSA is focused on raising the global baseline for aviation security through long-term partnerships and cooperation. As mandated by the TSA Modernization Act, earlier this year TSA conducted a Global Aviation Security Review. Through that process, we identified a number of best practices related to enhancing collaboration with foreign partners on aviation security capacity and performed focused audit visits to determine compliance with TSA Security Directives/Emergency Amendments. TSA is using that review to advance the improvement of international aviation security standards for passengers.

TSA also continues to improve air cargo security. Earlier this year, per the TSA Modernization Act, TSA established an air cargo division, reviewed the effectiveness of the certified cargo screening program, and conducted a feasibility study of the potential use of CT systems for screening air cargo. Consistent with the TSA Modernization Act requirement as well as the results of that study, TSA has initiated a pilot program with an all-cargo entity to test the effectiveness of CT for screening in such a setting. 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.

In addition to our aviation passenger screening mission, TSA continues to oversee the security of the surface transportation system. On a daily basis, TSA assists surface stakeholders by 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, sharing intelligence information, and executing collaborative law enforcement and security operations—such as those operations conducted by the Visual Intermodal Prevention and Response (or VIPR) teams. Since December 2018, TSA, in partnership with the Cybersecurity and Infrastructure Security Agency (CISA), has conducted 4 Validated Architecture Design Reviews, which are in-depth cybersecurity assessments, at select pipeline companies and has 4 additional assessments scheduled. We also conducted 18 intermodal security exercise training programs (I-STEP) exercises this

past fiscal year to evaluate and enhance the preparedness level of the Nation's surface transportation modes. In an effort to improve the support and services we provide, over the last several months TSA has elevated the Surface Operations leadership position, realigned resources to focus on surface inspections, established the Surface Transportation Security Advisory Committee, and distributed a survey to more than 3,000 surface transportation stakeholders to better assess their needs.

Finally, TSA continues to work to address current and evolving threats by looking at emerging technologies, including from outside the transportation environment, to assess how they might be applied in the surface transportation environment. Through the process of establishing operational test beds, TSA works with surface transportation owners and operators to develop and deploy technology solutions to advance security 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, the test bed approach assists with development of their technology requirements, helps inform their acquisition decision-making process, and enables TSA to share the results of the testing in various technology forums. As an example of how the test bed approach assists stakeholders, Los Angeles Metro used results from its test bed partnership with TSA last year to support its application for a Transportation Security Grant to procure state-of-the-art stand-off explosives detection systems. These systems are in service, helping to secure the LA Metro system from terrorist threats.

ACCELERATE ACTION

In many ways, 2019 represents a year of implementation of a number of initiatives that TSA accelerated last year—specifically, deployment of both CT and CAT technology at the checkpoints. This year has also included a renewed focus on developing the next generation of Advanced Imaging Technology (AIT) devices. TSA is currently partnering with the DHS Science and Technology Directorate, the Department of Energy, and security stakeholders to assess next generation enhanced AIT systems. Through providing automated target algorithms with more data, these systems should increase detection performance and reduce potential false alarms without compromising an individual's privacy. TSA will also continue to conduct airport trials of alternative AIT solutions designed to reduce processing times and improve performance accuracy.

By embracing emerging technologies, leveraging agile processes, and facilitating collaboration, TSA is positioning itself to keep pace with industry partners while advancing security across all modes of transportation. To that end, TSA has formalized a strategic management process that aligns strategy and policy to operations by leveraging risk assessment capabilities to inform budgeting and investment decisions. We used this approach in the development of the TSA fiscal year 0–24 Capital Investment Plan that was submitted to Congress earlier this year pursuant to the TSA Modernization Act requirement.

Additionally, consistent with the direction of the TSA Modernization Act, TSA conducted a review of advanced security screening technology testing and evaluation, acquisitions, and procurement practices within TSA and, among other things, assessed how it can further encourage innovation and competition among technology stakeholders, including through increased participation of and funding for small business concerns. Through TSA's Innovation Task Force Broad Agency Announcement, we solicited solutions to 9 different problem statements related to issues ranging from alarm resolution to identity verification to automated security design. In response to that request, TSA received 85 total submissions from 104 unique vendors, 55 percent of which had never responded to a TSA solicitation before, and 72 percent that had never contracted with TSA. Of the 12 solutions that were ultimately selected for demonstration in an operational environment, 7 were provided by small businesses. In fiscal year 2019, over \$460 million of TSA's \$1.87 billion of funding available for contracts, or 24.5 percent, was obligated to small businesses, exceeding our established small business goal of 23 percent for the year. Finally, on October 11, 2019, TSA announced the opening of a window for the qualification of vendor CT systems under the Checkpoint Property Screening System (CPSS) program. The notice also advises industry that resulting solicitations for qualified systems may include set asides for a portion of CPSS requirements.

COMMIT TO OUR PEOPLE

TSA recognizes that our strategic success depends upon our workforce. Our priority to Commit to Our People focuses on our ability to attract, hire, train, develop, promote, and equip our workforce at all levels of the organization. TSA commissioned a Blue-Ribbon Panel comprised of public and private-sector leaders with ex-

tensive human capital expertise to conduct a full review of the human capital service policy and delivery at TSA, including TSO pay and compensation, to identify ways we can improve as an organization. Among a number of findings, the Panel reaffirmed that TSA's authorizing statute, the Aviation and Transportation Security Act (ATSA), provides TSA with greater authority and flexibility to manage our workforce than the Title 5 General Schedule. Working within that authority, TSA currently has a number of initiatives under way that are designed to enhance our ability to compete as an employer and attract and retain talent.

- *Two-Tier Performance System.*—Based upon input from our workforce, we determined that the way we had implemented our multi-tier performance system was placing significant paperwork burdens on our employees and supervisors without providing meaningful distinctions between employees or benefits for their professional development. Beginning this month, TSA shifted to a simpler two-tier system for the screening workforce (e.g., meets standards/does not meet standards) that will streamline the process and significantly reduce subjectivity.
- *Model Officer Recognition.*—Also earlier this month, TSA announced a new program that provides the agency with a mechanism to better recognize its top officers for the work they are doing throughout the year with monetary and non-monetary awards for special acts as well as pay increases.
- *TSO Career Progression.*—This initiative provides a clearly-defined and transparent career path for uniformed officers with pay increases tied to enhanced skills and training. The first phase of TSO Career Progression was implemented in August 2018, and TSA has updated and rolled out 6 new training classes this past year.

Over the last few years, TSA has seen significant improvements in the results of the annual FEVS. While we are proud of the advancements reflected through the FEVS, we realize that as an Agency we must continue to innovate and compete as an employer to ensure our workplace attracts, keeps, and develops great personnel. We are confident that the actions we have taken to improve employee communications with senior leadership through reestablishing the National Advisory Council and creating uniformed advisors to the administrator, as well as the initiatives noted previously, will advance our efforts toward that goal.

CONCLUSION

TSA is grateful for the authorities provided through the TSA Modernization Act and is committed to implementing its requirements as quickly as possible while executing our strategic priorities. While those goals are ambitious, they are necessary to stay ahead of persistent, determined adversaries while also preserving individual freedoms and the benefits of an open, efficient transportation system. TSA was created in the aftermath of the September 11, 2001, attacks on our homeland, and we are resolute in our desire to ensure that a similar event never occurs in the future. We are confident that through vigilance, collaboration with domestic and international partners, and the continued support of Congress and all of our stakeholders, such an attack will not occur on "Our Watch."

Chairman Correa, Ranking Member Lesko, and Members of the subcommittee, 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.

Mr. CORREA. Thank you very much, Ms. Cogswell.

I would like to recognize Mr. Bill Russell to summarize his statement in 5 minutes.

Sir.

STATEMENT OF WILLIAM RUSSELL, DIRECTOR, HOMELAND SECURITY AND JUSTICE, GOVERNMENT ACCOUNTABILITY OFFICE

Mr. RUSSELL. Good morning, Chairman Correa, Ranking Member Lesko, and Members of the subcommittee. I am pleased to be here today to discuss TSA progress to implement the TSA Modernization Act.

As you know, the Act included provisions intended to, among other things, improve aviation security, screening technologies,

oversight of passenger screening processes, and surface transportation.

The Act also included a number of provisions for GAO to review TSA's progress.

This statement summarizes past work and observations from some of our on-going work in assessing TSA's actions for selected areas.

Overall, this body of GAO work shows that TSA has made progress consistent with provisions under the Act, but can improve in a number of areas.

First, in terms of international aviation security, TSA took steps to strengthen assessments of foreign airport operators. For example, since our December 2017 report, TSA further enhanced its foreign airport assessments by capturing better data on vulnerabilities so they can be effectively mitigated.

In addition, the Act included a provision for GAO to review security directives for airports in foreign countries that offer last-point-of-departure flights to the United States. TSA may revise or issue new security directives for domestic air carriers, and emergency amendments for foreign air carriers when threat information or vulnerabilities at foreign airports indicate an immediate need for air carriers to implement additional security measures.

In our review of this process, we found the TSA did not fully define how to coordinate with industry representatives prior to updating directives, which can lead to some difficulties in implementing needed changes.

TSA had also not yet fully determined whether to cancel or incorporate many long-standing security directives into air carriers' security programs in full accordance with TSA policy. We made several recommendations to address these issues, and TSA concurred with them.

The Modernization Act also included provisions related to oversight of passenger screening rules. TSA developed screening rules by considering current intelligence and other factors to identify passengers who may require enhanced screening. In our forthcoming report we found that oversight of this process has improved. TSA coordinates rule reviews through quarterly meetings, and notifies an expanded set of DHS and TSA stakeholders of rule changes, as called for under the Act.

We also found that, while TSA tracks some data related to rule implementation, it does not comprehensively measure rule effectiveness. We recommended that TSA explore additional data sources for better measuring the effectiveness of these rules. TSA is currently reviewing this recommendation.

In terms of screening technologies, we reviewed the process used by TSA to deploy those technologies to airports, and in our forthcoming report we found that TSA considers risks in its deployment decisions, but has not fully documented them.

Importantly, we also found that, after screening technologies have been deployed to airports, TSA does not fully ensure that these technologies continue to meet detection requirements, even though performance of that technology can degrade over time. We made several recommendations to address these issues, and TSA is currently reviewing them.

Per the Act, we also reviewed TSA pipeline security efforts. We found that TSA's management of key aspects of its pipeline security can be improved, although coordination with pipeline operators is good. For example, TSA needs to better evaluate the number of staff and resources that it devotes to pipeline security, and to include a strategic work force plan that can help it effectively identify the skills and competencies, such as cybersecurity expertise, necessary to carry out responsibilities. TSA concurred with those recommendations to address the issues, and has efforts under way.

In conclusion, TSA has taken important steps to improve security and response—Modernization Act, but additional actions will be needed, going forward, and we will continue to review TSA progress to implement these remaining portions of the Act.

Chairman Correa, Ranking Member Lesko, this concludes my prepared remarks, and I look forward to your questions.

[The prepared statement of Mr. Russell follows:]

PREPARED STATEMENT OF WILLIAM RUSSELL

OCTOBER 29, 2019

GAO HIGHLIGHTS

Highlights of GAO-20-225T, a testimony before the Subcommittee on Transportation and Maritime Security, Committee on Homeland Security, House of Representatives.

Why GAO Did This Study

Threats to the Nation's transportation systems persist and continue to evolve. Within DHS, TSA is the Federal agency with primary responsibility for the prevention of and defense against terrorist and other threats to the United States' civil aviation, and rail, public transit, pipeline, and other surface transportation systems. The TSA Modernization Act includes provisions intended to enhance security across this broad range of systems and further called on GAO to review TSA's progress in these areas.

This statement summarizes past and on-going work related to TSA's actions to address selected aviation and surface transportation security areas covered by the TSA Modernization Act. This statement is based on products GAO issued from December 2017 through October 2019 and draft reports with TSA for comment.

To perform this work GAO reviewed TSA program documents, visited domestic and foreign airports, and interviewed TSA officials, DHS officials, and transportation industry stakeholders, including associations and air carriers.

What GAO Recommends

GAO has made recommendations designed to address the challenges discussed in this statement. TSA concurred with recommendations from prior work and is currently reviewing recommendations from our draft reports, including those regarding passenger screening rules and aviation screening technologies.

TRANSPORTATION SECURITY.—TSA HAS TAKEN STEPS TO IMPROVE SECURITY AREAS IDENTIFIED IN THE TSA MODERNIZATION ACT, BUT ADDITIONAL ACTIONS ARE NEEDED

What GAO Found

The Department of Homeland Security's (DHS) Transportation Security Administration (TSA) has made initial progress in certain security areas mandated by the TSA Modernization Act, but additional actions are needed.

- *International aviation security.*—In December 2017, GAO reported that TSA has taken steps to enhance its foreign airport assessments. Since that time, TSA has developed a tool to better track and address foreign airport vulnerabilities. In addition, TSA reviews security directives and emergency amendments it issues to address security concerns. However, TSA's review process does not fully define how to coordinate with industry representatives and it has not determined if it is appropriate to incorporate the security measures of many long-standing directives into air carrier security programs in accordance with TSA policy. In October 2019, GAO recommended, and TSA officials agreed, that TSA

better define how to coordinate with air carriers when reviewing directives and when to incorporate directives into security programs.

- *Passenger screening rules.*—TSA develops screening rules by considering current intelligence and other factors to identify passengers who fall within the scope of the rules for enhanced screening. GAO found that TSA coordinates rules reviews through quarterly meetings and notifies an expanded set of DHS and TSA stakeholders of rule changes as called for by the Act. TSA tracks some data on rule implementation but does not comprehensively measure rule effectiveness. In its draft report, GAO recommended that TSA explore additional data sources for measuring the effectiveness of its rules. TSA is currently reviewing this recommendation.
- *Aviation screening technologies.*—GAO found that TSA does not ensure that screening technologies continue to meet detection requirements after they have been deployed to airports. According to officials, the agency uses certification—a step in the test and evaluation process—to confirm that technologies meet detection requirements before they are deployed to airports, and calibration of the technologies to confirm that technologies are at least minimally operational while in use at airports. While these processes serve important purposes, performance can degrade over time. In its draft report, GAO recommended that TSA implement a process to ensure technologies continue to meet detection requirements after deployment. TSA is currently reviewing this recommendation.
- *Surface transportation pipeline security.*—In December 2018, GAO identified some weaknesses and made recommendations to strengthen TSA’s management of key aspects of its pipeline security program. For example, TSA does not have a strategic workforce plan to help ensure it identifies the skills and competencies—such as the required level of cybersecurity expertise—necessary to carry out its pipeline security responsibilities. GAO recommended, and TSA concurred, that TSA develop a strategic workforce plan. As of October 2019, TSA has not yet fully addressed this recommendation. We will continue to monitor progress.

Chairman Correa, Ranking Member Lesko, and Members of the subcommittee: Thank you for the opportunity to discuss our work on the Transportation Security Administration’s (TSA) actions to implement the TSA Modernization Act.¹ Within the Department of Homeland Security (DHS), TSA is the Federal agency with primary responsibility for the prevention of and defense against terrorist and other threats to the United States’ transportation systems. Threats to the transportation system persist and continue to evolve. For example, in March 2017, TSA imposed new screening measures to enhance aviation security after intelligence agencies confirmed that terrorist organizations had the capability to plant explosives in personal electronic devices, such as laptops.

The TSA Modernization Act includes provisions intended to, among other things, improve screening technologies, streamline the passenger screening process, mandate more rigorous background checks of airport workers, strengthen airport access controls, increase passenger checkpoint efficiency and operational performance, enhance security in public areas of airports, and improve surface transportation stakeholder coordination. The Act also included provisions for GAO to review TSA’s progress in a number of these areas.

This statement summarizes past work and preliminary observations of our on-going work on TSA’s actions to improve aviation and surface transportation security in select areas mandated by the TSA Modernization Act (the Act). This statement is based partly on 5 reports we issued from December 2017 through October 2019 on international aviation and pipeline security. In addition, this statement discusses key findings based on 3 draft reports regarding passenger screening rules, surface transportation, and passenger and checked baggage screening technology—which are currently with TSA for comment. Further, this statement includes preliminary observations from our on-going review of the security of airport public areas.

To perform work for our prior reports and draft reports with TSA for comment, we examined TSA program documents, visited domestic and foreign airports, and interviewed TSA officials, DHS officials, and transportation industry stakeholders, including associations and air carriers. Further details on our scope and methodology are available within each of our published products. In addition, we regularly followed up with relevant officials to solicit updated information on agency actions taken in response to our recommendations. For our on-going work on the security of public areas, we reviewed and analyzed the best practices and recommendations cited in the 2017 Public Area Security National Framework. We also interviewed

¹The TSA Modernization Act was enacted as part of the FAA Reauthorization Act of 2018. Pub. L. No. 115–254, div. K, tit. I, 132 Stat. 3186, 3542 (2018).

TSA headquarters and field-based officials, as well as airport operators and law enforcement personnel in selected airport locations.

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

TSA HAS TAKEN STEPS TO IMPROVE AVIATION SECURITY, BUT ADDITIONAL ACTIONS ARE NEEDED

TSA Has Taken Actions to Strengthen International Aviation Security but Could Take Additional Steps to Ensure the Security of U.S.-bound Flights

Civil aviation, including U.S.-bound flights, remains a target of coordinated terrorist activity. In the last 2 years, we issued reports on TSA's foreign airport and air carrier inspection programs (December 2017), assessments of Cuban aviation security (July 2018), and TSA's process for reviewing security directives and emergency amendments that apply at last-point-of-departure airports (October 2019).²

Foreign airport assessments and air carrier inspections.—In December 2017, we reported that TSA had taken steps to enhance its foreign airport assessments and air carrier inspections since 2011, including aligning resources based on risk, resolving airport access issues, making evaluations more comprehensive, and creating operational efficiencies.³ For example, we found that TSA had implemented targeted foreign airport assessments in locations where risk was high and developed a system to strengthen its data analysis capabilities.⁴ However, we also found that TSA's database for tracking the resolution status of security deficiencies did not have comprehensive data on security deficiencies' root causes and corrective actions. In addition, the database lacked adequate categorization mechanisms such as capturing subcategories that would better explain the root causes of security deficiencies. We recommended, among other things, that TSA fully capture and more specifically categorize data on the root causes of security deficiencies that it identifies and corrective actions. To implement this recommendation, TSA developed a tool to capture airport vulnerability data and provided training to staff in the use of the tool and developed guidance that delineates updated categories for root causes in its data systems.

Cuban aviation security.—In July 2018, we reported on TSA's efforts to ensure the security of air carrier operations between the United States and Cuba.⁵ We found that TSA's inspections and assessments in Cuba generally followed standard operating procedures, but TSA did not inspect all air carriers at its own established frequency. We recommended that TSA improve its ability to identify certain air carriers requiring inspection in Cuba and develop and implement a tool that more reliably tracks their operations between the United States and Cuba. In response to our recommendation and as required under the TSA Modernization Act, TSA developed several tools and processes that corroborate and validate flight schedule data.⁶ For example, TSA developed a tool to analyze aggregate flight data and validate or identify service to the United States from international locations and began issuing monthly reports on unscheduled operations to its inspectors responsible for Cuba. By taking these steps, TSA is better able to identify operations requiring inspection and corroborate and validate flight schedule data.

Security directives and emergency amendments.—When threat information or vulnerabilities at foreign airports indicate an immediate need for air carriers to implement additional security measures, TSA may issue new or revise existing security directives (for domestic air carriers) and emergency amendments (for foreign air

² A last-point-of-departure flight is a flight that does not make any intermediate stops between a foreign and U.S. airport.

³ GAO, *Aviation Security: TSA Strengthened Foreign Airport Assessments and Air Carrier Inspections, but Could Improve Analysis to Better Address Deficiencies*, GAO-18-178 (Washington, DC: Dec. 4, 2017). Through its foreign airport assessment program, TSA assesses the effectiveness of security measures at foreign airports using selected aviation security standards and recommended practices adopted by the International Civil Aviation Organization, a United Nations organization representing 191 countries.

⁴ According to TSA officials, the Global Risk Analysis and Decision Support System has provided them with a number of benefits, including the ability to run standardized reports, extract and analyze key data, and manage airport operational information, such as data on security screening equipment.

⁵ See GAO, *Aviation Security: Actions Needed to Better Identify and Track U.S.-Bound Public Charter Operations from Cuba*, GAO-18-526 (Washington, DC: Jul. 12, 2018).

⁶ See Pub. L. No. 115-254, div. K, tit. 1, § 1957(a), 132 Stat. at 3597.

carriers).⁷ The TSA Modernization Act includes a provision for us to review the effectiveness of the TSA process to update, consolidate, or revoke security directives, emergency amendments, and other policies related to international aviation security at last-point-of-departure airports.⁸ As of March 2019, there were 46 security directives and emergency amendments (i.e., directives) in effect related to air carrier operations at foreign airports.⁹

Earlier this month, we reported that TSA reviews directives, but its process does not fully define how to coordinate with industry representatives and TSA has not determined if it is appropriate to incorporate the security measures of many long-standing directives into air carrier security programs in accordance with TSA policy.¹⁰ Representatives from 4 domestic air carriers stated that coordination with TSA on directives has improved. However, representatives from 6 air carriers and 2 associations indicated that TSA has issued revised directives that are vague or difficult to implement because TSA did not sufficiently involve them in the review process. This contributed to TSA officials offering different interpretations of aircraft cabin search requirements. Further, TSA policy states that directives are not intended to be permanent and are expected to eventually be canceled or incorporated into security programs. Our analysis found that TSA issued more than one-half (25) of the directives prior to 2014, meaning they have been in effect for more than 5 years. Several have been in effect for more than 10 years. We recommended, among other things, that TSA better define how to coordinate with air carriers when reviewing directives and when to cancel or incorporate long-standing security directives and emergency amendments into security programs. TSA agreed with our recommendations and plans to develop a process for more formal and consistent coordination with air carrier and industry association stakeholders and consideration of directives for cancellation or incorporation into security programs.

TSA Created a Domestic Aviation Security Working Group to Develop and Update Leading Practices with Transportation Security Stakeholders

Public area security.—In November 2013, an armed individual entered the Los Angeles International Airport, firing multiple shots killing a transportation security officer and injuring 2 others and a passenger. As a result of this and subsequent airport attacks, TSA co-hosted a series of security summits with stakeholders and published the Public Area Security National Framework in May 2017 outlining a series of best practices and recommendations to secure airport public areas. The TSA Modernization Act required TSA and the DHS Cybersecurity and Infrastructure Security Agency to establish a public area security working group to promote collaboration between TSA and public and private stakeholders to develop non-binding recommendations for enhancing security in public areas of transportation facilities.¹¹ The Act also requires TSA to periodically share best practices developed by TSA and transportation stakeholders related to protecting public spaces of transportation infrastructure from emerging threats.¹²

In March 2019, TSA officials established the public area security working group to engage with stakeholders to validate and update the best practices that were developed in the 2017 Public Area Security National Framework. The working group consisted of security stakeholders from both aviation and surface transportation modes. In October 2019, TSA officials told us that they plan to issue an updated list of best practices in the fall of 2019.

Insider threats.—Recent incidents involving aviation workers misusing their access privileges have heightened concerns regarding the risk of insider threats at airports. TSA estimated in 2018 that there were approximately 1.8 million people with unescorted access to secured areas of the Nation's airports.¹³ We have on-going work examining the actions TSA, airport operators, and air carriers have taken to mitigate concerns regarding insider threats at airports and the extent to which

⁷ See 49 C.F.R. §§ 1544.105(d), 1544.305, 1546.105(d).

⁸ See Pub. L. No. 115–254, div. K, tit. I, § 1953(b), 132 Stat. at 3594.

⁹ Twenty-eight directives addressed threats (e.g., explosives in laptops) and 18 pertained to vulnerabilities identified at foreign airports (e.g., inadequate perimeter fencing).

¹⁰ GAO, *International Aviation Security: TSA Should Improve Industry Coordination and Its Security Directive and Emergency Amendment Review Process*, GAO–20–7 (Washington, DC: Oct. 3, 2019).

¹¹ See Pub. L. No. 115–254, div. K, tit. I, § 1931(b), 132 Stat. at 3569–70.

¹² See Pub. L. No. 115–254, div. K, tit. I, § 1932(a), 132 Stat. at 3571. See also Pub. L. No. 115–254, § 1931(c)(2), 132 Stat. at 3570.

¹³ In general, secured areas of airports are areas for which security measures, such as access controls, must be carried out to prevent and detect the unauthorized entry, presence, and movement of individuals and ground vehicles, and include areas where domestic and foreign air carriers enplane and deplane passengers and sort and load baggage, and any adjacent areas not separated by adequate security measures. See 49 C.F.R. §§ 1540.5, 1542.201.

TSA's Insider Threat Program is guided by a strategic plan. Additionally, the TSA Modernization Act requires TSA, in consultation with the Aviation Security Advisory Committee to conduct a study examining the cost and feasibility to airports, airlines, and TSA of implementing enhanced employee inspection measures at all access points between non-secured areas and secured areas of certain airports.¹⁴ We will review this study once submitted by TSA.

TSA Coordinates Reviews of Passenger Screening Rules, but Could Better Measure Rule Effectiveness

Screening rule changes.—In 2010, TSA began identifying passengers for enhanced screening who are not known or suspected terrorists, but who fall within the scope of screening rules. Specifically, TSA identifies passengers for enhanced screening through the application of screening rules, which TSA develops by considering current intelligence and other factors. TSA refers to these rules and lists as Silent Partner and Quiet Skies. Silent Partner rules identify passengers for enhanced screening on inbound flights to the United States. Quiet Skies rules—a subset of the Silent Partner rules—identify passengers for enhanced screening on subsequent domestic and outbound flights. The TSA Modernization Act includes a provision for GAO to review the oversight mechanisms and effectiveness of Silent Partner and Quiet Skies.¹⁵

We found that TSA coordinates reviews of Silent Partner and Quiet Skies through quarterly meetings and notifies an expanded set of DHS and TSA stakeholders—including DHS Traveler Redress Inquiry Program and the Federal Air Marshal Service—of rule changes as required under the Act. We also found that TSA has not identified a means to comprehensively measure rule effectiveness. TSA officials explained that they had not yet fully assessed the rules' effectiveness because it was difficult to measure. TSA has access to data—such as the outcomes of enhanced screening of Silent Partner and Quiet Skies passengers at airport checkpoints—that could be explored to better assess rule effectiveness. Exploring additional data sources could help TSA refine and supplement the agency's existing efforts to measure program effectiveness. In our draft report, we recommended that TSA explore additional data sources for measuring the effectiveness of Silent Partner and Quiet Skies rules. TSA is currently reviewing the draft report and is scheduled to provide any comments by early November 2019.

TSA Should Ensure Aviation Screening Technologies Continue to Meet Detection Requirements after Deployment

To protect the U.S. aviation sector, including the roughly 440 airports it regulates, TSA deploys technologies to screen passengers and their carry-on and checked baggage for homemade explosives and other prohibited items that could, among other things, cause catastrophic damage to an aircraft. The on-going threat of terrorism requires TSA to continually assess the effectiveness of its screening operations and, when necessary, develop and deploy new screening technologies. The TSA Modernization Act includes a provision for us to review whether TSA allocates resources appropriately based on risk at TSA-regulated airports, among other things.¹⁶

Our review of TSA acquisition documents found that TSA considers risk at the beginning of the screening technologies acquisition process. However, TSA officials could not provide an example of when risk information for specific airports had directly influenced decisions about where and in what order to deploy screening technologies to airports in the recent past. Fully disclosing what risk factors are weighed and how decisions are made could better ensure that TSA's deployment of screening technologies matches potential risks. We recommended that TSA officials document their assessments of risk and the rationale behind decisions to deploy screening technologies.

We also found that TSA does not ensure that screening technologies continue to meet detection requirements after they have been deployed to airports, when performance can degrade over time. According to officials, the agency uses certification—a step in the test and evaluation process—to confirm that technologies meet detection requirements before they are deployed to airports, and calibration of the technologies to confirm that technologies are at least minimally operational while in use at airports. They stated that these processes are sufficient to assure TSA that

¹⁴ See Pub. L. No. 115–254, div. K, tit. I, § 1931(b), 132 Stat. at 3572. Established in 1989, the Aviation Security Advisory Committee provides advice to the TSA administrator on aviation security matters, including the development, refinement, and implementation of policies, programs, rule making, and security directives. Committee members represent stakeholder groups affected by aviation security requirements. See 49 U.S.C. § 44946.

¹⁵ See Pub. L. No. 115–254, div. K, tit. I, § 1949(e), 132 Stat. at 3589.

¹⁶ See Pub. L. No. 115–254, div. K, tit. I, § 1923, 132 Stat. at 3561.

screening technologies are operating as intended. While these processes serve important purposes, they do not ensure that screening technologies continue to meet detection requirements after they have been deployed because performance can degrade over time. Developing and implementing a process to ensure technologies continue to meet detection requirements after deployment would help ensure that TSA screening procedures are effective and enable TSA to take corrective action if needed. In our draft report, we recommended that TSA develop and implement a process to ensure technologies continue to meet detection requirements after deployment. TSA is currently reviewing the draft report and is scheduled to provide any comments by early November 2019.

ACTIONS ARE NEEDED TO IMPROVE SURFACE TRANSPORTATION SECURITY

TSA Should Improve Coordination for its Surface Transportation Security Training Program

The TSA Modernization Act includes a provision that we review resources provided to TSA surface transportation programs and the coordination between relevant entities related to surface transportation security.¹⁷ According to our analysis, TSA Surface Programs received \$123 million in fiscal year 2017 and \$129 million in fiscal year 2018.¹⁸ The surface program appropriation represented about 1.6 percent of TSA's total appropriation in both fiscal years, according to DHS data.

We also found that in fiscal years 2017 through 2019, TSA reported using surface program resources for non-surface activities. For example, in fiscal year 2018, TSA reprogrammed \$5 million from the Surface Programs account to Mission Support activities to address security requirements and increase hiring of transportation security officers.

Further, we found that TSA could improve internal coordination roles and responsibilities for planning and implementing its voluntary Intermodal Security Training and Exercise Program (I-STEP)—a program intended to engage with system operators and Governmental security partners to enhance surface transportation security. For example, officials from TSA's office that provides intelligence briefings during program exercises stated that they do not typically participate in planning meetings because they are not consistently invited to attend. In our draft report, we recommended that TSA clarify roles and responsibilities for all offices involved in the coordination of surface transportation exercises, including when these offices are to coordinate. TSA is currently reviewing the draft of this report and is scheduled to provide any comments by early November 2019.

Actions Needed to Reflect Pipeline Security Roles in Key Documents and to Address Weaknesses in TSA's Pipeline Security Program Management

More than 2.7 million miles of pipelines transport and distribute the natural gas, oil, and other hazardous liquids that the people and businesses within the United States depend on to operate vehicles and machinery, heat homes, generate electricity, and manufacture products. Responsibility for safeguarding these pipelines is shared by TSA; the Pipeline and Hazardous Materials Safety Administration (PHMSA), within the Department of Transportation (DOT); and pipeline operators. TSA oversees the security of all transportation modes, including pipelines. PHMSA oversees pipeline safety. DHS and DOT signed a memorandum of understanding (MOU) on their roles across all transportation modes in 2004, and an Annex to the MOU in 2006 to further delineate their pipeline security-related responsibilities. The TSA Modernization Act included a provision for GAO to review DHS and DOT roles and responsibilities for pipeline security.¹⁹

We reported in June 2019 that key pipeline security documents need to better reflect the current operating environment.²⁰ For example, the MOU Annex has not been reviewed to consider pipeline security developments since 2006. As a result, the MOU Annex may not fully reflect the agencies' pipeline security and safety-related activities. We reported that by developing and implementing time frames for reviewing the MOU and updating it, as appropriate, TSA and PHMSA could better

¹⁷ See Pub. L. No. 115–254, div. K, tit. I, § 1966, 132 Stat. at 3607.

¹⁸ Surface activities are primarily carried out by 3 TSA offices—Security Operations; Law Enforcement/Federal Air Marshal Service; and Policy, Plans, and Engagement. TSA reported that these offices were collectively allocated about 99 percent of TSA's Surface Programs appropriation in fiscal year 2017 and 93 percent in fiscal year 2018.

¹⁹ See Pub. L. No. 115–254, div. K, tit. I, § 1980, 132 Stat. at 3619.

²⁰ GAO, *Critical Infrastructure Protection: Key Pipeline Security Documents Need to Reflect Current Operating Environment*, GAO–19–426 (Washington, DC: June 5, 2019).

ensure any future changes to their respective roles and responsibilities are clearly delineated and updated on a regular basis.

In addition, TSA's Pipeline Security and Incident Recovery Protocol Plan, issued in March 2010, defines the roles and responsibilities of Federal agencies and the private sector, among others, related to pipeline security incidents. For example, in response to a pipeline incident, TSA coordinates information sharing between Federal and pipeline stakeholders and PHMSA coordinates Federal activities with an affected pipeline operator to restore service. However, TSA has not revised the plan to reflect changes in at least 3 key areas: Pipeline security threats (e.g., cybersecurity threats), incident management policies, and DHS's terrorism alert system. By periodically reviewing and, as appropriate, updating its plan, TSA could better ensure it addresses changes in pipeline security threats and Federal law and policy related to cybersecurity, incident management and DHS's terrorism alert system, among other things. We made 5 recommendations to address these issues, including for TSA and DOT to develop and implement a time line for reviewing and updating the 2006 MOU Annex and for TSA to periodically review and update its 2010 pipeline incident recovery plan, as appropriate. TSA and PHMSA have actions under way to address our recommendations. For example, PHMSA officials stated that PHMSA and TSA continue to collaborate on updates to the 2006 MOU Annex.

TSA has also developed and provided pipeline operators with voluntary security guidelines, and evaluates the vulnerability of pipeline systems through security assessments. However, in December 2018 we identified some weaknesses and made recommendations to strengthen TSA's management of key aspects of its pipeline security program.²¹ For example, we reported that the number of TSA security reviews of pipeline systems has varied considerably over time. TSA officials stated that staffing limitations—ranging from 1 full-time equivalent in 2014 to 6 from fiscal years 2015 through 2018—within its Pipeline Security Branch have prevented TSA from conducting more reviews. Further, TSA does not have a strategic workforce plan to help ensure it identifies the skills and competencies—such as the required level of cybersecurity expertise—necessary to carry out its pipeline security responsibilities. We recommended that TSA develop a strategic workforce plan. As of October 2019, TSA has not yet fully addressed this recommendation. We will continue to monitor progress.

Chairman Correa, Ranking Member Lesko, and Members of the subcommittee, this concludes my prepared statement. I would be happy to respond to any questions you may have at this time.

Mr. CORREA. Mr. Russell, thank you very much. You have a minute left. Thank you.

[Laughter.]

Mr. CORREA. I thank all the witnesses for your testimony. I will remind each Member that he or she will have 5 minutes to ask questions of our panelists.

Now I would like to recognize myself for the first set of questions. The first one is for Ms. Cogswell.

As you know, part of the TSA Act, Congress codified a 5-year term for the administrator of TSA. The current administrator, Mr. Pecoske, is wearing 2 hats. One is the administrator, and the other is acting secretary. Given these dual roles and duties, who is running the day-to-day operations at TSA?

Ms. COGSWELL. Sir, thank you very much for your question.

As part of his re-designation and position as the senior official performing the duties of the deputy secretary, he has authorized me to run most of the day-to-day operations for TSA. Through that process I have a series of areas where I consult with him on a regular basis to ensure consistency with his direction and approach.

Mr. CORREA. Thank you. How do you decide which issues are delegated to him versus you, and how has that affected the implementation of the Act?

²¹TSA agreed with our recommendations. See GAO, *Critical Infrastructure Protection: Actions Needed to Address Significant Weaknesses in TSA's Pipeline Security Program Management*, GAO-19-48 (Washington, DC: Dec. 18, 2018).

Ms. COGSWELL. With—the way we have been approaching this process is through long-standing close collaboration. As you might expect, I talk to him multiple times a week. I look for any issues that I believe are particularly sensitive or time-consuming in nature to ensure that there is no instance where he would be caught off guard.

Mr. CORREA. Given the concerns that we have—and I am sure you are doing a great job—do we need a stable leadership at the top of the agency? Should these vacancies be filled?

Ms. COGSWELL. It is incredibly important for TSA to have stable leadership over an extended period of time. I think it is one of the best parts of the Act, was creating that goal and that mindset. I know the administrator shares that goal. I know he very much is a believer in this role, and this position, and would very much like to be able to see out the remainder of his term.

At the same time, we recognize the importance of continuity across the Department of Homeland Security. I can think of no one better qualified to be able to serve in this type of position than David Pekoske.

Mr. CORREA. As you know, Homeland Security has such a critical role defending our citizens, not only here, but around the world. So we want to be of as much help as possible, making sure you are able to implement your mission.

Turning to another issue, which is workforce issues, as you know, the subcommittee has focused on the issues affecting the work force. Section 1907 of the Act requires that TSA convene a work force group with labor and submit to Congress a report containing recommendations to reform TSA's personnel management system.

What is the status of that report?

Ms. COGSWELL. Sir, the working group has formed and had many productive discussions, down to and including we extended the period of time because the discussions were so productive they had additional items they wanted to conclude. The working group concluded its deliberations at the end of August, and completed the drafting of the report in September. The report is now in clearance.

Mr. CORREA. When will you expect that?

Ms. COGSWELL. I hope that it will be in a matter of weeks.

Mr. CORREA. A matter of weeks. Thank you.

The statute also says that the working group should consider reforms to the TSA personnel management system, including appeals to the merits of some protection board and grievances procedures. Were those topics considered by the working group?

Ms. COGSWELL. Specifically, the group highly focused around discipline and grievances, yes.

Mr. CORREA. Thank you very much. Madam Chair—excuse me—Madam Chair? I am the Chair. I would like to turn over—I now yield and I would like to recognize the Ranking Member of the subcommittee, the gentleperson from Arizona, Mrs. Lesko, for questions.

Mrs. LESKO. Thank you, Mr. Chairman. You also had, like, a minute left. So we are really buzzing by here. This is great.

Mr. CORREA. We are going to have a second round.

Mrs. LESKO. Oh, OK. I am going to have a question for both of you.

In the GAO's initial report from the TSA Modernization Act, the review found that TSA does not ensure that screening technologies continue to meet detection requirements after they have been deployed to airports. In this review the GAO recommended that TSA implement a process to ensure technologies continue to meet detection requirements after deployment, and that TSA is currently reviewing this recommendation.

So my first question is for Mr. Russell.

Can you expand on this a little bit more? So we are putting in new technologies like, let's say, CT scanners, and we are not checking up on them to see if they are still working. Is that what you are saying?

Mr. RUSSELL. Right. So what we found is, for the fielded screening technologies—so think about the body scanners, other pieces of equipment—there is an initial certification process when they complete the procurement process to ensure—run it through all its paces, it does meet all the requirements, as expected. Then it gets deployed to airports.

So what we found is that, on a—usually, a daily basis, most airports have a calibration kit that they run through the equipment that checks various diagnostics for the—that equipment is working properly. But that check does not include ensuring that the actual detection of an explosive or other prohibited item is operating at the same level as when it left, let's say, the factory and that certification testing. So that is what we are getting at.

Mrs. LESKO. So, Mr. Russell, is that done? This detection, would it normally be done by people that are just trying to sneak things through? Is that what it would be? Or are you just saying after hours, or whatever, they would—you would test it? How do you test it?

Mr. RUSSELL. So that is where we had the recommendation, that we think TSA should devise a process for how you periodically check that the equipment, once fielded, is, in fact, still operating at that high detection level when it left the certification process.

Mrs. LESKO. OK, thank you.

Ms. Cogswell, in relation to that, what can TSA do better? Do you have any ideas how you can do this?

I went to that area where you were testing the different technologies and that type of thing. So how would you do a better job at this? How would you test somebody? Would you do, like, surprise checks with undercover people? How—what are you thinking?

Ms. COGSWELL. Thank you, ma'am, and do very much appreciate your visit out to our transportation security integration facility, and would offer any of your colleagues, if they would like to come see it, as well, we would be happy to have you out.

This item is still under review. We are still putting together our official response.

I think you have highlighted one of the most important pieces is ensuring that the plan that we come up with will meet GAO's interest, while recognizing—we already do testing today, as you highlighted. We already have processes by which we have covert testing against our systems to look for overall throughput, including a

move to what we call index testing, where we do an assessment across our system to really understand what performance levels are at each time.

This recommendation, I think, goes at a slightly different area, which is the efficacy of the technology over time. We have got a couple ideas around this, but we will want to have a good discussion with GAO to make sure it matches their interests and thoughts. Because, to your exact point, we can't actually really bring a live explosive to a checkpoint on a regular basis, given all the equipment we have.

How is the best way to approach this that meets the needs, but is feasible and effective?

Mrs. LESKO. Thank you. With the 51 seconds I have left, I have a question that really doesn't deal with this GAO report, but it is to do with the REAL ID. You know, it is set to be in effect that everybody's supposed to have a REAL ID, a travel ID, by October 1, 2020. Do we have any, like, thoughts—does TSA have any thoughts? Because I am worried that people aren't going to get these things in time.

I mean, people are trickling in, getting these. Like, I have gotten one, my son has gotten one. But the deadline hits—what are we expecting is going to happen? Because I think all—every single Congress Member is going to be—like, tons of calls are going to happen because they are going to show up at their airport without this REAL ID, and they can't fly.

Ms. COGSWELL. So at this point the most important thing we can do is get wider awareness of the deadline out to as many people as possible, and help people understand that they have more than one option. So both—you can get a REAL ID-compliant license, but if your State is not quite there, you also have other options to receive compliant documentation. Examples include passports, a global entry card, a military ID.

So—but critical through all of this is to get the word out as far as possible, not only to the entire travel industry, who are working very hard with us, with local motor vehicle administrators to help create that awareness, to conduct local enrollment events at airports, at other locations, to try to ease that burden and make it more readily visible to people on how they can quickly update. But right now, most critical, we need to get the word out.

Mrs. LESKO. I think all of us should help in doing that, because otherwise there is going to be a big—a lot of people are going to call our offices, I think.

So you had mentioned one of the alternatives is global entry already. Is PreCheck also an alternative?

Ms. COGSWELL. At this time—and it is important to recognize how PreCheck works today. Through PreCheck we conduct a series of additional verifications looking for threat information in—within someone's background. However, when someone shows up at the travel document checker, at the front of the queue, what they are often presenting is their driver's license.

Under statute and implementing regulations, we are not allowed to accept a non-compliant driver's license after October 1, 2020.

Mrs. LESKO. All right. Thank you.

Mr. CORREA. Thank you, Mrs. Lesko. Now I would like to recognize Mr. Cleaver for 5 minutes of questions.

Mr. CLEAVER. Thank you, Mr. Chairman.

Ms. Cogswell, thank you for being here.

Mr. Russell, thank you, as well.

This—none of this has anything to do with your work, but, you know, I have been in—almost every other month, it seems, whenever we have had either a full hearing, a committee hearing, we have had a new director or a new acting director, which can't possibly be one of the better things that is happening to the agency. You know, and that is not a question. It is a declaration.

So my concern is that not only are we having, you know, the changes at the top, but, you know, when you—when we talk about the work force issues, we still have a—an unbelievably high turnover rate of TSA employees. That is—I hope that is as troubling to you as it is to me, because, you know, I go—I do an average of 1,800 air miles a week. So, you know, I get a chance to know the guys for about 6 months. Then there are a whole new group coming in. It seems like every flight, every other time I come to airport, they are training a new group to come in.

My analysis is that it is due to the poor pay. Are we going to get that changed?

Ms. COGSWELL. Thank you very much for the question, and I appreciate the—your efforts and interest in ensuring that you are caring for our work force. I appreciate it very much, and know they appreciate your engagement at the checkpoint when you go through. It means a lot to them when people care about them enough to ask how their day is, rather than just rushing along. So thank you so much for your support.

As to pay, what we have authority to do now and already do is provide a retention incentive. So for those airports where retention is significantly above what we would like to see, we are authorized and do pay a differential to them now. That differential ranges from about 5 percent over the regular salary, to up to 60 percent over the salary, depending on local working conditions and the level of retention we issue—we see at that specific location.

We have additional authorities with respect to other pay reforms that we can take. Within the Aviation and Transportation Security Act there is broad ability for us to set what type of pay system we have. What we don't have, however, is budget to make broad-scale changes across the board.

Mr. CLEAVER. OK, let's put a period right there for a—you can put a comma, but—because—so let me interpret what I thought I heard you say, that significant changes can be made, but there is a need to increase the funding for positions before that can be done on a scale that would assure employees that there is a future in this.

Ms. COGSWELL. We are very much working right now on a series of options that we are considering within the administration, and look forward to working with Congress, going—

Mr. CLEAVER. OK, all right, thank you.

Ms. COGSWELL [continuing]. Into the future—

Mr. CLEAVER. You are very kind. What I'm—I guess you can't—we need to pay them more money. If we or I need to push for a

higher budget, if we—if there is an understanding that everything is being done now to increase the salaries with the budget that is there, then my belief is that we need to do a budget increase, whatever we need to do, because I have never understood this.

The people in whose hands we place our lives every—for me, every week, sometimes 3 or 4 times a week, we pay them less money. I mean, I—it just doesn't register, you know, with me. I don't—I can't figure it out. So I want to fix it.

Mr. Russell, am I—can you help me? Somebody help me. Go get—can you help me? What do you think? What needs to be done?

Mr. RUSSELL. Yes. So one of the things that we have seen in 2018, we did a report that looked at the staffing allocation model, just to figure out how many airports—or how many TSOs you need to go to the airports, and what we found is that system is effective, but it is budget-constrained. So they plug in the amount of funding that they have, and then try to make the numbers work to best support the airports.

So it could be a different number of TSOs that are needed if you unconstrain it when you do that model without the current budget. If that helps.

Mr. CLEAVER. I think my time has run out before my questions ran out. But thank you very much, both of you.

Thank you, Mr. Chairman.

Mr. CORREA. Mr. Cleaver, we will have a second set of questions coming up. Thank you.

I would like to recognize Mr. Bishop now for 5 minutes of questions.

Mr. BISHOP. Thank you, Mr. Chairman.

Ms. Cogswell, TSA's explosives detection canine program is a critical element to screening passengers and baggage for a wide range of explosives threats. The TSA Modernization Act included several provisions aimed at improving that program. Section 1928 requires TSA to issue behavioral, medical, and technical standards for third-party explosives detection canines to screen passengers and property. What is the status of this provision, and can you provide any insight into what the committee can expect to see in terms of standards?

Ms. COGSWELL. Thank you very much. I share your appreciation for our canine detection teams. You know, I—every time I go out to airports or other locations and I see the canines in action, while I love my job, I wish I loved my job half as much as those dogs love their job.

[Laughter.]

Ms. COGSWELL. Every day you see their incredible dedication and their hard work. I love really seeing both the canines and their handlers in action.

I will say, as to your specific question, we have formed the working group, and the working group has submitted their recommendations to TSA. We are now in the process of formalizing those into standards, and should have those completed in the next month or 2.

Mr. BISHOP. The law also authorizes the third-party canine cargo screening program. How has this provision been implemented, and what has the response been from transportation stakeholders?

Ms. COGSWELL. We issued the implementing regulations last December, and began immediately training the various teams. We have more than 230 teams that have been certified to date, including a number of third-party entities who are able to provide that certification.

Overall, we have seen a tremendous interest out of the cargo environment, and receive a lot of support from industry for implementing that provision.

Mr. BISHOP. Thank you, ma'am.

Thank you, Mr. Chairman. I yield back.

Mr. CORREA. Thank you, Mr. Bishop. I would like to recognize Ms. Barragán now for 5 minutes of questions, sir—ma'am.

Ms. BARRAGÁN. Thank you. Thank you, Mr. Chairman.

Ms. Cogswell, you mentioned in your opening remarks some progress done on surface transportation security. The Act, the TSA Modernization Act, pushes TSA to study innovative ways to advance surface transportation security. Under section 1981 of the Act, the TSA is required to conduct the feasibility assessment of introducing advanced security technologies into surface transportation systems, and increasing vetting and identifying verification of the surface transportation passengers.

The assessment was due to Congress by April 3, 2019, but has not yet been produced. Can you tell us why that is the case, and whether there has been an impact on the staffing that has impacted this deadline?

Ms. COGSWELL. Thank you very much. As was noted also in my testimony, we stood up the Surface Transportation Security Advisory Committee.

We have also done a significant outreach effort across the country to engage with the various stakeholders involved in this process to identify where some of their highest interests and needs are, to ensure that, as we developed various ideas for that feasibility study and analysis, we were taking on those items of most interest.

Ms. BARRAGÁN. So do we know when the study is going to be ready for Congress, the one that was due in April?

Ms. COGSWELL. We still have some additional work under way within TSA to finalize up that analysis, and then it will need to go into review. So it will be issued early next year.

Ms. BARRAGÁN. Early next year. OK.

In 2013, a gunman shot and killed a TSA officer at Los Angeles International Airport, my home airport. In 2017, a gunman shot and killed 5 people at Fort Lauderdale International Airport. In the aftermath of these shootings, DHS and TSA called for airports to create unified operation centers to coordinate emergency response and improve communications.

In section 1987, the TSA—of the Modernization Act—required TSA to provide stakeholders a framework for establishing such centers. This language came from my bill, the Strengthening Local Transportation Security Capabilities Act.

Ms. Cogswell, what is the status of this effort, and what resources has TSA provided to airports?

Maybe you can shed some light on how many airports have created these unified operation centers.

Ms. COGSWELL. We have issued those guidelines. We have—currently are staffing full-time at 12 unified operation centers, and have another 4 that are staffed intermittently, depending on the various exercises or response activities under way at those locations.

We are working across the board with airports to understand what model works best with them, and what their expectations are for the other stakeholders within the airport community to promote a positive, unified response.

Ms. BARRAGÁN. OK. What more can TSA and Congress do to push airports to establish the centers? Is there anything else that we can do to be helpful?

Ms. COGSWELL. Continuing to talk about it. You are highlighting the need. The reason for people to not meet each other for the first time on a bad day, to regularly work problems together, is the most important thing.

Ms. BARRAGÁN. OK. I want to take a moment to applaud the work of TSA, and the work of the men and women who are on the front lines, I call it, at our airports. I am a firm believer that the greatest terror threat is going to come through airports and seaports, and the TSA officers and the work they do is so critical to the safety of Americans in the homeland. So I want to applaud their work, day in and day out.

My colleague touched upon the issue of pay and salaries. I, frankly, can't understand why we pay the men and women on the front line such a low amount of money, when they are responsible for our security. So I am greatly concerned about what we can do to increase morale, increase retention, and making sure that they have representation to be in the strongest position possible.

Now, the TSA Modernization Act directed your agency to create a working group to work with labor representatives and produce a report outlining recommendations on how TSA could perform its personnel management system. I am aware that TSA is late in submitting this report to Congress, so I am hoping you can provide clarity on it. When can we expect this report?

Can you now list any recommendations provided by this working group?

Ms. COGSWELL. The working group had a very productive discussion, agreed upon a number of joint recommendations. The report is in final administration clearance. We hope to have it cleared within the next few weeks.

Ms. BARRAGÁN. Great. Thank you, I yield back.

Mr. CORREA. Mrs. Watson Coleman, you are recognized for questions.

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

Ms. Cogswell, how are you today? Good. Ms. Barragán just asked you about the working group. Did the working group consist of the union members, as well? Was it the full—OK. When was it constituted?

Ms. COGSWELL. It started in the spring and went—after the shutdown, and went through full meetings, went through the end of August.

Mrs. WATSON COLEMAN. So the report that you are going to make is something that has—that you are going to report on, is that consensus between the union and the agency?

Ms. COGSWELL. Right—

Mrs. WATSON COLEMAN. With regard to these TSOs?

Ms. COGSWELL. Yes.

Mrs. WATSON COLEMAN. Well, we are really excited to see that.

The National Deployment Force, that—which is the short-term deployment force when there is a need, whether it is seasonal or issue-related, is sent to assure that there is adequate screening resources. The NDF was codified in section 1988 of the TSA Modernization Act—actually, based on my bill, the TSA National Deployment Force Act.

The NDF was deployed last year to larger airports like Seattle and Denver, where TSA did not meet its hiring goals, and to airports in Hawaii, where TSA has a difficult time attracting candidates. What steps are you taking to hire permanent TSOs at those particular challenging airports?

Ms. COGSWELL. Thank you very much for the authorization of the National Deployment Force. They have provided critical assets, not only for the issues you have identified, but in response to a wide range of various needs across TSA. This is a critically important aspect for us.

Mrs. WATSON COLEMAN. Right. I agree with you 100 percent. I just wanted to know what we are doing about trying to recruit people to work at those airports.

Ms. COGSWELL. Absolutely.

Mrs. WATSON COLEMAN. Can you—

Ms. COGSWELL. We have increased the retention incentive in those locations, and authorized additional, over-normal allocation hiring, so that they could ensure consistency over time with the full complement of staff needed, as well as authorizing some additional measures: Local travel, et cetera, so that there could be more load balancing in specific areas between hub and spoke airports in those areas.

Mrs. WATSON COLEMAN. So the work group that you—that was constituted—and report that is going to come out, it is also going to address these issues at—these areas that you particularly like to live in, live at, but you don't necessarily want to work there under the current conditions. Is that so?

Ms. COGSWELL. So the—

Mrs. WATSON COLEMAN. Will that affect how you work out these challenging airport hirings and retention?

Ms. COGSWELL. So the work group specifically looked at discipline procedures, as well as grievance procedures, focusing on those elements directly.

Mrs. WATSON COLEMAN. Did it not also look at hiring and retention?

Ms. COGSWELL. It did not.

Mrs. WATSON COLEMAN. Was it—was there an intention for it to look at the issue of retention, in particular?

Ms. COGSWELL. That was not an area where we signed them up for this round. We are having a number of other areas.

Mrs. WATSON COLEMAN. I am asking, though, does the bill, the law, include the discussion with the work group around those areas?

Ms. COGSWELL. I do not remember at this time.

Mrs. WATSON COLEMAN. I am not quite sure, but I think it does, because I think we were concerned about the recruitment and the retention and the discipline, you know, and any other sort of employee procedures. So I would appreciate feedback on that, if you don't mind.

I want to ask you about something that has come to my attention with—regarding the Federal air marshals. There was an article in September of this year that sort-of spoke to what is considered a crisis and chaos in the Federal air marshal area, and TSA's alleged inability to respond in such a way that keeps these air marshals from burning out.

You have had a series of suicides, you had several allegations of just sort-of mental health issues, and a lot of it having to do with scheduling, and the hours working, and the deprivation of sleep, and things of that nature. I was just wondering, do you all have something that you are doing internally that is addressing these issues, in particular, that you could highlight for us now, and perhaps we could discuss later?

Ms. COGSWELL. Absolutely. I look forward to discussing it more in-depth.

So, just as a highlight, I would note that that article did not bring forward new data. It was looking at prior information. So that—the important piece to note is we already had a number of items underway.

The first is where we are looking at what the right mix and balance is of flying versus on-ground time. That can mean, yes, your training time. It can mean what we call ground-based assignment, where you rotate out of flying for some period of time and perform some other security function—for example, at the airport. It also looks at how we best provide services to our air marshals so they have the help they need, should they need it, and equip other members of the work force to help engage with their colleagues.

Mrs. WATSON COLEMAN. Thank you. Through you, Mr. Chairman, it is an issue that I really would like for us to look at in a more in-depth way.

Mr. CORREA. So noted, and we will go in that direction. Thank you.

Mrs. WATSON COLEMAN. I yield back. Thank you. Thank you.

Mr. CORREA. Thank you very much. Now I would like to recognize a gentleperson from New York, Mr. Katko, for 5 minutes of questions.

Mr. KATKO. Thank you, Mr. Chairman. I appreciate the opportunity. Welcome to you all, thank you for being here.

As part of the TSA Modernization Act there was multiple insider threat provisions contained in it. So I just want to kind-of get an update. I know we are past the deadline for that, and given an opportunity to explain why we haven't received the information yet.

But for each one of these, if you could, just tell me where we are at in the process. But actually, before that, tell me briefly why we are not—you haven't met the deadline that is included in the bill.

Ms. COGSWELL. Thank you very much. The most important part through all of those insider threat elements is to ensure close, detailed cooperation and collaboration with the various stakeholders involved.

As you well know, we don't actually implement these by ourselves in most instances. We are actually asking the airports to implement when we issue any kind of regulatory action. So what we want to do is ensure that the recommendations we identify, as much as possible, are done through a jointly collaborative process. Then our feasibility analysis, including the economic analysis that goes with it, fully is in—fully informed by what our stakeholders see and believe would be the impacts.

Mr. KATKO. Now the deadline, I believe, is October. Do you have a projected deadline on when all these provisions will be accounted for and reported back to us?

Ms. COGSWELL. So the—probably the largest piece, the feasibility study, we had to do a survey of—more than 310 airports responded to that, which was wonderful input toward that analysis. That one is wrapping up, in terms of its process, and is about to go into interagency clearance. I hope, therefore, you would receive it early in the new year, if not before then.

Mr. KATKO. OK.

Ms. COGSWELL. As to a number of other provisions, we have gone through an effort to receive direct input from the Aviation Security Advisory Committee, and are working to put together an overall road map for insider threat for all modes.

Mr. KATKO. OK. I understand that, but it sort-of didn't answer my question. When do you expect to have all this done?

Ms. COGSWELL. So the actual report for all the recommendations we look to have to you by early January.

Mr. KATKO. OK, I appreciate that. I am concerned that there is a provision that we asked you to follow that you didn't get it in a timely manner. But I do appreciate the diligence with which you are doing it. If it goes past January, we might be a little bit more upset than we are right now. Just be forewarned.

Switching gears here, the PreCheck is PreCheck, though, which was passed into law. What is the status of the law's requirement to preserve the integrity of the TSA PreCheck lanes by only allowing enrolled passengers in PreCheck, while also establishing what the administrator said was the established modified screening lanes, or flex lanes that you call them, for other passengers determined to be low-risk?

Ms. COGSWELL. As you know, sir, we conducted pilots earlier this year for both models. Coming up on that, we determined both models are feasible. Both models have demonstrated throughput that we can manage. What we then needed to do was two-fold. No. 1, determine all of those locations, those airports where, based on current flow, projected volumes, we can go ahead and implement well in advance, and which locations doing a pure PreCheck lane wouldn't allow us to manage the overall throughput for that airport.

At this point in time, we believe that we are ready to start executing and have started executing cutting over for all of those airports where we believe we can do so now. We believe, in the end,

that is going to be about 75 percent of the total of 440 airports where we will be able to implement.

Mr. KATKO. OK. So now the current status of the PreCheck lane, is there non-PreCheck members still going through the PreCheck lane?

Ms. COGSWELL. There is. But, as I noted, we are starting to cut over now. You will start seeing airports roll that—will—

Mr. KATKO. When you say, “cut over,” what do you mean?

Ms. COGSWELL. We actually started this week.

Mr. KATKO. When you say, “cut over,” though, what do you mean by that?

Ms. COGSWELL. So for those airports, specifically, we will no longer have rules-based inclusion being used in that process.

Mr. KATKO. OK. When do you expect to be at 100 percent PreCheck only in PreCheck lanes? Because that is really what the bill is about. That is what we are really interested in.

Ms. COGSWELL. We are very mindful of the deadline and the interest to achieve that deadline. We very much also recognize the importance of providing a consistent experience.

What we want to also not do, however, is totally disrupt an airport by doing so in a way that doesn’t make sense. Critical to this is us being able to identify additional low-risk populations that would be eligible for some other kind of modified screening that is not as streamlined as PreCheck. That process is taking us a bit longer than I think any of us had hoped for, but critically important for us to get right.

We will continue to provide you updates.

Mr. KATKO. OK. But I want to be—forewarn you all that that is not an optional date for—to be in compliance. So I don’t want to have to have another hearing back here, saying you didn’t comply with that date, either.

It is very important, from a security standpoint, that only people that are in PreCheck, which is a higher level of repetitive screening of those candidates, should be in PreCheck. Also, people pay for it. It is a service that they expect to have and enjoy. So that is not an optional deadline in that law. So I want to forewarn TSA that, if that deadline is not met, there is going to be a lot of problems from this committee.

Ms. COGSWELL. Understood.

Mr. KATKO. Thank you. I yield back.

Mr. CORREA. Thank you, Mr. Katko. I concur with you on that specific point. That should not be an option.

Mr. KATKO. Thank you.

Mr. CORREA. I would like to ask unanimous consent from this committee to have Ms. Jackson Lee join us here, and to have Ms. Jackson Lee ask 5 minutes’ of questions.

Without objection.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

First of all, let me acknowledge the Chairman and the Ranking Member for their courtesy, and the Members of the committee.

With a little bit of nostalgia, this is a committee I chaired some years ago. So I want to, first of all, express my appreciation to all of the TSOs that work across the Nation. To reiterate what I have done over and over again, that since 9/11 the American people

would be absolutely shocked and amazed of the terrorist threats and danger to the aviation system that TSOs have prevented.

I am concerned on several things. But let me, first of all, start with—every time we mention the employment landscape, or the labor numbers, it looks like TSA says all is well. But you will find not even in the ordinary course of business, where there are holidays or otherwise, that there are long lines, and people are not in place, or shifts are changing.

What are you doing to modernize, from the perspective of a free flow of—a seamless system that has enough TSOs to be in place, whether or not they are at the AIT machine or elsewhere, to provide that extra level of comfort regarding the security mechanism that they are responsible for?

Ms. COGSWELL. TSA has an extensive model where we receive information from the aviation community about projected volumes, number of tickets sold, when new flights will be on board, so that we can model not only airport by airport, but down to checkpoint by checkpoint, based on projected volumes.

You have highlighted correctly there are instances where those models don't quite work. No. 1, of course, is any time there is a thunderstorm set that comes off the East Coast. But in a series of other instances, we look for how best to meet the need.

I will say the most important part, from our perspective, is ensuring that we are working to retain our throughput time lines within our established parameters, which is 30 minutes for standard, and 10 minutes for PreCheck.

Ms. JACKSON LEE. Does that mean—let me try to pierce that. Does that mean—do you have every TSO that you need to make the system work across the United States of America at this time?

Ms. COGSWELL. There are a number of instances, and we are working closely with those airports, where airline volume continues to increase at a very hefty rate, which is fantastic for our economy of this country.

Unfortunately, a number of these airports were not actually built to accommodate that level of throughput within the existing lane structure. In those instances, we work very closely with the airports to understand how best can we open up a new lane, move shops or other to make additional space. We then staff those lanes as they become available.

We also talk with them about what their longer-term plans are for redevelopment of their terminals to surface—service those additional volumes.

Ms. JACKSON LEE. I want to make the same point and follow up about the deadline regarding the certified identification, and I would hope that we could get an update as we move toward the deadline. I just fear a great deal of confusion, and also persons' inability to have that ID.

I would encourage—and let me just ask the question, because I have another question. Are you all doing a sort-of last-minute, massive education outreach level that you can actually hear it, and pierce it? That means it has to be on all levels of social media, including the old-fashioned television. I have seen and heard nothing. Absolutely nothing. So—

Ms. COGSWELL. Yes, we are working extremely closely across the board with the travel industry, talking to them about how they can change up some of the communications they have, as passengers are actually buying tickets. We are actually—as people are flying now, our officers are advising someone, “The document you are providing today”——

Ms. JACKSON LEE. You will do a—because my time is—you will do an outreach campaign, yourself——

Ms. COGSWELL. We are doing outreach.

Ms. JACKSON LEE. You are budgeted to do that?

Ms. COGSWELL. TSA is doing a full outreach around the traveling public. DHS is——

Ms. JACKSON LEE. Before the deadline?

Ms. COGSWELL. We have started already.

Ms. JACKSON LEE. All right. Let me ask you about the travel program. I want to raise the name of Crystal Sonnier. She is with the New Black Panther Party. I have spent the time dealing with the crisis of treatment by the TSA when she travels over and over again. From my perspective and her background, she proposes—or poses no threat.

What is her route of getting off of—I assume it shows up on her ticket. I use her as an example. She is allowing me to use her name. What is the process for someone—like when I first came here Ted Kennedy was on the list. John Lewis was on the list. How do you extract yourself from being—off this list?

I would also say that, as they do their job, I think it is very important to do their job. Let me be very clear. But can you have them particularly sensitive to the approach, to the language, to how you move the person around?

Obviously, they are not a threat right there, because you already see that they don’t have any weapons, they are already in the security area. But what is their process?

Ms. COGSWELL. Yes, ma’am. There is a couple pieces I would highlight out of this.

The first and foremost is the ability to go through what is called DHS TRIP. So anyone who has had an issue while traveling may apply through DHS TRIP. This is a program that is Government-wide, but we manage it out of TSA.

The No. 1 thing we find is the vast majority of individuals who are actually applying aren’t actually on a watch list, but might have a sounds-alike name, similar spelling, similar name, similar date of birth, and therefore are inadvertently matched against a record. Quite easy for those individuals. We are able to distinguish them after they provide us additional information. We then give them a redress number. When they use that redress number in their travel, as they are making it with the airline, we therefore know not that person, and therefore they will not match.

Ms. JACKSON LEE. I will pursue that with you further, and try to directly make sure that we can find a way.

I think it should be publicly made—Mr. Chairman, this is something that happened in the early, early, early stages of TSA, when an 8-year-old boy—we spent, like, 2 years trying to get him off the watch list. We—the late Senator Ted Kennedy, as I said, John Lewis, and a number of others were on this list, and were either

rejected for tickets, or couldn't get through. So we haven't heard as much, but we still have some of them, as you well know.

I think, for the traveling public, certainly TSO—TSA and TSOs are doing their job. But I really want to make sure that there is a pathway for those who are going through security and are not threats, and are treated as such.

But I thank you for yielding, and I look forward to working with you and monitoring the modernization program. Thank you. I yield back.

Mr. CORREA. Thank you, Ms. Jackson Lee. I think she is absolutely right. That is a very important issue.

Were you, Mr. Cleaver, on that list as well?

Ms. JACKSON LEE. I left out my pastor here. Thank you. Yes, you were. Don't want to speak out of turn, but I think he knows how it feels. I assume, because he has a very important and unique name. I yield.

Mr. CORREA. Thank you. Well, that being said, I would like to start a second round of questions, if I may, and I will start out with myself, recognizing myself for another 5 minutes of questions.

I want to follow up with—to Mr. Cleaver's comments about TSA personnel pay. We still have a lot of part-time folks working, correct?

Now, if I was to extrapolate from my discussions some of your workers, you do have high turnover. I think, if you have a part-time job, most of the folks working for you are there part-time until they can get another full-time job somewhere. So I think that is the crux of the issue. So this is a budgetary challenge that we have?

Ms. COGSWELL. We, actually, as part of the 2020 budget, changed up the ratio for our part-time, and are decreasing the number of part-time individuals authorized across our airports.

There are specific locations where it still makes a lot of sense. You have individuals who have retired from other jobs, and don't actually want to work a full schedule. Works very well for them, and especially in some of those locations, depending on the type of work force—

Mr. CORREA. So would you say a lot of those part-timers would prefer to be part-time or full-time?

Ms. COGSWELL. Those part-timers, those specific ones I highlighted, would prefer to stay part-time. There are others, however, who would very much like to—and would prefer to—

Mr. CORREA. I imagine there is a lot of folks that are not retired who would probably want some stability from a full-time job, and don't have that opportunity.

So I guess my next question is, in terms of budget, we have that tax, that fee we pay on tickets. That is supposed to go to airport security?

Ms. COGSWELL. Yes.

Mr. CORREA. It goes to airport security?

Ms. COGSWELL. All but the amount set aside under the Budget Control Act to go to deficit reduction.

Mr. CORREA. Say that again.

[Laughter.]

Mr. CORREA. I love the way you put that. Would you restate that? It doesn't go to airport security. It does not.

Ms. COGSWELL. That amount does not. That amount goes to deficit reduction. The remainder comes to TSA.

Mr. CORREA. So we tax our passengers for security, and that money does not go to security, it goes to debt budget reduction. Thank you.

Let's move on to small business participation. This committee is also focused on increasing small business participation, especially in the area of new screening technologies. The Act requires TSA to produce a strategy back in February to outline how you are supposed to get there.

What is the status of this strategy, and why are we 8 months late on this specific area?

Ms. COGSWELL. The strategy is within administration inter-agency clearance. We hope to have it out within the next few weeks.

I will say this is an area that I do actually feel quite proud, and might take a few minutes talking about some of the areas—

Mr. CORREA. Please do. I—we want to follow up on this, specifically.

Ms. COGSWELL. Thank you. Seek to incentivize and build out. We agree with you that it is critically important to continue to look for new entrants in this space, that we not solely see just a consolidation of the market, but that we also look for the best ideas even for—and, frankly, more importantly—from individuals who maybe never even thought of themselves as working in the security community.

Just as a couple examples I would like to highlight, last year we ran a special exercise through DHS Science and Technology with a number of entities out in the wider world, including educational institutions, to look at new algorithms for our AIT machines, the on-body screening detection systems. Incredibly promising work, all from individuals who had not previously provided this kind of service to TSA before. We have those algorithms in the lab now. Depending on the results, we would look to deploy them out on our existing fleet, increasing both our detection and reducing our false positives that we see in that arena.

Other examples. Of the \$2.1 billion the TSA spent last year in acquisitions, \$450 million was actually to small business, exceeding our target for last year, almost a quarter of our entire work.

Mr. CORREA. CT machines. Do you see small businesses engaging in this area?

Ms. COGSWELL. Yes.

Mr. CORREA. Of business?

Ms. COGSWELL. One of the vendors who is directly involved and is currently undergoing trials is, in fact, a small business.

Mr. CORREA. What percentage of your non-service contracts are set aside for small businesses?

Ms. COGSWELL. So at this time we have do not have a set-aside, but we have indicated in the current CT procurement that we may choose to have a set-aside.

Mr. CORREA. Do you have a set-aside for veterans?

Ms. COGSWELL. I don't know the answer. I can follow up with you.

Mr. CORREA. Please.

Ms. COGSWELL. If I might highlight one other area, if it is acceptable—

Mr. CORREA. Please do.

Ms. COGSWELL. So in this past year, just as an example, we do a broad agency announcement that also seeks different angles, different work against key problem areas through our innovation task force.

Last year we received 85 submissions from 104 different vendors, 55 of which had never responded to a TSA solicitation, 72 of which had never—72 percent had never contracted with TSA. Of the ones awarded, we selected 12 for demonstration, 7 are small business.

Mr. CORREA. Now I want to encourage you to continue to look for small businesses. That is where the innovation is going to come from. I think—I am sure your traditional standard contractors are doing a fine job, but if you want to think out of the box, come up with some ideas, you have got to go somewhere where you haven't gone before. So please continue to do that work.

I am out of time, so I would like to recognize Mrs. Lesko for 5 minutes of questions, as well.

Mrs. LESKO. Thank you, Mr. Chairman. This question is for Ms. Cogswell.

Section 1906 of the law requires TSA to complete a comprehensive agency-wide review to produce spending reductions and administrative savings that can be achieved by streamlining offices within TSA. This provision also asked TSA to eliminate duplicative programs and reduce the number of senior executive service personnel by as much as 20 percent.

I would assume—one of my questions is going to be if we can reduce these duplicative—if I am saying it right—programs, and reduce the number of senior executive personnel, could we then move the money over to the concern about TSO officers pay?

Anyway, this report was due on August 1. I guess we don't have the report yet. So my question is two-fold: When do you think we will—going to have the report, and can we utilize any of these savings and move it over to TSO pay increases?

Ms. COGSWELL. Thank you very much, ma'am. We have completed the analysis, including already implementing significant realignments across the agency.

We also have projected in some additional cost savings for headquarters associated with our move later—sorry, going into next year out to Springfield of about 11 percent across headquarters functions, with the sole intent of reallocating those resources to the field.

The report itself is within interagency clearance, and we hope to get it to you within the coming weeks.

Mrs. LESKO. Wonderful. Thank you. I yield back.

Mr. CORREA. Thank you, Mrs. Lesko. I would like to recognize Mr. Cleaver for 5 minutes of questions.

Mr. CLEAVER. Thank you, Mr. Chairman. When I was having difficulties getting through the airport, which is because of my last name, I—but for an American airline Government relations person here in Washington, I am not sure that I would not still be on there. But I don't—that is not what I want to talk about. I want to talk about money.

This is not your fault, as I said before, but I think you are about the fourth person this year that I have raised this issue—because of my concern. So, you know, how long are you going to be here? How long are you going to be here in the job?

Ms. COGSWELL. I am not intending to leave any time soon. I was selected at this job—I have been here about 18 months.

Mr. CLEAVER. OK. See, the problem is that, you know, I talk to one person and they say, OK, you are right, we are going to—we have got to do something. Then the next month we have a new director and a new acting director. So I don't—I mean I don't want to waste your time and my time talking about something that, you know, you won't be around long enough to address.

Tell us, what is the starting salary for a TSO?

Ms. COGSWELL. If you look at the base salary, without the locality pay included, it is about \$27,000, roughly equivalent to a GS-4 in the general schedule. If you add in locality pay, most locations is about \$33,000.

Mr. CLEAVER. The GS-4 is probably not going to get shot at.

Ms. COGSWELL. I am sorry, sir?

Mr. CLEAVER. A GS-4 is probably not going to get shot at.

Ms. COGSWELL. The GS-4 position that it is modeled after is the position that is designated by OPM for what is called unarmed security guard is the comparator. I share with you, however, the very strong interest in recognizing the incredible professionalism of our work force, the increasing automation that they are required to know, the sheer variability in their environment, and completely concur with you that I value them well above that.

Mr. CLEAVER. OK. So we have got to get this fixed. I mean, I know—let me just—you know, maybe I will have to do something when we get—I am hopeful we are going to get a budget or some kind of spending bill, because there are a couple of things that I want to try to get in there. One is that we got to stop paying these people who are putting their lives on the line a pittance.

The other part is my airport is—and you are the fourth person that I have talked to about the Kansas City International Airport, Kansas City, Missouri is 1 of only 2 airports in the country where we don't have the Government TSA workers. You know, I can't work—there is nobody around long enough to work with, because I want to get that stopped and changed.

San Francisco is the other airport, and—but I don't want ours to stay like it is.

So there are 2 things that I need your help on. One is the money and one is this private contractor who is running the TSA airport in Kansas City, Missouri. I am not mad at him or her, but it started out, you know, just like—we were—the facial recognition, you know, we started—it started out as, you know, some kind of a test pilot—a pilot project, rather. The pilot then rolling now for—since 9/11. I need it to be changed. Can you change it by the time I come back next week?

Ms. COGSWELL. The Screening Partnership Program is established in law, sets out the exact parameters for how we are—put out the parameters, the requirements for how the program operates, how we identify which vendors will be able to meet the—

Mr. CLEAVER. Well, there are only 2. I mean, everybody else is on the Federal program. So I don't—

Ms. COGSWELL. We have 24.

Mr. CLEAVER. Little bitty airports. I am talking—you are talking about little, tiny—I have been to those airports, too. Wichita Falls, Texas, where I graduated from high school, I mean, I—you are right.

But I am not—I am talking about the largest city in the State of Missouri, the largest city in the lower Midwest.

We are still running on a program that is supposed to be temporary.

Ms. COGSWELL. We are happy to come and talk with you more. We work very closely—

Mr. CLEAVER. When can you—

Ms. COGSWELL [continuing]. Airports involved. They are the ones who determine whether or not—

Ms. JACKSON LEE. Who? The airports?

Ms. COGSWELL. The airport authority is the actual one who says they want to pursue the private entity.

Mr. CLEAVER. OK, we don't have an airport authority. I guess it would be the mayor of the city. We don't have an airport authority.

Ms. COGSWELL. We would be happy to come and talk with you more specifically about your airport.

Mr. CLEAVER. I would be happier. I will try to work with you after.

Ms. COGSWELL. Thank you.

Mr. CORREA. Thank you, Mr. Cleaver. Now I would like to recognize Ms. Jackson Lee for 5 minutes of questions.

Ms. JACKSON LEE. Can I again say how grateful I am for your kindness, and to the committee?

Let me say, too, Congressman Cleaver, please count me as joining in enthusiastically. When this program began, I was in opposition to it. Again, not in any negative reflection on contractors, but I think because the TSOs are front-line security for National security, there should be a consistent managing structure.

As indicated, Congressman, the airports opted in. They were given the—this—but it was put into law by us, individuals who, I think, thought privatization was a good thing. Many of us opposed it. But it is in law, so that means the airport can opt in. But they can opt out, except for—as sort of a lease situation—not a lease, but a contract, whether it runs out or not. But that is what happened.

I think the other thing that I want to make sure is that we are no longer thinking about not having TSOs at small airports. Remember, that was proposed in some, I think, mindless concept that we won't put them at the small airports. We will wait until someone gets on the plane as a terrorist, and go to the big airport. So I just want to get that answer. That is no longer on the table, regarding small airports not having TSOs under the Transportation Security Administration.

Ms. COGSWELL. Correct.

Ms. JACKSON LEE. OK. The other thing is I want to join and make the point about the salaries of TSOs, because one of the mod-

ernizations is the questions that GAO mentioned—and I would like him to expand—is the modernization of technology.

I want to know, are we moving fast enough? Is TSA moving fast enough with a new type of technology to detect more sophisticated ways of terrorist behavior, sir?

Mr. RUSSELL. Certainly. So we have seen, with the computer tomography at the checkpoint, you know, that is the latest technology that is being piloted. But certainly, we have thinking adversaries, they are changing tactics, new threats. When we last looked at TSA's covert testing program, you know, we saw that there were some challenges there in what their own teams were able to find when they did their covert tests.

So I think the key there for TSA is, really, once you know the vulnerabilities, whether it is technology or processes or things that your TSOs might be doing or could be doing better, to find a mitigation solution and effectively get those implemented. So we had a few recommendations that TSA is working on in that regard.

Ms. JACKSON LEE. Can I yield to the deputy to see—are you moving on the recommendations of GAO, particularly with technology?

Ms. COGSWELL. We are moving on those recommendations. We have a significant program. I highlighted our innovation task force is one of these key areas where we are able to rapidly bring on board potential solutions that have gone through kind-of an initial review with that ability to do demonstrations, determine the effectiveness well before it is ready for full market. This lets us expedite our development of our requirements process, frankly, as well as help understand whether or not there is feasibility in a specific location: A significant improvement over traditional procurement processes.

Ms. JACKSON LEE. So does that mean, holistically, that you are trying to make amends, or correct the slowness in technology, or to expand technology, and then train TSOs on that new technology?

Ms. COGSWELL. Correct.

Ms. JACKSON LEE. Is that a goal that you are working on?

Ms. COGSWELL. Absolutely, to all 3 of those, yes.

Ms. JACKSON LEE. Then I would add—and I compliment the gentleman from Kansas—from Missouri, Kansas City, on raising the contracting issue.

My concern would be in these airports that accepted that, I want to make sure the salaries are comparable, and that you are taking under advisement the need for increased salaries.

What do you need from us? I know money. But what is a structure that you need to increase the salaries of your TSOs?

Ms. COGSWELL. So just to highlight the point you made about the difference between the TSOs and the SPP airports, we do require that they pay the same amount that we do. So if we are able to identify additional funds to increase salaries, they would be required to match, as well.

What we would like in the near term is the ability to have some robust conversations with you about different models. What is within our authority? What is the options within the funding caps that we receive for the coming years to determine the best path forward?

Extremely—I can't say enough how extremely valuable we think it is that you are asking these questions and expressing this interest, incredibly valuable for the work force of our morale, as well as the interest—demonstrating the interest and importance that these officers perform on a day-to-day basis.

Ms. JACKSON LEE. If I could squeeze one more question in, we opened a couple of years back the academy in Georgia. I want to know how that is working. This whole idea of professional development, are you all still encouraging?

I understand you send TSOs to that school after they have been on staff for a while. You have changed the format. Is that working? Is that accurate, what I am saying? Can you tell me how that is working?

Ms. COGSWELL. Absolutely. Yes. We changed our model. What we had found, when we stood up our centralized capability, was we were bringing people on board immediately, sending them to a multi-week training. Then, in rapid order, you know, they were really understanding what life was like working at a checkpoint, and deciding perhaps it wasn't the best fit.

Through our new model we are able to train them on certain functions that don't require that full training, let them experience the environment, see how loud it is, see what it is like interacting with several thousand people a day, make sure it is a good fit for them, then go through the training.

We are seeing a decrease in the number of people leaving after the training, saving us the expense of that, as well.

Ms. JACKSON LEE. So professional development is very important.

Ms. COGSWELL. Critically important, and part of our TSO career progression, as well.

Ms. JACKSON LEE. We need to keep funding it.

Ms. COGSWELL. Absolutely. Thank you very much for that.

Ms. JACKSON LEE. All right. I yield back, Mr. Chairman, thank you very much.

Mr. CORREA. Thank you very much. I want to thank the witnesses for your very, very valuable, important testimony. I want to thank the Members, also, for their questions.

If I can, Ms. Cogswell, you heard some of the messages here today were very important to us to try to reduce turnover, implementation of technology, PreCheck.

Of course, the issue Mr. Cleaver brought up, which is, how do you get off those lists, once you are on them?

If the Members of the committee have any additional questions for the witnesses, we ask that you respond expeditiously in writing to those questions.

Without objection, the committee record shall be kept open for 10 days.

Seeing no further business, this subcommittee stands adjourned. Thank you very much.

[Whereupon, at 11:25 a.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS FROM CHAIRMAN J. LUIS CORREA FOR PATRICIA F.S. COGSWELL

AIR CARGO

Question 1. Section 1925 of the TSA Modernization Act required TSA to submit a feasibility study and conduct a pilot program regarding the use of Computed Tomography or other technologies to screen air cargo. TSA recently began its pilot program and has not submitted its feasibility study to date.

What is the status of the feasibility study and the pilot?

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

Question 2. What steps did TSA take to select the technology being tested under the pilot?

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

Question 3. Does TSA plan to work with additional industry stakeholders during the pilot?

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

Question 4. What process does TSA have in place for certifying and qualifying emerging technologies for use in air cargo security?

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

TECHNOLOGY DONATIONS FROM INDUSTRY

Question 5. TSA recently finalized its Capability Acceptance Process (CAP), which outlines a strategy to allow industry stakeholders, such as airports and airlines, to donate approved security technologies to TSA.

Does TSA have concerns that small- and medium-sized airports may not have the resources to donate equipment, so these facilities may wait longer than others to receive equipment?

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

Question 6. Does TSA plan to rely on donations from industry rather than the normal appropriations process for funding its security requirements?

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

PIPELINE SECURITY

Question 7. In December 2018, GAO released a report to TSA regarding its pipeline security activities with 10 recommendations. GAO found that TSA has not established a workforce plan for the Pipeline Security Branch to hire workers with the appropriate skills.

What steps is TSA taking to ensure it is hiring qualified staff, including staff with cybersecurity expertise, to meet its current needs?

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

FACIAL RECOGNITION

Question 8. TSA recently ended a pilot program at the McCarran International Airport in Las Vegas to study the use of facial recognition technology to verify passengers' identities.

Is TSA planning additional pilots?

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

Question 9. Will TSA go through a public notice and comment process prior to wide-spread deployment of facial recognition technology?

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

Question 10. Will TSA publish a public version of the report it completed on biometrics and facial recognition technology under Section 1919 of the TSA Modernization Act?

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

AIRPORT WAIT TIMES

Question 11. Section 1922 of the TSA Modernization Act required TSA to provide real-time wait time information at airport checkpoints within 1 year of enactment. What is TSA doing to ensure that wait times are being measured equally at different airports?

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

Question 12. Certain airports already have their own tracking tools in place. How is TSA planning to ensure data accuracy and consistency of this information across different platforms?

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

QUESTIONS FROM RANKING MEMBER DEBBIE LESKO FOR PATRICIA F.S. COGSWELL

SECTION 1922 OF TSA MODERNIZATION—REAL-TIME, WAIT TIME REPORTING

Question 1. Please provide the committee with an update on how TSA is performing on evaluating, establishing, and publishing technical requirements for airport compliance with Section 1922 of the TSA Modernization Act. Please include an updated time line.

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

Question 2. Please provide the committee with an overview of TSA-sponsored or supported wait-time reporting demonstrations to date, including the TSA Advancing the Checkpoint Experience program, and each demonstration's objective.

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

Question 3. TSA checkpoint wait time reporting is expected to inform the passenger experience. Combined with aggregate data collection and advanced analytics, wait time reporting can result in operational cost savings, more efficient staffing models, better asset management, increased screener productivity, and an improved passenger experience. How is TSA looking to leverage these potential operational benefits in its development of Section 1922 data and system requirements?

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

Question 4. Air passenger volume has been growing 4–6 percent annually, and Airports Council International forecasts approximately 30 percent growth in passenger traffic from 2018 to 2023. Given the clear need for both broad strategic and localized responses to this dramatic increase, how is TSA ensuring compliance with Section 1922 to empower TSA Headquarters with standardized, network data and analysis along with actionable queue intelligence to on-site TSA managers?

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

Question 5. In 2018 and early 2019, the TSA Innovation Task Force (ITF) conducted a real-time wait time technology pilot at Chicago O'Hare International Airport. The ITF demonstration led to significantly shorter TSA wait times and other operational benefits at the airport. What were the lessons learned from this demonstration, and how will this demonstration inform formal Section 1922 requirements?

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

Question 6. While several airports are independently reporting TSA checkpoint wait times, there are currently no formal data standards for TSA checkpoint wait-time reporting. Section 1922 does, however, define when a wait time begins and ends. Presently, what is TSA doing to ensure that airports are reporting accurate and comparable data sets? How will this be defined and addressed in the eventual requirements?

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

Question 7. Given the time pressure, is TSA considering procurement models that will ensure the Section 1922 mandate is met within the 18-month window? What procurement models are under consideration? When will decisions be made on a Nation-wide procurement strategy?

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

Question 8. Given that CBP is under similar pressure to measure and reduce wait times, how and where is TSA collaborating with CBP to ensure accurate and standardized data is available on both inbound and outbound passenger journeys?

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

Question 9. The deadline for REAL ID compliance is October 1, 2020. According to a U.S. Travel Association survey conducted within the last month, 99 million Americans do not have a REAL ID or any acceptable identification that can be used once REAL ID is enforced. U.S. Travel estimates that 89,000 could be turned away at the airport on the first day alone, which would cause chaos at our airports and cost our economy more than \$40 million.

What is TSA's plan for handling passengers who show up without a REAL ID or an acceptable alternative starting October 1, 2020? Will they be turned away at the checkpoint? Will there be a screening process in place to get them through the checkpoint?

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

Question 10. Is it possible for TSA to designate PreCheck enrollment as an acceptable alternative to REAL ID?

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

Question 11. What authority does TSA have to designate acceptable alternative identification?

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

Question 12a. In order to reduce the burden on State DMVs and individuals, has DHS looked at allowing States to query verification of citizenship/legal status and identity through trusted traveler programs like PreCheck or Global Entry, since members of these programs have already been vetted?

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

Question 12b. What is TSA's plan for handling passengers who show up without a REAL ID or an acceptable alternative starting October 1, 2020? Will they be turned away at the checkpoint? Will there be a screening process in place to get them through the checkpoint?

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

Question 12c. What authority does TSA have to designate acceptable alternative identification?

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

