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AVIATION SECURITY CHALLENGES: IS TSA READY FOR THE THREATS OF TODAY?

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY

ONE HUNDRED FOURTEENTH CONGRESS, FIRST SESSION

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Administrator
Transportation Security Administration
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Committee on
HOMELAND SECURITY
Chairman Michael McCaul

Opening Statement

July 29, 2015

Media Contact: Susan Phalen
(202) 226-8477

**Statement of Chairman Michael McCaul (R-Texas)
Committee on Homeland Security**

“Aviation Security Challenges: Is TSA ready for the threats of today?”

Remarks as Prepared

Two weeks ago, a terrorist struck in America’s heartland - inspired by a hateful ideology – and killed five American soldiers on U.S. soil. Fourteen years after 9/11, not only are we still under threat from Islamist terrorists, but they have gone on the offensive globally and expanded their footprint. Radicalism is on the rise, and the war is being brought to our doorsteps at terrifying speed.

We have long known that our aviation sector is the crown jewel of terrorist targets, so as we stare down these real and growing threats, Congress and the American people need confidence in our defenses. In the past few months, TSA has given us concern rather than confidence. Terrorists have to be right only once, and we have to be right 100 % of the time. As millions of travelers from all over the world pass through our nation’s airports, the American people must know and trust that the procedures and policies put in place make us safer.

In June, we learned through leaked reports from the Department of Homeland Security’s Office of Inspector General, that TSA’s passenger screening was wrong 96% of the time, and that seventy-three aviation workers had potential ties to terrorism. These findings shatter public confidence. A reported 96% failure rate to detect explosives is completely unacceptable.

Administrator Neffenger has an opportunity to right this ship. In our discussions, he has displayed candor, and an open mind in his approach to this critical position. In my opinion, TSA needs to do three things in order to move forward to a new chapter: 1) restore public confidence, 2) enhance risk-based security; and 3) better-leverage the private sector.

We have seen a large expansion of risk-based security initiatives since 2011; however, we still need to do more. TSA’s PreCheck program has been in place for four years, however, currently only 4% of travelers are members of this program. TSA needs to increase this population, so that it can focus its efforts on more thoroughly screening those passengers who are unknown and pose a bigger risk.

I would like to explore how TSA can better-leverage the private sector. The private sector plays a critically important role in securing our nation's aviation system. TSA does not and cannot fulfill its mission alone. The private sector is a necessary partner that TSA needs to continue to rely on in order to successfully fulfill its mission.

TSA and the Department need to look to the future and give the private sector a roadmap of what screening will look like five, ten and fifteen years from now. This can help companies developing technologies meet these needs. We cannot expect private companies to invest tens of millions of dollars, if we cannot provide them any certainty on a return on their investment.

Additionally, TSA needs to make necessary reforms in order to enhance the Screening Partnership Program. These partnerships allow airports to hire private screeners instead of government employees. This program has been in place since 2004, and yet TSA is still unable to do an accurate cost comparison that takes into account the full cost of a federal employee compared to a private sector employee doing the same job.

This gap allows TSA to argue that private screeners do not save the taxpayer money, although this is not a fair and accurate accounting assessment. This committee is dedicated to reforming TSA. We proved our commitment to this effort by passing four important pieces of legislation on the House floor on Monday that will keep Americans safe.

This legislation came out of this Committee as a result of the recent TSA failures. Specifically, these bills will help strengthen and secure the PreCheck program, improve the vetting process for aviation employees, help keep our airport screening equipment better maintained and implement better accountability policies at local airports for contractors.

The bottom line is this: the threat is evolving, but Americans are concerned that TSA is not keeping up. Administrator Neffenger, you have a tough job ahead of you to lead this agency. But we look forward to working with you to reform TSA—and today we are eager to hear about your plans to do exactly that.

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Statement of Peter V. Neffenger
Administrator
Transportation Security Administration
U.S. Department of Homeland Security
Before the
United States House of Representatives
Committee on Homeland Security
July 29, 2015

Good morning Chairman McCaul, Ranking Member Thompson, and distinguished members of the Committee. Thank you for the opportunity to testify in my new role as Administrator of the Transportation Security Administration (TSA).

It has been my privilege to serve our Nation for the past 34 years in the United States Coast Guard. Throughout my career I have worked to advance my agency's mission while maintaining a deep sense of accountability to the American people who entrust us with their protection. I look forward to carrying these efforts forward as I undertake my responsibilities as TSA Administrator.

I am especially honored and privileged to work with the men and women of TSA. Our frontline workforce carries out an incredibly difficult and demanding mission of protecting our nation's transportation systems and ensuring freedom of movement for people and commerce. To be clear, this is a difficult job and our employees work diligently to secure transportation systems for our Nation. I respect and appreciate our TSA employees who rise to the challenge on a daily basis.

The work of TSA employees covers a wide array of duties, ranging from intelligence-based screening, to physical screening, to monitoring and inspections. In FY 2014, Transportation Security Officers (TSO) screened approximately 660 million passengers and nearly 2 billion carry-on and checked bags. Our officers prevented 181,000 dangerous, prohibited items, including 2,200 firearms, from being carried onto planes. They screened a daily average of 6 million air passengers against the U.S. Government's Terrorist Screening Database; routinely prevented known or suspected terrorists from boarding aircraft; and conducted enhanced screening of passengers, as necessary, prior to boarding an aircraft. In addition, TSA's Federal Air Marshals protected thousands of flights. Transportation Security Inspectors completed over 1,054 airport inspections, 17,894 aircraft operator inspections, and 2,959 foreign air carrier inspections to ensure compliance with rules and regulations.

TSA faces unique challenges in its efforts to protect our Nation's transportation systems. While intelligence shows us we must remain focused on aviation security in particular, TSA is also charged with securing mass transit, rail, highway, and pipeline sectors. To function effectively, TSA must continue to develop in its role as a counterterrorism agency with a dedicated and professional workforce. We must strengthen the security of our transportation systems, using an array of capabilities including intelligence information, technology, and most importantly, the dedication and vigilance of every employee at TSA.

More than a decade after the terrorist attacks of September 11, 2001, today's terrorist threat is more decentralized, more diffuse, and more complex. Today's terrorists publish their instruction manuals online and call on their followers to take action. The persistence of this more dispersed threat is among TSA's most pressing challenges. Our enemies will continually adapt, and so must we. TSA must leverage intelligence, technology, and the experience of our front-line operators and private sector partners to ensure we employ effective, efficient and ever-evolving procedures to stop those who would harm us.

Given the threat and enormous challenge accompanying the task at hand, I recognize the importance of being a strong leader for TSA – one who will explore new ideas and reevaluate current procedures to ensure we have the appropriate security in place to protect the traveling public. I am honored by the President's trust in me and I sincerely look forward to serving in this important leadership position.

Agency Priorities

The critically important core mission of TSA is to secure the Nation's transportation systems and the people who use those systems. This is my highest priority. To this end, I have a threefold approach: employing a strategic, risk-based methodology; developing, training, and leading a capable workforce; and pursuing advanced and effective security capabilities..

First, a strategic, risk-based approach to protecting transportation is critical given the rapidly evolving global terror threat and persistent adversaries who continually adapt their methods and plans for attack. TSA must leverage the latest intelligence to inform operations and investments. We must employ risk-based operations tailored to each operating environment and transportation mode, not one-size-fits-all solutions. To be successful in this endeavor, I intend to incorporate intelligence to inform our strategy and operations, as well as to expand and strengthen TSA's existing partnerships with stakeholders for greater information sharing and unity of effort.

Second, we are also mindful of our interactions with millions of travelers each day, and to that end, must place an emphasis on professionalism and accountability while we recruit and retain a skilled and highly-trained workforce. Further, our officers must be constantly trained, developed, and supported in their efforts. This training should incorporate the ideas of a culture of adaptation, where our workforce constantly questions assumptions, plans, and processes, and is able to adapt to new operating procedures, standards, and capabilities. Our workforce must be highly capable and well-trained, with a strong career path for growth and development. Effectiveness is a direct result of consistent training, recognition, and accountability. As such, my expectations for the workforce include a strong emphasis on values, high standards of performance, and accountability. The traveling public expects efficient and effective screening, and to be treated with dignity and respect. We must continually reinforce this message of dignity and respect in training for the frontline workforce and management alike to ingrain these principles into agency culture. Delivering an effective security system requires that we have the confidence of the traveling public; we earn that through competence, disciplined performance, and professionalism.

Finally, TSA must pursue advanced and effective capabilities in the development, acquisition, and deployment of our technology, as well as our strategies for checkpoint screening procedures. We must employ a strategic systems focused approach to ensure we are evolving in our capabilities and ability to detect and disrupt the latest threat streams. We will leverage our

team's experience in acquisition and innovative sourcing to lead TSA in the next phase of the agency's development. This focus will help TSA to invest its resources to systemically reduce vulnerabilities and mitigate risks.

Improving Screening Operations

TSA faces a number of challenges, which I plan to address by evaluating screening operations and meeting the standards the American people expect. First among these efforts will be addressing the recent covert testing of TSA's checkpoint operations and technology conducted by the Department of Homeland Security (DHS) Office of Inspector General (OIG). I am greatly disturbed by TSA's failure rate on these tests, and have held numerous briefings and meetings to better understand the nature of the failures, the root causes, and the scope of the corrective actions needed. I am committed to working with senior leaders at TSA and DHS to formulate solutions that will enhance our effectiveness at checkpoint operations – and then to test those enhancements.

To that end, I am carrying out DHS Secretary Johnson's ten-step plan as follows:

- Brief all Federal Security Directors at airports nationwide on the OIG's preliminary test results. This was completed in May.
- Train every TSO to address the specific vulnerabilities identified by the OIG tests. We are now implementing this in a phased approach, which began May 29, 2015 and is to be completed by the end of September 2015.
- Increase manual screening measures, including reintroducing hand-held metal detectors to resolve alarms at the checkpoint. This has been underway since mid-June.
- Increase use of random explosives trace detection, also started in mid-June.
- Test and evaluate screening equipment to measure current performance standards.
- Assess areas where screening technology equipment can be enhanced.
- Evaluate the current practice of including non-vetted populations in expedited screening.
- Revise TSA's standard operating procedures to include using TSA supervisors to help resolve situations at security checkpoints. On June 26, 2015, TSA began field testing new standard operating procedures at six airports. Lessons learned will be incorporated and deployed nation-wide.
- Continue covert testing to assess the effectiveness of these new actions. For each test, there must be a same-day debrief with the workforce of what did or did not work along with immediate remediation actions.
- We have responded vigorously to establish a team of TSA and other DHS officials to monitor implementation of these measures and report to the Secretary and Administrator every two weeks.

While these immediate actions address specific vulnerabilities identified by the OIG tests, our systemic review over the coming weeks to identify vulnerabilities across the aviation security system will be invaluable. The assessments are designed to determine the proximate root causes of these failures and provide effective system-wide solutions.

Responding to the Insider Threat

The December 2014 incident involving an alleged gun smuggling ring at Hartsfield-Jackson Atlanta International Airport highlighted the potential for airport and airline employees

to use their access for illicit purposes. In January 2015, Secretary Johnson and TSA consulted the Aviation Security Advisory Committee (ASAC) to review the issues associated with insider threats and asked for their recommendations to improve airport employee access control at our Nation's airports. The ASAC completed its 90-day review in April of this year, and delivered its 28 recommendations to TSA.

TSA immediately implemented five initial action items recommended by the ASAC, which include: a requirement for airports and airlines to conduct fingerprint-based Criminal History Records Checks (CHRC) every two years for all airport and airline employee badge holders until an automated recurrent vetting solution is complete; a reinforcement of existing requirements that employees traveling as passengers be screened by TSA; a reduction in the number of access points to secured areas to an operational minimum; increased random employee screening; and a joint effort with our stakeholder partners to leverage the DHS "If You See Something, Say Something™" initiative to encourage reporting of insider threat activity.

In addition to those immediate steps, we began a phased implementation of the Federal Bureau of Investigation (FBI) criminal history monitoring program, Rap Back, with an aviation pilot beginning at Dallas Fort Worth International Airport and Boston Logan International Airport, and with Delta Air Lines. The program ensures real time criminal history monitoring of the aviation worker population. Rap Back is part of the FBI's Next Generation Identification Program, introduced in September 2014.

TSA fully concurs with 26 and partially concurs with the other two recommendations of the ASAC report. Statutory limitations in one instance and the need to conduct a detailed cost-benefit analysis locally in another are the reasons for the partial acceptance of two recommendations.

We are acting on the ASAC recommendations and have set a definitive schedule for assessing and reporting the results on actions taken based on the recommendations.

Advancing Risk-Based Security (RBS) and Expedited Screening

I am a strong proponent of a risk-based approach to security. The vast majority of people, goods and services moving through our transportation systems are legitimate and pose minimal risk. The first necessary effort in pursuing risk-based security is to identify the low-risk majority so that we are not forced to apply our scarce resource capabilities to known or unknown threats. The drawbacks of a single approach are clear - severely limiting effectiveness and efficiency while perhaps introducing vulnerabilities and opportunities for harm. If we can understand the threats and identify the vulnerabilities of our systems, then we can design our security system to reduce the risk and close vulnerabilities.

I hear and understand the concerns raised by this Committee and the OIG about the current application of TSA's Risk Based Strategy (RBS) approach. Expedited screening should be available to fully vetted populations. We are reviewing the procedures for expedited screening and an evaluation of the appropriateness and effectiveness of the various security tools currently in use.

I am committed to refining and enhancing our expedited screening procedures, including TSA Pre✓[®]. One of the major ways for us to expand the number of known and trusted travelers eligible for expedited screening will be through the expansion of the TSA Pre✓[®] Application Program. I look forward to efforts such as expanding participation to additional U.S. and foreign

airlines, exploring potential opportunities to leverage private sector capabilities and expertise in the TSA Pre✓[®] application process, and offering additional opportunities for enrollment in TSA Pre✓[®] to increase the number of vetted enrollees. These opportunities present important opportunities for changing the dynamic of checkpoint screening nationwide, and most importantly present us with an opportunity to focus on those passengers about whom we are most concerned – or those about whom we know less – to ensure maximum security for the traveling public. These efforts will make entry into the aviation security system for those who are interested in sharing more about themselves more accessible and available. The goal is to move towards a known and vetted population.

Conclusion

Chairman McCaul, Ranking Member Thompson, and members of the Committee, thank you for the opportunity to testify before you today. I am honored to serve in this capacity and I look forward to your questions.