

**NOMINATION OF DAVID P. PEKOSKE,
NOMINEE TO BE ADMINISTRATOR,
TRANSPORTATION SECURITY ADMINISTRATION**

HEARING

BEFORE THE

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

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

JULY 13, 2022

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

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**NOMINATION OF DAVID P. PEKOSKE,
NOMINEE TO BE ADMINISTRATOR,
TRANSPORTATION SECURITY
ADMINISTRATION**

WEDNESDAY, JULY 13, 2022

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

The Committee met, pursuant to notice, at 10:09 a.m., in room SR-253, Russell Senate Office Building, Hon. Amy Klobuchar, presiding.

Present: Senators Klobuchar [presiding], Blumenthal, Markey, Tester, Rosen, Wicker, Thune, Fischer, and Blackburn.

**OPENING STATEMENT OF HON. AMY KLOBUCHAR,
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. Good morning. Today we are considering the nomination of Administrator David Pekoske for a second term to lead the Transportation Security Administration. I want to welcome you back, Administrator, to the Committee. Senator Cantwell has a lot going on right now.

And I was a little late because I had another obligation, but agreed to come over and help out with chairing the hearing. So TSA employees like those at Minneapolis Saint Paul International Airport, keep our skies safe, our travelers on time, and the airport running day in and day out.

It is critical that we rise to meet the increased demand for air travel and properly balance the need for safety with a quality experience for travelers. Congress created TSA on November 19, 2001, in the wake of the attacks of September 11, to strengthen the security of our Nation's transportation systems and to prevent future terrorist attacks.

Over the past two decades, TSA has evolved to deploy advanced technologies, like touchless screening capabilities, and to address new National Security risks like cybersecurity. I am sure something on your mind. TSA must adapt to meet new threats, including those posed by unique circumstances, such as public health crises like the pandemic.

At the same time, traditional resources such as K-9 explosive detection teams, continue to play an important role in keeping us safe. We know that in airports across the country, TSA screens over 2 million passengers and 1.4 million check bags for explosives and other dangerous items. This helps ensure the security of over

24,000 domestic flights and nearly 3,300 outbound international flights per day.

We know that there have been delays at the airports. I was just talking to our TSA people as I came through Sunday night. We had no lines that day. We were very excited. We all led a group—not a group hug. Don't worry about that. Just kind of a celebration of the situation.

And we know there has been workforce issues as there are at every place of employment practically around the country. I know, I am sure we will want to talk about that, some of the members were. But when you look at the numbers, 4th of July long weekend, from Thursday through Monday, TSA screened more than 11.3 million travelers. That is at more than 93 percent of pre-pandemic levels.

And Friday, July 1, was the busiest air travel day since the onset of the pandemic, with nearly 2.5 million individuals passing through TSA checkpoints. TSA needs to keep up with the rising demand and address any staffing shortfalls. And I look forward to talking with you about that.

TSA is also charged to protect critical surface transportation systems that connect cities, manufacturers, and retailers, and power our economy through more than 4 million miles of roadways, nearly 140,000 miles of railroad track, more than 470 tunnels, and over 2.8 million miles of pipeline.

Last year's ransomware attack on the Colonial Pipeline threatened nearly 50 percent of the East Coast's fuel supply. And again, another example where we need to harden our energy infrastructure. We are very pleased that we have you, your experience, in addition to your years of experience at TSA.

Of course, you provided counterterrorism, security, and intelligence support services to Government agencies during your years in the private sector. You have a distinguished career in the U.S. Coast Guard, serving as the Coast Guard's 26 Vice Commandant, the second in command, while also serving as its Chief Operating Officer and Component Acquisition Executive.

You hold a master of business Administration from the Massachusetts Institute of Technology, also known as MIT, a master of public Administration from Columbia University, and a Bachelor of Science from the U.S. Coast Guard Academy.

Needless to say, you are more than ready and experienced to have this job as your smiling employees behind you are indicating, or whoever they are. They seem to be—they seem to be in your camp. I will say that much. Don't you think, Senator Wicker? With that, I will turn it over to Ranking Member Wicker.

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

Senator WICKER. Paid state actors, no doubt.

[Laughter.]

Senator WICKER. Thank you so much, Senator Klobuchar. And we—I want to join you in welcoming Admiral Pecoske back to this committee. We appreciate his continued willingness to serve. The 911 attacks led to the creation of the Transportation Security Administration and its placement within the Department of Home-

land Security. I was a member of the House of Representatives 20.5 years ago when we did this.

TSA is charged with protecting the Nation's transportation systems, while also ensuring the free movement of people in commerce. And yesterday's nearly 60,000 employees play a critical role in securing our Nation's transportation modes, including commercial aviation, general aviation, mass transit systems, freight rail, passenger rail, highways, pipelines, and ports.

The 43,000 plus transportation security officers who screen our travelers every day are certainly among the most visible part of TSA to the public, but there are many others in the TSA work force, including transportation security inspectors, Federal Air Marshals, visible intermodal prevention and response teams.

So this committee greatly appreciate the dedication shown by you, Admiral Pekoske, and the vast majority of TSA frontline personnel, who continue to work throughout the COVID-19 pandemic. Each day, TSA screens more than 2 million passengers and 1.4 million checked items for explosives and other dangerous items.

Growth in air travel is expected to continue and will either approach or exceed pre-pandemic volumes in the coming months. TSA also works closely with owners and operators to protect the variety of surface transportation systems that connect our cities, our manufacturers, and retailers.

These include more than 4 million miles of roadway. Nearly 140,000 miles of railroad track. Over 470 tunnels, and more than 2.8 million miles of pipeline, all of which are critical to our economy. TSA conducts roughly 8,000 surface inspections annually as part of a risk based approach for securing large and complex transportation systems and our Nation's critical infrastructure.

However, since its inception, TSA has been subject to significant criticism from the Government Accountability Office, the DHS Office of Inspector General, and the regulated communities. To meet these challenges last fall, at the 20th anniversary of this agency, I introduced the Transportation Security Administration 20th Anniversary Review Act.

This Act would require an independent review to evaluate the TSA's successes and failures, something that has never been done since the agency's creation. And I hope Admiral Pekoske will agree that this is necessary.

I also hope the Administrator will work with me on yet another bill, my TSA Security Threat Assessment Application Modernization Act, which would streamline the enrollment process for key security credentials used in freight transportation.

I appreciate Admiral Pekoske's willingness to continue serving the American people, and I appreciate his team that Senator Klobuchar mentioned. I look forward to working with the Administrator to ensure that TSA implements the best possible security for our transportation systems without unduly interfering with travel, commerce, and civil liberties. Thank you, Madam Chair.

Senator KLOBUCHAR. Thank you very much. Please, Admiral, would love to hear from you.

**STATEMENT OF DAVID P. PEKOSKE,
NOMINEE TO BE ADMINISTRATOR,
TRANSPORTATION SECURITY ADMINISTRATION**

Mr. PEKOSKE. Good morning, Senator Klobuchar, Ranking Member Wicker, 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. 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 renominating me to this important National Security position. And I also thank Secretary Mayorkas and the entire DHS team for their support during this process.

I would also like to recognize and thank my family for their unending support in this position and throughout my career. When President Biden announced my nomination, one acquaintance said to me, this is a tough job, why would you want to do it for another five years? The answer to me is very simple. I want to continue to support the amazing TSA workforce.

The TSA workforce is exceptional, and during my time at TSA has performed at a high level amid challenging and historic circumstances. Whether it is transportation security officers, Federal Air Marshals, inspectors, or all of our employees who support them behind the scenes, I am immensely proud to be a part of an organization that is laser focused on protecting our Nation and our transportation system.

They are a dedicated, committed workforce. Of note, though, I want to talk about our transportation security officers. TSOs interact with millions of people every day and perform a critical National Security function for our Nation. Their watch never stops. They come to work without pay.

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 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 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 5 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 Govern-

ments and 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 cyberthreats, TSA relies heavily in 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 work force. They help us remain strong by promoting healthy and thriving work environments for our TSA family.

I want to take a second to 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 the 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.

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

I look forward to the opportunity to lead the people of TSA for another 5 years if confirmed. In closing, I thank President Biden and Secretary Mayorkas for their support of me and the entire TSA team.

I also think this committee for the great working relationship we have had over the past 5 years, which if reconfirmed, I hope to continue. Senator Klobuchar, Ranking Member Wicker, and distinguished members of the Committee, I look forward to your comments and questions. Thank you.

[The prepared statement and biographical information of Mr. Pekoske follow:]

PREPARED STATEMENT OF DAVID P. PEKOSKE, NOMINEE TO BE ADMINISTRATOR,
TRANSPORTATION SECURITY ADMINISTRATION

Good morning Chair Cantwell, Ranking Member Wicker 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, 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. TSOs came to work without pay during a 35-day partial government shut down in 2019. TSOs staffed the checkpoints when the rest of the country remained home amid the onset of the COVID-19 pandemic. And TSOs have been an important part of the recovery of air travel from the pandemic.

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 they deserve 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 help the TSA workforce achieve pay equity and ensure that they are well prepared to meet the challenges of the next five years and beyond.

TSA, however, 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, 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, mass transit, freight rail, and highway and motor carrier 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.

Additionally, I value our strong partnership with organized labor and other groups 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 work hard 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.

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. I look forward to the opportunity to lead the people of TSA for another five years, if confirmed.

In closing, I thank President Biden and Secretary Mayorkas for their support of me and the entire TSA team. I also thank this Committee for the great working relationship we have had over the past five years, which, if re-confirmed, I hope to continue.

Chair Cantwell, Ranking Member Wicker and distinguished members of this committee, I look forward to answering your questions.

A. BIOGRAPHICAL INFORMATION

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):
Residence: Information not released to the public.
Office: 6595 Springfield Center Dr, Springfield, VA 22150.
5. Date and Place of Birth: May 5, 1955; 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 to 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 résumé.
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 to present)
 - Member
- U.S. Coast Guard Academy Alumni Association (1977 to 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. Pekoske, 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

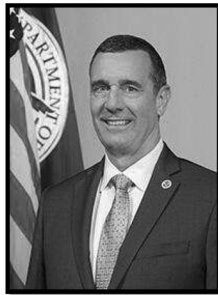
1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority? Yes.
2. 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.



Transportation Security Administration

Administrator

David P. Pekoske



David Pekoske was confirmed by the U.S. Senate as the Transportation Security Administration's seventh administrator in August 2017. He leads a workforce of over 60,000 employees and is responsible for security operations at nearly 440 airports throughout the United States. TSA is also the lead federal agency for security of highways, railroads, mass transit systems and pipelines. Under his leadership, TSA improved transportation security through close partnerships and alliances, a culture of innovation, and development of a dedicated workforce.

During his tenure as TSA Administrator, Pekoske 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. At the Department, Pekoske helped lead a unified national effort to

ensure the continued security of the United States, coordinating components with missions ranging from prevention and protection to recovery and response. He was also 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.

Before joining TSA, Pekoske was an executive in the government services industry, where he led teams that provided counterterrorism, security and intelligence support services to government agencies. Pekoske served as the 26th Vice Commandant of the U.S. Coast Guard, culminating a Coast Guard career that included extensive operational and command experience. As the Vice Commandant, Pekoske was second in command, also serving as Chief Operating Officer and Component Acquisition Executive of the Coast Guard. He is a recognized expert in crisis management, strategic planning, innovation, and aviation, surface transportation and maritime security. In addition, he has been twice awarded the Homeland Security Distinguished Service Medal.

Pekoske holds a Master of Business Administration from the Massachusetts Institute of Technology, a Master of Public Administration from Columbia University and a Bachelor of Science from the U.S. Coast Guard Academy.

ATTACHMENT 2

TSA ADMINISTRATOR PEKOSKE BIOGRAPHIC QUESTIONNAIRE ATTACHMENT:
QUESTION 17, PUBLICATIONS

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.

I have authored the following articles:

- November 2008—"Modernization and the Coast Guard Reserve," Rudder Post Newsletter.
- October 2007—Marine Safety Program Editorial, Pacific Maritime Magazine.
- December 2004—"Maritime Security for our Nation's Democratic Process," Joint Center for Operational Analysis and Lessons Learned, Quarterly Bulletin, Volume VII, Issue 1.

To the best of my abilities, I have taken steps to recall and report all formal speeches that I have delivered to the public relevant to the position of TSA Administrator.

While serving as the current TSA Administrator, I have delivered the following speeches as of May 19, 2022:

- May 12, 2022—Spoke at the Quarterly Surface Transportation Security Advisory Committee (STSAC) Meeting. The speech thanked the STSAC members for their efforts in enhancing surface transportation security. The event was virtual.
- May 12, 2022—Spoke at the Executive Mosaic 4x24 Executive Leadership Dinner to discuss TSA priorities, transportation security challenges, technology investments, and cybersecurity. The event was in McLean, Virginia.
- May 10, 2022—Spoke at the Quarterly Aviation Security Advisory Committee (ASAC) Meeting. The speech welcomed and thanked the STSAC members for their efforts in enhancing aviation security. The event was virtual.
- May 10, 2022—Spoke at the Airport Law Enforcement Agencies Network (ALEAN) 2022 Spring Conference to discuss aviation security, the importance of TSA's work with airport police, and the impact of the COVID-19 pandemic on aviation security. The event was in Arlington, Texas.
- April 27, 2022—Spoke at the Airports Council International—North America Airports@Work Conference. The speech discussed insider threats, Counter-Unmanned Aircraft System (CUAS) efforts, technology, and canines. The event was in Kansas City, Missouri.
- April 7, 2022—Spoke at the TSA Identity Summit. The speech discussed TSA's Identity Management Roadmap and biometric and digital identity pilots. The event was virtual.
- April 7, 2022—Spoke at TSA's Multicultural and Disability Coalition Meeting. The speech was provided to civil rights and LGBTQIA+ organizations and discussed TSA's efforts and initiatives to improve the airport screening experience for transgender, non-binary, and gender-nonconforming travelers. The event was virtual.
- March 29, 2022—Spoke at the Cybersecurity in Civil Aviation 2022 Summit to discuss approaches taken in developing and implementing a cybersecurity framework in the agency. The event was in Dubai, United Arab Emirates.
- March 15, 2022—Spoke at the DHS Capstone Cohort 14 to discuss TSA and executive leadership. The event was in Herndon, Virginia.
- March 14, 2022—Spoke at the MIT Sloan Fellows Executive MBA Program to discuss the TSA mission and strategy, cybersecurity, and technology innovation. The event was in Washington, DC.
- February 9, 2022—Spoke to the Alamo Federal Executive Board (AFEB). The speech addressed ways that TSA and the TSA Canine Training Center can support AFEB's operations and TSA's coordination with stakeholders to execute its mission. The event was in San Antonio, Texas.
- February 22, 2022—Spoke at the Homeland Security Experts Group Roundtable. The speech discussed the future of transportation security. The event was in Washington, DC.

- February 18, 2022—Spoke at the Quarterly STSAC Meeting. The speech welcomed and thanked STSAC members for their efforts in enhancing surface transportation security. The event was virtual.
- February 15, 2022—Spoke at the Quarterly ASAC Meeting. The speech welcomed and thanked ASAC member for their efforts in enhancing aviation security. The event was virtual.
- January 31, 2022—Spoke at the Government Technology and Services Coalition Transportation Security Stakeholder's Symposium. The speech discussed TSA's priorities. The event was virtual.
- January 31, 2022—Spoke at the Executive Leaders Program graduating cohort class of the Naval Postgraduate School, Center for Homeland Defense and Security. The speech discussed strategic-level workforce issues and my insights on leading through difficult times. The event was virtual.
- January 20, 2022—Spoke at the Airports Council International World Webinar. The speech discussed the transformation and future of aviation security. The event was virtual.
- January 10, 2022—Spoke at the Association of Airport Executives 36th Annual Aviation Issues Conference. The speech discussed the impact of COVID-19 on TSA, TSA staffing and hiring efforts, reflections 20 years after 9/11 terrorist attacks, and observations from my time serving as TSA Administrator. The event was virtual.
- January 7, 2022—Spoke at the EDGE22@CES Conference. The speech discussed TSA's innovation initiatives. The event was in Las Vegas, Nevada.
- December 14, 2021—Spoke at the 21st Annual American Association of Airport Executives Aviation Security Summit. The speech discussed the COVID-19 pandemic, touchless screening technology, and cybersecurity. The event was in Arlington, Virginia.
- December 7, 2021—Spoke at the Quarterly ASAC Meeting. The speech welcomed and thanked ASAC members for their efforts in enhancing aviation security. The event was virtual.
- November 18, 2021—Spoke at the Quarterly STSAC Meeting. The speech welcomed and thanked STSAC members for their efforts in enhancing surface transportation security. The event was virtual.
- November 18, 2021—Spoke at the American Security Today Annual Awards and Luncheon. The speech discussed biometrics, identity management, technology innovation, and resuming travel during the COVID-19 pandemic. The event was in New York, New York.
- October 28, 2021—Spoke at the 2021 International Pipeline Security Forum. The speech discussed the security of pipeline systems. The event was virtual.
- October 14, 2021—Spoke at the Department of Homeland Security's Office for Civil Rights and Civil Liberties State of Civil Rights Roundtable. The speech discussed TSA's key civil rights initiatives, efforts, and challenges. The event was virtual.
- October 12, 2021—Spoke at the American Gas Association Board Meeting. The speech discussed cybersecurity and challenges faced by natural gas and utility pipeline owners and operators in the U.S. The event was virtual.
- October 6, 2021—Spoke at the Connect: ID 2021 Conference and Exhibition. The speech addressed digital identity and biometrics. The event was in Washington, DC.
- October 4, 2021—Spoke at the Airports Council International—North America (ACI-NA) Public Safety & Security Technology Symposium. The speech discussed TSA's resiliency and responsiveness to the COVID-19 pandemic and my vision and strategy as the TSA Administrator. The event was virtual.
- September 28, 2021—Spoke at the Regional Airline Association's Leaders Conference. The speech focused on my goals for leading TSA. The event was in Washington, DC.
- September 28, 2021—Spoke at the 19th Annual TSA Disability and Multicultural Coalition Conference. The speech addressed actions TSA has taken to ensure the security of the traveling public and efforts TSA has or will take to improve the traveler experience. The event was virtual.
- September 21, 2021—Spoke at the ALEAN Fall Conference. The speech focused on the importance of TSA's partnership with airport law enforcement. My remarks were recorded and delivered virtually.

- September 10, 2021—Spoke at the International Civil Aviation Organization Symposium. The speech discussed my experience serving as TSA Administrator and how aviation security has evolved over the past 20 years. The event was virtual.
- September 9, 2021—Spoke at the Honolulu CUAS Table-Top Exercise. The speech discussed the evolving nature of TSA's role in CUAS and what I believe TSA's role in CUAS should be in the future. The event was virtual.
- September 8, 2021—Spoke at the Quarterly ASAC Meeting. The speech welcomed and thanked the ASAC members for their efforts in enhancing aviation security. The event was virtual.
- August 19, 2021—Spoke at the Quarterly STSAC Meeting. The speech welcomed and thanked the STSAC members for their efforts in enhancing surface transportation security. The event was virtual.
- July 26, 2021—Spoke at the National Defense University. The speech was about leadership skills essential for effective decision making and policy implementation. The event was in Washington, DC.
- May 20, 2021—Spoke at the Quarterly STSAC Meeting. The speech welcomed and thanked committee members for their efforts in enhancing surface transportation security. The event was virtual.
- May 18, 2021—Spoke at the Quarterly ASAC Meeting. The speech welcomed and thanked the ASAC members for their efforts in enhancing aviation security. The event was virtual.
- February 24, 2021—Spoke at the Quarterly ASAC Meeting. The speech welcomed and thanked the ASAC members for their efforts in enhancing aviation security. The event was virtual.
- February 18, 2021—Spoke at the Quarterly STSAC Meeting. The speech welcomed and thanked the STSAC members for their efforts in enhancing surface transportation security. The event was virtual.
- February 10, 2021—Spoke at the Digital Wellness Passport Event. The speech addressed the status of aviation travel and TSA's plans with Digital Wellness Passports. The event was virtual.
- December 8, 2020—Spoke at the Ninth U.S.—Republic of Korea Aviation Security Cooperation Group Meeting. The speech discussed TSA's aviation security strategy and the importance of collaboration with international partners and stakeholders. The event was virtual.
- December 8, 2020—Spoke at the 20th Annual American Association of Airport Executives (AAAE) Summit. The speech discussed the recent Thanksgiving travel period, the passenger travel experience, TSA's response to the COVID-19 pandemic, and technological innovation. The event was virtual.
- November 18, 2020—Spoke at the TSA 2020 Industry Day. The speech addressed TSA's resiliency and responsiveness during the COVID-19 pandemic. The event was in Springfield, Virginia.
- September 28, 2020—Spoke at the 18th Annual TSA Disability and Multicultural Coalition Conference. The speech addressed actions TSA has taken to ensure the security of the traveling public and efforts TSA has or will take to improve the traveler experience. The event was virtual.
- September 11, 2020—Spoke at the Annual Remembrance Ceremony for September 11, 2001. The speech addressed the 9/11 terrorist attacks and how aviation security has evolved. The event was in Arlington, Virginia.
- September 2, 2020—Spoke at the Business Executives for National Security Conference. The speech addressed TSA's resiliency and responsiveness during the COVID-19 pandemic, outlook for the future of travel, and TSA's vision for the future of checkpoint screening. The event was virtual.
- January 30, 2020—Spoke at STSAC Meeting. The speech discussed TSA's surface transportation priorities, the evolving threat to surface transportation, and the importance of public-private partnerships to strengthen surface transportation security. The event was in Arlington, Virginia.
- December 21, 2019—Spoke at the Pan Am Flight 103 Anniversary Memorial Service. The speech acknowledged the victims and families of Pan Am Flight 103 and TSA's role in improving aviation security. The event was in Arlington, Virginia.
- October 21, 2019—Spoke at the EnVision Forum. The speech discussed the importance of public-private partnerships and collaboration, TSA's role and efforts

in regard to the physical and cybersecurity of pipelines, and the importance of information sharing. The event was in Lexington, Kentucky.

- October 16, 2019—Spoke at the 2019 International Pipeline Security Forum. The speech discussed TSA's role and efforts regarding pipeline security. The event was in Chicago, Illinois.
- July 16, 2019—Spoke at the Homeland Security Group Summer Meeting. The speech discussed TSA's commitment to pursuing innovative transportation security solutions. The event was in Snowmass, Colorado.
- June 20, 2019—Spoke at the TSA 2019 Industry Day. The speech discussed the changing threat landscape and TSA's commitment to working on collaborative solutions with the private sector and stakeholders. The event was in Washington, DC.
- June 10, 2019—Spoke at the North American Aviation Security Conference. The speech discussed TSA's priorities, TSA's commitment to stakeholder collaboration, and the importance of international partnerships to strengthening aviation security. The event was in Ontario, Canada.
- March 14, 2019—Spoke at the IBM Think Gov 2019 Conference. The speech discussed how TSA is preparing for a digital future. The event was in Washington, DC.
- December 21, 2018—Spoke at the Pan Am Flight 103 30th Anniversary Memorial Service. The speech acknowledged the victims and families of Pan Am Flight 103 and discussed TSA's role in improving aviation security. The event was in Arlington, Virginia.
- August 13, 2018—Spoke at the Annual Global Business Travel Association (GBTA) Convention. The speech addressed TSA's future initiatives and collaboration with interagency partners and stakeholders regarding checkpoint innovation and technology. The event was in San Diego, California.
- August 7, 2018—Spoke at the 16th Annual TSA Disability and Multicultural Coalition Conference. The speech discussed actions TSA has taken to ensure the security of the traveling public and efforts TSA has taken or plans to take to improve the traveler experience. The event was in Arlington, Virginia.
- July 31, 2018—Spoke at the Association of Southeast Asian Nations (ASEAN) Counter-Terrorism Conference on Aviation Security. The speech discussed TSA's perspective on the current aviation security environment and aviation security challenges shared by the U.S. and ASEAN members. The event was in Singapore.
- July 25, 2018—Spoke at the International Civil Aviation Organization (ICAO) Regional Conference on Aviation Security for the Americas. The speech discussed the U.S.'s leadership and commitment to prioritizing aviation security in the Americas and endorsement of a regional roadmap. The event was in Panama City, Panama.
- July 17, 2018—Spoke before the Aspen Institute Homeland Security Group. The speech was in regard to the future of aviation security. The event was in Aspen, Colorado.
- July 12, 2018—Spoke at Transforming the Customer Experience in Government Conference. The speech discussed TSA's efforts and initiatives to improve the traveler experience. The event was in Washington, DC.
- April 25, 2018—Spoke at the Washington Homeland Security Roundtable Industry Day. The speech focused on my vision and strategy for leading TSA, the transportation security threat, and the importance of public-private partnerships. The event was in Washington, DC.
- May 10, 2018—Spoke at the General Aviation Manufacturer's Association Board of Directors Meeting. The speech focused on TSA's role in General Aviation and collaboration with stakeholders. The event was in Washington, DC.
- March 7, 2018—Spoke at the George Washington University Center for Cyber and Homeland Security. The speech focused on TSA's mission and priorities, the evolution of aviation security, and my strategy for TSA. The event was in Washington, DC.
- March 1, 2018—Spoke at the 2018 U.S. Chamber of Commerce Aviation Summit. The speech discussed TSA's role in aviation security, the aviation security threat, the evolution of screening technology, and the importance of technological innovation. The event was in Washington, DC.
- February 12, 2018—Spoke at the American Public Transportation Association Transit Chief Executive Officer Seminar. The speech discussed the interdepend-

ence of cybersecurity and physical infrastructure security, the need to focus on cybersecurity, and the importance of partnerships to strengthen the security of public transportation. The event was in Miami, Florida.

- February 7, 2018—Spoke at TSA's Fifth Public Area Security Summit. The speech focused on the transportation security threat and importance of a unified approach to public area security. The event was in Arlington, Virginia.
- December 8, 2017—Spoke at the Homeland Security Advisory Council Meeting. The speech discussed the transportation security threat, TSA's efforts to raise the global baseline for aviation security, and the importance of developing innovative screening technology. The event was in Washington, DC.
- December 5, 2017—Spoke at the American Association of Airport Executives (AAAE) Annual Aviation Summit. The speech discussed TSA's mission and strategy to strengthen aviation security. The event was in Arlington, Virginia.
- November 29, 2017—Spoke at a Rand Corporation event. The speech discussed TSA's mission, global efforts to raise the transportation security baseline, domestic efforts to strengthen transportation security, and my vision for the future of TSA and transportation security. The event was in Santa Monica, California.
- November 14, 2017—Spoke at the International Air Transport Association Aviation Security World Conference. The speech focused on the changing landscape of aviation security and the U.S.'s approach to aviation security. The event was in Abu Dhabi, United Arab Emirates.
- October 25, 2017—Spoke at the 2017 International Pipeline Security Forum. The speech discussed TSA's role in pipeline security and the importance of TSA's partnerships with the pipeline sector to strengthen pipeline security. The event was in Buffalo, New York.
- October 17, 2017—Spoke at the Airports Council International—North America Public Safety and Security Conference. The speech discussed TSA's partnerships with airports and stakeholders, the aviation security threat landscape, and TSA's aviation security priorities. The event was in Arlington, Virginia.
- September 11, 2017—Spoke at the Annual Remembrance Ceremony for September 11, 2001. The speech addressed the 9/11 terrorist attacks and how aviation security has evolved. The event was in Arlington, Virginia.

I delivered the following speeches after I retired from the U.S. Coast Guard and prior to serving as the current TSA Administrator:

- February 2011—Spoke at a Maritime Security Conference on cross-border risk management. The event was in Miami, Florida.
- May 2014—Spoke at a World Customs Organization IT Conference on cross-border risk management. The event was in Brisbane, Australia.

Senator KLOBUCHAR. Thank you very much, Administrator. We have a number of Senators here. And first of all, I want to make sure you promise me you will tell our MSP crew that they are doing a great job.

Mr. PEKOSKE. Absolutely. Promise.

Senator KLOBUCHAR. OK. Thank you. Second, you talked about and have said that the agency expects this summer to be very, very busy. I mentioned the numbers. We are already seeing that. Talk about some of your biggest workforce issues. How do you think we could resolve them?

Mr. PEKOSKE. It has been a busy summer. Pretty much every day since Memorial Day has been a 2 million plus travel day. You mentioned that the busiest day was the Friday before the 4th of July weekend, broke all the records until the, you know, before the pandemic. So it has been very, very busy.

Our workforce has performed incredibly during the spring break and certainly as we are about in the midpoint in the summer. One of the biggest things for us, and I mentioned it in my opening statement, is to ensure that we do achieve pay equity.

I mean, when you look at all those men and women that are on the front lines of TSA, they are generally making about 30 percent less than their Federal counterparts in other agencies. If we classified their positions using standard guidelines, their pay would increase by 30 percent. That is significant.

And that is something that I think is absolutely critical for TSA in the future, and I would appreciate your support of that pay equity initiative. The other thing that is very important to keep in mind is that everyone in the country pretty much has had a difficult time hiring entry level people.

It is not easy. It is much harder than it has ever been since I have been the Administrator. We are about 10 percent below where we would like to be with our screening work force, but we have been able to maintain our wait time standards because of the incredible work of that workforce and so management flexibilities that we have.

I mean, we asked for volunteers among all the transportation security officers and said, hey, if you would like to volunteer, if you are at an airport that might be overstaffed, we would like to move you to another airport that would be understaffed.

We had 1,000 people raise their hands and do that, and that is one of the reasons why we have been able to maintain our standards through this busy summer today.

Senator KLOBUCHAR. [Technical problems]—I appreciated your willingness to move things. I will never forget a few years back when we had huge delays because of some construction at our airport and you guys moved some dog crews from Maui.

You would appreciate, Senator Wicker, that these dogs had been in Hawaii, and they were moved to Minnesota in February. That was what happened to them. But in any case, my last two questions. Kind of on the same subject so I will ask them together. It is about this idea of international travel.

Senator Wicker, actually, the bill that Senator Wicker led, the Travel and Tourism Omnibus Act, the overall bill includes a bill led by Senator Wicker that authorizes the TSA to allow passengers arriving from foreign airports to transfer to connect flights at U.S. airports without having to go through customs again.

They have obviously gone through it once. And Senator Blunt and I lead Brand USA, done a lot of work in this area, co-chaired the international—the Tourism Caucus. Senator Rosen is showing great leadership on this committee on this. How would the one stop security pilot program help improve and streamline the passenger experience?

Mr. PEKOSKE. One stop security, Senator, is a terrific initiative and I really urge the passage of that initiative. It will give us the opportunity to prototype one stop in several airports and airport pairs internationally, and it will give us an amount of time to very carefully evaluate its effectiveness.

First and foremost, one, stop security improves security. What it means is that flights that depart last point of departure airports internationally bound for the U.S. will be more secure with one stop than they are without one stop security. So that is a very, very important point to make.

The other is, it provides a great deal of efficiency in our system. Rather than rescreening passengers, when we are satisfied that the security outcomes are commensurate with U.S. outcomes, there is really no reason to rescreen passengers once they arrive in the United States.

And so I think this will make a big difference for all travelers, in particular for business travelers who are really on very tight schedules and want to move through the system quickly.

Senator KLOBUCHAR. Very good. And just, we don't have to go on because I don't want to go beyond my time. We now, in MSP they can use, passengers from other countries can now choose to go through border control using facial recognition scanners.

I assume that there is some other update we could do. We know that these international travelers—of course, we want to make sure everyone is safe, and you are in charge of doing that.

But they spent an average of \$5,000 in our country every time they come. And of course, we have lost all that business from the pandemic the last few years. We want to up it again. Just the use of technology there.

Mr. PEKOSKE. Yes, ma'am. And we are working very hard to provide biometric technology at our screening checkpoints around the country. And we have also done some prototyping with Customs and Border Protection so that we can biometrically exit travelers from the United States just at TSA without having to go through customs. So, you know, that is a significant facilitation as well.

Senator KLOBUCHAR. OK. Very good. I will turn it over to Senator Wicker, and then also Senator Tester is going to be taking over for me at some point here, so thank.

Senator WICKER. When are we going to see that biometric exit?

Mr. PEKOSKE. So we prototyped it, most recently at Atlanta Airport. It has worked very well, and we are partnering very closely with Customs to put together an implementation timeline for when that can be put out.

Senator WICKER. So, if you can take a minute and just tell us how that works.

Mr. PEKOSKE. What it does is, when a passenger comes into the United States internationally, their image is taken at Customs when they go through the port of entry in the airport. And what Customs does is they match that up with their passport photo to make sure that they are the same person.

And of course, we do all the background checks and things like that to admit into the country. When they exit the country, there is a requirement not yet fully implemented to biometrically exit. So you biometrically enter and then you will be biometrically exited—

Senator WICKER. And if they have landed in Dallas and leave it Atlanta, it still works?

Mr. PEKOSKE. It still works.

Senator KLOBUCHAR. Is that the same thing in Minnesota that is happening or is that different?

Mr. PEKOSKE. That is different. In Minnesota, that is mostly for domestic travel. And we are putting biometrics in extensively facial recognition. And I should mention too that—

Senator WICKER. I think you should wait a long time for Minnesota.

[Laughter.]

Mr. PEKOSKE. But we have been working really, really closely with Customs so that we aren't duplicating effort. We are using the same technology, and it so far works very well.

Senator WICKER. OK. Well, Madam Chair, starting my clock now. Let me ask you this, Mr. Administrator. 20 years ago, Congress chose not to place the new agency under Title V. We now have a proposal, Fiscal Year 2023 proposal that would essentially do that.

An additional \$121 million is requested to establish a labor relations support capability to manage expanded labor benefits for TSA officers. A panel that you appointed, a blue ribbon panel composed of Republicans and Democrats in 2019, recommended against that, including the chief human capital officer for DHS under President Obama, strongly recommended against moving TSA personnel under Title V.

And they said this, one recommendation the panel heard repeatedly from employees was moving TSA into the general schedule. The panel does not agree. The general schedule is a 70 year old classification and compensation system for the last century and is the subject of countless studies and recommendations from good Government organizations who consistently find it is too inflexible to meet the needs of 21st century work force.

A better course of action is to use existing a TSA flexibility to improve TSA pay system so that it operates at a level superior to the GS system. So where are we on that? And has there been—have you had a change of heart?

And is there some middle ground where we can pay these people what they are due without moving to the GS?

Mr. PEKOSKE. Thank you, sir. The President's budget request seeks the funding to support pay that is equitable, that is equivalent to what someone would be paid under the general schedule and also has a separate budget line item to support full collective bargaining. Because we cannot implement full collective—we do limited collective bargaining for our TSOs. We are funded for that.

We aren't funded for full collective bargaining. So there is two separate line items. One for pay. One for collective bargaining. The pay item does not require a transfer to Title V. It doesn't say which system to operate under. It just says we need to pay. From my perspective, 5 years in TSA talking to thousands of officers, the number one concern they have is their pay.

When they are working in an airport and they see their Customs and Border Protection counterparts who are on the general schedule making a lot more money than they do, doing somewhat similar but different jobs, but they were classified out very similar to each other, that is a significant problem.

And we have high levels of attrition at TSA. 20 percent of our workforce turns over every year. And it is very, very hard for us to recruit people because they are looking at the pay system, and even if we can recruit them, they will decide to come into TSA sometimes and then transition to another agency—

Senator WICKER. It is more of it moving to another agency or moving to the private sector?

Mr. PEKOSKE. It is both, sir. But some folks that come in do want to work in the Federal Government, do want to serve their country, do want the benefits the Federal Government provides. But they are looking, of course, for where they can get the best compensation——

Senator WICKER. What is the entry level?

Mr. PEKOSKE. The entry level for us is up roughly the GS-5 level. And so when you think about it, the TSOs that you see in checkpoints, their average pay is around \$40,000 a year. That is a very low level of pay for the responsibility that we place on their shoulders and what we ask of them day in and day out.

So for me, the number one thing for me as the Administrator, and if confirmed into the next 5 years, is fixing this pay issue because it is critical for us. You both mentioned staffing of the airports. We won't be able to staff if we don't get pay adjusted.

Senator WICKER. Thank you, sir. I yield back.

Senator KLOBUCHAR. Very good. Thank you. Senator Tester.

**STATEMENT OF HON. JON TESTER,
U.S. SENATOR FROM MONTANA**

Senator TESTER. Thank you, Madam Chair, and thanks for having this hearing. Administrator Pekoske, thank you for being here. Thank you for the job you have done the last 5 years. I mean, the fact that when I came in this room and I looked at you and I said, oh, yes, that is Administrator Pekoske, is a really a good sign because that means I haven't had to have you in front of me talking about screw ups.

And so we appreciate that very, very much. And we appreciate the professionalism of the people that work with you. I have got a couple of questions. We are going to get to the airplane part of things, but I want to start with pipelines. There is a 2018 report out there that found that there was only six people working on pipeline security in 2018.

Could you give us an update where we are at today and if the staffing is adequate? Because we have seen pipeline mischief. If the staff is adequate to make sure that this country is well protected because pipelines are critically important.

Mr. PEKOSKE. Yes, sir. Thank you for the question. And pipeline cybersecurity resilience is a very top priority of ours, and our staff is significantly larger than what it was last time we talked, but it is still not the levels where it needs to be.

But one of the things that we have been very, very successful at, and this is still a great credit of the Department and the Cybersecurity and Infrastructure Security Agency, is we partner very closely with them on cybersecurity issues and overall critical infrastructure protection issues.

Additionally, we work very, very closely with the Pipeline and Hazardous Materials Safety Agency in the Department of Transportation, who also has cyber expertise. And so our work to date has been pooling those cyber resources together. But we do need to have additional cyber resources. And you will be seeing that in future budget requests, I am sure.

Senator TESTER. Can you tell me how many people are working in pipeline safety today?

Mr. PEKOSKE. Yes, sir. In pipeline security for cyber, I will limit it to cyber, we have hired about 20 plus additional people. We have more in the pipeline to come on board. And then as we expand our cyber resilience efforts across the surface transportation sector beyond pipelines, it will require even more resources to do that.

Senator TESTER. And so you have got 20 in cyber. What is the other area in pipeline safety that you work on?

Mr. PEKOSKE. That would be just policy development and then inspection, sir.

Senator TESTER. OK. And how many people do you have in that arena?

Mr. PEKOSKE. In the inspection process, we have hundreds. But those inspectors are dual head. There is aviation security inspectors and pipeline security inspectors. We are about to shift a number of them right over into pipelines as a dedicated resource. So the pool of inspectors is deep, but we do need to build their expertise in cyber issues.

Senator TESTER. For the adequacy that you have right now, you would say that you need to bump up the cyber end of things. And what about the inspection and things?

Mr. PEKOSKE. Inspections as well, sir. Yes, sir. Both of them.

Senator TESTER. OK. Do you have a top line number that you want to try to achieve in the next—?

Mr. PEKOSKE. We are still developing that top line number, Senator, because we are looking at the extent of our cybersecurity regulatory efforts over the next year plus, and it will expand beyond what it currently is.

Senator TESTER. OK. You have previously testified in the House, I believe, that you support writing in the law full collective bargaining rights and pay equity for transportation security officers at TSA, which has been addressed already. This committee has legislation before it that would do exactly that. Tell me why you are supportive of these provisions and why you think it will make a difference in recruitment.

Mr. PEKOSKE. Sir, the pay equity is critically important, as I said before, just to make sure we can hire, retain, and be fair. I mean fairly compensate our employees who have critical National Security roles.

With full collective bargaining, I support full collective bargaining. TSA has had limited collective bargaining since its inception 20 years ago. I look at the Federal Employee Viewpoint Survey results when they come out. I look at them very specifically to individual airports to see what are the workplace dissatisfiers for our frontline screening workforce.

As I look at this, you know, we have been 20 years doing limited collective bargaining. It hasn't gotten us to where we need to be. And so I think that we should try full collective bargaining. But I just need the resources to be—

Senator TESTER. So, when it comes to the airplane staffing, the airport staffing, you are about 8 percent down. How have you dealt with—I mean, you are getting an influx 2 million a day. How have you dealt with the line issue with your staffing being 8 percent down?

Mr. PEKOSKE. Yes, sir. We have dealt with it successfully, too. A lot of hard work at the local level. I mean, we have really, really good relationships between our airport leadership and the owners and operators of the airports and the carriers, who we all work together to try to make sure that a passenger gets on board the plane and can depart as quickly and safely and securely as possible.

The other thing that we have employed a great deal are recruiting bonuses. We have a series of incentives. We have increased where the cost of living is very high, proportional to the rest of the country.

We provide additional retention incentives to compensate for high cost of living areas. We also this summer have a summer incentive. So we provide more money in addition to overtime for those that are working overtime hours.

Senator TESTER. Thank you. Thank you, Madam Chair.

Senator KLOBUCHAR. Senator Fischer.

**STATEMENT OF HON. DEB FISCHER,
U.S. SENATOR FROM NEBRASKA**

Senator FISCHER. Thank you, Madam Chair. Welcome, Administrator. Nice to see you again. I appreciated that we had the opportunity to meet and discuss some of the priorities that I have. I wanted to follow up on a discussion that we had regarding the staffing at Eppley Airfield in Omaha and a potential new requirement that airport staff exit lanes will become a responsibility of an airport instead of a TSA responsibility.

Can you just briefly give us an idea, some further details on what those changes might be, and how TSA, I guess, is going to be able to offer any assistance for those additional costs to airports.

Mr. PEKOSKE. Thank you, Senator. And I appreciated the conversation we had very much as well. Roughly a quarter of our airports have staffed exit lanes. And we—and as we look at the expertise we build into a transportation security officer to do all this, the screening work that we do in our screening checkpoints, our view is that that is not the best application of the skills that we provide to that workforce.

But if the technology is not in place to prevent people from going into an exit lane and getting into a sterile area of an airport without screening, then it does need to be staffed. The question is by whom? And in the budget proposal, for about \$94 million, if I recall correctly, would require airports to assume that responsibility.

As I look at this and I see manned exit lanes in all those airports when I visit, and I also see other airports that have good technology solutions to this, in my opinion, a technology solution is the best way to get at this, and I recognize there is a funding requirement for that.

Senator FISCHER. And do you have any ideas on how these airports are going to meet that requirement, for—where they are going to get their revenue from?

Mr. PEKOSKE. Senator, if the budget is passed as submitted, then as soon as the Fiscal Year 2023 budget is enacted, they would assume responsibility for exit lane staffing. So they would have to

generate staff to do that because you won't have a technology solution in place quite that quickly.

But then I would expect that we would work very closely to try to develop some of those technology solutions. But the funding for that, as proposed in the budget, would come from the airports, not from the Federal Government at this point in time.

Senator FISCHER. OK. Senator Tester asked you about the pipeline security, cybersecurity on pipelines. And based on the directives that were put forward earlier, do you know—are you planning as TCA to look at any future security directives with regards to freight or passenger rail, to look at mass transit, to look at maritime? And if so—you are nodding, yes. So if so, what is the timeline on that?

Mr. PEKOSKE. We are already working with the rail sector on cybersecurity requirements beyond what they already have. So they already need to report incidents. Already need to have a point of contact and to do vulnerability assessments and have a contingency plan.

We anticipate placing additional requirements, but the change, and we are also making this change on the pipeline sector, is to go to a performance based regulation rather than a specific activity based regulation.

We feel that that provides the owners and operators of these systems a great deal more flexibility to achieve the security outcomes that we want to achieve. And so far, the feedback from the industry has been very positive on that.

Senator FISCHER. And do you have any specific timeline in mind on that, how long it would be?

Mr. PEKOSKE. Our timeline for rail will be over the next month or so. And then we will also look at the aviation system, both airports and airlines.

Senator FISCHER. OK. Anything in maritime?

Mr. PEKOSKE. In maritime would be a Coast Guard responsibility. We work closely with the Coast Guard on that.

Senator FISCHER. OK. Thank you. During your nomination hearing in 2017, I asked you how the TSA can be more proactive in addressing surface transportation security. And usually TSA historically has spent just 2 to 3 percent of its budget on those surface transportation programs. What have you done since you have been in this role for 5 years? What steps have you taken to be able to bolster that surface transportation security?

Mr. PEKOSKE. Thanks, Senator. Well, first we reorganized, and we now have an Assistant Administrator for Surface Transportation Security Operations. And that puts it more on par with the domestic aviation security operations within our structure.

We provided additional resources, and in response to Senator Tester's question, we also allocated some of the aviation inspectors to surface transportation compliance works. So there is a significant increase in overall headcount in surface.

We have placed a lot of emphasis too on building relationships with the owners and operators of surface systems. And as you know, I am just in the pipeline sector, there are 3,000 pipelines in the country. We are doing our very best to work with the associa-

tions and then work with the most critical of those owners and operators in the country.

Senator FISCHER. OK. Thank you very much. Thank you, Madam—thank you, Mr. Chairman.

Senator TESTER. Mr. Chairman will work. Next we have the Senator from Massachusetts, Senator Markey.

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

Senator MARKEY. I thank you. And my grandfather actually got off the boat and—from Ireland, and he went to Montana to build the railroad. And he built it for about 6 months. And then he just decided, which is too cold, Montana, and believe it or not, came back to Boston and went temperate. Otherwise I would have had a funny accent, OK, but I don't, OK.

[Laughter.]

Senator MARKEY. My grandfather did return to Boston, so I have this accent, which I don't understand why everyone else sounds so funny and we don't. So I thank you, Administrator Pekoske. And I want to return to an issue that you and I have spoken about previously, fee diversion.

The diversion of the September 11 security fee to deficit reduction has had a significant consequence for our aviation system. This misguided policy siphons nearly \$1.5 billion from TSA's budget every single year. Depriving TSA, depriving you of the critical resources you need in order to provide security for our Nation.

And that is why I introduced the Faster Act, which would end this fee diversion and ensure that TSA and its workforce have the tools they need. Administrator Pekoske, do you agree that ending fee diversion is critical to improving the security of our transportation system?

Mr. PEKOSKE. Senator Markey, I couldn't agree with that statement more. This fee diversion has been going on since the 2013 balanced budget agreement. It goes on for several more years by an extension of that agreement. It is \$1.52 billion in Fiscal Year 2023 that would provide additional top line for TSA.

Senator MARKEY. You know, and it is absolutely a critical—we had to fight very hard after 911 to finally put in place the security provisions which we have. But again, a vision or security with all funding is an hallucination. You got to have the funding, right, in order to make sure that it works. So you should be able to use these resources to give transportation security officers and Air Marshals a well-deserved and overdue raise. Better pay and benefits would also allow the agency to recruit and maintain a talented, experienced workforce. Mr. Pekoske, do you agree that improving that pay and benefits of the TSA workers will in this way improve airport security?

Mr. PEKOSKE. Yes, sir, without question. And it is absolutely critical that we improve pay. It is fundamentally unfair what we are doing now.

Senator MARKEY. When we invest in workers' economic security, we invest in our own security as well. I agree with you 100 percent. A \$1.5 billion every single year, taken out of your budget, while people wonder we secure—you know, is the morale of our workers

high enough in order to protect everyone who is going through airports in our country? You know, obviously, we know what the answer is.

You know, we have to show that we respect them. We have to show that we have the resources to continually upgrade the resources. So I saw that at Logan Airport with Mohamed Atta and the other nine, they were scoping out Logan Airport for months just sitting there, and I can—you know, I was informed by now those workers in terms of all the provisions I was able to build into the legislation in 2007 that mandates those protections.

But you also then need—you need to fund it, you know, because they are constantly testing. Mohamed Atta had a Ph.D. These are smart people. They are trying to figure out how to penetrate the system. And if you are not continually investing, they will find the aperture. They will find the way through. And then we will have another catastrophe. So this funding is absolutely essential.

And I want to turn to a related issue, wages and benefits for airport service workers. These individuals are the unsung heroes of our aviation system, but they are often overworked and underpaid.

And that is why I introduced with Senator Blumenthal the Good Jobs For Good Airports Act, which would help ensure that airport service workers are paid a living wage and benefits like improving the pay of TSA officers, improving the labor standards for airports service workers makes our airports safer by lowering turnover and ensuring that the airports have an experienced workforce.

Administrator Pekoske, do you support increasing pay and benefits of airports service workers, and do you agree that improving these labor standards will improve airport security?

Mr. PEKOSKE. Yes, sir. I think increasing pay will allow the airports and airlines to be more selective as to who they hire. And it will also appropriately compensate those workers for the terrific work that they do. And they are the unsung heroes of the system.

Senator MARKEY. And I just—and I want to thank you, because I appreciate your team working with my team to address my concerns related to privacy, because surveillance and security are not the same thing. Travelers should not be faced with a false choice between privacy and protection. I look forward to working with you on that as well. Thank you, sir.

Mr. PEKOSKE. Thank you, Senator.

Senator TESTER. Senator Thune.

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

Senator THUNE. Thank you, Mr. Chairman. Administrator Pekoske, thank you for being here today and for your willingness to serve in this important role once again. And last year, thanks to the hard work of this committee, Congress passed the FAA Reauthorization Act of 2018, which included my bill, the TSA Modernization Act, reauthorizing the agency for the first time since 2001.

Passage of the bill enacted several provisions aimed at minimizing security line wait times, deploying more advanced screening technologies, and increasing protections for unsecured portions of

the airport, all to benefit the experience of the traveling public while keeping our airports and skies safe from harm.

Building on improvements made by the FAA Extension Safety and Security Act of 2016, the bill required the TSA to increase the accessibility of the pre-check program, including a provision requiring the agency to enter into an agreement with private sector entities to expand precheck enrollment options such as the start to finish secure online or mobile enrollment capabilities.

Increasing enrollment options is important to rural areas like South Dakota, where enrollment is currently limited to physical locations. Could you speak to the agency's implementation of that section?

Mr. PEKOSKE. Yes, sir. First, let me thank you again for the Modernization Act. It significantly improved TSA and it significantly has improved the passenger experience. And to your question on PreCheck, PreCheck is a vital program for us. Pre-Check coupled with Global Entry, allows us to have a trusted traveler population that will allow us to focus our limited security resources where they are needed the most.

We agree completely that we need to improve the enrollment availability across the country. We have signed agreements with two additional companies to expand enrollment services in the United States.

I expect that their authority to operate, in other words, our review of their cybersecurity within their systems and their processes will be done this calendar year. So you should see those new enrollment vendors are rolling out some time in calendar year 2022.

Senator THUNE. OK. Thank you. And just as a follow up on that, I have continued to work with Senator Blackburn on legislation requiring TSA to develop a secure online PreCheck enrollment process, allowing Americans in rural areas to enroll in the program without traveling to a physical enrollment center. Could you discuss TSA's internal efforts to increase the accessibility of PreCheck enrollment?

Mr. PEKOSKE. Yes, sir. You know, we want to make PreCheck available to as many people who qualify for it as we possibly can. We just recently reduced the fee for renewal of PreCheck from \$85 to \$70, and that can be done completely online. We are working very closely with the FBI to see if we can eventually. It is not going to be soon, I don't think, but eventually get to the point where we can do more mobile enrollment into TSA PreCheck.

Senator THUNE. And if confirmed, I assume you will continue to work with us on that initiative. Thank you. You mentioned in your testimony, TAs work with operators of critical transportation infrastructure to combat both physical security and cyber threats. In October of last year, I joined a letter with Ranking Member Wicker and several of my Commerce committee colleagues expressing concern with recent security directives issued by the agency, particularly the lack of engagement with affected stakeholders.

And I appreciated your January response to this letter, which outlined the agency's work with stakeholders to develop a collaborative cybersecurity framework. Could you provide an update on TSA's work with affected stakeholders in implementing the requirements of these security directives?

Mr. PEKOSKE. Yes, sir. I appreciate your letter and expressing your concerns, and we have certainly worked very, very closely with the oil and natural gas in particular sector, I think, to great effect.

We have had a series of very robust engagements both with the associations, with the individual owners and operators, to the point where we are about to reissue our security directive that had those specific measures in it to give those owners and operators a great deal more flexibility as to how they achieve the security outcomes that we deem need to be achieved.

And the other thing that was very significant this time around was we made sure that the CEOs of those companies, their CIOs, their CISOs, and their chief security officers had access to very high level intelligence that demonstrated to them the urgency within which we need to move in this regard.

And I would like to, I am just kind of reflect back on the last year and observe that the oil and natural gas sector in particular, thanks to the work of those owners and operators and their teams and their investment, is significantly more resilient than it was a year ago.

And I think it will continue to grow in resiliency over the course of the next several years. We will go into a full notice and comment rulemaking process beginning this year as well.

Senator THUNE. Thank you. Mr. Chairman, my time has expired. I have another question I will perhaps submit for the record.

Senator TESTER. Thank you. Senator Rosen, remotely.

**STATEMENT OF HON. JACKY ROSEN,
U.S. SENATOR FROM NEVADA**

Senator ROSEN. Thank you, Mr. Chairman. Appreciate it. I am so happy that we are having this hearing because as chairwoman of the subcommittee for Tourism, Trade and Export Promotion, travel experience matters. TSA is a huge part of that travel experience.

And I want to just speak for a moment about 90 million expected international visitors, according to the recently released a plan for a national tourism strategy. And so those 90 million visitors that are expected to come are estimated to spend about \$279 billion annually right here in the United States.

And so I have a bill with the Ranking Member Wicker, the Omnibus Travel and Tourism Act. We affectionately call it the Tour Bus, that talks about the one stop security pilot program. We know Senator Klobuchar mentioned it earlier, but it does include a provision that would allow passengers and baggage arriving from certain foreign airports, one that we certify, to bypass a second round of screening if the point of last departure airport has screening, like I said, commensurate with that in the U.S.

We hope to see this bill passed soon for obvious reasons. A nearly \$300 billion annually is quite a boost to our economy. So, Mr. Administrator, could you expand a little bit about how the establishment of the one-stop security pilot program really can help support your TSA mission, can help improve the travel experience, and just expedite everything, make our airports more efficient while maintaining safety and security?

Mr. PEKOSKE. Well, thanks, Senator Rosen. And we strongly support one stop security. I think it is a terrific idea because it improves the overall level of security effectiveness for passengers departing from those last point of departure airports where we have an agreement.

This means that we will have similar technologies, similar software operating those technologies, and similar ways to ensure that the security levels are commensurate. To your point, it provides a significant efficiency benefit in the system where passengers don't need to get rescreened here in the United States.

And, you know, one of the things as we look at airports around this country, and if we assume, and I think it is a very valid assumption that once we fully recover from the pandemic, we will see 4.5 percent or so year over year growth in passenger volume. That is basically the same rate we saw before the pandemic. We can't continue to increase our staff at that level because we have limitations in physical infrastructure.

And I think this is a way for us to better manage the increase in growth, which is a good thing. I have seen the aviation industry continue to grow and seeing more travel and tourism in this country is certainly a very positive impact on our economy, as you mentioned.

Senator ROSEN. Well, wonderful. Well, that leads me right into building what Senator Wicker was speaking about. Our airports' workforce shortage. And TSA recently named the Las Vegas Harry Reid International Airport as its airport of the year for large airports.

I am really proud of this designation and the wonderful work the TSA and LAS are doing, from relaunching the innovation checkpoint, making Las Vegas the only checkpoint in the country featuring the latest upgrades, you have been speaking about, in aviation security technologies.

We are going to improve security passenger screening, carrying out trials, and integrated UBC light sanitation systems. But we thrive at Harry Reid Airport because of our workers. And so it is essential that our workforce have the resources that they need to develop these technologies to keep Americans safe. It is why I am a co-sponsor for the Rights for TSA Workforce Act.

This would grant TSA workers the same rights and protections that are granted to most Federal employees. So again, Mr. Administrator, could you talk about what resources the TSA workforce may need from Congress to be sure that they are safe and protected as well?

Mr. PEKOSKE. Yes, Senator. The resources that we would need, one is—I will put it into two categories. One is to achieve pay equity, and that resourcing is in the order of \$872 million in Fiscal Year 2023 and then annualized in Fiscal Year 2024 to about \$1.52 billion, which is very close to the number that Senator Markey raised with respect to the aviation security passenger fee diversion to deficit reduction.

So that is the most significant issue for us in our budget, is to make sure that we get pay equity for our workforce. The second is to allow us to do full collective bargaining, which I strongly support, but we are not resourced to do that, and that is in the order

of about \$120 million. I think that will improve the overall workplace environment within TSA. I think it will improve our retention.

And I would really strongly ask the Congress to support that additional funding for full collective bargaining for TSA. With respect to other aviation workers, you know, I would just highlight as well, in addition to some of the workers that have been mentioned, are the gate agents that have done a tremendous job in this pandemic recovery, and the flight attendants who have dealt with a lot of unruly passenger behavior over the last year.

And I just want to make sure that I mentioned their efforts as well. Thank you.

Senator ROSEN. Thank you for being here today. Mr. Chairman, I yield back.

Senator TESTER. Senator Blackburn.

**STATEMENT OF HON. MARSHA BLACKBURN,
U.S. SENATOR FROM TENNESSEE**

Senator BLACKBURN. Thank you, Mr. Chairman. And thank you so much for being with us today. And I thank you and your team for the work you did on getting TSA back to the Jackson, Tennessee Airport. As you know, that was important for the region. It is important for the economic growth that is taking there and the expansion of the Mega-Site, Ford, SK, Kellogg, Toyota, all that have seen tremendous growth there.

So we thank you for that. I and Senator Thune mentioned the Mobile Enrollment for TSA Act and the importance of that. I do think for rural communities, this is going to be vital to continue with that. I do want to ask you, the TSA Modernization Act, and I would like for you to speak for just a minute why you all chose to disregard that law and enter into agreements with vendors that did not include secure mobile end to end enrollment.

Mr. PEKOSKE. Senator, I can get back to you for the record, if I could, to answer that question, because I want to make sure that I give you the most accurate information. But I do appreciate very much your advocacy for small airports now recovering. And, you know, we will always move very quickly to allow that recovery to occur. Thank you.

Senator BLACKBURN. OK. Thank you. You mentioned biometrics earlier. So what is the timeline? What you did not do was give us a timeline for when you see full implementation taking place. And then also, I would like to know what are the privacy and safety arrangements around that data, because this will be capture and hold on that data.

Mr. PEKOSKE. Yes, ma'am. With respect to biometrics at the checkpoint, we do capture the data, but we do not hold it. So as soon as the passenger departs the identity verification station, we erase that data.

And that is in our privacy impact statements. And I will start with privacy, because I think that needs to be at the forefront of all biometric discussions. We want to make sure that we are open and transparent and very respectful of privacy rights of travelers. With respect to how long is it going to take?

Unfortunately, longer than I would like it to take because our capital investment level in the Fiscal Year 2023 budget, for example, is about \$100 million. That is going to push out our CT acquisition to about 2036, our X-ray acquisition to 2036.

And then our credential technology, which would have the biometrics embedded, is going to be in, you know, about 10 years after that. So it is a longer timeline. We are ready to go. We are constantly testing, constantly improving. It just requires additional funding, and our top line is kind of constrained to be able to do that.

Senator BLACKBURN. Well, that is helpful to hear. I was disappointed to hear you say that you supported collective bargaining. And I know that Senator Wicker brought up the Title V issue earlier, and that is of concern for me. So it appears that TSA has kind of changed their opinion and their view on that issue. Am I correct on that?

Mr. PEKOSKE. Yes, ma'am. You know, I have had experience in all 5 years in this position, and that report was done earlier in my tenure. I have, like I said, paid very, very close attention to our Federal Employee Viewpoint Survey results.

Those—that needle hasn't moved where it needs to move to. And I think we need to try a different approach to this. But it is expensive, and that is the reason for the budget request of \$120 million to execute.

Senator BLACKBURN. OK. Current law calls for employees that allow guns, knives, explosives through a checkpoint to be immediately terminated. So changing status and moving them under Title V, could those employees remain on the TSA payroll?

Mr. PEKOSKE. We would have to—you know, we have to look at the specific legislation that would be at play. We have provided technical drafting assistance to H.R. 903, which is the current legislation that has passed the House.

Senator BLACKBURN. Well, safety of the flying public is an imperative. And it appears that Title V may restrict your flexibility in dealing with employees. Is that correct?

Mr. PEKOSKE. What we would want to do as the bill goes through the process is to look at areas where it might have an impact that we would want to have you consider additional adjustments on that. And so we would have to look at the legislation and see where some of the specific impacts would be. But clearly, from my position, I am all about improving security and not at all about decreasing security in any way, shape, or form.

Senator BLACKBURN. How much training does a TSA agent go through before they begin to screen people on their own? What is the hours required? I know at one point it was as few as 24 hours and then it moved to 40 hours. So where are we now with training?

Mr. PEKOSKE. Yes, it varies by station because there are different stations within the screening operation. So for the X-ray system, for example, that is in excess of 90 hours to become certified in that.

Additionally, we put all of our new officers through the TSA Academy, which is 2 weeks long and about to go to 3 weeks. So they have the on the job training and then they will have the academy training, which gives them some skills based training.

Senator BLACKBURN. So that is for officers and not for agents.

Mr. PEKOSKE. Same thing. You know, our transportation security, we call them TSOs, Transportation Security Officers, those are the agents you see on the checkpoints.

Senator BLACKBURN. All right. But they are still not law enforcement, correct?

Mr. PEKOSKE. That is correct.

Senator BLACKBURN. All right. Thank you.

Senator TESTER. Thank you. Senator Blumenthal.

**STATEMENT OF HON. RICHARD BLUMENTHAL,
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thank you so much, Mr. Chairman, and thank you, Administrator, for being with us today. I apologize, I am not there with you in person, but I enjoyed our in-person meeting the other day. And as I expressed to you then and want to reiterate now, first of all, we are very proud of the work that you have been doing as a former resident of Meriden and Southington, a native of Connecticut.

But also, much more importantly, I want to thank all of the workforce, the TSA employees who come to work every day under enormous pressure and make sacrifices that we often don't appreciate or understand. And I try to thank the TSA workers as I go through the checkpoints, whenever I do at Bradley Airport or at Reagan or anywhere else that I go most recently and at JFK going abroad. But they are true heroes.

And I want to just reiterate the point that has been made before about pay equity. It is so important that they receive the same compensation, benefits, and treatment as other Federal employees, because certainly they serve with the same kind of dedication and sacrifice as others do.

And I wonder if you could just describe for us a little bit what the impacts are of the lack of adequate pay as you talk to TSA workers, and why it is so important for us to keep faith with them.

Mr. PEKOSKE. You know, thank you, Senator, and thank you for the opportunity to meet with you in your office. I, too, enjoyed the conversation very much and am a proud former resident of the State of Connecticut. My State of birth. So I appreciate you mentioning that. And for your leadership as a member of the Senate and prior as the Attorney General for the State when I last lived there.

With respect to adequate pay, you know, it is absolutely critical for us to adequately pay our workforce. I mean, I can imagine if any of us knew that somebody is doing the very same job that we were doing, working for this very same employer, the Federal Government, we learned that we were making 30 percent less for doing a similarly classified position. I mean, it is just fundamentally unfair.

It is not right. We shouldn't stand for it. And it has significant impacts on the workforce. I mean, you know, you are working very hard. Our transportation security officers are on their feet for their entire shift. Many of them show up for work at 3:30 in the morning to make sure the checkpoints open in time for the first passengers that arrive.

And they have a job that has significant responsibility attached to it. They cannot make a mistake in the work that they do, because if they do, then some passenger or some passengers' belongings might get into the sterile area of an airport that shouldn't be there or on board an aircraft.

And so I have enormous respect for the work that our transportation security officers do every day and also their leadership at airports that supports them. Thank you for mentioning Bradley International Airport.

And, you know, this job is very hard too, particularly now when you think of the rapid resurgence, thankfully, of growth in the aviation industry, when passengers get frustrated, and I understand why they do, the people that they see at the airports are going to be the transportation security officers or the gate agents or when they get on board the aircraft, the flight attendants.

None of those employees, no matter whether they work for an airport, an airline, or TSA, had anything to do with why that might have taken them longer to get where they wanted to. And so I appreciate the workforce's endurance and their professionalism in presenting TSA and presenting the U.S. Government to passengers through our system.

So I would really very genuinely appreciate your and the entire committee's support of our pay equity proposal. Thank you.

Senator BLUMENTHAL. Well, I intend to continue to support S. 1856, which Senator Schatz has led, which is the Rights For The TSA Workforce Act of 2021. And I also am supporting a bill that Senator Markey and I have introduced that would, in effect, return the security fees paid by consumers to the TSA. Right now, they are diverted to other parts of our budget. Do you believe that the monies that are collected through those security fees ought to go to TSA to improve its operations?

Mr. PEKOSKE. Yes, sir. I believe that very deeply. I mean, passengers pay \$5.60 for each leg of their journey when they buy a ticket. That money is called the aviation security passenger fee. It should be applied for purposes that support aviation security.

In addition to providing additional funds to achieve pay equity within TSA, those funds will allow us to invest in the tools that we want to provide our officers, so they have the very best technology to do the jobs that we asked them to do.

Senator BLUMENTHAL. Thank you so much for your testimony. My time has expired, but my best to your immediate family and to the entire TSA family, with thanks for all their great work. Thanks. Thanks, Mr. Chairman.

Senator TESTER. Yes, thank you. Thank you, Mr. Pekoske, for being here today. Thank you for your service in the past. Thank you for your service, hopefully will be in the future. You, Senators have till Monday, July 18th, at the close of business to provide questions for the record. You have until July 25th to respond to them. With that, thank you, and we are adjourned.

[Whereupon, at 11:10 a.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARIA CANTWELL TO
DAVID P. PEKOSKE

Pipeline Cybersecurity Resources. The Government Accountability Office (GAO) has raised concerns about the staffing and resources dedicated to TSA's pipeline cybersecurity activities. A GAO report found that the agency only had six people working on pipeline cybersecurity in 2018. Thankfully, you have taken efforts to address this concern, last year TSA employed 39 people to ensure our pipeline infrastructure remains secure. However, it is critical that increasing your agency's cybersecurity expertise and resources remains a top priority.

Question 1. How many cybersecurity professionals working full-time on pipelines does TSA currently have on staff (not including employees working in other agencies at the Department of Homeland Security)?

Answer. TSA has 51 employees currently supporting the pipeline cybersecurity mission. Nineteen of those individuals are cybersecurity professionals dedicated to pipeline cybersecurity efforts. TSA has completed interviews and is in the process of hiring an additional 25 pipeline cybersecurity professionals. These positions were appropriated in the FY22 budget. These individuals possess technical skills and specialized experiences necessary to conduct pipeline cyber inspections and security assessments.

Question 2. How is TSA working to improve your cybersecurity employees' pipeline infrastructure expertise?

Answer. TSA continues to actively recruit, hire, and onboard cybersecurity experts possessing the technical skills and specialized experiences needed to fulfill cyber related functions that enhance the cyber resilience of the transportation sector, maintain threat awareness, and advance other TSA cyber related mission requirements.

To support cybersecurity hiring efforts, TSA established the Cybersecurity Community of Practice (Cyber CoP) to streamline and inform hiring, staffing, training, and retention practices. The Cyber CoP will enable the cyber community to innovate and lead the agency with Cyber infrastructure and maintaining threat awareness. As a result of this group, the direct hire policy is being updated to include (Transportation Security Inspector (TSI) (Cyber) SV-1801-G/H, SV-1801-H/I, and SV-1801-I/J, and Supervisory TSI (Cyber) (STSI (Cyber), SV-1801-J; these positions carry out TSA's missions for protecting our Nation's pipelines.

TSA works in close coordination with key Federal partners, including CISA, USCG, DOT, FAA, DOE and FBI to expand its cybersecurity expertise and capacity to fulfill its role as the co-Sector Risk Management Agency (SRMA) for the transportation sector. To this end, TSA has applied Fiscal Year 2022 funding to provide cybersecurity training to the entire surface operations workforce. This training will ensure all employees across the organization have an elevated level of understanding for cybersecurity architecture, threats and mitigation opportunities. TSA promotes cybersecurity training, including training related to Industrial Control Systems and through on the job training by facilitating participation in field assessments on pipelines, and certification under its retention program to help develop the technical competencies for the cyber professionals hired to date. For example, our cybersecurity team attended the Idaho National Labs for Cybersecurity 301 training in June 2022.

Question 3. What percentage of the TSA budget is allocated for pipeline security for pipeline cybersecurity? And does TSA have a budgetary line item designated for pipeline cybersecurity?

Answer. TSA received \$4 million in FY 2022 Appropriations for pipeline security, which equates to 0.05 percent of TSA's total Appropriations for the year. The FY 2023 President's Budget includes \$156.6M for Surface activities. These resources are applied across all modes of surface transportation. In FY 2022, Congress increased TSA's budget \$4M to fund emerging pipeline cyber-security standards in response

to the Colonial pipeline security breach. The Fiscal Year (FY) 2023 Budget does not contain a line item designated for pipeline cybersecurity.

TSA looks forward to working with Congress in FY23 for the funding needed to strengthen pipeline cyber security in FY 2023.

Question 4. The various surface transportation modes have unique infrastructure and operations that require expertise and knowledge in each mode in order to appropriately ensure the physical and cybersecurity of the Nation's critical surface transportation infrastructure. How does the organizational structure of TSA's surface division support TSA's mission to protect each mode? Do you believe organizational changes need to be made to ensure each TSA has the expertise and resources needed to keep each mode secure, especially with regard to cybersecurity?

Answer. TSA is responsible for the operational implementation of cybersecurity across all modes of surface transportation and has an organizational structure that allows senior leadership to direct surface operational oversight and engagement and leverage an efficient reporting structure. The creation of a separate surface operations office led by an Assistant Administrator was a change we implemented in 2018 to provide a structure needed for anticipated surface transportation security operations. To remain agile, TSA continues to assess the configuration of its staffing and the level of its resources needed to meet the demands of the evolving threat and security challenges across the transportation sector.

TSA appreciates the continued support from Congress. As the scope of this threat grows, TSA would likely benefit from additional resources to keep pace with the changing environment.

Pay Equity for the TSA Workforce. During the pandemic, Transportation Security Officers ("TSOs") were on the frontlines of the U.S. transportation system, keeping the flying public safe and the economy moving in a time of unprecedented crisis. However, TSOs do not receive the same workplace rights and protections afforded to many employees at other Federal agencies.

While Secretary Mayorkas has taken certain administrative actions to more closely align TSOs with their General Schedule ("GS") colleagues at other agencies, those actions are not permanent and could be easily reversed by a future administration. This could have implications on the very workforce that ensures the safety and security of our transportation systems for the foreseeable future.

Question 1. Administrator Pekoske, how does the lack of pay equity for the TSA workforce in comparison to other Federal agencies affect TSA's ability to recruit, retain, and ultimately provide adequate staffing for our Nation's airports?

Answer. One of the long-standing challenges at TSA has been the pay gap between TSA's frontline workforce and their counterparts in the rest of the Federal government. The lack of equitable compensation in this area, compounded by years of insufficient pay progression, has continued to impede TSA's ability to meet mission requirements in the recruitment and retention of employees and negatively impacted employee morale.

Further, TSA continues to have a significant hiring need for the screening workforce to support projected passenger volume levels for Fiscal Year 2023 and beyond. This remains the case in this challenging labor market despite the use of our current pay strategy initiatives that have been strongly supported by the Congress—TSO Service Pay, Model Officer Recognition, and TSO Career Progression—as well as nation-wide Recruitment and targeted Retention Incentives. Appropriately compensating TSA employees is a critical step in placing TSA in a position for long-term success, as the current compensation system has made recruiting increasingly difficult and results in relatively high attrition rates, particularly for TSOs.

Question 2. If this funding was redirected specifically to TSA, would that funding be used to accomplish pay equity for TSOs?

Answer. Funding provided would be directed to accomplish pay equity for TSA employees. While pay equity is the prevalent concern for TSA's screening operations personnel, this is an agency-wide issue. Funding this initiative will ensure all TSA employees are not paid less than other Federal government counterparts on the General Schedule.

In addition to the FY23 budget request for pay equity, the Administration has submitted a legislative proposal to end the diversion of Aviation Security Passenger Fee revenues to deficit reduction that was required in the 2013 Balanced Budget Agreement. This fee diversion will amount to approximately \$1.52B in FY23.

Question 3. Aside from the TSA's legislative proposal and the Funding for Aviation Screeners and Threat Elimination Restoration ("FASTER") Act before the Committee, are there any alternative options to help fund pay equity for the TSA workforce, and what is TSA's view about these alternatives?

Answer. There are no other proposed alternatives at this time if funds are not separately identified by appropriators. Pay equity is an important initiative that cannot be funded under current agency resources, but remains TSA's priority.

The House Appropriations Committee, in their mark on the FY23 Appropriations Bill did fund the President's pay equity request for 2 quarters (vice the 3 quarters in the request). They used FY23 allocations to offset the cost in FY23 rather than re-directed Aviation Security Passenger Fee revenues.

TSA Staffing at Airports. The U.S. is in the midst of a strong air travel rebound, as passengers take to the skies to visit the friends and family they were unable to see earlier in the pandemic. During the July 4 holiday weekend, the U.S. reached 98 percent of pre-pandemic passenger volumes for major airlines and set new record on Friday, July 1 with 2.49 million passengers passing through TSA checkpoints. We have seen problems, however, with scores of cancellations and delays as airlines try to adjust their workforce to meet demand.

For example, over Memorial Day weekend, approximately 21,000 flights were cancelled or delayed. The airlines must do better, and I'm pleased that Secretary Buttigieg is taking action to ensure that the carriers are held accountable to their customers.

But airlines are not the only part of this issue as airports and the TSA also play an important role in ensuring a smooth travel experience. Just as passenger volumes have roared back, in June, 68 million travelers passed through TSA checkpoints. It is crucial that we have sufficient TSA staffing and efficient screening technologies so that security checkpoints aren't bottlenecked as people try to reach their gates. More importantly, there are legitimate security risks associated with long wait times and crowded checkpoints.

There is work to do in terms of getting enough TSA officers hired, trained, and ready to screen passengers. Nationally, as of June 4, 2022, TSA was short nearly 4,500 Transportation Security Officers and Managers. TSA only had 47,971 of the 52,400 workers planned for this summer.

Question 1. What are TSA's plans to address the staffing shortfalls at airports across the country?

Answer. Pay equity is critical in ensuring TSA can recruit and retain talent in Fiscal Year (FY) 2023 and beyond. We have found the potential for pay equity to be appropriated in FY 2023 is serving as a recruiting and retention incentive in FY 2022. TSA is also taking the following actions to address ongoing staffing shortfalls at airports:

- Hosting TSO Hiring Events (e.g., "Fast Track" events) to assist candidates with applying and completing multiple steps in the hiring process on the same day. Currently, TSA hosts on average 12 TSO hiring events per month, primarily at either large or priority designated airports.
- Expanding advertising for job opening announcements and "Fast Track" hiring events by exploring new means of traditional and non-traditional/digital/social media sources for advertising.
- Offering competitive financial recruitment incentives to candidates on-boarding at designated priority processing airports (based on shortfall staffing figures) and at historically "hard to hire" airports (often remote locations). These include recruitment incentives ranging from \$1,000-\$5,000 to support TSO hiring nationwide and retention incentives at over 100 airports across the country which provide a significant addition to TSO salaries at our hardest to staff locations.
- Leveraging internal Agency volunteers to conduct outreach to TSO candidates to encourage/assist them with taking action to move forward in the hiring process (e.g., scheduling computer based tests, completing their Standard Form 86 National Security Questionnaire, scheduling medical exams).
- Conducting an in-depth review of the TSO candidate assessment process to determine if any of the steps in the process could be eliminated or further streamlined in order to shorten the time to hire process, thereby enhancing TSA as a competitor to private sector employers in the job market.

Question 2. How do TSA staffing models account for unanticipated bottlenecks at security checkpoints and changes to schedules? Is TSA looking to speed up Credential Authentication Technology ("CAT") and Computed Tomography ("CT") systems implementation at airports experiencing staffing shortages and screening delays, including small hub and nonhub airports?

Answer. TSA's staffing models assume a distribution of passenger arrival based on historical averages. These averages capture the regular variability that occurs with typical flight delays and cancellations. To account for extreme situations be-

yond regular averages, TSA allocates overtime funding to airports, as well as plans for the increase in part time hours as needed. These two “relief valves” enable TSA to plan and manage unanticipated flight changes while keeping to an efficient scheduling of the workforce. These situations occur more frequently during summer peak travel and winter holiday travel periods. As a result, TSA provides increased overtime funding for these periods compared to the other periods of the year.

TSA aims to accelerate technology implementation across airports nationwide. To that end, the Agency provided Full Operational Capability (FOC) acceleration plans to Congress as required in the Fiscal Year (FY) 2022 Appropriation for Credential Authentication Technology (CAT) and Computed Tomography (CT) technology. TSA based these plans on year over year resource requirements, assumptions, and operational constraints to fully field the capabilities as quickly as possible while minimizing operational impacts. At current funding levels, FOC will be achieved in FY 2049 (CAT) and FY 2036 (CPSS) in accordance with the Agency’s FY 2022 Capital Investment Plan (CIP) and aims to provide the FY 2023 CIP soon. While the initial benefit with each technology is focused on significantly enhancing security, future increments to each technology is expected to facilitate related efficiencies and passenger experience improvements.

TSA Federal Flight Deck Officers. The Federal Flight Deck Officers (“FFDO”) program allows TSA to deputize qualified volunteer pilots and flight crewmembers as law enforcement officers to defend the flight deck on aircraft against security threats.

I understand TSA halted initial training for FFDOs during the pandemic, and the program has had subsequent funding shortfalls. There is now a backlog of 2,800-plus candidates.

The FAA Reauthorization Act of 2018 was intended to create stand-alone facilities in both Atlanta, Georgia, and the West Coast—neither of which exist today. Congress already appropriated funding for the Atlanta facility; however, TSA has not established a full-time training facility.

Question 1. What is the reason for the current backlog of applicants, and what has been done by TSA to get initial training restarted to help clear the backlog?

Answer. The FFDO program is important to inflight security and we appreciate the volunteer flight deck officers who participate in the program and the support of the air carriers. The Federal Law Enforcement Training Center (FLETC) in Artesia halted Initial Training for FFDO candidates from March 2020 through July 2021 due to the pandemic. TSA was able to conduct FFDO Initial Training during the period of July through September 2021. In May 2022, TSA was able to repurpose funding to support a limited amount of FFDO Initial Training in Fiscal Year (FY) 2022 and 2023. Currently, TSA has seven FFDO Initial Training classes planned for the remainder of Fiscal Year 2022. The first class commenced July 17, 2022. Each of the seven classes are booked to capacity, 36 students per class, through September 23, 2022. Approximately, ten FFDO Initial Training classes are planned for FY 2023.

Question 2. Do you commit to establishing full-time training facilities for FFDOs as authorized by the FAA Reauthorization Act of 2018?

Answer. TSA is committed to establishing full-time training facilities for FFDO recurrent training. Currently, TSA offers recurrent training in Atlanta, Atlantic City and Dallas. Atlantic City and Dallas training sites offer two classes per week with 24 training seats per class. Atlanta offers one class per week with 12 training seats. TSA plans to increase the availability of recurrent training classes in Atlanta in future years.

Cybersecurity Standards for Airlines. TSA, the Cybersecurity and Infrastructure Security Agency (“CISA”), and DHS remain focused on cybersecurity, particularly for critical infrastructure. Russia’s invasion of Ukraine has heightened concerns about cybersecurity threats and has expedited the development of new cybersecurity regulations.

TSA’s first phase of cybersecurity requirements for air carriers went into effect in January 2022 and requires cyber incident reporting to CISA. The second phase, which will require a vulnerability self-assessment and recovery plan, is expected to be issued in June 2022. TSA now seems to be moving toward a third phase of prescriptive cybersecurity standards for airlines, similar to what pipelines are already subject to.

Question 1. How does the cybersecurity risk profile for airlines compare to the risk profile for pipelines, which already have a set of cybersecurity standards in place?

Answer. The cyber risk for aviation has increased to the point where we will develop cybersecurity requirements for airlines and airports that will be similar to

those in place for pipelines through our July 21, 2022 directive. This directive takes a performance-based approach to regulation in establishing security outcomes that need to be achieved.

Owner/operators submit implementation plans to TSA for approval, establishing how they will achieve the outcomes and audit their performance. TSA's pipeline requirements primarily focus on protecting pipeline operational technology (OT) systems from cyberattack, and ensuring security measures are in place on information technology (IT) systems that could be used as avenues to attack OT systems. Airlines similarly have both IT and OT systems that could be at risk of cyber-attacks. For example, in addition to systems that run flight operations, airline IT systems manage their reservations, scheduling, and staffing. Consequently, any disruption to both IT and OT systems can impact the airline's ability to maintain flight operations carrying passengers between domestic and international airports.

Airports too have IT and OT systems. Airport IT systems would include general network systems for computer based applications such as e-mail and data storage. OT systems would include heating, ventilation, and air conditioning, fire control systems, and access control systems. Disruption of these systems would impact the airport operations and the flight operations.

Question 2. Do you believe that these pipeline standards are an appropriate model for airline standards, or should TSA tailor the airline standards to a different model?

Answer. Our new approach to cybersecurity regulations is to base them on achieving performance-based outcomes. We issued our first security directive using this approach in our July 21, 2022, directive to critical pipeline owners and operators. Copies of this directive were provided to the Chair and Ranking Member of the Commerce, Science and Transportation Committee and a copy is attached to this response. This approach, applied more broadly, will allow us to achieve the desired cybersecurity resiliency across the different sub-sectors of the transportation sector (e.g., airlines, airports, pipelines, rail, transit, etc.) using a similar template, tailored for that sub-sector. Our directives are also linked to the National Institute for Standards and Technology Risk Management Framework and CISA guidance that applies across modes of transportation in providing a basis for critical controls. TSA is incorporating our experience in enhancing the cybersecurity posture of the pipeline industry into cyber policies for the other sectors, recognizing that there are unique operational differences that must be accommodated.

TSA Exit Lane Staffing. With respect to exit lane staffing, the FY 2023 budget request once again proposes to shift the cost and responsibility of exit lane staffing to airports. In the budget request, TSA explains that this would save the agency \$94.1 million and permit it to redeploy 1,285 TSO positions at 222 exit lanes at 109 airports to address other activities, like passenger and baggage screening.

TSA asserts that monitoring the exit lanes is a not screening function but instead considered an access control issue. Small hub and nonhub airports are concerned about this proposal as it represents a major policy and operations change. These airports are concerned about severe cost implications, which would have to be recovered through increased airline rates and charges and could lead to possible reductions in air service to smaller communities.

Question. How has TSA worked with airports in the past to integrate exit lane security into airport perimeter security plans and assess the effectiveness of those plans? Has TSA identified financial resources to assist airports in procuring the facility modifications and equipment purchases necessary to implement exit lane control and oversight?

Answer. Through Federal Security Directors on site, TSA works with airports to assess the effectiveness of the desired exit lane security and its integration in security processes/procedures within the Airport Security Program (ASP), as appropriate. TSA also conducts recurring assessments of exit lane security requirements to ensure compliance with established ASP requirements at that airport.

TSA leverages its existing relationships with technology experts and vendors to analyze the benefits of installing exit lane technologies at airports to safeguard the traveling public. TSA does not currently qualify, procure, or maintain exit lane technologies but instead provides a set of web-based, self-guided tools for airport use in identifying exit lane access control technologies and evaluating installed exit lane technology systems.

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

Cybersecurity. Following the President's Executive Order on Improving Critical Infrastructure Cybersecurity, we have seen the Transportation Security Administration (TSA), in partnership with the Cybersecurity and Infrastructure Security Agency (CISA) at the Department of Homeland Security, to issue mandatory reporting requirements, vulnerability assessments and propose changes to existing security programs.

Question 1. What are the lessons learned from the pipeline and rail industry whose security directives? How does TSA plan to apply these lessons to other modes of transportation, such as aviation?

Answer. TSA has learned some valuable lessons from this experience. For instance, we recognize that engaging and collaborating with industry prior to issuing directives increases longer term, sustainable measures that mitigate the threat. We have modified our approach by applying a performance based regulatory development process. This shift allows for industry flexibility in implementing TSA security measures after robust engagement during the policy development process. On July 21, 2022 we issued a revised Security Directive to oil and natural gas pipeline owners and operators that reflects extensive collaboration and a performance-based approach to cybersecurity regulations. This will improve security and provide industry stakeholders the ability to tailor activities to achieve needed security outcomes.

Through early engagement and collaboration, TSA can better understand industry systems and challenges owners and operators face in implementing enhanced cybersecurity measures. Also, TSA learned it is critical to incorporate flexibility in the requirements so owners and operators can most efficiently achieve security outcomes. This process also allows stakeholders more time to plan for cybersecurity-related capital investments and make security enhancements.

Question 2. Does TSA have the necessary professionals it needs to create effective cybersecurity regulations across different modes of transportation?

Answer. As Administrator, I have sought to grow our cyber talent in order to keep pace with an ever evolving cyber threat. The men and women of TSA who contribute to TSA's cyber mission are doing exemplary work, but like many agencies that have a cybersecurity mission, our staffing and resources level are not where I feel they need to be. As cyber threats to the transportation sector continue to evolve, TSA must build capacity –increase staff, expand expertise and support new capabilities—to effectively mitigate risks. These efforts are currently underway and will continue, including hiring additional employees and contractors to: support the implementation of cybersecurity directives and security program amendments, conduct inspections and risk assessments, provide facilitated exercises and trainings, deliver threat intelligence briefings, provide legal support, and support the acquisition of necessary technology and tools in order to keep up with the pace of the evolving cyber threat environment.

Thank you for the Congressional support of our cybersecurity resourcing requirements in Fiscal Year (FY) 2022.

We look forward to working with Congress in FY 2023 for the additional resources needed to strengthen our Nation's cyber regulations and compliance.

TSA Staffing and Wait Times. Air travel is making a strong rebound with 73 percent of Americans planning summer travel this year. New data from TSA shows that nearly 9 million people traveled over the Fourth of July weekend—98 percent of pre-pandemic passenger volumes for major airlines. And in June, alone, 68 million travelers passed through TSA checkpoints. However, as of June 4, TSA staffing levels were short nearly 4,500 positions.

Question. What airports are facing higher wait times and what do you believe are the root causes?

Answer. In June 2022, 94.4 percent of TSA PreCheck® passengers waited less than 5 minutes and about 87.7 percent of passengers in standard screening lanes waited less than 15 minutes. From July 1–16, 2022, which includes the Independence Day holiday weekend, 95.5 percent of TSA PreCheck® passengers waited less than 5 minutes and about 89.7 percent of passengers in standard screening lanes waited less than 15 minutes. For the small percent that are longer, the majority of wait times are caused by three main reasons:

1. Capacity constraints due to airport construction and checkpoint space limitations;
2. Screening equipment issues due to equipment failures and installation of new equipment; and

3. Transportation Security Officer retention, recruitment, and hiring challenges as well as illness resulting from continued COVID-19 pandemic outbreaks have limited staffing levels in some locations.

I testified at the hearing about the request for pay equity for TSA employees in the President's FY23 Budget Request. It is critical that we close the pay gaps that exist throughout the TSA workforce including an average 30 percent gap for Transportation Security Officers and a 20 percent gap for Federal Air Marshals. Providing equitable pay is absolutely the right thing to do because it is fair. It will undoubtedly improve our ability to recruit new talent as well as retain the experienced professionals needed in the future. I also recognize the outstanding work, professionalism and long hours our TSA team has devoted to ensuring the safety and security of more than 2 million passengers who receive screening each day in the United States. And alongside them, I note the exceptional work being done on behalf of travelers by airline and airport employees.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TAMMY DUCKWORTH TO
DAVID P. PEKOSKE

Treatment of Travelers with Disabilities. One in four U.S. adults has a disability, according to the Center for Disease Control and Prevention and to understand various disabilities requires comprehensive training and repeated training. For many people with disabilities anxiety, dread, humiliation and even potential injury are part of the routine of airline travel from getting to the airport gate to getting on and off the plane. Through the 2018 FAA Reauthorization Act, Congress directed airlines and TSA to make flying better for people with disabilities and demanded more training, better and faster service and taking better care of equipment, such as wheelchairs. Ultimately, TSA extended all training of newly hired TSA agents from two weeks to three weeks, which included five hours of training on screening people with disabilities and medical conditions. However, four years later, passengers report problems keep occurring as a result of agents not following the training. The Department of Transportation appointed Kelly Buckland, a former President and Executive Director of the National Council on Independent Living to serve as Disability Advisor in the Office of the Assistant Secretary on Policy.

Question. Will you take a similar approach and commit to appointing an employee at TSA to report to you directly and advise you on the real, day to day experience concerning passengers with disabilities?

Answer. Yes. I think there could be immense value in creating a direct report position that provides input on disability matters and accessibility issues. I am committed to improving the passenger experience for passengers with disability and I will speak with my colleagues at the Department of Transportation given their recent action on this front. I greatly appreciate that you raised this recommendation to me when we met in your office and pledge to report back to you after consulting with TSA and my interagency colleagues.

Currently, to address complaint trends for passengers with disabilities and those that require special assistance, the TSA Civil Rights & Liberties, Ombudsman and Traveler Engagement (CRL/OTE) office collaborates with TSA's Security Operations office, Requirements and Capabilities Analysis office, as well as its Training and Development office, to update training materials and distribute them to the screening workforce. We also engage with the Disability and Medical Conditions Coalition organizations that includes an estimated 400 national, regional, and local community-based organizations and advocacy groups to assist in the development of training.

TSA Workforce Development Pilot Program. According to a 2019 Office of Inspector General report, TSA needs to improve efforts to retain, hire, and train its personnel. As we discussed when you recently visited my office, the challenges faced by TSA may present an opportunity for a partnership with community colleges to help educate the next generation of transportation security workers. TSA could assist with creating a curriculum specifically designed to attract and inspire students for future TSA employment.

Question. Does TSA have the authority and funding necessary to develop partnerships with community colleges to help meet TSA's diverse workforce needs? If not, will you commit to working with me on legislation to create a pilot program in which TSA would partner with community colleges to train students for careers at TSA?

Answer. Yes, TSA has the authority and funding necessary. For example, TSA partners with the Des Moines Area Community College to provide all TSA employees the opportunity to earn a Certificate of Achievement in Homeland Security.

Through this arrangement, students can also earn nine college credits that can be added to the student's continued pursuit of an Associate's or other degree, either in homeland security or in any other field.

In another program, the TSA Associates Program offers at no cost to TSA Employees, three courses online (and outside of work hours):

- Introduction to Homeland Security
- Intelligence Analysis and Security Management
- Transportation and Border Security

Since the Associates Program began in 2017, 5,459 TSA employees participated in the Program with 1,187 employees completing the Program to earn a Certificate in Homeland Security. TSA is considering an expansion of the current program based on available resources next Fiscal Year.

Additionally, TSA offers a program for Government Reimbursement for Academic Degrees (GRAD), where tuition assistance is granted to reimburse eligible TSA employees up to \$5,000 per calendar year for the cost of covered education (not including expenses for books, technology and lab fees, and travel and parking). Education must be provided by an accredited institution towards an associates, bachelors, masters, or doctorate degree. To date 770 reimbursement requests have been submitted totaling \$1.24 million reimbursed to students.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KYRSTEN SINEMA TO
DAVID P. PEKOSKE

Airport Exit Lane Responsibility. As part of the Transportation Security Administration's budget request for Fiscal Year 2023, you propose to fully transition control of airport exit lanes to airports with local police primarily responsible for securing those lanes. Officials at Phoenix Sky Harbor International Airport report that this action will cost the airport approximately \$2 million per year.

Question. Can you explain the rationale for fully transitioning this exit lane responsibility to airports? For airports that may struggle to fund this new security requirement, are there any resources TSA can provide?

Answer. The Fiscal Year (FY) 2023 Budget proposes transitioning access control at exit lanes at 109 of our approximately 430 federalized airports to the airport owner/operator. This will result in a savings of \$94.1M and 1,090 FTE. Staffing exit lanes is not a screening function, but rather falls under the purview of access control. In 2014, the Bipartisan Budget Act required TSA to continue its responsibilities for those exit lanes that were staffed by TSA as of December 1, 2013. On May 2, 2022, the Administration provided to Congress a legislative proposal in support of the FY 2023 Budget that would transition the responsibility from TSA to airport operators. TSA will work with airports to integrate exit lane security into their perimeter security plans and assess those plans regularly. Implementing this proposal will enable TSA to focus its resources on screening functions and risk-based security measures, properly utilizing the sophisticated, technical skillset of Transportation Security Officers.

TSA leverages its existing relationships with technology experts and vendors to analyze the benefits of installing exit lane technologies at airports to safeguard the traveling public. TSA does not currently qualify, procure, or maintain exit lane technologies but instead provides a set of web-based, self-guided tools for airport use in identifying exit lane access control technologies and evaluating installed exit lane technology systems.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN HICKENLOOPER TO
DAVID P. PEKOSKE

Security Equipment in the Checkpoint Property Screening System (CPSS). Currently there is only one company with security equipment certified under the Checkpoint Property Screening System (CPSS), and the equipment is manufactured abroad. There are other vendors seeking to manufacture equipment in the United States and increase available equipment and competition. I understand the TSA is reviewing procurement requests to certify equipment from vendors under the Checkpoint Property Screening System (CPSS).

Question. Administrator Pekoske, do you commit to having the TSA continue timely and sufficient review for security equipment pending certification approval? Can you provide an update on the status for the TSA to certify other equipment,

including Scarabee's application, and an estimated date of final review for certification?

Answer. Yes, I am committed to trying to increase competition and expand the availability of such equipment while at the same time close a security vulnerability as quickly as possible. As of July 20, 2022, TSA has qualified four systems between two vendors and continues to work with 15 additional certified vendor submissions as part of a robust and fair solicitation with annual competitive procurements. TSA will adhere to all deadlines identified in the event-driven competitive process. Vendor system qualification dates are predicated on successful demonstration of meeting agency requirements as outlined in the solicitation.

TSA Staffing, Resources, and Wait Times. Denver International Airport (DEN) continues to see increased passenger growth with the rebound of air travel and was the third-busiest airport in passenger traffic last year. We appreciate the partnership of TSA at DEN, especially during the month of July as the airport hits peak travel season.

Question. Administrator Pekoske, can you describe TSA's long-term strategy to ensure appropriate staffing and resources for airport security at DEN?

Answer. We appreciate the long-standing strong partnership we have with the staff at DEN. TSA has taken several immediate measures to ensure appropriate staffing and resources are available for airport security at DEN. First, we have implemented an aggressive recruitment and retention plan for employees with several financial incentives in place for new and existing employees. DEN is also part of a nationwide pilot program approved to hire Security Support Assistants (SSAs) to perform non-screening functions, such as divestiture, and provide logistical support within the checkpoint. TSA provides SSAs with the opportunity to convert non-competitively to Transportation Security Officers (TSOs) to increase our staffing levels for certified positions. Several SSAs have already converted to TSOs at DEN.

TSA is committed to ensuring DEN has the staffing needed to support operations through the summer travel season. TSA constantly shifts voluntary resources, through the use of the National Deployment Force (NDF), to support events and staffing limitations across the country. The NDF is comprised of approximately 1,000 volunteer TSOs from airports across the country who deploy to other airports close staffing shortages. A team of 57 NDF officers have been assigned to support DEN throughout the summer. For the busy July 4th holiday travel period, TSA temporarily increased NDF support to 72 officers.

To maximize the use of the officers already present at DEN, dual-function officers previously used for baggage are now regularly scheduled to work on the checkpoint. In addition, baggage-only officers are trained in a few checkpoint specific positions to create more flexibility when moving the necessary resources to the checkpoint.

Additionally, TSA will continue to use our canine assets at DEN to conduct screening at the checkpoint during peak travel times. There are currently 16 teams allocated to DEN.

Finally, DEN is in the midst of a major construction project, which has limited checkpoint capacity. We believe that this capacity constraint will be alleviated when the construction is completed in 2024.

From a longer term and broader agency perspective, I believe ensuring TSA's personnel are paid at a level commensurate with other Federal employees is critically important. Through support of the President's FY2023 budget proposal to provide pay equity for TSA personnel, longstanding recruitment and retention challenges that impact morale, staffing, and performance will be alleviated.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RAPHAEL WARNOCK TO
DAVID P. PEKOSKE

Airport Technology and Security. As you know, Georgia is home to Hartsfield-Jackson Atlanta International Airport—the busiest airport in the world. With tens of millions of passengers traveling through the airport every year, the close partnership between the airport and the Transportation Security Administration (TSA) has been critical to ensuring the safety and security of airport and airline workers and air passengers making their way from security checkpoints to their gates. As the Atlanta airport and others throughout Georgia recover economically and reach pre-pandemic levels, surges in air passenger volumes are straining TSA's and the airports' capacity to safely and efficiently facilitate passenger movement.

Question 1. If confirmed to continue serving as TSA Administrator, what specific steps will you take to improve airports' abilities to meet the increased demand and securely process passengers through checkpoints with greater efficiency?

Answer. Within the first year of my five-year term as Administrator, I issued the 2018–2026 TSA Strategy and established three strategic priorities to guide the agency’s workforce through its 25th Anniversary in 2026: Improve Security and Safeguard the Transportation System; Accelerate Action; and Commit to Our People. If confirmed for a second term, I will ensure TSA continues to accelerate technology implementation across airports nationwide.

To that end, the Agency provided acceleration plans for Credential Authentication Technology and Computed Tomography technology. These plans include year over year resource requirements, assumptions and operational constraints to fully field the capabilities as quickly as possible while minimizing operational impacts. While the initial benefit with each technology is focused on significantly enhancing security, future increments to each technology will facilitate related efficiencies and passenger experience improvements.

TSA is making robust investments across the checkpoint screening experience to ensure continued improvement in screening performance and meet the increased demand. For instance, at the very first point of screening, the Travel Document Checker (TDC), TSA is focused on automation to allow for improved efficiency and higher confidence in the identity verification process. These efforts include working with industry partners and states on digital IDs so a passenger no longer needs to present a physical ID. Additionally, TSA is investigating expansions in the biometric facial recognition space to provide trusted passengers a completely touchless experience.

With regard to on-person screening, TSA is prioritizing short-term and long-term solutions to provide enhanced detection and support increased throughput. One solution is the Low Probability of False Alarm (Pfa) Algorithm. This algorithm will play a critical role in increasing Advanced Imaging Technology (AIT) utilization rates by increasing the probability of detection while reducing false alarm rates by 50 percent. Lowering false alarms will reduce the need for the TSO to conduct a pat down, minimize the time passengers spend at screening and improve the passenger experience. TSA is also currently developing High Definition Advanced Imaging Technology (HD-AIT) which combines software (enhanced algorithms) and hardware (wideband kit technology) enhancements for the current AIT fleet. This effort will effectively extend the life of the current fleet while enhancing detection performance. We are also investing in Next-Generation technologies to further reduce divestiture requirements, facilitate screening passengers in motion, and replace the Walk-Through Metal Detectors. These efforts will all play a critical role in continuously improving throughput to reduce checkpoint bottlenecks and enhance detection.

With regard to alarm resolution, TSA is conducting R&D for enhancing countermeasures, focusing on resolution technology to support ongoing Computed Tomography (CT) deployment in Accessible Property Screening (APS). Future Alarm Resolution solutions will close the threat detection capability gap by identifying more materials and resolving more complex alarms generated by CT. The goal is to quickly and efficiently resolve alarms on a wider variety of common container types, and confiscate fewer benign items from passengers. New resolution technology will allow TSOs to resolve alarms with less invasive methods, particularly on sensitive passenger items such as breast milk bottle/pouches and other medically-exempt liquids. These new technologies are projected to decrease the time needed to resolve alarms, which increases passenger checkpoint throughput and supports TSA meet increasing air travel demands.

With regard to accessible property screening, TSA is working to further improve detection algorithms to both reduce the burden on the TSO to review images from every bag and divestiture requirements on the traveling public. This includes the development of algorithms that detect non-explosives prohibited items (*i.e.*, guns, knives, etc.). Efforts are also underway to look at ways to increase the utilization of the checkpoint CT by allowing multiple TSOs to review images from the same checkpoint CT. These approaches present opportunities to not only improve detection performance but also to gain staffing efficiencies and improve the passenger experience.

Beyond technology investments, TSA applies a continuous process improvement approach to assess how TSA conducts the checkpoint screening process and ensure screening is conducted in a way that supports optimal detection, throughput, and passenger experience. These assessments help identify immediate “quick wins” and best practices that are implemented agency wide. Additionally, these assessments help inform technology partners on potential modification to improve overall performance of the checkpoint.

We have very strong partnerships with the ATL airport leadership and the carriers who operate out of ATL. These partnerships have allowed us to ensure passengers have a safe, secure and positive travel experience at our busiest airport and

will ensure our continued success in meeting the demands of increased passenger travel over the coming years.

Question 2. What programs and strategies does TSA have in place to use the \$8.5 billion provided to the agency in the Fiscal Year 2022 omnibus to improve security at airports, recruit and train transportation security officers, and disseminate new security technologies to airports as efficiently as possible?

Answer. TSA has a robust training program, aimed at both effectively equipping its workforce with the practical skills to effectively perform TSA's security mission, as well as providing opportunities for professional growth and development. In Fiscal Year 2022, TSA training focused on the following priorities:

- Enhance training programs by including lessons tailored specifically to the concept of the DHS Professional—Public Service Ethos. Elevate awareness of the guiding principles of public service and professionalism by incorporating additional content to highlight TSA's mission, values, and culture.
- Continue to improve capacity, access, and flexibility for the agency's training programs while identifying efficiencies through streamlined resources and next generation training capabilities.
- Provide employees with the tools necessary to perform their jobs safely and effectively through additional training opportunities.
- Continue to expand academic and leadership development opportunities for TSA employees to encourage professional growth and broaden and diversify the leadership cadre for the agency.

Approximately \$900M of the Agency's budget is dedicated to the demonstration, development, procurement, deployment, and sustainment of both existing and next generation security technology across all federalized airports. Significant technology programs include, but are not limited to: Computed Tomography, Electronic Baggage Screening Program, Credential Authentication Technology and Advanced Imaging Technology.

Cybersecurity. In May 2021, Georgians experienced firsthand the damage that cyber threats can cause after a criminal hacking group launched a ransomware attack on the Colonial Pipeline. This incident was the biggest cyberattack ever on the Nation's energy infrastructure and left far too many Georgians without gas for weeks. Shortly after, President Biden signed an executive order to support our Nation's cybersecurity and protect the critical infrastructure, which placed TSA at the center of security directives for the transportation sector, including energy pipelines, aviation, and rail roads.

Question 1. What actions did TSA take under your leadership as Administrator to carry out the executive order, reinforce cybersecurity of critical infrastructure, and prevent an event like the Colonial Pipeline cyberattack from happening again?

Answer. TSA's regulatory authorities, provided by Congress, were critical to the agency's ability to respond to the Colonial Pipeline cyberattack and quickly establish key measures to prevent similar incidents from impacting critical infrastructure owners, operators, and the citizens that rely on them each day. TSA has taken a number of actions to improve cybersecurity measures and promote a more secure, resilient transportation sector.

Specifically, TSA has required critical pipeline owners/operators to report all cybersecurity incidents to the Cybersecurity and Infrastructure Security Agency (CISA), identify a Cybersecurity Coordinator, and submit a report on their cybersecurity vulnerabilities to TSA. Similar requirements have been placed on higher risk passenger rail systems, including mass transit systems.

Over the last year, TSA collaborated and engaged with industry to evolve this process into an iterative, outcome-focused approach by establishing flexible performance-based requirements.

To that end, TSA held a series of technical roundtables with industry experts to explore their challenges and existing gaps in cybersecurity resilience, and used the information gathered through those important engagements to re-evaluate and refine our cybersecurity regulations.

Beyond the pipeline sector, TSA issued additional aviation security program requirements for our largest airports and air carriers based on risk and size of operation. Similar to pipeline requirements, these entities are required to conduct cybersecurity self-assessments, remedy vulnerabilities, and develop cybersecurity incident response plans. Similar recommendations are being developed to share with smaller airports and air carriers to ensure the resilience of the aviation sector writ large to cybersecurity attacks.

Question 2. What challenges has TSA faced in working with pipeline, rail, aviation, and other industries to develop security directives and ensure compliance with Federal cybersecurity regulations and policies? What is TSA doing to overcome these challenges? How can Congress assist TSA in addressing these challenges?

Answer. TSA has historically enhanced surface transportation security generally through cooperative and voluntary efforts with the industry to achieve our common goals. The transition to a regulatory environment does present challenges but the foundation of coordination and collaboration, and the professional relationships that underpin them, with transportation stakeholders has eased the transition for surface transportation.

Additionally, TSA has heard the feedback from industry on the economic impact of the current security directive (SD) requirements for owner/operators to have the capital and time to make the security enhancements. To address this, TSA has increased its industry outreach to create a common understanding of risk and hosted a number of classified threat briefings for stakeholders. TSA continues to learn from the SD pipeline cyber experience, and has improved its processes and approach for enhancing and applying pipeline cybersecurity standards. As part of these efforts, TSA has hosted multiple listening sessions to gain a better appreciation for the industry's concerns and challenges in implementing enhanced cybersecurity measures. On July 21, 2022, TSA announced a revised pipeline cybersecurity directive that was built upon the extensive feedback and input from industry gained from listening sessions and other outreach activities.

In aviation, TSA has a lengthy history of regulatory requirements imposed to enhance aviation security. These requirements are issued in an environment that enjoys a strong relationship and established record for working with the aviation industry. Under TSA's aviation regulations, we manage about a dozen aviation security programs that apply to the aviation industry. Through the Aviation Security Advisory Committee and Aviation Cyber Initiative (ACI), TSA continues to provide outreach to the aviation sector to include specific training initiatives directed at airports. TSA is leveraging its relationship with aviation stakeholders to strengthen cyber protections by incorporating policies into their applicable aviation security programs. The policies will cover a wide range of requirements to protect systems that can disrupt both an airline's ability to operate and a passenger's ability to travel.

Question 3. Does TSA have the resources, funding, and expertise it needs to effectively support Federal cybersecurity efforts and meet the responsibility of protecting the cybersecurity of critical infrastructure?

Answer. TSA anticipates cyber risks to evolve and cybersecurity threats to the transportation systems sector to increase over the next 10 years. TSA would benefit from continued congressional support contained in the annual President's budget request to build capacity—increasing staff, expertise and programs—to effectively support Federal cybersecurity efforts and mitigate risks to the transportation system sector. Such needs may include hiring additional employees and contractors to support cybersecurity directives and security program amendments, conduct inspections and risk assessments, and provide facilitated exercises, trainings, threat intelligence, and legal support. Further, acquisition of the technology and tools needed to improve the quality of inspections and automate the process in order to keep up with the pace of the evolving cyber threat environment may be needed.

We look forward to working with Congress in Fiscal Year 2023 for the additional resources needed to strengthen our Nation's cyber regulations and compliance.

Question 4. From your experience during the Colonial Pipeline attack, what do you believe is the most important way Congress can improve the executive branch's ability to coordinate and respond to large-scale cyber attacks on critical infrastructure?

Answer. TSA's current authorities are sufficient, and in many ways a model, to coordinate and respond to large-scale cyber-attacks on the Nation's critical infrastructure sector. I appreciate current and continued Congressional budgetary support to execute this mission. The ability to recruit, hire, and retain a highly skilled workforce to prevent and if necessary, address and respond to large-scale cyber-attacks on critical infrastructure will best position TSA to mitigate the risk of this evolving threat and continue to build resiliency in the critical transportation sector.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. ROGER WICKER TO
DAVID P. PEKOSKE

Question. Senator Fischer and I introduced the TSA Security Threat Assessment Application Modernization Act, which would streamline the enrollment process for

those working in freight transportation that are seeking a combination of the TWIC, HME and/or PreCheck credential, which each use the same Security Threat Assessment. Will you work with me on this legislation to help streamline that process for key freight transportation stakeholders?

Answer. Yes. TSA supports the intent of S. 4298, “TSA Security Threat Assessment Application Modernization Act,” which is to streamline the enrollment and renewal process for individuals requiring more than one TSA Security Threat Assessment (STA) and welcomes the opportunity to work with you and your staffs to achieve that goal.

TSA has implemented and plans to continue deploying new capabilities aligned to the draft legislation’s objective that will reduce the cost and time burden on drivers and transportation workers. For instance, HME and TWIC holders eligible for the TSA PreCheck® Application Program may obtain expedited security screening using the identification number on their CDL or TWIC in the appropriate Known Traveler Number field in making their airline reservations. Additionally, applicants requiring both a TWIC and HME are encouraged to enroll for the TWIC and then use the TWIC to get a free or reduced cost HME. Currently, states have the authority to provide the HME on a state-issued CDL using a valid TWIC at no additional cost, but not all states are currently using this authority. Finally, TSA offers applicants a fully online enrollment capability to obtain a reduced cost HME, if they have undergone a comparable STA, such as the one performed for TWIC. Some states do not support this capability as they do not use TSA’s enrollment provider or it requires development to allow the state to align expiration dates.

TSA will provide recommendations to improve HME and TWIC comparability and reciprocity for applicants in all states. The recommendations will include requirements for states to validate the TWIC for HME issuance as well as the sharing of biometric information to reduce the burden of issuing TWIC to applicants in states that do not use TSA’s enrollment provider.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MARSHA BLACKBURN TO
DAVID P. PEKOSKE

Question 1. In 2018, Congress passed the TSA Modernization Act, which required TSA to expand the PreCheck program to provide either secure end-to-end mobile enrollment or a biographic vetting enrollment alternative to in-person fingerprints. Why, in 2020, did TSA enter into agreements that did not include secure mobile end-to-end enrollment?

Answer. TSA included the requirement for companies to have a start-to-finish secure online or mobile enrollment capability in the Other Transaction Agreement (OTA) Statement of Work (SOW) that defines TSA’s requirements of the enrollment providers. In the SOW, TSA defined mobile enrollment as “the ability to enroll with equipment that is portable and can be moved to meet customer demand and location preferences (*e.g.*, tablets, kiosks, etc.).” This definition is consistent with how both the FBI and NIST define mobile fingerprint capture devices (*e.g.*, mobile devices on the FBI Certified Products List are able to be easily moved from place to place). All new providers plan to offer mobile enrollment options (*e.g.*, tablets, kiosks etc.).

In addition, following feedback from Congress, TSA has worked closely with the FBI and NIST to find a path forward for a start-to-finish secure remote enrollment capability that would allow customers to complete the entire enrollment process from the comfort of their home using contactless fingerprint capture. As of today, both NIST and the FBI have identified significant technical challenges which must be overcome before considering the use of contactless fingerprints captured on currently available contactless fingerprint technology. Additionally, the FBI stated remote biometric collection, without in-person verification and monitoring, introduces unnecessary risk into the American aviation transportation system and the FBI’s national criminal history fingerprint repository. The National Crime Prevention and Privacy Compact Council similarly voiced concerns noting the security of remote contactless fingerprinting goes against the Council’s guidance for agencies and contractors to develop policies, practices, and procedures for identity verification prior to submitting fingerprints for noncriminal justice purposes.

Regarding vetting of an applicant by means other than biometrics, as required by Section 1937 of the TSA Modernization Act, TSA conducted a thorough analysis of private sector solutions. TSA published a Request for Capabilities to determine if any existing solution could overcome known shortcomings regarding biographic-based vetting. TSA determined that all proposed solutions did not meet the Section 1937 requirement that the vetting be “as effective as a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation.”

Question 2. With the OTA PreCheck Enrollment Providers expected to soon begin enrolling operations, how does TSA plan to protect the privacy of its customers and ensure their personal data is not sold or made available to third parties for unauthorized uses?

Answer. As mandated by the TSA Modernization Act of 2018, each enrollment provider's OTA and its Statement of Work (SOW) require the protection of privacy and data, including any personally identifiable information, in a manner consistent with Privacy Act of 1974 and TSA's regulations. Additionally, the OTA and OTA's SOW applies this requirement to any design, development, or operation of any system of records on individuals covered by the OTA to include a Privacy Act notification in the enrollment provider's OTA and any subcontract.

The SOW, which all vendors must adhere to, specifies that enrollment providers are not permitted to use applicant data for any purpose other than submission to TSA unless the enrollment provider obtains express permission from TSA, as well as from each individual applicant after completion of the TSA PreCheck enrollment process.

All concepts that require using applicant data for purposes outside of submission to TSA require written approval from TSA. TSA will prohibit enrollment providers from establishing partnerships that include selling any data of individuals obtained during the application process. Additionally, the enrollment provider must segregate TSA data from other data used to provide additional purposes/benefits to the applicant.

Additionally, the SOW specifically states, "In the event of violations of the Privacy Act, a civil action may be brought against the agency involved when the violation concerns the design, development, or operation of a system of records on individuals to accomplish an agency function, and criminal penalties may be imposed upon the officers or employees of the agency when the violation concerns the operation of a system of records on individuals to accomplish an agency function. For purposes of the Act, when the contract is for the operation of a system of records on individuals to accomplish an agency function, the Offeror is considered to be an employee of the agency." As such, if the enrollment providers violate the Privacy Act, criminal penalties may be imposed.

In addition, TSA is protecting applicant data from cybersecurity threats by requiring that enrollment providers' systems meet a FIPS 199 level of High/High/High. FIPS 199 establishes three potential levels of impact (low, moderate, and high) relevant to securing information systems. Systems are rated based on confidentiality, integrity, and availability. The enrollment provider systems must meet the highest standards of confidentiality, integrity, and availability before TSA will allow the enrollment providers to begin enrollment operations.

Question 3. Current law allows for the immediate termination of employees that intentionally allow guns, knives, or explosives through a checkpoint. Under Title 5, could that employee remain on the TSA payroll?

Answer. Title 5 provides procedures for employee discipline, including terminations. Moving under Title 5 will not impact TSA's ability to address misconduct and implement appropriate administrative action.

Question 4. Right now, TSA has the flexibility to move screeners between checkpoints to alleviate long lines and ensure security. Could Title 5 restrict that flexibility?

Answer. Under Title 5 issues regarding the movement of Transportation Security Officers (TSOs) between checkpoints could be subject to collective bargaining and part of an agreement negotiated between TSA and the union representing TSOs.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. TODD YOUNG TO
DAVID P. PEKOSKE

Question. TSA Precheck is already offered to active duty, reserves, and National Guard service members at no cost. The Veterans Expedited TSA Screening (VETS) Safe Travel Act will expand this program to include veterans who are amputees, paralyzed, or blind. There are approximately 70,000 amputee veterans, 100,000 paralyzed, and 130,000 blind veterans in the United States currently. Do you support the VETS Safe Travel Act and will you commit to swift implementation if it is signed into law?

Answer. As a veteran of the United States Coast Guard and an ardent supporter of our Nation's armed forces, I strongly support efforts to provide enhanced passenger experiences to disabled veterans. I welcome your effort to provide TSA PreCheck status to qualify disabled veterans at no-cost and look forward to working with you to ensure that TSA can swiftly implement this effort if passed into law.

At TSA, we have sought to ease the travel of disabled veterans through domestic airports by vetting these individuals as part of the TSA PreCheck Application Program. TSA has coordinated with the Department of Veterans Affairs to ensure that TSA can identify these individuals so that they can enroll in TSA PreCheck at no cost. Currently, TSA offers two services for travelers with disabilities and medical conditions. First, TSA Cares is a helpline that provides travelers with disabilities, medical conditions, and other special circumstances additional assistance during the security screening process.

Travelers may request assistance through the TSA screening checkpoint by calling (855) 787-2227 or completing the form at <https://www.tsa.gov/contact-center/form/cares>.

Travelers should contact TSA Cares 72 hours prior to traveling with questions about screening policies, procedures, and what to expect at the security checkpoint.

Second, the Passenger Support Specialist (PSS) Program, which consists of experienced TSOs who receive additional training to assist and screen travelers with disabilities and medical conditions. PSSs offer real-time, on-the-spot support to travelers at the checkpoints. As of April 1, 2022, 7500 TSOs have taken the updated training to be certified as a PSS.

Finally, TSA currently provides TSA PreCheck to all active military, reserve, and National Guard at no cost. Similarly, all Department of Defense Federal employees can opt-in to receive TSA PreCheck at no cost. TSA relies on ongoing background checks conducted by the Department of Defense to ensure these individuals are low-risk and therefore eligible for TSA PreCheck screening. When service members or Federal employees retire, Department of Defense no longer conducts ongoing background checks on these individuals. As such, TSA would require veterans to enroll in our TSA PreCheck Application Program to undergo a security threat assessment.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MIKE LEE TO
DAVID P. PEKOSKE

Question 1. On June 16, 2022, President Biden signed the Ocean Shipping Reform Act (OSRA) into law. I authored Section 23 of OSRA, which requires the TSA and Coast Guard to jointly prioritize and expedite the consideration of applications for a Transportation Worker Identification Credential that are to provide direct assistance to a United States Port.

Could you provide me with an update on what specific steps the TSA is taking to work with the Coast Guard to implement this newly enacted provision?

Answer. TSA appreciates the Ocean Shipping Reform Act's objective to strengthen the U.S. maritime supply chain and recognizes the importance of transportation workers to U.S. critical infrastructure and supply chain operations. The Transportation Worker Identification Credential (TWIC[®]) is required for all individuals who need unescorted access to secure areas of U.S. ports regulated under the Maritime Transportation Security Act (MTSA) of 2002. TSA requires all TWIC applicants to acknowledge, during the enrollment process, that they are required to have such unescorted access to ports and vessels.

TSA is prioritizing the adjudication and credential issuance for eligible TWIC applicants. For example, TSA is adjudicating applications for the TWIC Program ahead of applicants for traveler programs, such as the TSA PreCheck[®] Application Program, and has expanded the days and hours of operation for its card production services to reduce the time required to produce and ship the physical TWIC card to approved applicants. TSA recognizes that some ports may require expanded enrollment services to facilitate increased demand for TWIC and is working with them to better understand and meet their TWIC requirements. For instance, in Fiscal Year 2022, TSA successfully hosted two temporary TWIC enrollment events at the Port of Long Beach, California.

Question 2. Since 2014 the DHS Office of Inspector General (OIG) has covertly audited and inspected the security related aspects of TSA several times. The OIG's findings have historically revealed some very alarming fail rates due to both human and technology-based failures. In February 2019, during your tenure, the OIG again found "vulnerabilities with various airport access control points and associated access control procedures."¹

When I last questioned TSA in Fall 2019, the six recommendations made by the IG were still open. Since this time have those recommendations been closed?

¹ February 13, 2019, DHS OIG Highlights: Covert Testing of Access Controls to Airport Secure Areas, Unclassified Summary; <https://www.oig.dhs.gov/sites/default/files/assets/2019-03/OIG-19-21-Feb19.pdf>

Answer. Five of the six recommendations from OIG-19-21 Covert Testing of Access Controls to Airport Secure Areas are closed. One recommendation, which involves training for airport workers and Transportation Security Officers (TSOs), remains open with an expected closure date of October 31, 2023.

Has the TSA or the OIG conducted any covert audits and inspections of the security related aspects of TSA since the beginning of the COVID-19 pandemic in March 2020 to ensure continued progress in closing vulnerabilities? If not, why not?

Answer. OIG's current Covert Testing Audit on the effectiveness of TSA's Checked Baggage Screening was announced in March 2020, but postponed due to COVID-19. OIG conducted this audit between June 2021 thru July 2022. The draft report was issued on July 1, 2022 and contains three recommendations for TSA to revise the standard operation procedures (SOPS), increase testing, and accelerate the development of a test kit which was also recommended in a 2014 OIG report. TSA plans to concur with those recommendations and is preparing a formal agency response, which is due to OIG by August 4, 2022.

Additionally, TSA re-initiated covert testing during the pandemic (August 2020), which included checkpoint screening, checked baggage, identity management, and airport employee access control, among other areas. The findings from that testing were used to drive improvements to training, procedures, and technology.

For many years, we've had alarming reports from the OIG's security related audits. How during your tenure have you sought to reverse this negative trajectory? And what is your current overall strategy for the TSA to improve these outcomes should you be reconfirmed to your position?

Answer. TSA's Inspection function, which executes its own covert testing program, works closely with the OIG on covert testing. While TSA uses insights from the OIG to identify needed areas of improvement, I have also expanded TSA efforts during my tenure to conduct covert testing to measure the TSA screening effectiveness over time in order to better understand how improvements in technology, process and training impact security (Index) outcomes. I have also expanded the program to test with our international partners both to support one-stop security agreements and to improve overall aviation security globally. For instance, during July 2022 alone we are conducting joint testing with the Republic of Korea, Israeli Aviation Security, the German Federal Police, the United Kingdom, and providing covert testing instruction to the Kenyan aviation security authority.

Questions 3. The TSA Modernization Act made several updates to the Screening Partnership Program (SPP)—a program which allows passenger screening to be carried out by qualified private screening companies. One update was to require TSA to encourage participating SPP airports to recommend innovative ideas to TSA on screening approaches, technological ideas, etc.

Since the adoption of the TSA Modernization Act, how has TSA encouraged innovation from SPP airports? Has TSA implemented any ideas presented by an SPP airport?

Answer. SPP Contractors have always been welcome to discuss innovation ideas with the SPP Program Office and/or Federal Security Director. Additional avenues to present suggestions for innovations include:

- Section H.7 of the SPP IDIQ contract provides information regarding how contractors through the Idea Factory can submit and share ideas and solutions that may result in the creation of programs or initiatives, or changes to security screening procedures.
- Annual SPP Vendor Forums provide contractors an opportunity to discuss innovations that would enhance the TSA security screening operation.

At this time, the SPP Program has not received any innovation suggestions or ideas from SPP airports that have been implemented.

Question 4. As you know, since 2016, new TSOs now receive centralized training at the TSA Academy located at the Federal Law Enforcement Training Center in Georgia. During your nomination hearing you mentioned that the current two-week training would soon be extended to three weeks.

What benefits does the TSA seek with centralizing TSO training in Georgia?

Answer. TSO training at the TSA Academy results in operational efficiency through the centralization and standardization of coursework. Students receive uniform content, delivered consistently by the agency's best instructors in a setting with access to the newest technology and state-of-the-art training labs. Training quality is constantly monitored, evaluated, and improved, and the content can be quickly adjusted in response to threats or shifts in operational priority.

Since TSA centralized its basic training in Georgia, has that increased or decreased the expenses associated with TSO training?

Answer. TSA initially centralized basic training in 2016 and a cost study performed in 2018 showed an increase in overall costs by 14 percent. However, the benefits of a consistent, centralized basic training and initial Federal service indoctrination for new employees far exceed the additional marginal costs. Since the centralization of new hire training, associated per student costs have generally remained static.

A 2018 GAO report noted that TSA had not identified performance goals or measures to assess the benefits of the TSO Basic Program.² Since the report was issued, has TSA taken steps to identify the metrics to assess the program's effectiveness? If so, which metrics have been employed and has TSA published any conclusions on the effectiveness of this training model?

Answer. TSA has taken a number of steps to assess the benefits of the TSO Basic Training Program (TSO-BTP). TSA developed a comprehensive Training Evaluation Plan that identifies reporting timeframes for instruments and areas of comparison throughout the TSO-BTP process. This information will provide TSA Management and Course Managers with data regarding the effectiveness of the training as well as areas for improvement and requiring updates. The plan uses the industry-standard Kirkpatrick Method that identifies the Level 1, 2, and 3 measurement instruments for TSO-BTP at and beyond TSA-A.

Kirkpatrick Level-1 surveys gather data on student reactions to the training. This evaluation gathers information to determine if students understood the learning objectives, if the delivery format was effective, and if it made them feel confident and prepared to perform their tasks on-the-job. In 2018, TSA updated the Level 1 evaluation survey to include questions on TSO morale. Results show an overall 94 percent satisfaction rating for students attending the in-person TSO-BTP course at the TSA Academy.

The TSO Basic Program also includes Kirkpatrick Level-2 Evaluations, for determining to what degree students have acquired the intended skills and knowledge. They receive an X-Ray Image Interpretation Test (IIT) and a Job Knowledge Test (JKT) that they must pass to successfully complete the program.

Finally, a Level-3 Evaluation is administered several months after the students return to their airport, to determine how effective the skills and knowledge they learned in the TSO-BTP were applied on the job.

The table below summarizes the actions taken in response to GAO's recommendations and their associated implementation dates:

Measure	Implementation Date
Require IIT First-Time Pass Rate of XX percent (rate data SSI and can be provided separately if required)	September 2018
TSO Morale Indicator implemented in Level 1 survey	October 2018
Implement Pat-down Practical Observation Laboratory for 100 percent of students	October 2018
FY18 Q1/Q2 Level 3 Course Evaluation	September 2018
Require JKT First-time Pass Rate of XX percent (rate data SSI and can be provided separately if required)	September 2018
Complete and implement TSO-BTP Level 1, 2, and 3 Training Evaluation Plan	October 2018

Question 5. On September 22, 2021, the OIG reported that TSA has not implemented all requirements in both the 9/11 and the TSA Modernization Acts. The OIG reported because TSA has not implemented all such requirements, "it may be missing opportunities to address vulnerabilities and strengthen the security of the Na-

²July 2018, Aviation Security: Basic Training Program for Transportation Security Officers Would Benefit from Performance Goals and Measures, Government Accountability Office; <https://www.gao.gov/assets/gao-18-552.pdf>

tion's transportation systems.”³ Have you taken corrective action to concur with the OIG's findings? And how are you addressing concerns that you may have missed opportunities to address vulnerabilities within our transportation systems?

Answer. In the five years as Administrator, my experience has been that oversight from Congress, the Government Accountability Office (GAO), the DHS OIG and other watchdog groups help to strengthen TSA's performance by identifying areas for improvement and providing recommendations for addressing any shortcomings.

With respect to this specific recommendation in OIG 21-68, TSA did not concur with the OIG, as we have in place an effective system overseeing the implementation of the *TSA Modernization Act*. TSA established this system informally, and we believe that it should be memorialized. In December 2021, TSA issued TSA Management Directive No. 100.11, *Oversight and Monitoring of Implementation of Enacted Authorization Legislation*, which established organizational roles and responsibilities and delineated processes for monitoring enacted authorization legislation, and OIG closed the recommendation in February 2022.

Question 6. On April 25, 2022, the Biden Administration released the “Domestic Counter-Unmanned Aircraft Systems National Action Plan.”⁴ Prior to this, the last Federal guidance on use of counter-UAS mitigation equipment was issued jointly by DOJ, DOT, FCC, and DHS in August 2020. Within that guidance it notes that Congress has only authorized DOD, DOE, DOJ, and DHS to engage in counter-UAS activities, which certainly seems to tie airports' hands in protecting from security threats.

Would you agree that airport personnel and state/local law enforcement should be able to have the authorities to detecting, identifying, and mitigating drone threats at airports? If not, why not?

Answer. TSA strongly supports the expansion of authority for detection activities (that is the detection, tracking, identification and monitoring of UAS) to critical infrastructure owner/operators, including airports, and to State, Local, Tribal, and Territorial (SLTT) law enforcement, as outlined in the Administration's National Action Plan (NAP) and legislative proposal. As detailed in that proposal, this authority would be conditioned on using authorized equipment from a government list. To qualify for this list, the equipment would be tested and evaluated by DHS or DOJ and approved by the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and the National Telecommunications and Information Administration (NTIA). The activities would be governed by the privacy requirements in the Act and guidance from DOJ and DHS, coordinated with the FAA.

TSA also supports the legislative proposal authorizing a temporary pilot program under which a limited number of approved SLTT law enforcement entities could engage in authorized UAS detection and mitigation activities following Federal safeguards. This pilot program takes an interim, temporary step that would let Congress, the Executive Branch, and the SLTT agencies evaluate the costs and benefits associated with a possible future expansion of the authority. The proposal is a first step to address the problem that the departments do not have the equipment and personnel needed to deploy counter-UAS measures to the many events and locations that may be subject to dangerous UAS activity, especially as the number of UAS in the airspace proliferates. Today, the departments must turn down many requests to protect significant events, including requests from state governors.

TSA, however, does not support non-law enforcement conducting C-UAS mitigation activities. For any law enforcement other than Federal Law Enforcement using these authorities, TSA believes that they should be subject to strong Federal oversight, ensure privacy and civil rights/civil liberties protections are in accordance with Federal standards, and fully coordinate all deployments with the FAA.

The use of radio frequency jamming can be a swift, effective mechanism to mitigate drone threats without any serious damage to property, but it can also have unintended consequences for communications. As we consider legislation to grant further counter-UAS activities at airports, how should we balance these competing interests?

Answer. Any system used to mitigate drone threats must pass extensive testing to ensure it does not interfere with or affect communications, flight control systems of authorized aircraft, and other critical elements. All technologies should be coordi-

³September 22, 2021, DHS Office of Inspector General, TSA Has Not Implemented All Requirements of the 9/11 Act and the TSA Modernization Act; <https://www.oig.dhs.gov/sites/default/files/assets/2021-09/OIG-21-68-Sep21.pdf>

⁴April 25, 2022, The White House Briefing Room, FACT SHEET: The Domestic Counter-Unmanned Aircraft Systems National Action Plan; <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/25/fact-sheet-the-domestic-counter-unmanned-aircraft-systems-national-action-plan/>

nated with FAA and FCC to ensure that they have no unintended consequences impacting the National Air Space.

Existing 124n authorities, as well as the draft proposed legislation, require coordination with the FAA prior to using any technology to detect or mitigate a drone threat. Notably, in the past 3 ½ years with these controls in place, there have been no negative impacts on the National Air Space during operational deployments in the United States.

Specific to the additional detection-only authority in the draft proposal, authorized users of “detection-only” authority may only use technology that has been tested by the DOJ or DHS and approved for inclusion on the list maintained by DHS. Placement on that list occurs only after the FCC/NTIA and FAA determine there will be no adverse impacts on the radio-frequency spectrum and the NAS, respectively.

TSA is sensitive to concerns about unintended consequences of all C-UAS mitigation technologies. Reflective of such, TSA has established two C-UAS test beds in operational airport environments to continuously assess the effectiveness and suitability of systems that could potentially be deployed as part of the airport’s approach to detect, track, identify, and mitigate UAS.

I am in the process of drafting legislation to extend C-UAS activities, including at airports. Would you commit to working with me and my staff on this important issue?

Answer. Absolutely. My staff and I will work with you to build on the existing C-UAS authorities.

