

NOMINATION OF DAVID P. PEKOSKE

HEARING

BEFORE THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

NOMINATION OF DAVID P. PEKOSKE TO BE
ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION,
U.S. DEPARTMENT OF HOMELAND SECURITY

JULY 21, 2022

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NOMINATION OF HON. DAVID P. PEKOSKE

THURSDAY, JULY 21, 2022

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:15 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Gary Peters, Chairman of the Committee, presiding.

Present: Senators Peters, Carper, Hassan, Sinema, Rosen, Ossoff, Portman, Lankford, Scott, and Hawley.

OPENING STATEMENT OF CHAIRMAN PETERS¹

Chairman PETERS. The Committee will come to order.

Today we are considering the nomination of David Pekoske to be the Administrator of the Transportation Security Administration (TSA) at the Department of Homeland Security (DHS). Administrator Pekoske, welcome back to the Committee and congratulations on another nomination for this position, and thank you for your willingness to continue to serve in a challenging and important role in the Federal Government.

Over 20 years ago, the Transportation Security Administration was established in response to the September 11th terrorist attacks to carry out the essential mission of ensuring that travelers are both safe and secure. Since its creation, travelers have encountered TSA on a daily basis, most notably during the security screening process at our nation's airports. In fact, TSA currently screens over 2 million travelers each and every day.

This is a significant undertaking, and it would not be possible without our dedicated frontline TSA staff, who work hard each and every day to ensure our transportation system's safety but especially throughout the national pandemic, where they continued to serve with great honor.

Administrator Pekoske, I am thankful for your vocal support of the TSA workforce and I look forward to working with you to ensure that our TSA officers receive the compensation and the benefits that they certainly deserve.

As we discussed during last week's hearing, the threat to our homeland security posed by unmanned aircraft systems (UAS) is rapidly growing, and I know TSA has requested explicit authorities to conduct counter-unmanned aircraft system (C-UAS) activities to maintain our transportation security, and I certainly support these

¹ The prepared statement of Senator Peters appear in the Appendix on page 27.

efforts. I am working on bipartisan legislation now to reauthorize and strengthen counter-unmanned aircraft system authorities to better tackle this threat, which I plan to introduce in the coming weeks.

As we work to protect travelers from threats in the sky we must also focus on the travel experience on the ground. As Chairman of this Committee, I have long pressed the Department of Homeland Security and its component agencies to address concerns raised by communities, including Michigan's Muslim and Arab communities, about challenges they face during the travel screening process. The security of our transportation system is absolutely critical, but we must also ensure that TSA is upholding civil rights and civil liberties and the privacy of our travelers.

I am pleased that Customs and Border Protection (CBP) has recently announced a new Senior Community Relations Manager to address these very unique concerns, but I would like to see TSA take a more proactive step to be responsive to the affected communities and address these concerns as well.

Administrator Pekoske, if confirmed for a second term, you will play a critical role in ensuring our travel screening procedures and standards, specifically the DHS Traveler Redress Inquiry Program, are fair and equitable, easy to navigate, and as transparent as absolutely possible.

I look forward to working with you to ensure TSA can proactively protect travelers and our transportation facilities and to hearing more from you about your vision for continuing the TSA's critical mission.

Ranking Member Portman will be joining us shortly. We have a lot going on all around Capitol Hill right now. He will be here shortly and will have an opportunity for an opening statement at that time.

Now it is the practice of the Committee to swear in witnesses, so if you will please stand, sir, and raise your right hand.

Do you swear that the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. PEKOSKE. I do.

Chairman PETERS. Thank you. You may be seated.

Today our witness is David Pekoske, who is nominated to serve a second term as Administrator of the Transportation Security Administration at the Department of Homeland Security. Administrator Pekoske oversees 60,000 employees and is responsible for security operations at nearly 440 airports throughout the United States and the security of highways, railroads, mass transit systems, and pipelines.

While at DHS, Administrator Pekoske also served as the Acting Secretary and as the senior official performing the duties of Executive Secretary.

Previously, Administrator Pekoske served as the 26th Vice Commandant of the United States Coast Guard (USCG), and as an executive in the government services industry where he led teams that provide counterterrorism, security, and intelligence support services to government agencies.

Administrator, welcome back to this Committee. Thank you once again for your service and your willingness to serve once again. You may proceed with your opening remarks.

TESTIMONY OF DAVID P. PEKOSKE,¹ NOMINATED TO BE ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. PEKOSKE. Thank you, Mr. Chairman, and good morning Chairman Peters, Ranking Member Portman, and distinguished Members of the Committee. I have had the honor of serving as the leader of the Transportation Security Administration for nearly 5 years now, and it is my great privilege to be before you today to be considered for a second 5-year term as Administrator.

I thank President Biden for renominating me for this important national security position and I would like to also thank Secretary Mayorkas and the entire DHS team for their support during this process. I deeply appreciate the support my family provides me in this position and throughout my career.

When President Biden announced my renomination, one acquaintance said to me, “That is a tough job. Why would you want to do it again for another five years?” The answer to this is simple. I want to continue to support the amazing TSA workforce. The TSA workforce is exceptional, and during my time at TSA, they have performed at a high level amid challenging and historic circumstances.

Whether it is transportation security officers, Federal air marshals, inspectors, or all of the TSA employees who support them behind the scenes, I am immensely proud to be a part of an organization laser-focused on protecting our nation and its transportation system. They are a dedicated, committed workforce.

Our transportation security officers interact with millions of people every day and perform a critical national security function for our Nation. Their watch never stops. They came to work without pay during a 35-day partial government shutdown in 2019. They staffed the checkpoints when much of the rest of the country remained home amid the onset of the Coronavirus Disease 2019 (COVID-19) pandemic. Transportation Security Officers (TSOs) have been an important part of the recovery of air travel that we are seeing this year, especially this summer.

Similarly, our Federal air marshals protect the Nation during shutdowns, pandemics, and other high-level incidents. They do so with a level of professionalism and integrity that serves as a model for the entire TSA family.

Our workforce is an inspiration to me and totally deserving of our full support. That starts with funding the President’s fiscal year (FY) 2023 budget request, which provides pay equity for TSA employees and finally puts them on equal footing with the rest of their counterparts in the Federal Government.

If confirmed, I will continue to do all that I can to advocate for and hopefully implement pay equity. I will continue to work hard to ensure the TSA workforce is well prepared to meet the challenges of the next five years and beyond.

¹ The prepared statement of Mr. Pekoske appears in the Appendix on page 31.

TSA does not do its job alone. Our mission success is directly dependent on the cooperation between the Agency and its myriad of partners.

In aviation, we continue our strong partnerships with our critical stakeholders—the airlines, the airports, State and local governments, other Federal agencies, foreign governments, and of course pilots and flight attendants.

Equally important are the growing partnerships we have with the surface transportation sector, where TSA works closely with the oil and natural gas pipeline, passenger and transit rail, freight rail, trucking, and bus industries.

Finally, amid the challenges of growing cyber threats, TSA relies heavily on forging productive partnerships with owners and operators of our critical transportation infrastructure, for which TSA serves as the security regulator.

I value our strong partnership with organized labor, employee resource groups, and advisory panels who provide advocacy for our workforce. They help us remain strong by promoting healthy and thriving work environments for our TSA family. I want to take a second and recognize these partnerships and thank all of those entities for their contributions toward securing our nation's transportation systems.

If confirmed, I will do everything I can to make sure that TSA maintains and strengthens these important partnerships to ensure that our pursuit of the highest level of transportation security works in tandem with the facilitation of trade and commerce in the transportation system.

Finally, I want to thank this Committee for your critical work to provide the authority to the Department, and now explicitly to TSA, to counter unmanned aerial systems. I also appreciate the Committee's work on critical infrastructure security, to include efforts addressing the cybersecurity of the transportation sector. If reconfirmed, I hope to continue this important cooperation between the Homeland Security and Governmental Affairs Committee (HSGAC) and TSA.

After 20 years, TSA has grown considerably and we have learned a great deal about how to be the best at protecting our nation's transportation system. We still have much more work to do, but I remain committed to TSA's future.

Chairman Peters, Ranking Member Portman, and distinguished Members of this Committee, I look forward to answering your questions. Thank you, sir.

Chairman PETERS. Thank you, Administrator.

Ranking Member Portman, you are recognized for your opening comments.

OPENING STATEMENT OF SENATOR PORTMAN¹

Senator PORTMAN. First, thank you, Mr. Pecoske, for your willingness to serve again, and Mr. Chairman, thanks for having this hearing.

This is a really critical position—I do not have to tell you that—and you know it well. It is also one that this Committee cares a

¹ The prepared statement of Senator Portman appears in the Appendix on page 29.

lot about, given our oversight responsibilities. TSA has played a vital role since 9/11, of course, in combating terrorism and ensuring that our aviation and transportation systems are protected. As I walk through the TSA line, which I do twice a week, I say, "Thank you for protecting us," because that is what you do.

We appreciate that and we have fought to try to help ensure that your TSA personnel are treated appropriately in the Federal Government law enforcement context and we want to do more in that regard. We appreciate your work and the diligence of the TSA workforce.

If you look at the record, although the Government Accountability Office (GAO) and others have helped to make your system work better by pointing out flaws, we have been blessed with not having the kinds of incidents that everybody feared that we would have repeatedly after 9/11.

I will say that 9/11-type threats, having been really the greatest challenge and really the reason TSA was bulked up, appropriately, those threats have evolved over time, and specifically I want to talk to you about how TSA needs to realign to meet those evolving threats.

Your job is not just to protect our airports and air travels but also the nation's surface transportation systems. Colonial Pipeline, you may know, is a big issue at this Committee. We had hearings on it. We drafted legislation. We actually enacted some legislation to help deal with that kind of a threat. It exposed vulnerabilities in TSA's oversight of our nation's surface transportation system, specifically the pipelines. But more broadly, that ransomware attack that hit Colonial Pipeline was the largest attack on oil infrastructure in the history of the country.

It also prompted you to issue the first-ever cybersecurity-related security directors for owners and operators of pipelines. It requires mandatory incident reporting and the adoption of mitigation measures. When issuing these directives, TSA used emergency authorities, as you know, to bypass regulatory notice and comment periods. I remain concerned that the use of this emergency authority departs from TSA's previously collaborative approach with industry experts on cybersecurity standards, and this Committee, I think it is fair to say, on a bipartisan basis, has some concerns about this.

Another area of concern we have is the repeated refusal to provide any information to this Committee about those draft directives to Congress. This includes the Chairs and Ranking Members of this Committee and other congressional oversight committees, despite having shared copies of the drafts of these directives to the pipeline industry. You provided them to the pipeline industry but not to the oversight committees.

The explanation we have gotten is that you will not provide the drafts because they are pre-decision and, therefore, deliberative. I guess that confuses me, since you have already shared them with external companies, officials. Today will be an opportunity for you to explain how these documents can be both internally deliberative and yet externally shared with the private sector. That is a contradiction.

I think sometimes when things come up to Congress they tend to become too public. All I can say is I think Chairman Peters and

I, in particular, have a history of treating these kinds of sensitive documents in the appropriate way, and we need to know what your draft directives are saying to the private sector to be sure that our oversight responsibilities, which are incredibly important right now with regard to what is happening with these pipelines and other potential threats, are able to be fulfilled.

Again, thank you for your years of service. TSA will continue to be a really important piece of the security framework of the United States as we get back even more travel. I was at the Greater Cincinnati Airport on Monday, and it was packed, and I was told that we are at 85 percent of where we were pre-COVID, but the summer, frankly, we are back to where we were in the summer of 2019. So that is good to hear. I know business travel is still off, but even with inflation and all the concerns about where our economy is headed, your travelers are back, and we have to be sure that TSA continues to provide, as I said earlier, this important service to protect them, protect our Nation, and we appreciate what they do every day.

Again, thank you, Mr. Chairman, for holding this timely hearing, and I look forward to further talking about this draft directive.

Chairman PETERS. Thank you, Ranking Member Portman.

There are three questions that this Committee asks of everyone who comes before us. I will ask you, Administrator Pekoske, if you could just respond briefly with a yes or no to each of these questions.

First, is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. PEKOSKE. No, sir.

Chairman PETERS. Second, do you know of anything, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Mr. PEKOSKE. No, sir.

Chairman PETERS. Lastly, do you agree, without reservation, to comply with any request or summons to appear and testify before any duly constituted committee of Congress, if confirmed?

Mr. PEKOSKE. I do.

Chairman PETERS. Great. Thank you.

Administrator Pekoske, you and I have spoken at length about concerns raised from the Muslim and Arab American communities about many of the TSA-implemented lists and policies and programs that can lead to additional screenings at the airport. We can both agree that security for airline travel is of the utmost importance, and that is something I am focused on 100 percent, as I know you are. But there are also multiple documented cases of individuals remaining on these lists for over a decade, even though there is no evidence whatsoever that they pose any sort of threat.

My question for you, sir, is, please tell me what steps you are taking to address concerns that these policies disproportionately impact certain communities and have done so for at least 20 years?

Mr. PEKOSKE. Yes, Mr. Chairman. Thank you very much for raising the issue and for our conversation last week. This is something that I really do want to address completely and fully, because I

think it is very important for an agency that has security responsibility that directly impacts 2-plus million people every single day in the United States to have the trust of that traveling population to know that the procedures that we have and the processes we use are fair, equitable, consider civil rights, liberties, and privacy concerns of every single traveler.

I commit to you that I will do everything that I can, which is substantial, to address this issue. You mentioned in your opening statement the designation of a direct report to provide input, and I fully endorse that idea. We do have an Office of Traveler Engagement within TSA that is a direct report to the Administrator. But I do want to make sure that we ensure that those lines of communication are robust to the point of rather than waiting for somebody to come to us that we have a regularly scheduled engagement.

The other thing that I promise to do is to visit the communities in the State of Michigan and the State of Minnesota to introduce myself to those communities and to begin to establish a relationship with them at my level, in addition to the relationships that exist at other levels within the agency. I want people to feel that if they have a question about how TSA processes their security that we listen carefully, we get the facts that are there, and then make sure, when we go back, that we are not unfairly causing additional process to any particular traveler.

The other thing, sir, that we discussed that I am already looking at is in our communications with travelers through the Traveler Redress Inquiry Program (TRIP), through the redress program, I think we can improve what we communicate back to passengers to clearly explain what the letter says and what it means and what it does not mean for them.

Sir, you have my full commitment to address this. I know Commissioner Magnus was up in Michigan just recently. He came back and had a very good experience up there. I look forward to partnering with him and the Secretary to present a DHS team that can begin to address this problem completely.

Chairman PETERS. Excellent. Good to hear that. I appreciate your commitment and we will look forward to hosting you in Michigan in the near term. Thank you for your willingness to do that.

As our nation continues to recover from COVID-19 pandemic, TSA's frontline staff, as you are well aware, continue to work tirelessly to ensure that our system remains safe and secure. However, significant parts of the TSA workforce I think are underpaid relative to other similarly situated Federal employees at other agencies, which has impeded TSA's ability to retain the qualified workers that are so essential for us.

My question to you, sir, is, I appreciate your support of a proposal in the President's budget to address this longstanding inequity that would provide our frontline TSA staff with an increase in their base pay. But I would like you to address, what is the impact of this compensation and benefit disparities on our frontline TSA workforce, and why do we need this action in order to rectify this situation?

Mr. PEKOSKE. Yes, Mr. Chairman. This is my No. 1 priority, as the Administrator currently, and if confirmed, as the Administrator going forward, is to fix this pay issue. As you mentioned, our front-

line transportation security officers, the uniformed officers that travelers see every time they travel through a security checkpoint, on average they get paid 30 percent less than their counterparts in the rest of the Federal Government. That is fundamentally unfair. It inhibits our ability to recruit and to retain talent. I think this is the most important thing facing us that we need to address.

As you mentioned, the President included in the fiscal year 2023 budget request to improve pay across the board in TSA, not above any other Federal agencies but equitable with every Federal agency. I just think it is so important that we do that.

We have, in our screening workforce, about a 20 percent attrition rate. That is way too high. When I watch average levels of experience in our checkpoints go from five years to four years to three, that is a security concern as well.

I would appreciate your continued strong support of pay equity. It is really so critically important for the success of TSA going into the future.

Chairman PETERS. All right. Thank you.

Last week, this Committee held a hearing to examine the threat to the homeland posed by unmanned aircraft systems as well as a potential expansion of authorities to counter these UAS threats. Part of the legislation that I am working on currently with Senator Johnson would provide explicit authorization for the TSA to conduct C-UAS activities to protect transportation facilities and assets.

Administrator Pekoske, my question to you is, could you explain the UAS threat that airports are currently facing, for this Committee, to fully understand, and why TSA needs these authorities, and you need them now, to maintain safe and secure air travel?

Mr. PEKOSKE. Yes, Mr. Chairman. Airports are facing UAS challenges every single day, and just yesterday we had three reports from pilots of sightings of a UAS as either they were landing or taking off. Two or three days ago we had a helicopter that had a collision with a UAS in Pennsylvania.

When we conduct our test beds—we have two test beds underway, one in Miami and one in Los Angeles “that is just beginning”—those test beds show us that the reports that we get from pilots, that I just mentioned, are just the tip of the iceberg of UAS activity in and around airports, because we are testing our detect, track, and identify equipment to get a good picture of what is operating around those airports.

We have done a lot of work on this, but there is so much more work to do. As you said, our authorities expire very shortly. They expire in October. If our authorities expire without being renewed or refreshed or enhanced, all of those test bed activities that we currently do and all the coordination work that we currently do will stop. This is a growing threat to our aviation system, and we need to continue this work apace.

I appreciate your focus and your emphasis on providing direct authority to the agency. This is something that we need to be able to respond to on an instant, and having those direct authorities will greatly enable that.

Chairman PETERS. Thank you.

Ranking Member Portman, you are recognized for your questions.

Senator PORTMAN. Thank you, Mr. Chairman. Mr. Pekoske, I am going to ask you first about terrorism and a TSA success, which was in possibly identifying a known terrorist, a Columbian national, whose name is Isnardo Garcia-Amado who was attempting to board a plane in Florida. Was this man listed on the No-Fly List?

Mr. PEKOSKE. No, sir. He was not listed on the No-Fly List. This occurred back in April, about four days after he was encountered by the Border Patrol at Yuma, Arizona. When he showed up at the TSA checkpoint, given the information that he provided to the carrier when he purchased his ticket, we knew that we needed to do some additional identity verification work with this traveler, and then if that warranted some additional enhanced screening or with him as well, and that is what we did.

Senator PORTMAN. Was he in the Terrorist Screening Database?

Mr. PEKOSKE. I cannot confirm whether any passenger—in general, we just do not confirm whether passengers are on the Terrorist Screening Database. What I can say is that the information this passenger provided indicated to us that we needed to provide enhanced screening and that we also needed to get further information on his identity. Furthermore, we thought it was necessary that we provide Federal air marshals on the flight that he was on.

Senator PORTMAN. OK. Do you allow some names on the Terrorist Screening Database to fly?

Mr. PEKOSKE. Yes, sir.

Senator PORTMAN. Why would you allow that?

Mr. PEKOSKE. Because we do not think that those passengers present such an immediate risk as to be catastrophic to an airplane in flight. But we have concerns, and we feel that we can mitigate those concerns through our screening process, and where appropriate, through the presence of Federal air marshals on the flights.

We also, as part of that process working with the Federal Bureau of Investigation (FBI's) Terrorist Screening Center (TSC), is to coordinate that information across the interagency, so all agencies that have an interest are advised of that passenger's travel.

Senator PORTMAN. I would like to follow up on that. Maybe it is better in a classified setting. But it seems to me if someone is on the Terrorist Screening Database, rather than having to bring air marshals in to be able to fly with that person, that person should not be permitted on a U.S. carrier, or on a U.S. flight.

Mr. PEKOSKE. Yes, sir. I understand and I am very happy to brief you in the appropriate setting. But this is a very carefully developed and coordinated and governed risk management process that we have used for years. But I am happy to brief you on it.

Senator PORTMAN. Yes. You are not going to tell me whether, Mr. Pekoske, he was on that list, but it sounds like you treated him as though he was.

Mr. PEKOSKE. Yes, sir. We treated him with the risk that we felt he presented, and we wanted to mitigate that risk.

Senator PORTMAN. Is he continuing to fly?

Mr. PEKOSKE. I do not know whether he has attempted to fly but he would be permitted to fly.

Senator PORTMAN. Is he here legally?

Mr. PEKOSKE. I do not know the answer to that question, sir. That would be a Customs and Border Protection question.

Senator PORTMAN. You did not find that out in the process of screening?

Mr. PEKOSKE. He was admitted into the country by the Border Patrol, so he is likely awaiting immigration proceedings.

Senator PORTMAN. A couple hundred thousand people a month. It does not mean they are here lawfully.

Mr. PEKOSKE. Right. But he was admitted in, and he was most likely awaiting immigration proceedings.

Senator PORTMAN. Can you explain to this Committee why you can share draft copies of these directives we talked about earlier? These are the draft directives you provided to industry with regard to security for the pipeline industry. Can you explain why you would provide these draft copies to the private sector and not to congressional oversight committees?

Mr. PEKOSKE. Yes, sir. We want to collaborate with our oversight committees and their staffs as greatly as we can, and we benefit significantly from that process. We have offered, and I believe we have briefed on the second security directive that you referenced in your opening statement of what is contained in that directive.

Senator PORTMAN. Yes, let me be clear on that. here is a letter from October of last year, where we asked the inspector general (IG) to get involved in this because we were not getting the information. I know they are doing an IG investigation now to try to figure out what is appropriate, an audit of your processes.

We have been asking for this for a long time, and I see your staff nodding their heads when you say "we briefed." We briefed last week, and you briefed only staff, and you did it in camera, meaning you would not leave the documents for the rest of us to see, including Members of the Committee. You did it last week, I assume, because you were coming in here today, which we appreciate you being here.

But again, Senator Peters and I have a history of treating these documents with their appropriate level of sensitive. In this case there may be reasons for us to have these documents provided to us in a classified setting. We understand that. But we would certainly like to see them. We would like to know what you are directing these folks to do. We do not want another Colonial Pipeline, and our job is to try to, through our oversight, to avoid that. We are drafting legislation to deal with it, and not to know what the directives are you are telling the pipelines. It makes our job very hard, and I think it makes your job harder too.

I would ask you today to share those with us. You say they are in internal deliberations. Is that the reason you have not shared them?

Mr. PEKOSKE. We are about to reissue those. I intend to sign that directive this afternoon when I get back to my office. The reason why the briefs were offered last week was because it was in final form. That way you could see the net result process of our working with the industry and with our other Federal partners in developing—

Senator PORTMAN. But why have you not shared those with us?

Mr. PEKOSKE. We will, sir. You will get a copy this afternoon.

Senator PORTMAN. OK. Thank you. I appreciate that. The Federal courts have been very clear about that. When the government voluntarily shares with a non-Federal party they waive any claim that the information is exempt from disclosure, and that has been true. I mentioned we have been at this for a long time. It goes back to October of last year. We appreciate you sharing it with us.

Again, I thank you for your willingness to step up and serve again. You have a tough job because it is a difficult task for TSA, and your pay grades are not that of other Federal law enforcement officials. I think the TSA morale problem is real. Again, I have a lot of discussions with TSA individuals and have gotten to know some of them through the years. This problem has spanned administrations and spanned secretaries so I am not putting the onus on this administration. You have been in both the Trump administration and now the Biden administration.

If confirmed, what do you believe is your role in improving morale at TSA, and what plans do you have to do things differently, based on your experience over the past five years?

Mr. PEKOSKE. Yes, sir. My central is the leader of the agency, and part of what I am trying to do—and this takes some time—is to, one, be very responsive to the feedback we are getting from our frontline workforce and the workforce across the agency. As you know, we do the Federal Employee Viewpoint Survey (FEVS) every year. We encourage—in fact, it closes, I believe, tomorrow, and we have actively encouraged people and given them time to fill out those survey results. Then I think we demonstrate very well to our employees that we pay attention to the input that we receive, and we look at individual location differences so that we can drill in and figure out what is going on, to address the source of dissatisfaction.

I think pay is a big part of it but it is not the only part. Part of it is to make sure that people have opportunity to grow in TSA and to do all the great things that we do, in the security checkpoint and beyond.

Senator PORTMAN. OK. My time has expired. We look forward to the draft directive.

Mr. PEKOSKE. Yes, sir.

Senator PORTMAN. Thank you for your service.

Mr. PEKOSKE. Thank you, sir.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER [presiding]. Senator Portman, good morning. How are you?

Senator PORTMAN. Just got back.

Senator CARPER. Yes, I did. Nice to be back. It is always good to see you.

He and I worked together on this Committee for a long time, and he chaired the Permanent Subcommittee on Investigations (PSI) and he was good enough to let me be his wingman. We did some very good work.

How are you today?

Mr. PEKOSKE. I am doing great, Senator. How are you?

Senator CARPER. Good. Thanks so much for coming by yesterday and bringing some folks from your team. I look at the lineup behind you and I see a couple of very familiar faces, and it is always a pleasure to see them. I like to say we are only as good as the people we have around us, and you have some exceptional people around you.

My staff has given me a couple of questions that they would like for me to ask, and I will get to those. But I want to start off by saying you have had an opportunity to serve in this role for five years. What are some things that you have learned over the last five years that you think will help you be an even more effective leader in the next five?

Mr. PEKOSKE. Yes, sir. Every day is a learning experience in TSA because the agency is incredibly complex. We talked about, in the Chairman's opening statement, that we are known primarily for aviation security, but even just that sentence understates the scope and the scale of what we do, because aviation means airlines and airports, it means cargo facilities that screen cargo before it gets on board aircraft, et cetera. It is a very complex job.

I endeavor to be as close to the front line of TSA as I possibly can, because I do not want to be in a setting like this, speaking to the agency's process, and have folks that work in TSA hearing me say that going, "OK, he does not have that as right as we wish he would." I want to be a credible voice for my workforce.

As I said my opening statement, sir, and we talked about this in your office, I am humbled by the tremendous workforce that TSA has, and I view my primary responsibility to support and enable them and to give them the tools and the technology they need to get the job done. They serve us proud.

Senator CARPER. All right. Thank you. I wanted to talk a little bit about Innovation Task Force (ITF). I recall, I think it was in 2015, the Transportation Security Administration created an Innovation Task Force. I think it was for a couple of reasons. One was to foster innovation, and also to improve the passenger experience while trying to ensure that the agency stays ahead of the very dynamic threat environment in which we all operate and live.

You have stated that this task force is collaborating, I think, with industry, with airlines, airports, equipment manufacturers, and others to try to find and deploy the very best technology to further improve security and improve the passenger experience.

Could you give us an update, please, perhaps maybe some concrete examples, on how this task force has responded to the evolving threat landscape by bad actors, who use gaps in our defenses, and additionally, how is TSA working with international and with industry partners to enhance our security?

Mr. PEKOSKE. Yes, Senator. Thanks for your comments on the Innovation Task Force. I mean, it is one of the crown jewels of TSA. It is embedded in our requirements and capabilities analysis staff within TSA headquarters, but really it reaches across the entire agency and with our entire partner set.

I will give you a couple of examples of things the Innovation Task Force has done that passengers can see now when they go through the screening process. When you think about, you put it in context of a government agency actually delivering capability

very quickly that improves security and improves the passenger experience at the same time.

The first example I would give you is our new identity verification technology, and I will even take it a step further as to where this is going over the next couple of months. We just announced a partnership with Apple where passengers can download their State driver's license in States that participate into their Apple Wallet. You will be able to, and you can right now at Baltimore Washington International (BWI) Airport, for example, in this area, Phoenix airport in Arizona, when you walk up to the checkpoint rather than handing over your driver's license or inserting your driver's license in a slot on a machine you tap your phone and it transmits the information. So totally touchless.

What happens not infrequently is people forget their driver's license sometimes, but they hardly ever forget their phones. Having this in your phone is a huge benefit, I think, to passengers and certainly it is better security for us.

The next technology is our computer tomography (CT) scan x-ray technology. What this does is it gives us a much better, much richer picture of what is in a carry-on bag, to the point where we can resolve any concerns we have generally on the screen. We do not need to do a bag search and passengers that use the CT technology when they go through the screening process do not have to take out liquids, aerosols, and gels, or laptops, because we literally can have the machine look all around the bag to determine if there is anything in there that would cause a concern of ours.

We pride ourselves in working really closely with our partners, too, and I will give one final example, Senator, if I could. We have been working with one of the major carriers on curb-to-curb biometrics. What this means is that a passenger can show up—these are PreCheck passengers currently—can show up and use their facial image to validate that they are who they say they are—and we have really developed this technology significantly—to the point where they can just check their bags with their face. It spits out a bag tag. They put it on the conveyor belt. They walk up to the screening checkpoint, use their face as their identity to get the beginning of the screening process, and then when they get to the gate to board the aircraft again it is their face that gets them admitted onto the aircraft.

It means there are a lot less pieces of paper and credentials that you need to carry, and for us it is very much improved security posture.

Senator CARPER. Good. Thank you for that.

Others have asked about morale already. I am sure they will come back and ask that again. Whenever I fly, and I fly a fair amount—I mostly take trains but I fly lot—and almost always when I am going through security I talk to the TSA agents and thank them for what they do, tell them who I am and the role that I play here, and let them know that we appreciate very much what they do, and I hope others do that too.

I spent a lot of years of my life—I ran for office as a Naval Flight Officer (NFO) and was a midshipman before that, and learned a whole lot about leadership, and I learned a lot about morale, how to foster good morale in the military.

You have had great leadership opportunities in the Coast Guard. What are some lessons that you learned there that you are able to put to work now? I will ask you to be fairly succinct.

Mr. PEKOSKE. Yes, sir. Thank you for your service. I would sum it up in presence. You need to be present with your workforce and they need to see you there, and to see that you are engaged in the work that they do and you understand it. Second is communications, and we always say, and I am sure you experienced this when you were in the Navy, every after-action report says communications could have been improved. We could prewrite that. So let's get ahead of that as much as we can and continue strong communications.

Finally, one of the things that I think is so critically important to the smooth functioning of an organization is that everybody feels included. Nobody feels excluded and everybody feels that they have the opportunity that their counterparts have. I really want to foster that as I continue on, if confirmed.

Senator CARPER. OK. Those are all good.

Mr. Chairman, I reluctantly relinquish the gavel.

Chairman PETERS. [presiding]. Thank you for your great service.

Senator CARPER. It is a good thing I do not get paid by the minute. It would not have been much.

Chairman PETERS. Very good.

Senator Hawley, you are recognized for your questions.

OPENING STATEMENT OF SENATOR HAWLEY

Senator HAWLEY. Thank you very much, Mr. Chairman. Mr. Pekoske, thanks for being here. I have some questions for you, and to be frank with you I have some concerns about your record. Let's start with your decision to allow illegal immigrants to use arrest warrants as a form of identification (ID) at TSA checkpoints.

In response to a congressional inquiry on this you responded, and I am going to quote you now, "TSA established a process where it will accept certain DHS-issued forms for non-citizens and non-U.S. nationals who do not otherwise have acceptable forms of ID for presentation at security checkpoints." Then you went on to list the forms that TSA would accept that included a warrant for arrest of an alien, a warrant of removal to deportation, the order of release on recognizance, an order of supervision, a notice to appear (NTA), an arrival and departure form, which included a printout of an electronic record or an alien booking record.

Now I wrote to you on January 31st of this year, asking you about this. Have you responded to this letter yet?

Mr. PEKOSKE. No, sir, we have not responded—

Senator HAWLEY. I did not think so.

Mr. PEKOSKE [continuing]. But I will respond tomorrow.

Senator HAWLEY. Right after today's hearing. It is amazing how that works.

Mr. PEKOSKE. Actually I saw a response earlier and it did not meet—

Senator HAWLEY. Do I have the response?

Mr. PEKOSKE. No, you do not, but you will have it tomorrow.

Senator HAWLEY. Right after today's hearing. Maybe we should have more of these hearings. This is July, is it not? I sent it to you

in January. That is a very long time to respond to a letter that is 2½ pages long.

Let's just see if we can get some answers now. How many individuals have presented TSA with arrest warrants or deportation notices and were permitted to travel in this calendar year?

Mr. PEKOSKE. Under 1,000, sir.

Senator HAWLEY. How does this policy comport with 18 United States Code (USC) 1325, which criminalizes improper entry into the United States by an alien?

Mr. PEKOSKE. Sir, these individuals that have these arrest warrants, those arrest warrants were issued by the Border Patrol or a Customs office, and they serve as a begging to our identity verification process. You cannot walk up to a checkpoint, wave that form, and then you can go right through into screening. We go through a process to verify that you are the person that you claim to be and that you are receiving the level of screening, which always includes enhanced screening when people do not have the proper identification.

Senator HAWLEY. Somebody who presents an arrest warrant is subject to an in-person interview with the airport's Federal security director?

Mr. PEKOSKE. They have an interview with the officers that are on scene at the checkpoint, but that is not all that is happening. What those officers are doing is they are talking to——

Senator HAWLEY. Wait. When you say the officers on scene at the checkpoint, what are we talking about?

Mr. PEKOSKE. The transportation security officers. The uniformed officers at the checkpoint.

Senator HAWLEY. OK. But not the Federal Security Director (FSD).

Mr. PEKOSKE. They will bring in the Federal Security Director if needed.

Senator HAWLEY. Why would that person not be needed if you have someone who is an illegal immigrant?

Mr. PEKOSKE. Right. We are not looking at whether a person is legal or illegal in the country. Our function is to make sure that——

Senator HAWLEY. Why not?

Mr. PEKOSKE. Because our role is to make sure that people that might pose a risk to transportation that is significant enough to either require enhanced screening or to not allow them to fly, that the proper procedure——

Senator HAWLEY. Is it your position someone who is known to have violated the laws of the United States does not thereby need enhanced screening? You are not concerned about this person as a security threat?

Mr. PEKOSKE. Sir, there are people every day that violate the laws of the United States that fly. We look for things that are related to transportation security.

Senator HAWLEY. You do not think someone who is, by definition, if somebody presents a warrant for arrest, you do not think that that necessitates enhanced screening?

Mr. PEKOSKE. They get enhanced. All of those individuals get enhanced screening.

Senator HAWLEY. You just told me that it does not necessary involve any interview with the Federal Security Director, and you also said that you may well let them get on airplanes, and, in fact, you have allowed at least 1,000 people to get on airplanes, in just this calendar year alone.

Mr. PEKOSKE. But enhanced screening and getting on an airplane are two very different things.

Senator HAWLEY. I think for every person watching this hearing who has experienced the TSA screening process, it can often be very onerous, it is very long, and in fact, under your tenureship the times for screening have gone up, up, up at airports all across the country, including in my home State of Missouri. St. Louis is now the sixth-longest screening process in the country, despite the size of our airport there.

People who have done absolutely nothing wrong, are law-abiding citizens in every respect, are subject to the most invasive screenings at these airports. Yet you are allowing illegal aliens to present warrants for arrest and waving them onto airplanes. How does that make sense?

Mr. PEKOSKE. We are not doing that, sir.

Senator HAWLEY. You just told me that you have let 1,000 people travel on airlines who present to you warrants for arrest.

Mr. PEKOSKE. Yes, and they present those warrants. That warrant is the beginning of an identity verification process which follows.

Senator HAWLEY. Why is it not the end? Why is that not the end of the process and you say, "Sorry, you have a warrant for an arrest. We are not going to allow you to get on an airplane."

Mr. PEKOSKE. Because we want to identify who has presented themselves as the screening checkpoint and ensure that those individuals get the right level of screening. For folks that do not have the acceptable forms of ID that we list on our webpage, they all receive enhanced screening. Every single person that presents a warrant receives enhanced screening before they are allowed to get on an aircraft. Now if they do not pass that screening they do not get on the aircraft.

Senator HAWLEY. Boy. I think you are going to have a hard time explaining to folks who wait for all this time in these lines, who subject themselves voluntary to all of the restrictions that you impose, who are patted down, who are frisked, who are asked to step aside, who have their luggage rifled through, who have items confiscated from them, who are randomly selected or sometimes perhaps not so randomly selected for enhanced screenings, but you are allowing illegal aliens with warrants for arrest to get onto airplanes, and you have allowed at least 1,000 of them in this calendar year. I mean, I just find that totally extraordinary.

Let me ask you about something you did when you were briefly Acting Secretary of DHS, from January 20 to February 2, 2021. You published a memo during that time that enacted a 100-day moratorium on almost all illegal immigrant removals from the United States as well as a 100-day review of DHS immigration law enforcement policies. Thankfully, this was blocked by a Federal judge.

I just want to have you explain. I do not understand why you were trying to reduce border enforcement capabilities at a time

when we were and are experiencing record levels of illegal immigration.

Mr. PEKOSKE. Sir, we do not have enough resources, clearly, to handle the number of people that are coming across the border. We were trying to focus the resources that we have. I mean, no agency in this government has all the resources they need to do the jobs that they have been asked to do.

Senator HAWLEY. I am sorry. So your answer is that you wanted to do less enforcement and just ignore everybody who was here before November 1, 2020?

Mr. PEKOSKE. Not at all. We wanted to do more effective enforcement.

Senator HAWLEY. Here is what you attempted to do. You tried to narrow DHS's enforcement abilities to include only three types of illegal aliens: one, spies and terrorists, two, aliens who entered after November 1, 2020, or those convicted of aggravated felonies and were released from incarceration on or after the date of your memo. That is a significant narrowing. Basically, if you came before November 1, 2020, and you issued this in January 2021, they are just off the hook.

Mr. PEKOSKE. Sir, those were enforcement priorities but not all the enforcement that could occur, and if you read further in that memo it allows for discretion by the officer. Those priorities are primarily for resource allocation decisions as to where the resources would be placed to be most effective.

I think those three priorities are three of the very top priorities that we ought to focus our limited enforcement capability on.

Senator HAWLEY. I am just glad that a judge blocked the attempt to do this. I have to say, in terms of your priorities and what you have done, from allowing those with arrest warrants to fly while subjecting law-abiding citizens to what you have done, to your record of the terrible wait times and experience that you are putting law-abiding citizens through, to this action, I just cannot say that I agree with your priorities, Mr. Pekoske.

Thank you, Mr. Chairman.

Chairman PETERS. Thank you, Senator Hawley.

Senator Scott, you are recognized for your questions.

OPENING STATEMENT OF SENATOR SCOTT

Senator SCOTT. Thanks for being here. I did not get to hear all of Senator Hawley's questions, but go through exactly how, and under what authority of the law, you allow illegal immigrants, they are permitted to use their U.S. Immigration and Customs Enforcement (ICE) arrest warrants as an acceptable form of identification for TSA? Explain why you would do that.

Mr. PEKOSKE. Yes, sir. I will, and thanks for the opportunity. That ICE arrest warrant is not a criminal warrant in the common term that most people would interpret it to mean. What it means is that this individual has encountered ICE, and ICE has released that person and given them this document as a form of beginning an identity verification process, like for TSA.

When ICE issues these forms, and that person chooses to travel, they make reservation with the carriers as they normally would, they come into the screening checkpoint, they show us that form.

That begins an entire process where we work to verify their identity. Essentially what we are looking to do is to ensure that this is the person who claims to be in front of us. We have advanced this quite a bit over the past year, year and a half, to now we are working with Customs and Border Protection, we use biometric identification. Sometimes when these individuals approach the checkpoint, already with a reservation, we do a biometric or facial scan. That appraisal that is on an iPhone will return us a result that, yes, this person was encountered by Border Patrol or a Customs field officer and they were paroled into the country, and we verify their identity biometrically. They have been checked against the Terror Databases at the——

Senator SCOTT. Have you been down to the border?

Mr. PEKOSKE. Yes, I have.

Senator SCOTT. So in my trips down there, everybody throws their ID away before they come across the border. OK? I have not experienced where people have come over with their ID. So what you just said does not seem like that is the way it would work. How could anybody ever verify who they are?

Mr. PEKOSKE. They use the biometrics. So either a facial image or a print.

Senator SCOTT. Do we have it from Mexico or Venezuela?

Mr. PEKOSKE. No. We have it from the individual, sir. The individual provides their biometric. We use that biometric to ensure that that biometric is not represented on any of our watch listing information.

Senator SCOTT. We actually do not really have good information. What you are saying is, somebody throws their ID away, they come across the border and say, "I am Rick Scott." Then they say, "I am Rick Scott. Here is my information." The Border Patrol has no background because Cuba is not going to give it to you or Venezuela or Nicaragua. Then they use that to get on the plane.

Mr. PEKOSKE. That person who might not have identification encounters the Border Patrol. The Border Patrol captures their fingerprints, uses the fingerprints to ensure that they are not watch-listed and they are admissible into the country. Then when that person approaches the TSA checkpoint we go back and verify that this is the person that the Border Patrol admitted into the country, and this is the person that did not have any watch-listing information on them.

Regardless of what outcome that is, once we go through identity verification process they all received enhanced screening. No person with one of those arrest warrants, which again are non-criminal arrest warrants, gets into an aircraft without enhanced screening. In that enhanced screening process there are situations where, through enhanced screening, we eventually deny entry as well, but that is kind of rare.

Senator SCOTT. OK. As an American citizen you have to have a photo ID. Let's take somebody coming across the border. If I came across the border today, the Border Patrol stops me, and I say, I am whatever my name is. They take my ID. How fast can they fly on a plane?

Mr. PEKOSKE. We have processes where we have American citizens every day that lose their identity, or forget their identity when

they come to the checkpoint. We have some passengers that approach the checkpoint with no identity whatsoever. We use this very same identity verification process that is basically run out of our operations center here in Washington.

Senator SCOTT. They could fly the same day they get in the country.

Mr. PEKOSKE. They can fly the same day, provided that we can validate their identity. We have a whole series of processes that we use to do that.

Senator SCOTT. But if they are a Cuban citizen, you do not have any ability. If they have lived in Cuba all their life, they flew into Mexico City, flew to Mexicali, came across the border, then you have no information.

Mr. PEKOSKE. If we have no information and cannot validate their identity then they do not fly.

Senator SCOTT. If they came across, they had no ID, and if no background, Islamic State of Iraq and Syria (ISIS), the person comes and gives their name and their fingerprint, they would not be able to fly.

Mr. PEKOSKE. Unless we had captured their prints on their border crossing and checked them against the watch listing information that we all hold.

Senator SCOTT. But you have no information.

Mr. PEKOSKE. Right, but we would have their print.

Senator SCOTT. All you have then is they say their name and their print, and that day they could fly.

Mr. PEKOSKE. Arguably, yes, although that is rare it is the same day.

Senator SCOTT. Stop right there for a second. You know you have no information from Cuba, right?

Mr. PEKOSKE. Yes.

Senator SCOTT. You get nothing out of Iran. You get nothing out of North Korea. You get nothing out of probably a lot of Africa.

Mr. PEKOSKE. Yes.

Senator SCOTT. You get nothing out of Nicaragua, and people can get on airplanes and fly immediately. I mean——

Mr. PEKOSKE. Sure, but——

Senator SCOTT [continuing]. As an American citizen, would you not say that does not make sense?

Mr. PEKOSKE. Before they can get on the aircraft they go through a full pat-down, they go through a full bag search, in addition to our regular screening process. We have mitigated risk substantially in that process. We know that because we take their print when they cross the border, we know that their print is not matching with anybody that is on the Terrorist Screening Database.

Senator SCOTT. I just think, as an American citizen, you know people are coming across our border to harm us, right. We did not stop the 9/11 attackers, and we had the system there, right? To me, I just think this is unbelievable risk. When you stop and think about it, you can throw your ID away, you are a terrorist. You might not be on the list yet but you are here to do harm, and that day, people can fly. I mean, that just does not make sense.

Mr. PEKOSKE. Things are quite different, though, now from 9/11, and we have a very sophisticated system that would detect people

that would present harm to the United States. We have used that system successfully for years now. This identity verification process has been in place since 2019.

Senator SCOTT. Let me ask you a question. When I have gone through sometimes they are doing tests to see how many people get through. You guys do that, right? How many people get through? How many times does a gun get through?

Mr. PEKOSKE. We do covert tests on a pretty regular basis. Those results are always classified, for obviously reasons. We use those convert tests to show us where vulnerabilities might exist in our system and to close those vulnerabilities as quickly as we can.

Senator SCOTT. But I think you would acknowledge that knives get through, guns get through.

Mr. PEKOSKE. Right. Now knives and guns never get through enhanced screening.

Senator SCOTT. Cannot get through a hand screening.

Mr. PEKOSKE. Right, because we are taking the bag apart. We are doing a full pat-down of the person.

Senator SCOTT. How about explosives?

Mr. PEKOSKE. We would detect explosives, knives, any prohibited item. It is very thorough, as it needs to be.

Senator SCOTT. OK. Thanks, Chair.

Chairman PETERS. Thank you, Senator Scott.

Administrator Pekoske, both Senator Scott and Senator Hawley have been asking about the policy to accept arrest warrants at TSA checkpoints. My question for you is, when did the TSA make that policy change?

Mr. PEKOSKE. That policy change, sir, was made in 2019.

Chairman PETERS. During the Trump administration?

Mr. PEKOSKE. Yes, sir.

Chairman PETERS. OK. This is a Trump administration policy?

Mr. PEKOSKE. Yes, sir, and we have made it stronger since then.

Chairman PETERS. OK. Thank you.

Senator Ossoff, you are recognized for your questions.

OPENING STATEMENT OF SENATOR OSSOFF

Senator OSSOFF. Thank you, Mr. Chairman, and Administrator, thank you for joining us. I want to begin by addressing staff capacity concerns and delays that are, in particular, affecting Hartsfield-Jackson International Airport in Atlanta (ATL). As the public returns to air travel after the worst periods thus far of the COVID-19 pandemic, airline passengers have been frustrated by cancellations and long lines at airports in Georgia and across the country.

Over the past year, many airports have faced delays due to staffing capacity issues at TSA security checkpoints. How is TSA proactively addressing workforce shortages through expanded recruitment and employee retention efforts?

Mr. PEKOSKE. Sir, thank you for the question, and thank you for the support of the team at ATL. We very much appreciate it.

We are seeing rapid recovery of travel, to the point of about 90 percent of where we are overall, pre-pandemic. So three years ago, we are about 90 percent of those levels.

Our staff is not where it needs to be but, in general, across our system, every single day, at 430 airports in the country, we are

meeting our wait time standards, and those standards are for a non-PreCheck passenger to get through screening within 30 minutes and for a PreCheck passenger within 10. We consistently, across the system, meet those standards, with rare exception. I mean, when you consider 430 airports and roughly 2,400 screening lanes, I will have maybe three or four reports a day where we might have exceeded those standards.

Having said that, we do need more staff than what we have today, and we expect the recovery to continue into the fall and into the December holidays.

We have done some great work in providing incentives. First you have to keep the great employees we currently have, and so we have provided more incentives to keep current employees in TSA.

Second, and we just did this at Atlanta, we do focused recruiting events. We had 600, 700 people that showed up for the recruiting event that we held in Atlanta, and what we do there is we do all of the steps in our recruitment process all at one time. You do your computer-based testing, you begin your medical process, and you start to fill out your security forms. This greatly streamlines our ability to bring people on board.

The other thing that is critically important, sir, and I would appreciate your support of this, is we do have a proposal in the budget, the President's budget for 2023, to provide pay equity for TSA. As you may know, our frontline screening workforce receives 30 percent less pay than if they worked in any other Federal agency. If you went through the standard process of classifying their positions and then providing their compensation for that, we are about 30 percent off. That has a significant impact on our ability to recruit people and to retain folks.

I think that is one of the most important things, that is my most important thing as the agency head, to provide responses to questions that Members of Congress such as yourself might have and then hopefully, if it is approved and appropriated, to implement.

Senator OSSOFF. Thank you, Administrator. Will you commit to working with my office and with the ATL leadership, including B.B. Bheodari, the general manager at Hartsfield-Jackson, to ensure the airport has sufficient staff and drive down wait times?

Mr. PEKOSKE. Yes, sir. I have met with him. I have been to Atlanta many times, and I absolutely commit to do that.

Senator OSSOFF. I appreciate that commitment, Administrator. I want to ask you about airport firearm safety. Georgia has twice the national rate of firearms detections by TSA. This number is increasing, and it is estimated that 86 percent of firearms that TSA detects are loaded.

Last month, Fox 5 Atlanta reported that a firearm made it through security at Hartsfield-Jackson International Airport unnoticed. It was reported that the armed individual was not found and may have boarded a flight. TSA has confirmed that it has investigated the event and is implementing training and policy changes to prevent incidents like this from recurring. It goes without saying that undetected firearms present a serious danger to airline passengers and aviation safety, and this potential incident is extremely concerning.

What steps are you taking in response to the increasing number of firearms detected at airports, particularly those in Georgia and at major hubs like Hartsfield-Jackson Atlanta International Airport?

Mr. PEKOSKE. A number of steps, sir, and thanks for the question. It is a significant issue of concern for all of us.

So far this calendar year we have had about 3,400 weapons detected in our checkpoint process. That number, compared to last year, is about the same number, when you prorate it for where we are in this calendar year, but the rate per million passengers is starting to go down, but it is still way too high.

What we are doing is we are making sure that we are very public, particularly in the checkpoint, as people are going through the queue line, to remind everybody that you cannot bring a weapon into the secure area of an airport. You can carry a weapon in your checked baggage, and there are procedures for doing that.

The other thing that we are doing, and we would really appreciate your support on this, sir, is we are putting new technology in our screening checkpoints, and we have a lot of that new technology at Atlanta airport. But part of that new technology is the ability for the technology to automatically detect some of these prohibited items, which currently we do not have the ability to do. That will be a huge assistance to our officers who, as you can imagine, when you are looking at literally hundreds of images in any given shift rotation, having those technology assists—which are out there and available and we just need to fine-tune it for our application—would further drive down the number of cases like the one you cited.

Senator OSSOFF. Thank you, Administrator. Would you provide to my office and this Committee an explanation of this specific incident, the steps that you took in response to it, and update us as soon as the policy changes and officer training changes that you are implementing in response are complete?

Mr. PEKOSKE. Absolutely. Yes, sir.

Senator OSSOFF. Thank you, Administrator. The Federal Flight Deck Officer (FFDO) Program provides training and allows TSA to deputize volunteer pilots and flight attendants to defend the flight decks of aircraft against violence and terrorism. The program was created in the wake of 9/11 and since then has trained thousands of volunteer flight crew members, many of whom receive training in Georgia.

However, the program has not received sufficient funding to support its continue growth, and with air travel booming again this program is more vital than ever, which is why I am leading an effort to strengthen this vital aviation security program in the upcoming Federal Appropriations Bill.

Administrator, will you champion continued funding for the Federal Flight Deck Officer Program should you be confirmed to another term at the top of TSA?

Mr. PEKOSKE. Yes, sir. It is a fantastic program. I really appreciate all the captains and first officers volunteering to go through the training and to perform this function for us. We do intend to provide a recurrent training facility in Atlanta on a permanent basis, and would appreciate your support for that appropriation.

Senator OSSOFF. I appreciate your responses and your time and your service, and I yield back, Mr. Chairman.

Chairman PETERS. Thank you, Senator Ossoff.

In January, Mr. Administrator, I had the opportunity to tour a TSA checkpoint at Detroit Metro Airport (DTW), and I had the opportunity to see firsthand some cutting-edge technologies that are being employed right now at these checkpoints, as well as all across the country, not just in Detroit.

My question for you, Administrator Pekoske, is that one of the technologies I was able to observe was the TSA's credential authentication technology (CAT) machine. Could you discuss how the TSA's CAT machine can provide additional security at our airports, for the Committee?

Mr. PEKOSKE. Yes, sir. The credential authentication technology is a really significant advancement in our capability at the checkpoint, and what that does is it validates the authenticity of a credential. You can imagine if you are an officer and you have to memorize the markings on 56 different types of driver's licenses just in this country, or the markings on passports from around the world, that is a very difficult job to do. This technology does it automatically. The first thing it does is it verifies the authenticity of the document.

The second thing, very important for us, for the first time in TSA's history we are able to do near real-time risk evaluation by passenger as they are standing in front of the officer. That technology is connected to our Secure Flight Database, and that will tell us what flight the passenger is on, what the passenger status is, whether they are a PreCheck passenger, a standard passenger, or a passenger who may require enhanced screening. That ensures that in real time, rather than 24 hours out, which in the past you could print out a boarding pass for, that we can assess it right there on scene.

Additionally, in a pandemic, not having to hand your credential over to somebody else was, I think, appreciated by our officers and certainly appreciated by passengers. The next version of this credential authentication technology will include a camera, a very high-fidelity camera, that will allow us to do biometric matching. The camera will take a picture of the person that is standing in front and will compare the digital image that is on their driver's license or passport and do a digital match, which is highly accurate. It speeds things up, it is better security, it is better for passengers.

Chairman PETERS. I understand that TSA has also been working on a new generation of these CAT machines, CAT-2—it sounds like a good name for the next generation machine—that allows for biometric verification of passenger identity using camera and facial matching as part of the process.

When can we expect these new CAT-2 machines to become more widely used at airports across the country, and tell me a little bit more about them.

Mr. PEKOSKE. Yes. Thanks, sir. The CAT-2 technology, first and foremost, attaches the camera to the system so it basically brings the biometric capability in. Additionally, the CAT-2 technology has the ability to read a digital identity. If you are using a mobile driv-

er's license that is now provisioned on some Apple devices and soon will be on some Android devices, you can use that digital identity in the screening process.

The CAT-2 system right now is in the prototype stage. We expect to reach full operating capability somewhat distant into the future, because we have just re-baselined this program. The initial idea behind the CAT program was that it would be just at the largest airports in the country. We have since reassessed that and determined to put it at every single airport in the country. At the current funding levels that will not be completed for a good long time. That is why my focus is on getting the capital account of TSA at a level more commensurate with where we see the need to close security gaps, which CAT does.

Chairman PETERS. Great. Thank you, Administrator.

Senator Rosen, you are recognized for your questions.

OPENING STATEMENT OF SENATOR ROSEN

Senator ROSEN. Thank you, Chairman Peters. I appreciate you waiting for me. Thank you for your willingness to serve.

Let's talk a little bit about transportation cybersecurity. TSA, I know you have an enormous and complex responsibility of securing the nation's transportation system, from both physical and, of course, cyber threats. With cyberattacks on American transportation infrastructure, while they are escalating in both frequency and severity, earlier this year Senator Wicker and I wrote to both DHS Secretary Mayorkas and Transportation Secretary Buttigieg requesting information about their respective agencies' security-related processes to detect, to prevent, and to respond to these cyber threats.

As you know, TSA recently announced new security directives and guidance for measures to strengthen cybersecurity across the transportation sector. Additionally, you mentioned, when we met in my office last month, that TSA is going to start to more robustly regulate cybersecurity, especially at airports for airlines and also for the freight rail systems.

Mr. Administrator, would you talk about what the future TSA cybersecurity efforts will look like, if you are confirmed for another term, and really, does TSA have the resources it needs to properly address the cybersecurity threats to our nation's critical transportation system? What do you need from us?

Mr. PEKOSKE. Thank you, Senator. I appreciate the question, and you are right. I mean, we have placed a lot of effort, particularly over the past year-plus, on cybersecurity across critical transportation infrastructure in the country. We began with the oil and natural gas pipeline system, issued two security directives last year, to do a couple of things. One of them is very consistent with what this Committee has long championed, and that is cyber reporting. We require significant cyber incidents to be reported to Cybersecurity and Infrastructure Security Agency (CISA), who then distributes them throughout the interagency.

Then in July of last year we put a series of measures in place that required those companies, 97 companies out of 3,000, to put these measures in place over the course of the ensuing year.

We were about to issue today—and I will send you a copy of what we issue today—a revision to that second security directive that changes the approach. It allows what has currently been done to continue, but if owners and operators want to more tailor their cyber approach to their own business model it gives them the flexibility to do that. We are going from a very prescriptive, measures-based approach to a performance-based approach, which we think will be well received. We know it will be well received by the industry because we have gotten some very good feedback from them. This will be a template for our approach to rail and for aviation in the future.

Senator ROSEN. That is great, because I know you have other security pilot programs in the works, because the Department of Commerce said they recently published its 2022 National Travel and Tourism Strategy, which focuses Federal Government efforts to support the U.S. travel and tourism industry. It sets an ambitious five-year goal of attracting 90 million international visitors to the U.S. each year. I am chair of the Subcommittee for Tourism, Trade, and Export Promotion, so that is particularly important and, of course, important to my State of Nevada.

To reach that goal the national strategy contemplates harnessing the efficiencies at TSA checkpoints, and specifically that One-Stop Security Pilot Program. My Omnibus Travel and Tourism Act, we like to refer to it as the Tour Bus, includes the One-Security Program that would allow passengers and baggage arriving from certain foreign airports to not have to go through additional screening. They would bypass that second round if the last-point-of-departure airport has screening commensurate with that in the United States.

During last week's Commerce committee we talked about how might the creation of the One-Stop Security Pilot Program support your mission, support TSA's mission, and what do you think about that? Considering some of the new technologies that have emerged in the travel space, contactless booking, quick response (QR) codes, all of those things, what are you thinking about to make the travel experience a little bit more efficient, maybe pleasant?

Mr. PEKOSKE. Yes, Senator Rosen, and we always want to make the travel experience one, from my perspective, more secure, from FAA's perspective, more safe, absolutely more efficient, and a better passenger experience for all the travelers going through our system.

One-Stop Security, I appreciate your championship of that program. It improves security. It means that flights from airports that we have a One-Stop agreement with are more secure, more commensurate with U.S. standards than they would otherwise be. Additionally it provides great facilitation for those travelers once they arrive in the United States, because they would not have to go through screening again in the United States, because we would establish commensurate security levels at those last-point-of-departure airports.

It has a significant technology piece to it as well, because that will mean that we synchronize our technology and our standards of performance internationally, even more so than we do today.

I would also like to highlight, Senator Rosen, because you touched on it, is Harry Reid Las Vegas International Airport (LAS), a tremendous airport, it is the home of our TSA Academy West, and they have also provided us an entire checkpoint that we have termed our Innovation Checkpoint. If you go into that airport—and you have seen this——

Senator ROSEN. I have seen it.

Mr. PEKOSKE [continuing]. You see our very latest technology. The benefit there is we can actually bring passengers through our most recent technology and get a gauge for how are they interacting with it, what do they think about it, so we can calibrate along the way. I appreciate your support of that as well.

Senator ROSEN. Thank you. I appreciate that. Any thought about using QR codes or some of the other newer technologies, biometrics and those?

Mr. PEKOSKE. Yes, ma'am. We are moving very rapidly to use biometrics because it is better for security, it is much more error-free, and it is touchless and friction-less for passengers. We are working very closely with American Airlines (AA) on a QR code digital identity that is showing great promise already. So couple that with the mobile driver's license work we do, those are two different forms of digital identifications. Better for passengers, much better for us from a security perspective, and quicker.

Senator ROSEN. Thank you. I appreciate it. Thank you, Mr. Chairman.

Chairman PETERS. Thank you, Senator Rosen.

Administrator Pecoske, I would certainly like to thank you once again for joining us here today to discuss your nomination to serve a second term as TSA Administrator. If confirmed, I certainly look forward to continuing to work with you on all the issues that we have discussed here today, and we will always welcome you back to the Committee to discuss these issues in public as well.

The nominee has filed responses to biographical and financial questionnaires, and without objection this information will be made part of the hearing record,¹ with the exception of the financial data, which is on file and available for public inspection in the Committee offices.

This hearing record will remain open until 12 p.m. tomorrow, July 22nd, for the submission of statements and questions for the record.

This hearing is now adjourned.

[Whereupon, at 11:31 a.m., the hearing was adjourned.]

¹ The information of Mr. Pecoske appears in the Appendix on page 33.

A P P E N D I X

**Chairman Peters Opening Statement As Prepared for Delivery
Full Committee Hearing: Nomination of the Honorable David P. Pekoske to be
Administrator, Transportation Security Administration, U.S. Department of Homeland
Security
July 21, 2022**

Today we are considering the nomination of David Pekoske, to be Administrator of the Transportation Security Administration at the Department of Homeland Security.

Administrator Pekoske, welcome back to the committee, congratulations on your nomination and thank you for your willingness to continue serving in this role.

Over twenty years ago, the Transportation Security Administration was established in response to the September 11th terrorist attacks to carry out the essential mission of ensuring that travelers are safe and secure.

Since its creation, travelers have encountered TSA on a daily basis, most notably during the security screening process at our nation's airports. In fact, TSA currently screens over 2 million travelers every day.

This is a significant undertaking, and it wouldn't be possible without our dedicated, frontline TSA staff who work hard each and every day to ensure our transportation system's safety, but especially throughout a national pandemic.

Administrator Pekoske, I am thankful for your vocal support of the TSA workforce, and I look forward to working with you to ensure frontline TSA officers receive the compensation and benefits they deserve.

As we discussed during last week's hearing, the threat to our homeland security posed by Unmanned Aircraft Systems is rapidly growing.

I know TSA has requested explicit authorities to conduct Counter-Unmanned Aircraft Systems activities to maintain our transportation security, and I support these efforts. I am working on bipartisan legislation to reauthorize and strengthen Counter-Unmanned Aircraft Systems authorities to better tackle this threat, which I plan to introduce in the coming weeks.

As we work to protect travelers from threats in the sky, we must also focus on their travel experience on the ground.

As Chairman of this Committee, I have long pressed the Department of Homeland Security and its component agencies to address concerns raised by communities, including Michigan's Muslim and Arab American communities, about challenges they face during the travel screening process. Security of our transportation system is critical, but we must also ensure that TSA is upholding the civil rights, civil liberties, and privacy of travelers.

I am pleased that Customs and Border Protection has recently announced a new Senior Community Relations Manager to help address these unique concerns, but I would like to see TSA take more proactive steps to be responsive to the affected communities and address these concerns.

Administrator Pekoske, if confirmed for a second term, you will play a critical role in ensuring our travel screening procedures and standards, specifically the DHS Traveler Redress Inquiry Program, are fair and equitable, easy to navigate, and as transparent as possible.

I look forward to working with you to ensure TSA can proactively protect travelers and our transportation facilities and to hearing more from you about your vision for continuing the TSA's critical mission.

Opening Statement
Ranking Member Rob Portman

U.S. SENATE COMMITTEE ON HOMELAND SECURITY & GOVERNMENTAL AFFAIRS
*"NOMINATION OF DAVID P. PEKOSKE
TO BE ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION"*
JULY 21, 2022

Thank you, Chairman Peters.

Welcome, Mr. Pekoske. President Biden has nominated you for a second five-year term to lead the Transportation Security Administration, or TSA. Thank you for your willingness to continue to serve.

The Administrator of TSA is a critical position that deserves this Committee's careful consideration.

Established in the aftermath of 9/11, TSA plays a vital role in protecting our nation's aviation and transportation systems. Over the past two years, amid the COVID-19 pandemic, employees and officers of the TSA remained on the front lines and ensured the safety of the travelling public.

This Committee is deeply appreciative for the work and diligence of the TSA workforce during this volatile time.

At the time of its establishment, the greatest challenge facing the TSA was foreign terrorism. TSA's mission was to prevent attacks similar to those on 9/11 and restore confidence in air travel.

Since then, the threat landscape has evolved. I look forward to discussing how you plan to realign TSA to meet this evolving threat.

Last year, the 2021 Colonial Pipeline attack brought attention to the many cybersecurity-related threats we face, while also exposing vulnerabilities in TSA's oversight of the nation's surface transportation systems, more specifically our pipelines.

The Colonial Pipeline ransomware attack was the largest cyberattack on an oil infrastructure target in the history of the United States. This attack prompted TSA to issue the first ever cybersecurity-related security directives for owners and operators of pipelines that require mandatory incident reporting and the adoption of mitigation measures.

When issuing these security directives, TSA used emergency authorities to bypass regulatory notice and comment periods. I remain concerned that the use of this emergency authority departs from TSA's previously collaborative approach with industry experts on cybersecurity standards.

Another area of concern is that TSA has also repeatedly refused to provide copies of the draft directives to Congress, including the Chairs and Ranking Members of its congressional oversight committees, despite having shared copies of the drafts with the pipeline industry.

TSA officials have explained they would not provide drafts of these security directives to its congressional oversight committee's because they are pre-decisional and therefore deliberative. Today's hearing is an opportunity for you to explain how the documents could be both internally deliberative yet externally shared with industry.

Finally, I would like to take a moment to thank you for your years of government service in positions protecting our national security. The TSA will continue to be an important piece in the security framework of the United States as the nation begins to travel again in earnest. I've appreciated our bipartisan work during your tenure as TSA Administrator and, if confirmed, I hope that can continue.

I look forward to discussing these matters with you and giving you an opportunity to clarify your position as we consider your nomination to lead TSA.

Thanks again, Mr. Chairman.

Personal Statement
David Pekoske
Confirmation Hearing to be TSA Administrator
July 21, 2022

Good morning Chairman Peters, Ranking Member Portman and distinguished members of the Committee.

I have had the honor of serving as the leader of the Transportation Security Administration (TSA) for nearly five years, and it is my great privilege to be before you today to be considered for a second five-year term as Administrator.

I would like to thank President Biden for re-nominating me for this important national security position and I would like to also thank Secretary Mayorkas and the entire DHS team for their support during this process. I'd also like to thank my family for their unending support in this position and throughout my career.

When President Biden announced my re-nomination, one acquaintance said to me, "that's a tough job; why would you want to do this for another 5 years?" The answer to this is simple – I want to continue to support the amazing TSA workforce.

The TSA workforce is exceptional and during my time at TSA, they have performed at a high-level amid challenging and historic circumstances.

Whether it is Transportation Security Officers, Federal Air Marshals, Inspectors or all of the TSA employees who support them behind the scenes, I am immensely proud to be a part of an organization laser-focused on protecting our Nation and its transportation system. They are a dedicated, committed workforce.

Of note though, I want to talk about our Transportation Security Officers (TSO). TSOs interact with millions of people every day and perform a critical national security function for our nation.

Their watch never stops. They came to work without pay during a 35-day partial government shut down in 2019. They staffed the checkpoints when the rest of the country remained home amid the onset of the COVID-19 pandemic. And Transportation Security Officers have been an important part of the recovery of air travel from the pandemic.

Similarly, our Federal Air Marshals protect the Nation during shutdowns, pandemics, and other high level incidents. They do so with a level of professionalism and integrity that serves as a model for the entire TSA family.

Our workforce is an inspiration to me and totally deserving of our full support. That starts with funding the President's Fiscal Year 2023 budget request, which provides pay equity for TSA employees and finally puts them on equal footing with the rest of their counterparts in the federal government.

If confirmed, I will continue to do all that I can to advocate for and hopefully implement pay equity. I will continue to work hard to ensure the TSA workforce is well prepared to meet the challenges of the next five years and beyond.

TSA does not do its job alone. Our mission success is directly dependent on the cooperation between the Agency and its myriad of partners.

In aviation, we continue our strong partnerships with our critical stakeholders—the airlines, the airports, state and local governments, other federal agencies, foreign governments, and of course pilots and flight attendants.

Equally important are the growing partnerships we have with the surface transportation sector, where TSA works closely with the oil and natural gas pipeline, passenger and transit rail, freight rail, trucking and bus industries.

Amid the challenges of growing cyber threats, TSA also relies heavily on forging productive partnerships with owners and operators of our critical transportation infrastructure, for which TSA serves as the security regulator.

I value our strong partnership with organized labor, employee resource groups and advisory panels who provide advocacy for our workforce. They help us remain strong by promoting healthy and thriving work environments for our TSA family.

I want to take a second and recognize these partnerships and thank all of those entities for their contributions toward securing our nation's transportation systems.

If confirmed, I will do everything I can to make sure that TSA maintains and strengthens these important partnerships to ensure that our pursuit of the highest level of transportation security works in tandem with the facilitation of trade and commerce in the transportation system.

Finally, I want to thank this Committee for your critical work to provide the authority to the Department—and now explicitly to TSA—to counter unmanned aerial systems. I also appreciate the Committee's work on critical infrastructure security, to include efforts addressing the cybersecurity of the transportation sector. If reconfirmed, I hope to continue this important cooperation between HSGAC and TSA.

After 20 years, TSA has grown considerably and we have learned a great deal about how to best protect our nation's transportation system. We still have much more work to do, but I remain committed to TSA's future.

Chairman Peters, Ranking Member Portman and distinguished members of this committee, I look forward to answering your questions.

REDACTED**Senate Commerce Committee Nominee Questionnaire, 117th Congress**

Instructions for the nominees: The Senate Committee on Commerce, Science, and Transportation asks you to provide typed answers to each of the following questions. It is requested that the nominee type the question in full before each response. Do not leave any questions blank. Type "None" or "Not Applicable" if a question does not apply to the nominee. Return printed answers to Committee. Begin each section (i.e., "A", "B", etc.) on a new sheet of paper.

A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS

1. Name (Include any former names or nicknames used):

David P. Pekoske

2. Position to which nominated:

Administrator of the Transportation Security Administration

3. Date of Nomination:

May 9, 2022

4. Address (List current place of residence and office addresses):

Current Residence:

- **REDACTED**

Office Address:

- 6595 Springfield Center Dr, Springfield, VA 22150

5. Date and Place of Birth:

Born May 5, 1955, in Meriden, CT.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

- Spouse: Michele R. Pekoske (maiden name Roy, not employed).

Children:

- Matthew D. Pekoske, 36
- Kristen M. Pekoske, 34
- Corinne N. Pekoske, 30
- Jillian E. Pekoske, 28

7. List all college and graduate degrees. Provide year and school attended.

- Massachusetts Institute of Technology (MIT), MBA, 1997
- Columbia University, MPA, 1989
- U.S. Coast Guard Academy, BS, 1977

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

- Transportation Security Administration, 2017 – present
 - Administrator
- Frontier Security Strategies (December 2016 – August 2017)
 - Expert (No work or income has been derived from this entity)
- Pacific Architects and Engineers, Inc. (PAE) (2015 - 2016)
 - Vice President, National Programs
- American University (2012 – 2017)
 - Adjunct Professorial Lecturer, School of Public Affairs
- A-T Solutions, Inc. (2010 - 2015) (Now part of PAE)
 - Group President, National Security Solutions
- Naval Postgraduate School (2008 – 2017)
 - Instructor, Leading Innovation Program
- U.S. Coast Guard Active Duty (1977 – 2010)
 - Vice Commandant (2009 – 2010)
 - Commander, U.S. Coast Guard Pacific Area (2008 – 2009)
 - Assistant Commandant for Operations (2006 – 2008)
 - Commander, First Coast Guard District (2004 – 2006)
 - Executive Assistant to the Commandant (2001 – 2004)
 - Captain of the Port, Long Island Sound (1999 - 2001)

9. Attach a copy of your resume.

Please see Attachment 1.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm,

partnership, or other business, enterprise, educational, or other institution within the last ten years.

I have held the following positions:

- Frontier Security Strategies (December 2016 – August 2017)
 - Expert (No work or income has been derived from this entity.)
- National Academies of Sciences, Engineering, and Medicine (December 2016 – September 2017)
 - Committee on Polar Icebreaker Cost Assessment – Member
- Association for Rescue at Sea (2015 – 2017)
 - Board of Directors – Member
- Heroes Linked: Military Veterans Appreciation Trust Foundation (2015 – 2017)
 - Board of Advisors – Member
- PAE (May 2015 – October 2016)
 - Vice President, National Programs
- U.S. Global Leadership Coalition (January 2013 – July 2017)
 - National Security Advisory Council – Member
- Jewish Institute for National Security of America (2013 – 2017)
 - Board of Advisors – Member
- National Academies of Sciences, Engineering, and Medicine (2013 – 2017)
 - Naval Studies Board – Member
- InfraGard National Members Alliance (2012 – 2015)
 - Chairman of the Board and Board Member
- Country Place Citizens Association (2012 - 2017)
 - Covenants Committee – Chair
- A-T Solutions (June 2010 – May 2015)
 - Group President, National Security Solutions
- U.S. Coast Guard Academy Board of Trustees (2006 - 2008)
 - Member

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions

you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

I am a member of the following:

- MIT Sloan Alumni Association (1997 – Present)
 - Member
- U.S. Coast Guard Academy Alumni Association (1977 – Present)
 - Member

Neither organization has membership restrictions on the basis of sex, race, color, religion, national origin, age, or disability.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

Yes. I was confirmed by the U.S. Senate to the public office of TSA Administrator on August 3, 2017. Prior to that my military positions were also approved by the U.S. Senate. No debt was incurred for any of these appointments.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

None.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years.

None.

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

I have received the following:

- Homeland Security Distinguished Service Medal (Two-time recipient: June 2010 and November 2019);
- Coast Guard Distinguished Service Medal (Two-time recipient: July 2006 and April 2009);
- Legion of Merit (Two-time recipient: June 2004 and July 2006);
- U.S. Coast Guard Meritorious Service Medal (Five-time recipient: August 1984, September 1989, July 1993, May 1996, and June 1999);
- U.S. Coast Guard Commendation Medal (Two-time recipient: June 1983 and June 1987);
- U.S. Coast Guard Achievement Medal (Four-time recipient); and,
- U.S. Coast Guard Commandant's Letter of Commendation

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

See Attachment 2.

18. List all digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an "alias" or "handle" you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

In my position as the current TSA Administrator, I have the following digital platform account:

- Twitter: @TSA_Pekoske (Active)

In my personal capacity, I have the following digital platform accounts:

- LinkedIn: David Pekoske (Active)
- Facebook: Dave Pekoske (Active)
- Twitter: Dmmkcj (Active)

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

As of May 19, 2022, I have testified before Congress in the following hearings:

- May 18, 2022 – House Appropriations Committee Subcommittee on Homeland Security (HAC-HS): “Examining the President’s FY 2023 Budget Request for the Transportation Security Administration.”
 - My testimony discussed the President’s FY 2023 Budget request for TSA.
- September 29, 2021 - House Committee on Homeland Security (CHS) hearing: “20 Years after 9/11: The State of the Transportation Security Administration.”
 - My testimony discussed how far TSA has come since its inception and the anticipated challenges the Agency will face in the next 20 years.
- July 27, 2021 – Senate Commerce, Science, and Transportation Committee (CST) hearing: “Pipeline Cybersecurity: Protecting Critical Infrastructure.”
 - My testimony discussed the current state of pipeline cybersecurity and the role that federal regulators play in protecting critical infrastructure from malicious actors.
- March 11, 2020 – CHS Subcommittee on Transportation and Maritime Security (CHS-TMS) hearing: “Securing America’s Transportation and Maritime Systems: A review of the Fiscal Year 2021 Budget Requests for the Transportation Security Administration and the U.S. Coast Guard.”
 - My testimony discussed the President’s FY 2021 Budget request for TSA.
- March 3, 2020 - Senate Appropriations Committee Subcommittee on Homeland Security hearing: “Examining the President’s FY 2021 Budget Request for the Transportation Security Administration.”
 - My testimony discussed the President’s FY 2021 Budget request for TSA.

- June 25, 2019 - House Committee on Oversight and Reform (COR) hearing: “Identifying, Resolving, and Preventing Vulnerabilities in TSA’s Operations.”
 - My testimony discussed TSA’s security operations.
- April 9, 2019 – CHS-TMS hearing: “Securing America’s Transportation and Maritime Systems: A Review of the Fiscal Year 2020 Budget Requests for the Transportation Security Administration and the U.S. Coast Guard.”
 - My testimony discussed the President’s FY 2020 Budget request for TSA.
- April 2, 2019 – HAC-HS hearing: “FY 2020 Budget Hearing – Transportation Security Administration.”
 - My testimony discussed the President’s FY 2020 Budget request for TSA.
- September 26, 2018 - House Oversight and Government Reform Committee hearing: “Examining Misconduct and Retaliation at TSA.”
 - My testimony discussed the results of the Committee’s three-year investigation regarding allegations of misconduct at TSA prior to the time in which I served as Administrator.
- September 5, 2018 – CST hearing: “Keeping Our Skies Secure: Oversight of the Transportation Security Administration.”
 - My testimony discussed TSA’s aviation security actions and efforts.
- April 12, 2018 – CHS Subcommittee on Transportation and Protective Security (CHS-TPS) hearing: “Examining the President’s FY 2019 Budget Request for the Transportation Security Administration.”
 - My testimony discussed the President’s FY 2019 Budget request for TSA.
- January 23, 2018 – CST Subcommittee on Surface Transportation and Merchant Marine Infrastructure Safety and Security hearing: “Surface Transportation Security: Addressing Current and Emerging Threats.”
 - My testimony discussed TSA’s response to current and emerging threats to surface transportation.
- January 18, 2018 – CHS-TPS hearing: “Innovation at TSA: Examining Threat Mitigation Through Technology Acquisitions Reform.”
 - My testimony discussed TSA’s acquisition and procurement process.

- November 8, 2017 – CHS hearing: “Preventing the Next Attack: TSA’s Role in Keeping our Transportation Systems Secure.”
 - My testimony discussed TSA’s efforts to improve and strengthen transportation security.
- June 28, 2017 – Homeland Security and Governmental Affairs Committee hearing: “Nominations of David J. Glawe to be Under Secretary for Intelligence & Analysis at the Department of Homeland Security; David Pekoske to be Assistant Secretary of Homeland Security, Transportation Security Administration.”
 - My testimony discussed my nomination by the President to be the next TSA Administrator, including my qualifications and vision for TSA.
- June 21, 2017 – CST hearing: “Nomination Hearing – David Pekoske.”
 - My testimony discussed my nomination by the President to be the next TSA Administrator, including my qualifications and vision for TSA.
- October 4, 2007 – CST hearing: “The Security of Our Nation’s Ports.”
 - My testimony discussed the Department of Homeland Security’s implementation and administration of several port and cargo security programs authorized in the *SAFE Port Act*, the *Maritime and Transportation Security Act of 2002*, and the *Coast Guard and Maritime Transportation Act of 2004*.
- February 13, 2007 – CHS Subcommittee on Border, Maritime, and Global Counterterrorism hearing: “Border Security: Infrastructure, Technology, and the Human Element.”
 - The purpose of the hearing was to discuss the challenges in securing the U.S. borders and that ways in which infrastructure, technology, and personnel can be used to strengthen border security.

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I am honored to be nominated by the President to serve a second term as the Administrator of TSA. If confirmed, I will continue working with the great

men and women of TSA to improve operations and carry out the Agency's critical national security mission.

I believe my qualifications to serve a second term include the achievements of my experience as the current TSA Administrator, a 33-year career in the U.S. Coast Guard, extensive operational background, and expertise in all modes of transportation.

While serving as the current TSA Administrator, I also served at the Department of Homeland Security as Acting Secretary from January 20 to February 2, 2021, and as the Senior Official Performing the Duties of Deputy Secretary from April to November 2019 and again from February to June 2021. Additionally, I served as a Commissioner on the Cyberspace Solarium Commission that developed a consensus on a strategic approach to defending the United States in cyberspace against attacks of significant consequence.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

With respect to large organizations, TSA employs approximately 60,000 federal employees, with a budget of \$8.8 billion in FY 2022. I have served as the Administrator for nearly five years, the longest-serving Administrator in TSA history.

My responsibility, if confirmed to serve a second term as Administrator, would be to continue to lead the men and women TSA and ensure the proper management and accounting controls are in place at TSA. Moreover, all public servants have a responsibility to the taxpayers to ensure that their dollars are being spent in an efficient manner, and if confirmed, I would continue to ensure that TSA leads the way in making efficient use of limited resources.

With that said, over the past five years, TSA has established several management and accounting controls while I have served as Administrator. The following are a few examples of these controls: TSA developed and published the TSA Strategy, which includes a new mission, vision, values statement, and strategic priorities. The TSA Strategy guides the Agency through TSA's 25th anniversary and identifies three strategic priorities: 1)

improve security and safeguard the transportation system, 2) accelerate action, and 3) commit to our people.

22. What do you believe to be the top three challenges facing the department/agency, and why?

I believe the top three challenges facing TSA are:

1. The Evolving Threat Landscape:

- Terrorists are continually evolving the tactics they use to attack both aviation and surface transportation systems, seeking gaps in our defenses, and taking full advantage of the open nature of much of these systems. For example, terrorists overseas have designed difficult-to-detect improvised explosive devices and likely invested in ways to place an explosive charge into a laptop, other types of small electronics, and household or commercial items. To counter these threats, TSA is working closely with our international and industry partners to enhance security effectiveness at Last Point of Departure airports, with a focus on improving detection capabilities through deployment of best-in-breed equipment and algorithms.
- At the same time, nation-states – along with the criminal enterprises they enable – have expanded their hostile cyber activities, placing critical transportation infrastructure at risk. TSA is working closely with our federal and industry partners to enhance industry's ability to deny malicious actors the critical system access they crave. TSA will continue to do so through a mix of intelligence-sharing, technical support, and – as needed – regulatory action.
- In addition, countering new technologies that can harm or interfere with transportation systems will remain a significant challenge for TSA. For instance, the availability of highly capable, low-cost unmanned aerial systems (UAS) has led to their expanded use in both malign and careless ways. UAS pose significant safety and security risks to aviation operations and surface transportation.

2. Workforce Morale:

- TSA cannot be successful without a professional, vigilant, and engaged workforce. Significant parts of the TSA workforce are underpaid relative to other federal government employees and that has impeded TSA's ability to improve the overall employee experience.
- Pay equity is critical for improving the morale of the TSA workforce and TSA's ability to recruit and retain the talent needed to continue to perform its national security mission. Without pay equity, TSA will continue to struggle with recruitment, career development, and retention.
- To address this pay inequity, the President's FY 2023 Budget request includes \$871 million to ensure that TSA employees are paid at a level commensurate with their counterparts in the federal government.
- Further, the President's FY 2023 Budget request includes \$121 million to establish a labor relations support capability to manage expanded labor benefits for Transportation Security Officers and the right for employees to appeal adverse personnel actions through the Merit Systems Protection Board. If funds are appropriated as requested, TSA screening officers will, for the first time ever, have the same pay, collective bargaining, and appeal rights as their counterparts in other federal agencies.

3. Screening Technology

- TSA faces significant challenges to improving the baseline for aviation screening technology for both passengers and air cargo. Our existing systems are highly complex and proprietary; non-standardized data, images, and interfaces force TSA to rely solely on the original equipment manufacturers and existing contracting mechanisms for software, components, and operational upgrades. This limits TSA's ability to engage with new and innovative partners to solve problems, increases development and acquisition costs, and can impede the response to emerging needs.
- It is critical for TSA's frontline workforce to have the best screening technology available to safeguard and secure the aviation transportation system. Improving the technology will increase the effectiveness and efficiency of TSA's screening operations and benefit aviation operations more broadly.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

My arrangements are fully described in my Public Financial Disclosure Report.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

None.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

None.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's Designated Agency Ethics Official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

None.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

None. However, as part of my responsibilities as Administrator of TSA, I have routinely advocated for legislation and budgetary outcomes that aid the men and women of TSA in carrying out their duties.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group?

No.

If yes:

- a. Provide the name of agency, association, committee, or group;
- b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- c. Describe the citation, disciplinary action, complaint, or personnel action;
- d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.

No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

In my official capacity as the Administrator of the Transportation Security Administration, from August 2017 through the present (including as the Acting Secretary of the Department of Homeland Security from January 20, 2021, through February 2, 2021, and as the Senior Official Performing the Duties of Deputy Secretary from April to November 2019 and again from February to June 2021), I was named in civil lawsuits directed against TSA and DHS. I have been named in my official capacity in the majority of this civil litigation. These cases challenge official TSA or DHS decisions and practices carried out by officers and employees of TSA and DHS as part of their official duties over which my role was among the highest supervisory authority.

TSA and DHS have identified the following cases in which I was sued in my individual capacity:

- *Muir v. TSA, et al.*, No. 20-cv-1280 (C.D. Ill. 2020), No. 21-1312 (7th Cir. 2021) – This case involved a Federal Tort Claims Act/*Bivens* claim brought by a passenger contesting a passenger screening alarm-resolution process and seeking to sue me directly under *Bivens* for allowing TSA’s Standard Operating Procedures to include the processes that plaintiff found to be improper. A motion to dismiss was granted in federal district court; the case was appealed to the Court of Appeals for the 7th Circuit, and the dismissal was affirmed.
 - *Stanford v. Hicks, et al.*, No. 21-cv-11608 (D. Mass. 2021) – This case involved a Federal Tort Claims Act/*Bivens* claim in which the *pro se* plaintiff claimed wide-ranging but ill-defined actions by various individuals – including me – that were part of a “rogue task force” acting “extra-legally” to surveil his phone and home as part of a pattern of harassment. A motion to dismiss was granted for failure to state a cognizable claim.
 - *Olivera v. United States, et al.*, No. 21-cv-692 (M.D. Fla. 2021) – This case involved a claim alleging social, economic, and psychological harm from TSA, including me directly (as having “current responsibility” for actions against TSA), and United Airlines allegedly removing the plaintiff from a flight and sexually harassing him through “security checks for no justifiable probable cause.” The case was dismissed on the court’s own initiative for the plaintiff’s failure to pursue the case.
 - *Saliba v. Pecoske, et al.*, No. 22-cv-587 (D. Ariz. 2022) – This case involves a claim in which the *pro se* plaintiff, an airline pilot who refused to wear a mask through an airport security checkpoint during the COVID-19 pandemic, contests the civil penalty he was issued for not wearing a mask. The plaintiff is suing the government and his airline for a declaratory judgment and compensation, although whether he seeks to recover damages from me personally is not yet entirely clear. The case was recently filed, and the government’s response is due June 13, 2022.
4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

A complaint of discrimination under the *Age Discrimination in Employment Act of 1967* was initiated by an employee in 2005. A mediation process was implemented and all issues between the parties have been resolved. The agreement, signed on September 20, 2005, contains a confidentiality clause which prohibits divulging the details of the case.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority?

Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?

Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee?

Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.

E. FINANCIAL DATA (Will not be released to the public.)

REDACTED

Attachments:

1. Attachment 1 - Resume
2. Attachment 2 - Response to Question 17
3. Congressional Testimony - Attached is a summary of the congressional hearings I have testified at as of May 19, 2022, while serving as the current TSA Administrator and previously in the U.S. Coast Guard.
 - a. Most of the hearings and written statements are hyperlinked. I have attached copies of written statements not available online.

(Nominee is to include this signed affidavit along with answers to the above questions.)

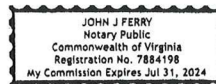
F. AFFIDAVIT

SAND PELOSKE being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

Sand P Peloske
Signature of Nominee

Subscribed and sworn before me this twenty-sixth day of May, 2022.

John J. Ferry # 7884198
Notary Public



My Commission
Expires: July 31, 2024

**SENATE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS**

"Nomination of Mr. David P. Pekoske, to be Administrator of the Transportation Security Administration, Department of Homeland Security"

10:15 AM, July 21, 2022

Questions for the Record from Ranking Member Portman to Administrator Pekoske

Question 1: *In response to the Colonial Pipeline ransomware attack, TSA has repeatedly refused to provide copies of draft security directives to this Committee while at the same time providing copies of the drafts to industry.*

- (a) Why did you refuse to provide copies of drafts of these directives with this Committee after providing copies of the draft directives—often weeks in advance—with the oil and natural gas sector companies?*
- (b) What is the legal basis for this decision?*
- (c) In your opinion, what TSA documents are private companies allowed to see but not Congress?*
- (d) Who is making the determination that these documents cannot be released? Is it you? Is it the DHS General Counsel?*
- (e) The initial drafts of these security directives were labeled "Sensitive Security Information (SSI)" preventing broad dissemination of them. But later, on June 7, 2022, TSA informed the Committee that security directive 2 (SD-02) is no longer designated SSI. Was the Sensitive Security Information designation used for any other reason than to protect security information? If so, what were those reasons?*
- (f) Was the SSI designation of these directives used to restrict private sector sharing of the draft directive?*
- (g) What specific information was SSI in the draft of security directive 1 and is no longer SSI?*

***NOTE:** This response is intended to address the questions raised in the sub-parts of the Question for the Record.*

Answer: I appreciate the interest expressed about sharing copies of draft Security Directives (SD) with this Committee once those draft SDs have been shared with stakeholders. Based upon that inquiry, I am committing to provide the Committee with copies of draft SDs at the time they are provided to industry for comment. The drafts will be designated as Sensitive Security Information (SSI) consistent with TSA regulations.

TSA, under established and long-standing practice for development of SDs in the aviation sector,¹ shares its draft SDs with those entities directly regulated by the SDs. Consulting with these entities and obtaining their input on an expedited basis is necessary for TSA to address emergent security threats in a manner that is timely, efficient, and minimizes impediments to the operations of the regulated entities. Although not required by law to provide an opportunity to comment on security directives issued under its

¹ See 49 C.F.R. §§ 1542.105, 1544.105, 1546.105, 1548.7, 1549.7.

emergency authority², TSA makes every effort to consult with and provide members of industry to be directly regulated by the directive with the opportunity to review and provide comment on a draft of the SD. Here, TSA issued SDs to the critical oil and natural gas owners and operators as designated by TSA, not all pipeline owners and operators. TSA shared the draft SDs with those critical owners and operators whose companies would be directly regulated by the SDs.

Further, SDs, both in final and draft form, as well as comments and guidance pertaining to those SDs, are SSI under TSA's SSI regulations at 49 C.F.R. part 1520.³ SSI is defined by statute (49 U.S.C. §114(r)) and TSA regulation (49 C.F.R. § 1520.5(a)) as information the disclosure of which would (A) be an unwarranted invasion of personal privacy; (B) reveal a trade secret or privileged or confidential or financial information; or (C) be detrimental to the security of transportation.

SSI may only be disclosed as authorized under TSA's regulations.⁴ This limited and controlled sharing prevents unauthorized disclosures of SSI, as persons who receive SSI are obligated to protect such information from further disclosure.⁵

With regard to your questions on the SSI nature of the documents, under TSA's regulations, SDs, as well as comments, instructions, and guidance related to those directives, are categorized as SSI. The Administrator of TSA is authorized to make a determination that it would be in the interest of public safety or in furtherance of transportation security to allow public disclosure of the document. Here, the Administrator has done so for the final pipeline SDs after issuance, following review by TSA's SSI Program Office.

Question 2: *How is the TSA planning to predict and respond to emerging threats as our adversaries innovate and adapt tactics, especially as it relates to new technologies such as unmanned aircraft systems, or drones?*

Answer: TSA works with the Intelligence Community and other government partners to provide warning and analysis of current and emerging threats to transportation to allow policymakers and transportation security stakeholders to make informed risk mitigation and security decisions. TSA participates in multiple working groups to discuss and analyze emerging and innovative threats. As part of this effort and in coordination with DHS, FAA, DOT, and FBI, TSA produces an annual update of unmanned aircraft systems (UAS) threats to transportation in the Homeland that includes an assessment and

² 49 U.S.C. § 114(l)(2) states: [n]otwithstanding any other provision of law or executive order (including an executive order requiring a cost-benefit analysis), if the Administrator determines that a regulation or security directive must be issued immediately in order to protect transportation security, the Administrator shall issue the regulation or security directive without providing notice or an opportunity for comment and without prior approval of the Secretary".

³ See 49 C.F.R. § 1520.5(b)(2) (TSA security directives, along with any comments, instructions or implementing guidance pertaining to the directives constitute SSI).

⁴ See 49 C.F.R. § 1520.9(a)(2) (SSI generally may only be disclosed to "covered persons" who have a "need to know."); see also 49 C.F.R. §§ 1520.7, 1520.11 (addressing, respectively, "covered persons" and "need to know").

⁵ See 49 C.F.R. § 1520.15(f).

prediction of violent extremist intent and capability to use UAS in an attack, as well as a list of possible indicators of UAS threats.

We have seen UAS or “drones” used in the Middle East in 2021 and 2022 to attack international airports and energy facilities, killing or injuring people and halting operations. The drone activity that shut down London’s Gatwick Airport in 2018 serves as a harsh reminder that a drone’s presence alone in certain parts of the airspace can be a threat. Drones have interfered with manned aircraft, causing pilots to take evasive action, and have disrupted operations at airports, resulting in economic damage.

To counter those threats, TSA can, on a limited, emergency basis conduct counter-UAS (C-UAS) activities using DHS authorities granted by the Preventing Emerging Threats Act of 2018 for the protection of an active federal law enforcement investigation, emergency response, or security function, that is limited to a specified timeframe and location. TSA maintains a small team of Federal Air Marshals to serve as a DHS authorized deployable UAS threat response force at covered facilities or assets. TSA currently also uses this response team to conduct comprehensive UAS-specific assessments at the 30 busiest, highest risk domestic airports.

TSA requires the Federal Security Director (FSD) at every airport to develop and update a Tactical Response Plan (TRP) to support detection, tracking, identification, and, in the event of a persistent threat at the airport, mitigation. FSDs are required to conduct annual exercises of their TRP in conjunction with various airport partners, including airport authorities, local law enforcement, the FAA and other Federal agencies.

Lastly, to support its development of C-UAS capability, TSA established technology test beds at Miami International Airport and Los Angeles International Airport, and, in coordination with DHS S&T and the FAA, is evaluating UAS detection technology for operational effectiveness in the airport environment. TSA tests a range of technologies at the test bed sites, including radar, thermal imaging, and electro-optical cameras, and is applying a continuous technology testing cycle to keep up with the rapidly evolving UAS technology market and meet the needs of the interagency, transportation facilities, and industry.

Additionally, I support the Administration’s legislative proposal to extend and amend the Preventing Emerging Threats Act to authorize TSA to persistently protect transportation infrastructure from drone threats. Such authorization would enable TSA to proactively deploy C-UAS detection and mitigation equipment.

If confirmed, I will work with you and the rest of the Congress to ensure that TSA is able to continue to build its TSA’s capability to respond to the C-UAS threat.

***Question 3:** The CAT-1 systems that TSA is currently fielding were produced from an initial contract award in 2014. There have been significant advancements in credential authentication and digital identity technologies in the intervening eight years. I am encouraged by your plans to update this capability, re-baseline the program, and begin procurement of a new CAT-2 solution to leverage these advancements in the market.*

Given the advancement and competitive marketplace for these technologies, how are you encouraging competition to attract the latest capabilities into the CAT-2 solution?

Answer: TSA engaged with industry multiple times to ensure potential vendors were able to review and inform requirements prior to the solicitation release in an effort to enhance competition. First, TSA issued a request for information on November 4, 2020, on Sam.gov (TSA-04-03473) as a market research tool for CAT-2. Second, on August 9, 2021, TSA released an opportunity for potential vendors to review draft requirements for CAT-2 on Sam.gov (TSA25-04-3640) and held an Industry Day. Lastly, TSA released another opportunity for potential vendors to review TSA's draft requirements on May 6, 2022, on Sam.gov (TSA25-04-03714). The full and open solicitation will be competitive on Sam.gov, with the intent to attract the latest capabilities from the most technically capable vendors in the marketplace.

Question 4: *I understand that TSA chose not to pursue an open competition for the CAT-2 system prototype and instead awarded a contract based off the legacy CAT-1 first awarded in 2014.*

How are you ensuring a fair and open competition in your CAT-2 acquisition process when only the legacy CAT-1 capability was used to develop the prototype and associated test and evaluation process?

Answer: TSA has a two-track acquisition strategy to both upgrade existing CAT-1 systems to meet CAT-2 requirements and competitively acquire new CAT-2 systems. All CAT-2 requirements and standards supporting the CAT-2 acquisition are system capability and performance based such as authentication rates, data standards, and reliability to support airport operations. The CAT-2 acquisition strategy and supporting test and evaluation strategy are vendor and system agnostic.

TSA held an industry day in September 2021 to provide potential vendors with TSA's proposed acquisition strategy, supporting test and evaluation strategy, and draft CAT-2 requirements. TSA also advised potential vendors of the Security Technology Integrated Program (STIP) interface requirements and supplied STIP emulators to facilitate integration testing at each vendor's development facility to accelerate potential new vendors' STIP integration. TSA's goal was to mitigate one of the largest barriers to potential new CAT vendors.

Questions for the Record from Senator Lankford to Administrator Pekoske

Question 1: *The Cyber Incident Reporting for Critical Infrastructure Act created the Cyber Incident Reporting Council to harmonize federal regulations and report to congress within 180 days of convening.*

(a) Please provide the expected date that the Cyber Incident Reporting Council is expected to convene.

Answer: The first meeting of the Cyber Incident Reporting Council (CIRC) occurred on July 22, 2022.

(b) Please provide the full list of Council members and other federal partners that are expected to be on the Council.

Answer: As required by the Cyber Incident Reporting for Critical Infrastructure Act (CIRCA), the Council includes:

- The Director of the Office of Management and Budget
- The National Cyber Director of the Office of the National Cyber Director
- The Attorney General of the Department of Justice
- The Secretary of the Treasury
- The Secretary Energy
- The Secretary Transportation
- The Secretary of Defense
- The Secretary Agriculture
- The Secretary of Health and Human Services
- The Director of the Cybersecurity and Infrastructure Security Agency
- The Administrator of the Transportation and Security Administration
- The Commandant of the United States Coast Guard
- The Administrator of the Environmental Protection Agency
- The Administrator of the General Services Administration

Further, the following additional officials, or their designees, will also be invited to participate in the activities of the Council at the discretion of the Chair and consistent with their statutory authorities:

- The Secretary of the Department of Commerce
- The Director of the Federal Bureau of Investigation
- The Director of the United States Secret Service
- The Chair of the Securities and Exchange Commission
- The Chair of the Federal Trade Commission
- The Chair of the Federal Communications Commission
- The Chair of the Federal Deposit Insurance Corporation
- The Chair of the Federal Energy Regulation Commission

- The Administrator of the Small Business Administration
- The Chairman of the Nuclear Regulatory Commission
- The Comptroller of the Currency
- The Director of the Consumer Financial Protection Bureau

(c) Are any federal law enforcement agencies expected to be on the Council? If not, why?

Answer: Yes, consistent with the legislation, the Council requires representatives from Departments and Agencies with law enforcement responsibilities as part of their mission set.

(d) As TSA Administrator and participant in the Council, are you going to consult with pipeline sector owners and operators as you examine ways to harmonize reporting? If so, will there be a process for appropriate stakeholders to submit comments?

Answer: TSA engages with industry stakeholders on a routine and regular basis. We will continue to work with industry points of contact to ensure stakeholder feedback is collected for consideration of the CIRC, as appropriate.

(e) In preparation for your work on the Council, can you share lessons learned from the pipeline and rail industry consultation process?

Answer: Historically, TSA has enhanced surface transportation through cooperative and voluntary efforts with industry to achieve common security goals. The transition to a regulatory environment presents challenges but the foundation of coordination and collaboration with transportation stakeholders, and the professional relationships that underpin them, has eased the transition for surface transportation. Additionally, TSA has received feedback from the industry regarding the economic impact of the current security directive (SD) requirements for owner/operators to have the time and resources to make the security enhancements. To address this, TSA has increased its outreach to industry to create a common understanding of risk and briefings to help stakeholders better understand the threat.

TSA continues to learn from the SD pipeline cyber experience, and has improved upon processes and approach for enhancing and applying pipeline cybersecurity standards. As part of these efforts, TSA held multiple stakeholder listening sessions to better appreciate concerns and challenges industry faced in implementing enhanced cybersecurity measures. These engagement efforts and the lessons learned helped TSA in its revision and reissuance of our second pipeline SD in July 2022. As opposed to previous iterations of the SD that focused on operators performing specific activities, the revised SD took a performance-based and outcome-based approach that provided operators with flexibility in reaching TSA's desired cybersecurity goals.

Finally, the Surface Transportation Security Advisory Committee – established through the TSA Modernization Act of 2018 – has been an invaluable resource to ensuring consistent communications with the surface transportation community. This relatively new advisory committee has proven its value year over year since inception – the

criticality of this partnership was perhaps most evident throughout the development process of TSA's first cybersecurity focused SDs.

Question 2: *On the ground consultation is important to understanding the compliance of TSA regulations. Will you commit to site visits from you and your leadership team with stakeholders that request them?*

Answer: Yes. TSA's Surface and Aviation inspectors are on the ground not only conducting inspections and consultations, but also answering questions from owner/operators. Additionally, for Surface stakeholders, each owner/operator has been assigned a 24/7 point of contact for any concerns they may have while Aviation regulated ties have a principle security inspector who is their primary point of contact for engagement and outreach.

Moreover, I have and will continue to conduct outreach to stakeholders. You may be pleased to know that in April, I visited Tulsa, Oklahoma, for site visits for two oil and natural gas pipeline companies. This visit, along with dozens of other site visits to oil and natural gas companies that TSA senior leadership and I have conducted, helped to inform and improve our security directive process, culminating with the release of a performance based cyber security directive on July 22, 2022. I strongly value the experience of on-site visits and, if confirmed I will continue this practice.

Question 3: *Given the increase in TSA's cybersecurity regulation of the pipeline, rail and aviation industry, what is your long-term plan for hiring and retention of a workforce that understands cybersecurity IT and OT? How have you carried out this plan at TSA's surface division?*

Answer: TSA is working closely with the Federal Cyber Workforce Management Coordination Working Group to ensure our hiring and retention strategies are aligned. We have developed creative solutions to identify qualified candidates, and updated our direct hire and retention policies to attract talent and maintain a competitive advantage amongst the government space. For instance, as it relates to pipeline security, we have focused on searching for individuals with the experience and background necessary to conduct the pipeline cyber inspections and security assessments, and supplementing the skills of current employees with the cyber technical training and specialized experience needed to be successful and to ensure TSA's mission of threat awareness.

TSA is also working to build a cybersecurity focused HR practitioner model by increasing knowledge among our hiring managers, HR Professionals and program offices about the appropriate expertise and resources needed to enhance our workforce management techniques. We are identifying the appropriate data elements and assessments needed to properly understand our hiring, training, and performance needs. We are updating, and developing as needed, our existing training curriculum to provide our current and future workforce with career development opportunities, tools, and resources needed to be successful. Finally, we are examining our hire to retire recruitment strategies in terms of our policies, practices, and procedures to ensure that the TSA Cybersecurity workforce is an attractive competitive employer.

Currently our direct hire policy, retention incentives, and entry level employee career development strategies have resulted in our Surface Cyber workforce adding 25 new pipeline cyber security professionals, for a total of 45 within the surface division.

Question 4: *TSA announced earlier this year that it will update its Standard Operating Procedures for Transportation Security Officers to reduce pat downs for transgender people. It's my understanding at the technology TSA uses scans individuals based on their gender. So when you walk into the Advanced Imaging Technology machine, the TSA agents select either male or female and the machine scans based on that evaluation. But now TSA is working to eliminate that process.*

(a) How did TSA evaluate the security risks of a change in screening procedures?

Answer: TSA conducted a risk assessment, which looked at the potential threat, vulnerability, and consequence impacts of the proposed change in screening procedures. In addition to the temporary procedural change, TSA tested an improved AIT algorithm at the Transportation Security Lab (TSL), which does not require gender selection by the officer prior to screening. The testing showed a reduction in false alarm rate and increase in security effectiveness.

(b) Were there any additional security risks identified?

Answer: TSL testing found a reduction in the false alarm rate and increase in detection performance.

(c) Please share any relevant research regarding the evaluation of changes in screening procedures.

Answer: I will work with your staff to provide you a briefing on the TSL testing.

Question 5: *In April, TSA announced that it would remove gender considerations when validating a traveler's identification at airport security checkpoints, meaning that an individual can select male or female regardless of whether they are a man or a woman and regardless of what is on their government issues ID, passport or birth certificate. Last week, TSA added a "new gender option," which it previously said would be an "X" gender marker.*

What are the practical implications of this policy change?

Answer: The main purpose of verifying identification at the checkpoint is to ensure that the traveler has been properly vetted and receives the appropriate level of screening based on their assigned vetting status. This ensures that Known or Suspected Terrorists (KSTs) will receive the most rigorous screening, or denial of boarding, as appropriate. During the identification verification process, a TSA Travel Document Checker (TDC) ensures the name on the identification (ID) credential matches the name on the reservation; the ID credential is

valid and genuine; and the face of the individual presenting the ID credential matches the picture on the ID (visually or with machine assistance). Gender does not play a role in this process. A person may have different style or color of hair; different or new facial hair; different or no glasses; and different clothing than appear in the ID photo, and still be the same person who is identified by the ID credential.

TSA issued a press release on July 14 stating there would be a “new gender option” for TSA PreCheck enrollments. During previous discussions of this change, we said this option would be “X” gender, to match the new U.S. passport language. During the process to determine what term to use on the PreCheck application, we consulted TSA’s Civil Rights & Liberties, Ombudsman and Traveler Engagement and with DHS headquarters and determined the appropriate term to use is “Another Gender.” There is no implication to this change.

Question 7: *If an individual is visibly a man and provides identification for a female, is a TSA officer prohibited from considering that information when verifying the individual’s identity?*

Answer: A TSA TDC is not prohibited from considering this information. However, there is no aviation security purpose for challenging the gender with which a passenger presents themselves. Doing so would only add to the stress and conflict potential for both the officer and the passenger.

Question 8: *What security risk is incurred by prohibiting officers from using an individual’s sex to validate a person’s identity?*

Answer: We encourage officers to use critical thinking and common sense at all times. More specifically, though, there is minimal or zero security risk associated with not pursuing a possible non-match between gender on an ID credential and perceived or asserted gender of the traveler holding the credential, as long as the traveler is confirmed to be the same person as the person on the credential (and the credential is genuine). If the traveler has been vetted, then the aviation security purpose of identity verification has been fulfilled, regardless of apparent or asserted gender. The ability to match the face of the traveler to the ID credential, using either technology or human visual assessment, is what matters from an aviation security perspective. If the match can be confirmed (and the credential is genuine), then the identity is confirmed for aviation security purposes, regardless of apparent or asserted gender. If the match cannot be confirmed, then further measures are needed regardless of gender appearing to match or not.

Question 9: *What safety and practical concerns has TSA identified for individuals traveling to other countries that have an “X” gender marker on their identifying documents?*

Answer: We are not aware of safety or practical concerns with an “X” gender marker on an identifying document.

Question 10: *How did TSA evaluate and weigh the costs of those risks?*

Answer: There is no security value to pursuing a possible gender non-match as long as the identity is confirmed but there are significant potential costs to doing so. Such costs include the burdens imposed on the TSA TDC; adversely impacting the passenger experience of the traveler whose identity is being verified; increasing wait times for other travelers in line; and disrupting the operational function of the checkpoint.

Question 11: *CBP also announced its intention to add a “new gender option”. Unlike TSA, CBP publicly said that it would implement this change through a proposed notice that is open for public comment.*

Unlike the expressed intent of CBP, why did TSA unilaterally add it to the application without any public input?

Answer: Transportation Security Administration (TSA) Standard Operating Procedures (SOPs) are issued pursuant to regulations promulgated through notice and comment rulemaking. See 49 CFR §§ 1540.105 and 1540.107. These regulations require persons entering non-public areas of airports to submit to TSA’s screening procedures and inspection. TSA often updates these procedures to address evolving security risks and to incorporate new capabilities. TSA’s SOPs are considered Sensitive Security Information (SSI) in full, as that term is defined in 49 U.S.C. § 114(r), and by regulation, access is limited to persons with a need to know and is not made publicly available, unless authorized under TSA’s SSI regulations, see generally 49 CFR part 1520. As such, public review and comment on the particulars of SOP changes is not possible.

TSA is enabling individuals who enroll in TSA’s vetting programs to select their preferred gender and this change was recently implemented in the TSA PreCheck Application Program. TSA is not required to issue public notice for this change, as TSA PreCheck is not a regulatory program, participation is entirely voluntary, and the change does not increase applicant burden.

Question 12: *While TSA is not taking gender into account when evaluating identification, does it still consider sex a bona fide occupational qualification and base decisions about whether male or female TSA officers perform further screening on a passenger going through the TSA security checkpoint?*

Answer: The Transportation Security Administration (TSA) recognizes gender as a bona fide occupational qualification for the hiring of dual function or passenger-only Officers. For airports that have a headcount of 21 or greater dual function or passenger-only Officers, male and female ratios must be at 40% or more for each gender. For airports with a headcount of 20 or fewer dual function or passenger-only Officers, the gender ratio is 50% male and 50% female. If an airport is below any of these threshold ratios, the bona fide occupational qualification is used as justification for gender specific hiring.

The vast majority of TSA screening procedures do not take the gender of the officer or passenger into account. When a pat-down is conducted, however, it is conducted by an officer of the same presented gender identity as the passenger whenever possible. This policy is intended to reduce potential discomfort for the passenger and officer. In the rare case that an officer of the same gender identity is not available, typically in our smallest airports, TSA policy permits opposite gender screening at the discretion of the FSD. Travelers who identify as non-binary might not have a non-binary officer available to conduct their screening, and may need to choose a binary officer (M/F).

Question 13: *There have been a number of news reports about TSA agents forcing mothers to throw away breast milk, formula and ice packs before going through airport security. As you know, formula and breast milk are exempt from TSA's liquids rule. Following these reports, how are you ensuring that agents are aware of the exemption? What policy changes have you made to ensure education on the exemption?*

Answer: While TSA limits the amount of Liquids, Gels, and Aerosols (LGA), individuals may transport through the screening checkpoint to 3.4 ounces (100 milliliters), this limitation does not apply to medically exempt LGA. TSA policy explicitly identifies breast milk and infant formula as medically exempt LGA, permits medically exempt LGA through the screening checkpoint with or without the individual verbally declaring it as medically necessary, and makes clear these exemptions are not contingent on the presence of a child. Accessories required to cool breast milk and infant formula are also medically exempt. While TSA policy permits medically exempt LGA through the screening checkpoint, passengers with medically exempt LGA exceeding 3.4 ounces will undergo additional screening.

On June 29, 2022, following a recent incident, the Transportation Security Administration (TSA) highlighted in a National Shift Brief to all Transportation Security Officers (TSOs) nationwide the procedures related to screening these items. The National Shift Brief is designed to be presented to the frontline workforce at the beginning of every shift, by Transportation Security Managers or their designees. The National Shift Brief is a key method of sharing detection-related information to officers each day. Local TSA training departments also published training bulletins that are briefed to the workforce to ensure adherence to the standard operating procedure (SOP).

Additionally, on July 20, 2022, TSA released an update to the Checkpoint and Specialized Screening SOP related to the screening of medically necessary Liquids Gels, and Aerosols. Federal Security Directors are required to ensure TSOs performing screening understand the changes and a scenario related to the proper screening of breast milk at the checkpoint will be added to training materials in Oct 2022.

The TSO new hire Basic Training Program (BTP) training curriculum addresses breast milk as being an exempt liquid and provides the TSOs guidance on the proper screening methods.

Questions for the Record from Senator Hassan to Administrator Pekoske

Question 1: *Though it has been two decades since 9/11, efforts to secure and strengthen resiliency for general aviation lag behind commercial aviation efforts. What is TSA doing to plan for the possibility of a general aviation attack and ensure that TSA and the industry are prepared to promptly and efficiently restore operations? How is TSA engaging and collaborating with the general aviation industry?*

Answer: The Transportation Security Administration (TSA) regularly engages with the general aviation community to work together on existing security programs and best practices specific to this segment of aviation. Along with a representative from industry, TSA co-chairs the General Aviation Subcommittee within TSA's Aviation Security Advisory Committee (ASAC). Comprised of various stakeholders and associations, ASAC meets regularly throughout the year to examine concerns and raise action items surrounding general aviation security. TSA worked with this team to produce the General Aviation Security Guidelines which are available to inform internal security programs and requirements. As the General Aviation industry evolves, TSA has engaged new industry partners in emerging markets like Advanced Air Mobility and Commercial Space Transportation.

TSA also conducts vetting and Security Threat Assessments (STAs) on individuals across General Aviation to mitigate potential threats to the National Transportation System. Pilots within the General Aviation community may fall under a variety of Security Programs, including: Airport Security Program, Twelve-Five Standard Security Program, Private Charter, DCA Access Standard Security Program, FAA Airmen's Certificate Holders and the Maryland 3 Program. In general, a STA for a General Aviation pilot may contain a check of intelligence databases for links to terrorism or related concerns, as well as a criminal history records check, dependent on the program's security requirements. In some cases, a STA may also include an additional check of immigration databases to confirm lawful presence.

Question 2: *Terrorists continue to develop innovative tactics to undermine aviation security and attack aviation systems. How is TSA working with partners to improve detection capabilities at Last Point of Departure airports?*

Answer: TSA works with international partners to reduce vulnerabilities and improve detection capabilities at Last Point of Departure (LPD) airports. A key mitigation activity provided by TSA is through capability development. TSA collaborates with its interagency partners, such as the U.S. Department of State's Bureau of Counterterrorism, to provide aviation security assistance to critical LPD locations that require technical and capacity building assistance. Such assistance has included the donation of advanced screening equipment to ensure detection capabilities are in place for the security of U.S. flights as well as the following activities:

- Training: A combination of classroom instruction, discussion, and hands-on/group activities/practice delivered by capacity development instructors

- Technical Assistance: Equipment loans/donations, as well as subject matter expertise in deploying, configuring, and use of security technology
- Program Development: Provision of a general framework for security program stand-up or program refinement
- Expert Consultation: Subject matter expert guidance and advice on specific transportation security matters

Another TSA mitigation activity is conducted through strategic bilateral and multilateral technical engagements with strategic partners to align and advance detection standards of various aviation screening technologies. These efforts allow for reciprocal sharing of information, including threat briefings, technology discussions (Artificial Intelligence, detection algorithms, laboratory/field testing, etc.) and quality assurance testing, to achieve the most effective and commensurate screening capabilities.

TSA works closely with key foreign governments to ensure commensurate levels of security are in place so that it can recognize their national aviation security programs. These efforts both strengthen our partnerships and have the effect of enhancing global aviation security standards by ensuring security capabilities at TSA-recognized locations are at the same level as current U.S. security standards.

Questions for the Record from Senator Scott to Administrator Pekoske

Question 1: *Do you support moving TSA personnel to Title 5?*

Answer: I support passage of H.R. 903, the Rights for the Transportation Security Administration (TSA) Workforce Act of 2022. This legislation, which moves TSA personnel to Title 5, is an important step in creating a framework for achieving equitable pay for the TSA workforce. However, regardless of whether Congress adopts legislation like H.R. 903 or opts to keep TSA personnel under the existing system, pay equity will not be fully achieved until Congress provides the necessary funding to provide pay equity to TSA's workforce. To that end, I strongly support the Fiscal Year 2023 President's Budget request that asks for the appropriated funding needed to achieve any pay-equity effort.

Question 2: *I have a bill, the "Fly Safe Canine COVID Detection Act," which would allow TSA to study a canine program to detect COVID at airports. Do you believe canine units can be used to detect COVID or other future viruses?*

Answer: The Transportation Security Administration (TSA), through both internal and external partnerships, is closely monitoring the progress made in the ability of canines to detect COVID and other viruses. TSA supports continued research in this area. Research has resulted in some positive results to date, but much more needs to be done to determine the feasibility of canines to detect COVID or other viruses. The current research has not provided enough quantitative data to validate the use of canines outside of a laboratory or testing environment, let alone an operational environment. While the United Kingdom (UK) and United Arab Emirates (UAE) have conducted operational trials, the operational data they have collected is inconclusive and the canines are employed in conjunction with other practices that have not been optimized for mass transportation environments within the United States. Lack of data is exacerbated by the fact that some external partners have ceased research in this area, due to the substantial funding and support needed, the ever changing viruses, and advances in medicine. Noting such, TSA will continue to monitor ongoing research.

Question 3: *What percentage of your office staff is physically working in the office throughout the week, Monday through Friday?*

Answer: On average, the percentage of office staff physically working in the office at HQ throughout the week is as follow:

Monday – 17 percent; Tuesday – 22 percent; Wednesday – 26 percent; Thursday – 21 percent; Friday – 9 percent

Question 4: *What percent have been designated as remote workers or utilize telework?*

Answer: The majority of TSA's workforce consists of Transportation Security Officers and Federal Air Marshals who report for duty as scheduled on a daily basis. The remaining staff either reports to their positions at TSA Headquarters or assigned locations (i.e., airports or other TSA facilities). Managers establish schedules based on operational needs, which has resulted in staff reporting to those facilities at a minimum twice a pay

period. Noting such, some staff report to their physical worksite three to four days a week based on operational needs and personal preference.

TSA recently implemented its remote work policy and managers are finalizing related requests. Approximately 4 to 5 percent of TSA's workforce is eligible for remote work or telework. The actual percentage of those approved for remote work is still being compiled but I anticipate it will be less than one percent of the eligible workforce. The remainder of eligible employees will be on an approved telework schedule to support operational needs.

Question 5: *Are you working from home?*

Answer: During the height of the pandemic, when home-quarantine was advised, I opted to work at home when possible in order to ensure that support staff who supported my activities in-office would not need to risk unnecessary exposure. When national COVID case numbers began to decline, we realized that offering telework opportunities outside emergency situations also helped to attract and compete for certain skilled workers at TSA headquarters who couldn't necessarily relocate to the Washington DC metropolitan area. Currently, I still try to work from home one day a week in order to promote the value and efficiency of teleworking to the workforce.

Question 6: *As a manager, how do you measure the productivity of your staff?*

Answer: As TSA Administrator I have set clear priorities for our workforce; both in the field but also at headquarters. I ensure we are working towards those priorities on a daily basis and measure our progress and productivity in terms of many outputs such as: our operational readiness and the safety and security of passengers; our engagement with internal and external stakeholders to include our international partners; and meeting major milestones for initiatives such as technology improvements and acquisitions; recruiting, hiring and retaining our workforce; and our compliance efforts. Also during my tenure we have published two Administrator's Intent documents which guide us in tracking our progress and productivity on a variety of issues.

Question 7: *Are metro benefits for commuting being allocated to your agency's staff even if they are working remotely?—*

Answer: All employees are eligible for transit benefits and receive benefits equal to cost of their actual commute up to a ceiling of \$260 per month. For example, if an employee commutes once per week costing \$12 roundtrip, then the employee receives \$48 per month. Remote workers do not commute to a TSA office, so they do not receive transit benefits. TSA mandates that any employee with an approved telework plan that includes partial telework and partial in office presence must also have their travel benefits adjusted to reflect their actual commuting requirements.

Question 8: *What percentage of your staff that are receiving metro benefits for commuting are currently teleworking?*

Answer: 383 HQ employees currently receive transit benefits. Of those, 59 percent indicated their telework level when they enrolled for those benefits.

Question 9: *What percentage receiving metro benefits are remote working?*

Answer: Based upon TSA's definition of remote work, remote workers do not commute to a TSA office and therefore do not receive transit benefits.

Question 10: *What is the plan to come back to work full time?*

Answer: In May 2022, TSA issued a Pandemic Reentry Plan that provides guidance and notification to our employees regarding safely returning to the workplace in person.

Questions for the Record from Senator Padilla to Administrator Pekoske

Question 1: *As many Californians have returned to air travel after the height of the COVID-19 pandemic, TSA is still below full staffing levels and passengers have expressed concerns about long wait times at security checkpoints. I understand that California airports like San Francisco, Oakland, Fresno, Fresno Yosemite, San Diego, and Los Angeles have among the longest wait times in the nation. I appreciate your commitment to recruiting and retaining a dedicated, diverse Transportation Security Officer (TSO) workforce, including by ensuring TSOs have pay equity compared to their other federal counterparts and expanding their bargaining rights. Administrator Pekoske, how is TSA aiming to reduce wait times at California airports?*

Answer: Specific data across airports in the state of California show that in June, 95.7% of TSA PreCheck® passengers waited less than 5 minutes (national average 94.4%) and 87.3% of passengers in standard screening lanes waited less than 15 minutes (national average 87.7%). Through July 24, 98.5% of TSA PreCheck passengers waited less than 5 minutes (national average 94.9%) and 91.9% of those passengers in standard screening lanes waited less than 15 minutes (national average 89.1%). In July, California airports had only two hot spot wait times, 35 and 40 minutes in standard lanes, both at Ontario International Airport (ONT), and both due to technical equipment issues that have been resolved.

I share your concerns that adequate staffing across the board has been a challenge. Reflective of such, TSA has implemented many measures and initiatives to minimize the operational impact of any staffing shortages.

Hiring new Transportation Security Officers (TSO) is a top priority, and we continuously onboard new TSOs. We have also instituted aggressive recruitment, retention, and relocation incentives at many airports nationwide, targeting those with the largest shortages. In addition, TSA offers to convert part-time officers to full-time as they are willing and available.

A new national incentive program designed for the summer travel season began in May to increase voluntary acceptance of overtime and reduce the number of call outs. It will remain in place for the remainder of the summer to maximize staffing through the peak season. TSA also implemented a pilot program to hire Security Support Assistants (SSA) to perform non-screening functions, such as divestiture, and provide logistical support within the checkpoint environment.

The State of California has two SPP contracted airports, San Francisco International Airport (SFO) and Sonoma County Airport (STS). To ensure adequate staffing is available with our SPP contractors, we collaborate with and have augmented staffing in these locations, on a reimbursable basis.

In order to address long term staffing, I urge Congress to support the President's Fiscal Year 2023 Budget requests \$871 million in funding to ensure TSA employees are paid at a level that is commensurate with their counterparts in other federal agencies. We believe this commitment to pay equity for the entire TSA workforce will address longstanding recruitment, career development, and retention issues and better position the Agency to continue to deliver exceptional service to the public for years to come.

Question 2: *Will you commit to working with me and my office to ensure that California airports have sufficient staffing levels to serve the flying public?*

Answer: Yes. I am committed to maintaining these aggressive hiring initiatives to ensure adequate staffing at all airport locations.