

HEARING ON ONE YEAR LATER: HAVE TSA
AIRPORT SECURITY CHECKPOINTS IMPROVED?

Thursday, November 15, 2007

House of Representatives,
Committee on Oversight and
Government Reform,
Washington, D.C.

"This is a preliminary transcript of a Committee Hearing. It has not yet been subject to a review process to ensure that the statements within are appropriately attributed to the witness or member of Congress who made them, to determine whether there are any inconsistencies between the statements within and what was actually said at the proceeding, or to make any other corrections to ensure the accuracy of the record."

Committee Hearings

of the

U.S. HOUSE OF REPRESENTATIVES



OFFICE OF THE CLERK
Office of Official Reporters

1 | Court Reporting Services, Inc.

2 | HGO319000

3 | HEARING ON ONE YEAR LATER: HAVE TSA

4 | AIRPORT SECURITY CHECKPOINTS IMPROVED?

5 | Thursday, November 15, 2007

6 | House of Representatives,

7 | Committee on Oversight and

8 | Government Reform,

9 | Washington, D.C.

10 | The committee met, pursuant to call, at 10:00 a.m., in
11 | Room 2154, Rayburn House Office Building, the Honorable Henry
12 | A. Waxman [chairman of the committee] presiding.

13 | Present: Representatives Waxman, Cummings, Tierney,
14 | Watson, Higgins, Yarmuth, Braley, Sarbanes, Davis of
15 | Virginia, Shays, Mica, Issa, Westmoreland, Sali

16 | Staff Present: Phil Schiliro, Chief of Staff; Phil
17 | Barnett, Staff Director and Chief Counsel; Kristin Amerling,
18 | General Counsel; Karen Lightfoot, Communications Director and
19 | Senior Policy Advisor; David Rapallo, Chief Investigative
20 | Counsel; John Williams, Deputy Chief Investigative Counsel;

21 | Steve Glickman, Counsel; Susanne Sachsman, Counsel; Earley
22 | Green, Chief Clerk; Teresa Coufal, Deputy Clerk, Caren
23 | Auchman, Press Assistant; Ella Hoffman, Press Assistant;
24 | Leneal Scott, Information Systems Manager; Kerry Gutknecht,
25 | Staff Assistant; William Ragland, Staff Assistant; Sam
26 | Buffone, Special Assistant; David Marin, Minority Staff
27 | Director; Jennifer Safavian, Minority Chief Counsel for
28 | Oversight and Investigations; Keith Ausbrook, Minority
29 | General Counsel; Janice Spector, Minority Professional Staff
30 | Member; Christopher Bright, Minority Professional Staff
31 | Member; John Cuaderes, Minority Senior Investigator and
32 | Policy Advisor; Patrick Lyden, Minority Parliamentarian and
33 | Member Services Coordinator; Benjamin Chance, Minority Clerk;
34 | Meredith Liberty, Minority Staff Assistant and Correspondence
35 | Coordinator; Todd Greenwood, Minority Research Assistant

36 Chairman WAXMAN. The meeting of the Committee will
37 please come to order.

38 Today we are holding a hearing on airport security.
39 Last year, the Government Accountability Office tested the
40 effectiveness of airport security checkpoints by conducting
41 undercover missions to bring explosives through airport
42 screening security checkpoints at 21 locations. The
43 Transportation Security Administration failed all 21 of those
44 tests. The purpose of today's hearing is to determine
45 whether TSA has improved over the last year. GAO is here
46 again to tell us about the results of its most recent
47 investigation.

48 This Committee comes to this issue in a bipartisan
49 manner. This investigation was jointly requested by our
50 Ranking Member, Tom Davis, Benny Thompson, the Chair of the
51 Homeland Security Committee and myself. A bipartisan
52 approach is critical, because explosives on airplanes are a
53 dangerous threat.

54 In August, 2006, terrorists plotted to bring liquid
55 explosives onto eight flights bound for the United States.
56 The British thwarted that threat, but there are now ones on
57 the horizon. The terrorist threat to our airlines is
58 constantly evolving. The question is, is the Transportation
59 Security Administration keeping up?

60 To help answer this question, we asked GAO to do another

61 | round of covert tests. Congress and the traveling public we
62 | represent have the right to know whether TSA is effectively
63 | addressing this threat. Unfortunately, the news is not good.
64 | GAO's undercover agents once again succeeded in getting
65 | dangerous materials through airport security checkpoints.

66 | Last year, the co-chairman of the 9/11 Commission spoke
67 | publicly about the fact that TSA failed GAO's tests. Thomas
68 | Kane said he was dismayed because ``I thought the Department
69 | of Homeland Security was making some progress on this, and
70 | evidently they are not.'' And Lee Hamilton stated that ``The
71 | fact that so many airports failed this test is a hugely
72 | important story which the American traveler is entitled to
73 | know.''

74 | The Homeland Security Department promised to plug these
75 | holes. But what we will hear from GAO today is that the
76 | Department is not succeeding. The Transportation Security
77 | Administration has had six years and has spent billions of
78 | taxpayers' dollars, yet our airlines remain vulnerable. That
79 | is an embarrassing and dangerous record. I hope today's
80 | hearing will begin to point the way toward reforms that are
81 | urgently needed. We have to fix this problem.

82 | I want to now recognize Ranking Member Tom Davis.

83 | [Prepared statement of Chairman Waxman follows:]

84 | ***** INSERT *****

85 | Mr. DAVIS OF VIRGINIA. Thank you, Mr. Chairman. Thank
86 | you very much for holding this hearing. It is indeed
87 | bipartisan; this is not about red or blue, it is about red,
88 | white and blue, and defending the homeland.

89 | In several days, families in record numbers will begin
90 | their travels to celebrate Thanksgiving. For many who travel
91 | by plane, their journey will start with long lines to reach
92 | the airport and then to park. These will be followed by even
93 | longer, more agonizing lines to get boarding passes and check
94 | luggage. These will be followed by the most torturous line
95 | of all, the one that leads to the Transportation Security
96 | Agency checkpoint.

97 | Since 9/11, people have become accustomed to the added
98 | security procedures associated with air travel. Although it
99 | takes longer to board an aircraft and there are more
100 | restrictions on what can be carried onto a plane, the public
101 | generally has been willing to endure these inconveniences for
102 | the benefit of safety. It is safe to say, though, that the
103 | flying public would not be so understanding if people came to
104 | believe these inconveniences do not assure security.

105 | In August of 2006, British authorities discovered a plot
106 | to blow up trans-Atlantic aircraft using explosives made from
107 | common liquids. In response to this new threat, TSA
108 | implemented what is known as the 3-1-1 or the 3-1-1 policy,
109 | which permits passengers to carry 3 ounces of liquids or gels

110 | aboard a plane in one quart-sized plastic bag. In theory,
111 | strict limits on the amount of liquids that passengers can
112 | carry will prevent a bomb from being constructed.

113 | Today, we will hear testimony from the Government
114 | Accountability Office on how its agents successfully got past
115 | TSA checkpoints at several airports with common liquids that,
116 | when combined, could have constituted an explosive device
117 | large enough to bring down a commercial aircraft. That is
118 | obviously not what Congress or the public want to hear.

119 | A little more than two years ago, I chaired a similar
120 | hearing on the adequacy of TSA's security at airports. Then
121 | TSA leaders testified the solution was more time, more
122 | resources and better technology. They have had all three.
123 | Unfortunately, as this latest GAO report shows, TSA still
124 | cannot consistently detect or prevent prohibited items from
125 | being carried onto aircraft. We have to do better.

126 | I understand the threat evolves, as our enemies learn
127 | more about our improved security and take steps to react.
128 | TSA has to do the same. In fact, TSA just can't react, the
129 | agency has to be proactive and stay on offense.

130 | I am pleased to see Administrator Hawley in his opening
131 | statement acknowledge what GAO was able to do and the need
132 | for TSA to do better. But his words need to trigger strong
133 | actions and tangible results.

134 | Mr. Chairman, as we approach the beginning of the 2007

135 | holiday season and the flying public begins to travel, it is
136 | important to remember the American people rely on TSA to do
137 | everything possible to ensure their safety. It is not enough
138 | to identify gaps. These gaps have to be addressed
139 | aggressively and consistently.

140 | Flying these days is stressful enough. The commercial
141 | air travel industry is straining under serious cost and
142 | performance pressures. But no one can afford to let security
143 | challenges get lost in the shuffle. We need to understand
144 | how TSA proposes to strengthen the system, increase vigilance
145 | and deter those who seek to exploit the vulnerabilities of so
146 | fragile a network. The next baggie of prohibited liquids may
147 | not be a test.

148 | Thank you.

149 | [Prepared statement of Mr. Davis of Virginia follows:]

150 | ***** INSERT *****

151 Chairman WAXMAN. Thank you very much, Mr. Davis.

152 Ordinarily it would be just the two of us making opening
153 statements. But we have had a request from Mr. Mica, who is
154 the ranking member of the legislative committee on
155 transportation issues, so I know he wants to give a
156 statement. Let me invite any member who wishes to make a
157 statement to do so at this time.

158 Let me recognize Mr. Mica first.

159 Mr. MICA. First of all, Mr. Waxman, you are going to
160 probably fall out of your chair, but I want to take this
161 opportunity to publicly thank you. I think what you are
162 doing today is probably one of the best hearings that we will
163 do for the American public this entire year. Henry Waxman, I
164 really appreciate your following up on one of the most
165 important threats we face as a Nation. You have also done
166 something that I was unable to do, make the public aware of
167 the failure of our security screening system. I think that
168 is very important.

169 In fact, I thought of even breaching security or
170 classified information when I first asked GAO, when I was
171 chairman. And your staff did an excellent job of detailing
172 what has taken place in previous tests and previous failures.
173 If this was just this failure, it would still be a problem.
174 But this is unfortunately a record of failure, which you have
175 detailed and you also have made public. This is an open

176 | society, and the public has a right to know.

177 | Mr. Hawley is going to tell you about a layered security
178 | system with 19 levels of security. I read his testimony.
179 | The last one is the public. I am telling you, this is one of
180 | the most serious threats that we face as a Nation. Because
181 | these people are out to get us. This has been a cat and
182 | mouse game since before September 11th, 2001. No one should
183 | let down their guard on this. If you just look at the
184 | history of what they have tried to do, they scoped the system
185 | in 2001, they found our vulnerabilities. We didn't have
186 | standards for screeners, we didn't ban box cutters, we didn't
187 | have rules in place to deal with a hijacking of a plane, the
188 | failure of government.

189 | If you look at the sophistication of what they have done
190 | just of late, the Richard Reid shoe bomb was a very
191 | sophisticated effort to take down multiple aircraft. If you
192 | look at the liquid bombs in the London case, the same thing,
193 | an evolving sophistication to take down multiple aircraft.
194 | If you think 9/11 was something, folks, using non-traditional
195 | explosives like Mr. Cooney and GAO has used is the next step
196 | in this process. We have tried to put in place layers of
197 | security to deal with that.

198 | I have some very specific questions, because I didn't
199 | feel that the hand-off to the Democrat side was well done.
200 | And I am going to go into the details of the meeting that

201 | took place when we really handed this off to the other team,
202 | who has the same interests that I had. I don't think that
203 | they got the full story, and today we are going to hear the
204 | full story due to what Mr. Waxman has been able to make
205 | public.

206 | So finally, the good thing about what this is going to
207 | do is make the public aware that they are the last link in
208 | this. We have put other links in, and Mr. Hawley will
209 | describe them, not as fast and not as well with technology or
210 | training of personnel or placement of personnel to deal with
211 | this situation. But we do have a failure of a system. It
212 | needs to be publicly known, and the public can help us in us,
213 | because they can be alert. Probably the best thing that they
214 | are going to deal with today is congested aircraft, which
215 | will mean that those planes are full. But they are full of
216 | Americans and people who can help us in an effort to detect
217 | this threat. You are going to hear more about it.

218 | So Mr. Waxman, I thank you on behalf of the American
219 | people for what you are doing today and making them aware.
220 | They are going to have to be partners with us to make certain
221 | that we don't repeat a national catastrophe. Thank you.

222 | [Prepared statement of Mr. Mica follows:]

223 | ***** INSERT *****

224 Chairman WAXMAN. Thank you, Mr. Mica.

225 Let me call on any other member--Mr. Cummings.

226 Mr. CUMMINGS. Mr. Chairman, I too thank you for holding
227 this hearing. I am glad that it is truly a bipartisan
228 hearing. I, like Mr. Mica, am a senior member of the
229 Transportation Committee. I am chairman of the Coast Guard
230 Subcommittee. We spend a phenomenal amount of time and
231 resources trying to guard our ports. It seems that we had
232 taken for granted, while we were trying to make sure our
233 ports were safe, that our airports were very safe.

234 And the fact is that so many people, when I think about
235 GAO testing 21 airports last year and getting through every
236 single one of them, I didn't say 20 of them, I said every
237 single one of them, it makes you wonder. The fact is that my
238 constituents are paying more for airline tickets, and part of
239 the increase in price is to cover the TSA. Then they of
240 course stand in the long lines and they are very patient,
241 everybody from the little children to senior citizens going
242 through all kinds of procedures, only to find out that we
243 could do better.

244 Mr. Chairman, a few years ago, many years ago when I
245 visited Israel, I will never forget a statement that they
246 said to me, and it is something that I have thought about a
247 lot. What they said was, if we are not better, we will not
248 be. If we are not better, we will not be. I think we have

249 | to be better. And I think we can do better. Americans
250 | across the Country will be traveling next week for the
251 | Thanksgiving holiday. They are going to go through a lot.
252 | But they will be under the assumption that they are safe
253 | because they see what they go through.

254 | So I am hoping that this hearing will shed some light,
255 | but most importantly, I am hoping that it will let us
256 | discover what the true problems may be. Are we mired in an
257 | atmosphere of mediocrity? Are we in need of better detection
258 | equipment? Are there human error issues here? I don't know.
259 | We need to find out all of these things, so that we can be
260 | the very best we can be. We must, by the way, have very,
261 | very high expectations.

262 | It is in the DNA of every cell of my brain and probably
263 | every American's brain, seeing those planes on 9/11 fly into
264 | the World Trade Centers. We never want that to happen again.
265 | So Mr. Chairman, I think this hearing will go a long way
266 | toward making sure that we are better. Because if we are not
267 | better, we will not be. With that, I yield back.

268 | [Prepared statement of Mr. Cummings follows:]

269 | ***** INSERT *****

270 Chairman WAXMAN. Thank you very much, Mr. Cummings.
271 Does any other member wish to be recognized? Mr. Shays.
272 Mr. SHAYS. Thank you, Mr. Chairman. A 30 second
273 intervention to thank you, Mr. Chairman, as well, in working
274 with Mr. Davis and Mr. Thompson. The issue for me was
275 heightened in the early late 1980s when a plane was blown out
276 of the sky because of drug terrorists who were involved. We
277 were shown back in the early 1990s that just a bottle of gin
278 with basically liquid explosives next to a radio next to a
279 carton of cigarettes, and the radio was the detonator. And
280 another one was just a mat on the bottom of a suitcase that
281 was an explosive, non-detectable.

282 I will just end by saying what is extraordinarily
283 alarming to me is this isn't 21 break-ins, in a sense, out of
284 100. This is 21 out of 21 and that to me is extraordinarily
285 unsettling and makes me question whether we are going to see
286 any success in the near future. Thank you, Mr. Chairman,
287 again.

288 [Prepared statement of Mr. Shays follows:]

289 ***** INSERT *****

290 Chairman WAXMAN. Thank you, Mr. Shays. Do any other
291 members wish to be recognized? If not, I want to welcome our
292 witnesses here today. We have with us Mr. Gregory D. Kutz,
293 the Managing Director of Forensic Audits and Special
294 Investigations, from the Government Accountability Office.
295 He is accompanied by Mr. John Cooney, Assistant Director of
296 Forensic Audits and Special Investigations, Government
297 Accountability Office. And the Honorable Edmund ``Kip``
298 Hawley, the Administration of the Transportation Security
299 Administration.

300 We are grateful to you for being here today. It is the
301 practice of this Committee that all testimony is taken under
302 oath, so I would like to ask you if you would please stand
303 and raise your right hand.

304 [Witnesses sworn.]

305 Chairman WAXMAN. Let the record indicate that each of
306 the witnesses answered in the affirmative.

307 Mr. Kutz, I want you to start off. Your prepared
308 statements, all of you, will be in the record, and we would
309 like to ask you to try to limit the oral presentation. We
310 won't be strict about this, but we will have a clock that
311 will indicate when the five minutes is up. Thank you.

312 | STATEMENTS OF GREGORY D. KUTZ, MANAGING DIRECTOR, FORENSIC
313 | AUDITS AND SPECIAL INVESTIGATIONS, GOVERNMENT ACCOUNTABILITY
314 | OFFICE, ACCOMPANIED BY: JOHN COONEY, ASSISTANT DIRECTOR,
315 | FORENSIC AUDITS AND SPECIAL INVESTIGATIONS, GOVERNMENT
316 | ACCOUNTABILITY OFFICE; THE HONORABLE EDMUND ``KIP`` HAWLEY,
317 | ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION

318 | STATEMENT OF GREGORY D. KUTZ

319 | Mr. KUTZ. Mr. Chairman and members of the Committee,
320 | thank you for the opportunity to discuss airport security.
321 | In March of 2006, we reported that investigators boarded
322 | commercial aircraft with explosive devices in their carry-on
323 | luggage. At the request of this Committee, we performed
324 | additional covert testing of airport security in 2007.
325 | Today's testimony highlights the results of our testing.

326 | It is important to note that we worked closely with TSA
327 | to make sure that my testimony does not have any classified
328 | or sensitive security information.

329 | My testimony today has two parts. First, I will discuss
330 | what we did; and second, I will discuss the results of our
331 | covert tests. First, using information available on the
332 | internet, we were able to identify devices that could

333 | severely damage an aircraft and jeopardize the safety of its
334 | passengers. The first device was an improvised explosive
335 | device, or IED, containing two parts. The first part, a
336 | liquid explosive; the second part, a low-yield detonator.

337 | Our 2006 work showed that the detonator itself could
338 | function as an IED. However, using this detonator to ignite
339 | the liquid explosive results in a more powerful device.

340 | The second device was an improvised incendiary device,
341 | or IID. These types of devices do not explode, but instead
342 | create intense fire, heat and noxious fumes. Our incendiary
343 | device was created by combining products prohibited by TSA
344 | from carry-on luggage. The components for both our devices
345 | were purchased at local stores and on the internet for less
346 | than \$150.

347 | We tested the effectiveness of our devices in
348 | partnership with a local law enforcement agency and at a
349 | national laboratory. As you requested, I will show a short
350 | video at the end of my presentation that shows the results of
351 | these tests. As the video will show, our devices could cause
352 | severe damage to an aircraft and threaten the safety of its
353 | passengers.

354 | Using only publicly available information which we do
355 | for all of our covert testing, we devised methods to conceal
356 | the components for these devices in our carry-on luggage and
357 | on our persons. As with all FSI testing, this was a covert,

358 | or Red Team test. In other words, very few people at GAO
359 | knew what we were doing and nobody at TSSA was aware in
360 | advance of our testing.

361 | Moving on to our results, we successfully passed through
362 | TSA checkpoints with components for several explosive devices
363 | and an incendiary device. These prohibited items were
364 | concealed in our carry-on luggage and on our persons. Our
365 | testing was done at 19 airports across the Country, including
366 | those that employ private screeners. We found no difference
367 | in the results for TSA employees and the privately-contracted
368 | screening employees.

369 | In most cases, security officers appeared to follow TSA
370 | procedures. However, we did identify several
371 | vulnerabilities. For example, most travelers are aware of the
372 | 3-1-1 rule, prohibiting certain liquids and gels aboard the
373 | aircraft. We were able to bring a liquid component of the
374 | incendiary device through checkpoints undetected by studying
375 | policies related to this process.

376 | Also in two instances, our investigators were selected
377 | for a secondary inspection. However, in both cases, the
378 | security officer did not detect the prohibited items that our
379 | investigators carried on board the aircraft. One of our
380 | suggestions for TSA is to consider improved search
381 | techniques, including enhanced pat-downs.

382 | In conclusion, our testing shows that a terrorist group

383 using publicly available information could bring explosive
384 and incendiary devices on board an aircraft undetected. TSA
385 faces the monumental challenge of balancing security with the
386 efficient movement of passengers. Our work clearly shows the
387 increased security risk of the current policy of allowing
388 substantial carry-on luggage aboard aircraft. Absent changes
389 in the carry-on policy, we believe that risks can be reduced
390 through improvements in human capital, process and
391 technology.

392 As you requested, we will now show a short video. I
393 want to just briefly discuss what the video will show. The
394 first part of the video is the IED detonator I described,
395 which you will see used on an automobile. The second part of
396 the video is the liquid explosive, which is ignited by the
397 IED detonator. The third part will be the incendiary device
398 that I mentioned.

399 So if we could show the video.

400 [Video shown.]

401 Mr. KUTZ. Mr. Chairman, this ends our statement. Special
402 Agent Cooney and I look forward to your questions.

403 [Prepared statement of Mr. Kutz follows:]

404 ***** INSERT *****

405 Chairman WAXMAN. Thank you very much.

406 Mr. Cooney, did you have a statement?

407 Mr. COONEY. No, I don't, Mr. Chairman, but I will be
408 able to answer your questions at the appropriate time.

409 Chairman WAXMAN. Very good. Thank you.

410 Mr. Hawley?

411 STATEMENT OF EDMUND ``KIP`` HAWLEY

412 Mr. HAWLEY. Thank you, Mr. Chairman, Ranking Member
413 Davis, members of the Committee. I also thank you for having
414 this hearing and drawing attention to these issues. I
415 particularly appreciate the work of the Chairman and the
416 Ranking Member and their staffs, along with my colleagues
417 from the GAO, to protect sensitive information. I think this
418 is, as Mr. Mica mentioned, an extraordinarily important issue
419 that we deal with openly and transparently.

420 The videos that we saw a minute ago and the play on the
421 television are noteworthy and certainly get your attention.
422 I think the key point to it is, there are vulnerabilities in
423 every system of security. What we are engaged in is risk
424 management. As we look at risk management, it looks at an
425 IED that would have the capacity of taking an airplane down.
426 There are many, many, many steps, including making the bomb,
427 getting components through, perhaps assembling them, all
428 those various steps. And we look at the whole system.

429 And the 19 layers of security that Mr. Mica mentioned
430 and I put in my opening statement are like numbers in a
431 combination lock. If you find one number to a 19 number
432 combination, you have one number. What we have done is
433 identify and understand the vulnerabilities in our system,

434 | and there are vulnerabilities, and then put in place other
435 | layers to compensate for them.

436 | I would like to just give a quick summary. In August of
437 | 2005, we identified, I came on the job in July 2005. We
438 | looked at what are the vulnerabilities. We looked at the
439 | technology vulnerabilities, we looked at the people
440 | vulnerabilities and we looked at our strategy
441 | vulnerabilities. We identified that we had work to do in all
442 | three areas. We needed to dramatically upgrade the
443 | technology that we have at checkpoints for the point of
444 | eliminating the possibility of bringing on IED components,
445 | not the assembled bomb, but the components, a much, much more
446 | difficult task.

447 | So we re-trained the entire TSA work force with
448 | professional bomb techs directed at that, and changed our
449 | protocols to require us to train and test to the standard of
450 | IED components. And to put these tests in context, and I
451 | appreciate the work, they are done for a good purpose, they
452 | yield valuable information, but it is important to stay
453 | focused, not get panicked by looking at one particular number
454 | in that combination lock and worrying about the whole system.
455 | There are issues that need to be addressed and I welcome
456 | discussing them.

457 | But to put it in context, if the number of tests that
458 | the GAO did for this were measured in miles, there were 38

459 | tests, that would be roughly from here to Baltimore. The
460 | Office of Inspector General has done roughly 300 tests, this
461 | is in a three month period of this year. That is
462 | approximately from here to Philadelphia. And in a three
463 | month period at TSA, we do 225,000 tests. These are physical
464 | tests with actual bomb components going through, with real
465 | people smuggling through the checkpoint. That is the
466 | equivalent of going around the world eight times.

467 | So I think the trip to Baltimore, one can learn
468 | interesting things. But what we do every day and the 225,000
469 | over three months or over a million a year gives us very
470 | focused information on what we know terrorists work on. We
471 | know their capability. We focus our efforts on what will
472 | actually take down a plane as opposed to what might severely
473 | damage. My pen can do severe damage.

474 | We look at what can take a plane down and work backward
475 | from there each one layer. So yes, there are vulnerabilities
476 | in technology. I will address what we are doing about those.
477 | So we have put aside a significant amount of money to buy new
478 | AT machines, new checkpoint carry-on machines. We have
479 | announced a purchase of 250 already in October. We expect to
480 | double that, using fiscal year 2008 funds, should the
481 | Congress appropriate that money and the bill be signed.

482 | But 2008, we expect to move that number up to 500. To
483 | give you an idea, there are about 2,500 lanes in the United

484 States, 500 and some checkpoints. So this is a very, very
485 significant technology upgrade that we will be deploying in
486 2008 that will be the first significant technology upgrade
487 since the 1970s on carry-on luggage. That is in progress.
488 We identified it earlier, and now fortunately it is being
489 deployed.

490 On the strategy we identified in 2005, we are too
491 check-list oriented. If our TSOs are looking to find a
492 certain number of prohibited items and pull them out of bags,
493 they are not thinking ahead. I think as Mr. Davis mentioned,
494 we have to go on offense. We can't sit back at the
495 checkpoint looking through a prohibited items list and
496 fishing out peoples' objects. We have to be aware that they
497 change their technique. When we move one direction, they
498 will find a way around it. We have to play offense, we have
499 to be nimble. That is why we do so many of these other IED
500 component tests at our checkpoints every day, every shift,
501 every airport. It is the crux of what we do.

502 Then we said, in addition to being more flexible, better
503 technology, we need to change up what we do. We can't be a
504 sitting duck at the checkpoint with the same process. We
505 have added layers. We have added the behavior observation
506 layer, which is for people to identify suspicious behavior,
507 such as you would find with surveillance or pre-attack
508 planning. They are not bringing prohibited items. They are

509 | not breaking any laws. They are doing their surveillance
510 | feeling they are protected because we can't get them because
511 | they are not carrying prohibited items. Not true any more.
512 | Step into a U.S. airport, we have 600 behavior detection
513 | officers out there and they will pick you off in the public
514 | area.

515 | Then on top of that, we have added the ticket document
516 | checker, with the support of the Congress, and I appreciate
517 | that, to take over the critical point at which somebody shows
518 | up and shows identification. Now we have Federal officers
519 | there checking identity who have much better briefing who can
520 | then tie in with the behavior piece. On top of that, we have
521 | added our VIPR teams, which bring our Federal air marshals
522 | who are not flying on aircraft, they are now able to move
523 | undercover and overtly to do unexpected patrols everywhere in
524 | the airport environment. We also work, I should say, with
525 | our transit partners to help there, too.

526 | On top of that, we have added a program in the back of
527 | airports, where we have the equivalent of 1,000 headcount
528 | now, that we have developed to spend their time in the
529 | backside of airports. We are not just sitting at the
530 | checkpoint. We are looking at what are employees doing in
531 | the back, what is happening at the fuel dump, we are looking
532 | at what is happening in the parking garage, we are looking at
533 | who is driving into the airport. All of those things are now

534 added. Those are additional layers that have been added since
535 2005.

536 So we addressed, we identified the vulnerabilities in
537 2005. I told you on the technology we are after that with AT
538 and the millimeter wave, I should say, and backscatter, whole
539 body imaging, that gets us out of this pat-down issue. The
540 GAO mentioned enhanced pat-downs. We know what that means.
541 The TSA officers can do very enhanced pat-downs. It has not
542 been acceptable to the public. If that is something that we
543 have to do, we will do that. The better answer is millimeter
544 wave or backscatter, which allow people to have privacy
545 protections to go through and eliminate that possibility. So
546 technology would fix that.

547 Now the most important, the people. Our TSOs, we have
548 trained them, I mentioned that. We have career progression
549 now where our employees can move up and enhance their skills.
550 We have a pay for performance program. Our attrition is
551 dramatically down. Our attendance is up. The people who
552 flew on August 10th know that our TSOs stood up that day and
553 changed the entire security process overnight. That is not
554 an easy thing to do. It is nimble, it is fast, it shows a
555 commitment by our security officers.

556 So we know our vulnerabilities, and we are addressing
557 them, and we need one more thing. That is the support of the
558 public. Mr. Mica mentioned this, and I think it is absolutely

559 | critical. We need the passengers back in the game. We are
560 | on the same side and we need your help. Our officers come to
561 | work at 4:00 a.m. They came to TSA, they are coming to the
562 | airport to protect you. We need your help. This is not
563 | something to be gamed. We need you to separate out when you
564 | pack your bag, be very clear. Here are the components of
565 | what I am bringing on and let the officer quickly assess that
566 | is not a problem. The more we give clean bags to our TSOs,
567 | the less places there are to hide if you are a terrorist.

568 | So we ask for help on participating, we ask for help on
569 | the respect and appreciation of our officers who are doing a
570 | great job. I have to say, working with my international
571 | partners, that I believe the transportation security officers
572 | that we have are the best in the world. The layers of
573 | security that we have added are more than other countries. I
574 | have had many discussions with a lot of these countries. We
575 | work closely to align our security measures.

576 | The last point on 3-1-1, it not only works for us, but
577 | it was adopted by 170 countries around the world. The EU
578 | announced it and followed our lead. We are working together
579 | with our partners. So we need to partner with our public, we
580 | need to partner with our international colleagues and we need
581 | to be very direct in saying yes, there are vulnerabilities.
582 | We can't be squeamish and say, oh, my goodness, they brought
583 | some firecrackers through and put it in the trunk of a car.

584 | Well, you know what? That is something you have to face up
585 | to and say, we need to stop all things but we have to focus
586 | on what truly does us harm.

587 | So I appreciate the Committee's time and look forward to
588 | answering your questions.

589 | [Prepared statement of Mr. Hawley follows:]

590 | ***** INSERT *****

591 Chairman WAXMAN. Thank you very much for the testimony,
592 Mr. Hawley. We want you to be successful. The American
593 people are willing to do whatever is necessary. You can see
594 that every day at an airport where people wait patiently.
595 When the change was made about liquids, people became attuned
596 to it and wanted to cooperate. I appreciate your appeal to
597 people to even cooperate further.

598 But while that all sounds very good, we still have this
599 report, which is extremely troubling. And it follows another
600 report a year ago where we found that in 21 out of 21
601 incidents where GAO sent people to get on the planes, they
602 were able to get through. Mr. Kutz and Mr. Cooney, you heard
603 Mr. Hawley's testimony. He said he has additional layers
604 now. It is not just bringing in something that is not
605 appropriate. They are looking for the most serious, the most
606 serious thing that could be brought in that might lead to
607 taking down an airplane.

608 Did you and your people that did this study, did they
609 take something that was serious enough to take down an
610 airplane?

611 Mr. KUTZ. Again, the only way to determine that is
612 actually to have an airplane. But you saw the video, you saw
613 some of the explosion. Certainly it would cause severe
614 damage to an aircraft and potentially harm some of the
615 passengers. Whether it would bring an aircraft down, we don't

616 | have an aircraft to actually prove that. But certainly
617 | people we have consulted with that there is a possibility,
618 | what is going to happen at that many fee in the air I don't
619 | really know. But I think it is serious enough and I think
620 | that they would agree that this is a serious threat. Mr.
621 | Hawley did mention that in his opening statement. So I think
622 | we are in agreement with that.

623 | Chairman WAXMAN. Serious threat. Now, the airports,
624 | were they just at one airport or how many different airports
625 | were used for the GAO investigation?

626 | Mr. KUTZ. Well, as you mentioned, last year we did 21,
627 | and this year we did 19. In each of the airports, two of our
628 | investigators went through and as we always have, we have
629 | cover teams. So there are follow investigators in case our
630 | investigators run into any trouble. So we did, I guess,
631 | double the number of airports, 80 tests over two years.

632 | Chairman WAXMAN. Well, you did this first test last year
633 | in 2006. And it was requested by Congressman Mica. And in
634 | that investigation, GAO conducted undercover tests in 21
635 | airports. After you delivered your report, it was leaked to
636 | the media and the results were broadcast on national
637 | television. I want to play a clip from NBC Nightly News,
638 | this was on March 16th, 2006.

639 | [Video shown.]

640 | Chairman WAXMAN. Well, when that report came out, Mr.

641 | Hawley, you testified, and your response to last year's
642 | investigation was that TSA was implementing new training
643 | members that had not yet ``burned in'' to your transportation
644 | security officers. You promised that things were going to
645 | get better. Do our airports continue to have security
646 | vulnerabilities? I am pretty disturbed by the GAO report.
647 | Should the American people feel that you are going to be able
648 | to control this and protect the American public?

649 | Mr. HAWLEY. Yes. Yes. The American public can be
650 | confident traveling with the security system in place. You
651 | mentioned my testimony previously saying we were moving in
652 | that direction. We have accomplished that. Those were
653 | distributing the extra bomb-making kits, basically, the
654 | training devices to every airport, all the checkpoints. That
655 | is in place, that is operating today, and it is part of the
656 | training improvement effort. It works both ways, because you
657 | get the guy who is doing the test to figure out, how could I
658 | beat my own system, then they get somebody, another Federal
659 | agent unknown to bring it through, and then the TSO
660 | identifies it, in which case they congratulate them, or they
661 | don't, in which case they train them.

662 | Chairman WAXMAN. Let me ask, since my time is up, Mr.
663 | Kutz and Mr. Cooney, should, based on your investigation, the
664 | public think that our airports are secure?

665 | Mr. KUTZ. I think Mr. Hawley is correct, there is a

666 | broader picture to this, including the intelligence. The
667 | best prevent here is to keep the terrorists from getting to
668 | the airport in the first place. I firmly believe, I don't
669 | know if he necessarily agrees with that, but I think that is
670 | the solution to this. Once you are at the airport, there are
671 | a lot of other layers here.

672 | But I would point out with respect to the 2006 and 2007
673 | tests that the components that we brought through, and I am
674 | not allowed to say how often we got through, but the
675 | components we brought through both times were the same. Plus
676 | in 2007, as I mentioned in my opening statement, we had the
677 | liquid explosive in addition to those. So again, I don't
678 | know what processes were put in place between 2006 and 2007.
679 | But I don't think they were necessarily effective totally in
680 | looking at what we are talking about.

681 | Chairman WAXMAN. Still, a discouraging result.

682 | Mr. MICA. Mr. Chairman?

683 | Chairman WAXMAN. Yes.

684 | Mr. MICA. I would like to ask a unanimous consent
685 | request that a letter that I sent to then-Attorney General
686 | Alberto Gonzalez, March 28th, 2006, in regard to the leaks,
687 | which took place, which you just showed there, and I have a
688 | partial response in September from the Department of Justice.

689 | Chairman WAXMAN. Without objection, the document you
690 | wish to put into the record will be made part of the record.

691 [The referenced information follows:]

692 ***** COMMITTEE INSERT *****

693 Mr. MICA. Mr. Chairman, I am not trying to put in
694 something to cover the Administration. They never properly
695 responded or investigated the leaks, which revealed national
696 security information. Thank you.

697 Chairman WAXMAN. Thank you. Mr. Davis?

698 Mr. DAVIS OF VIRGINIA. Thank you.

699 Mr. Kutz and Mr. Cooney, let me just ask, a lot of the
700 material we are talking about that came through, this was
701 gels and liquids, is that correct?

702 Mr. KUTZ. Some.

703 Mr. COONEY. Some, yes, sir. Some. No gels.

704 Mr. DAVIS OF VIRGINIA. Okay. And right now, if you go
705 through metal detectors, there is no way really to detect
706 liquids, is that fair to say?

707 Mr. COONEY. I can't go into the methods we used, but
708 they were--

709 Mr. DAVIS OF VIRGINIA. I am not saying everything. I am
710 just saying, if I were to talk through a metal detector today
711 that you have at the airport, that doesn't necessarily get
712 liquids, is that correct?

713 Mr. COONEY. No, it does not pick up liquids.

714 Mr. DAVIS OF VIRGINIA. So if I have a vial in my pocket
715 with four ounces of five ounces of liquid it wouldn't be
716 detected going through the detector, is that fair to say?

717 Mr. COONEY. It is fair to say depending on what material

718 | the vials are made up of.

719 | Mr. DAVIS OF VIRGINIA. But in some cases, some of the
720 | things that could be used to assemble a bomb or an IED would
721 | not be detectable?

722 | Mr. COONEY. Yes, sir.

723 | Mr. KUTZ. Mr. Davis, as I mentioned in my opening
724 | statement, some of the things we brought through the
725 | checkpoints were carried on our persons.

726 | Mr. DAVIS OF VIRGINIA. Right.

727 | Mr. KUTZ. So I think that addresses your point.

728 | Mr. DAVIS OF VIRGINIA. So Mr. Hawley, that is a hole
729 | right now, correct?

730 | Mr. HAWLEY. Absolutely. An object on a person is
731 | something that needs mitigation.

732 | But the question is overall, if there is a vulnerability
733 | one place, such as a magnetometer, what are you doing
734 | elsewhere to make up for it.

735 | Mr. DAVIS OF VIRGINIA. I understand. And some people
736 | you do pull aside and pat down.

737 | Mr. HAWLEY. Yes.

738 | Mr. DAVIS OF VIRGINIA. I understand you have
739 | intelligence and you have everything combined. But it didn't
740 | work with the GAO, I guess that is my question.

741 | Mr. HAWLEY. Well, there are two ways to improve what we
742 | do in the walk-through. One is the millimeter wave answer,

743 | or the backscatter, which is a technology answer. It has
744 | some privacy issues. Highly effective but very good. The
745 | other is the enhanced pat-down, as the GAO has suggested,
746 | which has had some very significant concerns in the American
747 | public. Our officers are capable of doing it, but those
748 | would be the two directions to go for closing any
749 | vulnerability that specifically you mentioned. Obviously
750 | there are other ones in front and behind.

751 | Mr. DAVIS OF VIRGINIA. I just want to focus on that,
752 | because I think that is understandable to, at least I
753 | understand it. Do we have any technology that can discern
754 | banned liquids and gels from those that are okay?

755 | Mr. HAWLEY. Yes.

756 | Mr. DAVIS OF VIRGINIA. And are we working on equipment
757 | and machinery that may be able to detect that?

758 | Mr. HAWLEY. Yes. We have purchased 200 already and we
759 | are purchasing an additional 400 in fiscal year 2008 should
760 | the appropriations bill go through.

761 | Mr. DAVIS OF VIRGINIA. Mr. Kutz, if that were to be in
762 | operation, that would really cut down on the vulnerability,
763 | would it not?

764 | Mr. KUTZ. I don't know enough about those machines to
765 | tell you for sure. I would defer to Mr. Hawley, because he
766 | knows what we brought through, so he would be able to answer
767 | that question.

768 Mr. DAVIS OF VIRGINIA. Okay. Do you feel that would
769 significantly cut down on some of the--

770 Mr. HAWLEY. Very, very significantly add to the risk
771 management.

772 Mr. DAVIS OF VIRGINIA. If the technology does not exist
773 today, are we taking a chance by allowing liquids and gels
774 even in limited amounts aboard a plane at this point, as we
775 look at it today?

776 Mr. HAWLEY. It is a risk management process. And we did
777 originally ban everything. That was before we understood in
778 detail all aspects of what the terrorists were planning. We
779 have shared that with our international partners and have
780 come to the agreement of all of us, based on intelligence and
781 science and security issues, that the 3-1-1 is effective.
782 Because if you ban all liquids, then you are putting a lot
783 more pressure on the checked baggage system. That can create
784 its own problems in terms of just even the volume of checked
785 bags.

786 Mr. DAVIS OF VIRGINIA. Getting at Diet Coke or
787 something, if it is labeled and you buy it inside, it
788 shouldn't be a problem. Since the limitations on gels and
789 liquids came out of the U.K. threat last year, what does the
790 U.K. do to address the threat in terms of screening
791 passengers for liquids and gels?

792 Mr. HAWLEY. One of the things is allow one carry-on bag,

793 | not one plus one as we do in the United States. So that was
794 | one thing.

795 | I should say we are in constant communication with the
796 | U.K. on all of these matters. We are of common mind and
797 | common strategy. In fact, we are both buying these advanced
798 | x-ray machines for checkpoint, both working on the millimeter
799 | wave and both developed the 3-1-1.

800 | Mr. DAVIS OF VIRGINIA. In Israel, how do they handle
801 | this threat?

802 | Mr. HAWLEY. They have a different security process, in
803 | that they have one major international airport. So they have
804 | a very aggressive, I think as you know, the questioning on
805 | the up-front, and if they are doing a pat-down, it is
806 | significantly different from what you get in the United
807 | States.

808 | Mr. DAVIS OF VIRGINIA. Let me just ask finally, if
809 | mandatory pat-downs were in place, let me ask Mr. Kutz, if
810 | mandatory pat-downs were in place, would you have likely been
811 | caught, at least during the banned substances that were
812 | hidden on the bodies?

813 | Mr. KUTZ. I think it depends on the person doing the
814 | pat-down, it depends on the aggressiveness and what parts of
815 | the body are patted down.

816 | Mr. COONEY. With the pat-downs that they have in place
817 | right now, that TSA implements, I believe we would not have

818 | been caught. That has to be changed.

819 | Mr. DAVIS OF VIRGINIA. I appreciate it. Thank you.

820 | Chairman WAXMAN. Thank you, Mr. Davis.

821 | Mr. Cummings?

822 | Mr. CUMMINGS. This testimony is very troubling. I am
823 | wondering whether we have some low expectations here. Mr.
824 | Kutz, you are, I guess for you all to conduct these tests,
825 | you know what procedures are in place?

826 | Mr. KUTZ. We use only publicly-available information. So
827 | to the extent that it is something we have either observed
828 | going through an airport or see on the internet, we try not
829 | to do our tests with any insider information.

830 | Mr. CUMMINGS. Okay, so you are just like Joe Citizen?

831 | Mr. KUTZ. Yes, sir.

832 | Mr. CUMMINGS. That might be even worse. What I am
833 | saying is, you were able to--what were your expectations? I
834 | guess that is what I am wondering. Because I hear Mr. Hawley
835 | talk about, and I still don't fully understand it, the
836 | combination lock and the 19 layers. But the bottom line is,
837 | this stuff still got on the plane. Duh. It got on the
838 | plane.

839 | Mr. HAWLEY. It actually did not get on the plane.

840 | Mr. CUMMINGS. It didn't?

841 | Mr. HAWLEY. In theory, it might have. But in theory, I
842 | can dunk a basketball.

843 Mr. KUTZ. No, it got on the plane. I would disagree
844 with that. It got on the plane--

845 Mr. HAWLEY. Not what you saw on the video.

846 Mr. CUMMINGS. Excuse me, excuse me, gentlemen. I will
847 come back to you, Mr. Hawley, because I want to be fair. Did
848 the items get on the plane that you, when you conducted some
849 tests and you showed the results of the devices, the kinds of
850 things that you were able to get on the plane, did those
851 things get on the plane?

852 Mr. KUTZ. Yes.

853 Mr. CUMMINGS. Okay. And Mr. Hawley, as I listen to your
854 testimony, you talk about all of these layers. Can you
855 explain that combination lock thing again to me, because I
856 missed that one.

857 Mr. HAWLEY. You bet. What does it take to do a
858 catastrophic terrorist act? You have to plan it, you have to
859 procure the materials necessary to do it, you might
860 communicate with other conspirators. All of those represent
861 opportunities to stop the attack if you are tightly lined up
862 with intelligence and law enforcement.

863 Then you might have to travel to go to a training camp
864 or to come to the United States or travel in the U.S. That
865 is an opportunity. Then there is the surveillance. They are
866 going to have to see what it is they want to do. That is an
867 opportunity.

868 Mr. CUMMINGS. I got you. Now, let's fast forward to the
869 checkpoints.

870 Mr. HAWLEY. You bet.

871 Mr. CUMMINGS. How important are the checkpoints?

872 Mr. HAWLEY. Very important.

873 Mr. CUMMINGS. And would you say that they are the most
874 important?

875 Mr. HAWLEY. No.

876 Mr. CUMMINGS. Okay. So if the security checkpoints,
877 they are critical, though, is that right?

878 Mr. HAWLEY. No, I think that is one of the problems, is
879 that Americans focus that the whole thing is the checkpoint.
880 And the security system is a layered security system.
881 Because if they say the checkpoint is all buttoned down, then
882 the attack comes through the perimeter, the attack comes in
883 front of the airport. There is a ManPad attack.

884 There are thousands of ways to attack. If you put all
885 your resources at the checkpoint to make that bulletproof,
886 they say thank you very much and go someplace else to get in.
887 So you have to secure the entire environment at a basic level
888 and then you have to upgrade in an unexpected, unpredictable
889 way.

890 Mr. CUMMINGS. Let me ask you this. All these people are
891 standing in these long lines, everybody in this room. They
892 are standing in long lines, thinking that the checkpoints are

893 | critical. Are you telling me that they are not?

894 | Mr. HAWLEY. I am telling you they are a piece of the
895 | puzzle. And the lines are not extraordinarily long. I would
896 | expect next week we are going to be tested by the largest
897 | load of passengers. I am looking forward to the challenge
898 | and our officers are looking forward to the challenge.

899 | Mr. CUMMINGS. Now, the other layers of security you
900 | refer to deal mostly with intelligence gathering. And
901 | certain individuals making sure that certain individuals
902 | don't get to security checkpoints in the first place. Are
903 | you talking about racial profiling?

904 | Mr. HAWLEY. No, no, no, no. No, because terrorists use
905 | people who specifically don't ``look like'' terrorists. If
906 | you rely on what you think a terrorist looks like, you are
907 | going to miss them.

908 | Mr. CUMMINGS. Well, I can tell you, Mr. Hawley, it seems
909 | like at the rate we are going, and I really didn't expect the
910 | testimony that you provided us, because it sounds like we are
911 | almost, you are saying that, I think, that you know we can,
912 | you think we can do better, but we are just going to have to
913 | tread water until we get there.

914 | Mr. HAWLEY. No, no, no. We have to do better every day.
915 | That is why we do all these tests. That is why every test
916 | every day, to improve. But we have to stay ahead of the
917 | threat, because if we just focus on what we saw in the video,

918 | yes, we can guarantee that that won't happen.

919 | Mr. CUMMINGS. But doesn't that upset you, that 19 of 19
920 | or whatever it was could get through and get on the plane?

921 | Mr. HAWLEY. No. I think that it is instructive and
922 | helpful and is a data point. But as I said, we do 2,500 a
923 | day every day. And we target it to our vulnerabilities. We
924 | know what they are. Those tests allow us then to close the
925 | gap. Frankly, some of the stuff we saw here is not a concern,
926 | honestly. There is some of it that is a concern.

927 | So we focus on the piece that could do serious,
928 | catastrophic damage, take an airplane down. That is what we
929 | go after. We know that if somebody goes up and puts on a
930 | flash in the plane, that is not a good thing, they will be
931 | arrested and other passengers will certainly take it out on
932 | them. But we are not going to put our resources against
933 | things that are scientific demonstrations. We are looking
934 | for the terrorists.

935 | The terrorists are very smart. They know what takes a
936 | plane down. That is the enemy we have to stop. We like the
937 | coaching and the information we get from the GAO. Very
938 | helpful, good partner. But it doesn't get to the point of
939 | what the terrorists are doing.

940 | Chairman WAXMAN. The gentleman's time has expired. Thank
941 | you, Mr. Cummings.

942 | Mr. Mica?

943 Mr. MICA. Thank you. At the end of 2005, I asked GAO to
944 conduct studies and tests of performance at TSA. There are
945 three types of testing that have gone on. One is the
946 Inspector General of Homeland Security, TSA test itself and
947 then independent GAO. I asked GAO because I was made aware,
948 and again, we are in a deadly, a very deadly game. But you
949 don't have to be a rocket scientist to figure out that
950 terrorists or folks who want to take us out are looking for
951 the next level of vulnerability. We are always putting
952 something in place that deals with the last incident.

953 What disturbed me about this 2006 leak, and I don't know
954 who leaked this, but after you concluded your tests and
955 before I even got a copy of the test, information was leaked.

956 Mr. Waxman showed it here. Do you know anyone who leaked
957 this, Mr. Cooney or Mr. Kutz?

958 Mr. KUTZ. No. No one is aware, and FBI did not do an
959 investigation based upon yours and the Comptroller General's
960 request.

961 Mr. MICA. Okay. What disturbed me in that is because
962 this information was given to me, was to be given to me and I
963 did learn of the failure. This failure is not new that you
964 just released in your report, is that correct? This failure
965 is not new. It mirrors what took place in your last test a
966 year ago, is that right?

967 Mr. KUTZ. It mirrors it plus the liquid explosive we

968 | mentioned.

969 | Mr. MICA. Okay. And one of the reasons I asked you to
970 | conduct a test is because TSA had not conducted those kinds
971 | of tests, is that correct, Mr. Hawley?

972 | Mr. HAWLEY. We started doing liquid tests in 2006,
973 | before the liquid plot in the U.K.

974 | Mr. MICA. When we met in April of this year, I asked you
975 | if you had done similar tests to what GAO had done. And you
976 | had said, yes. Then you came back and you told me you had to
977 | correct, with the meeting when we had the hand-off to Mr.
978 | Costello and the others, then you came back and you told me
979 | no. You corrected yourself. Which is the case?

980 | Mr. HAWLEY. Well, the GAO has done a number of different
981 | types of testing. So it gets into the technical--

982 | Mr. MICA. Well, again, the specific type of test that we
983 | saw displayed here. You had done that or you had not done
984 | that?

985 | Mr. HAWLEY. If we are talking about chemicals, yes. If
986 | we are talking about the exact same chemicals, no.

987 | Mr. MICA. You had not?

988 | Mr. HAWLEY. No.

989 | Mr. MICA. Sort of non-traditional explosives, which I
990 | consider our biggest threat at this time. You were at that
991 | meeting. The other thing that was at the meeting is that
992 | they sort of pooh-poohed, TSA sort of pooh-poohed the results

993 | of that explosion with that material. Is that correct?

994 | Mr. COONEY. Yes, sir.

995 | Mr. MICA. Okay. Have you had that material tested to
996 | see if it would do catastrophic damage?

997 | Mr. COONEY. Yes, sir.

998 | Mr. MICA. And what were the results?

999 | Mr. COONEY. We have had two independent opinions on
1000 | that, and the results are that placed in the appropriate
1001 | place on an aircraft, and I can't say where that is at this
1002 | hearing, that it could possibly do catastrophic damage.

1003 | Mr. MICA. Okay. See, I am not out to, Mr. Hawley, I
1004 | just was disturbed by again not giving the other side as they
1005 | took over all the information. I wish I could talk more
1006 | about that.

1007 | Okay, we failed. Now, of course, when I learned this, I
1008 | would have been negligent, too, if we didn't do something or
1009 | Mr. Hawley didn't do something. And he learned about this
1010 | back a year ago. We know what can make up for problems at
1011 | the checkpoint. One, we started putting behavior analysis
1012 | people in place. We still don't have that done, do we, Mr.
1013 | Hawley?

1014 | Mr. HAWLEY. Yes, we do, 2,000.

1015 | Mr. MICA. At every checkpoint?

1016 | Mr. HAWLEY. The President signed a budget amendment last
1017 | week, so we will be able to--

1018 Mr. MICA. But it is not done yet? I am not giving you a
1019 hard time. I just want to say that we learned that.

1020 Mr. HAWLEY. Six hundred in place.

1021 Mr. MICA. When you did your tests most recently at the
1022 21 airports, Mr. Hawley, do you know how many of those had
1023 our new protocol?

1024 Mr. HAWLEY. I do not. In terms of the BDOs? Are you
1025 talking about the BDOs or the 3-1-1?

1026 Mr. MICA. The behavior analysis trained personnel that
1027 we started putting in place after we learned that the
1028 technology in place would not handle this.

1029 Mr. HAWLEY. We do not know.

1030 Mr. MICA. I want to know. I want to know how many of
1031 those people, that should have been the first thing we did is
1032 find out if what we put in place failed. That is just--I
1033 can't accept that. That is beyond belief that we would not
1034 know what we put in place.

1035 Now, the technology is there also to deal with some of
1036 these non-traditional explosives, is that correct?

1037 Mr. HAWLEY. That is correct.

1038 Mr. MICA. Okay. Could I have an additional minute by
1039 unanimous consent?

1040 Chairman WAXMAN. Well, if you want to make one last
1041 question, do it. You said nice things about me, so I am
1042 going to give you one more minute.

1043 [Laughter.]

1044 Mr. MICA. One of the last things, my last question, you
1045 test, Mr. Hawley, your personnel on performance. USA
1046 reported in October statistics that have been publicly made
1047 available, maybe they were classified but they are here.
1048 What concerns me even more, and I have the past performance
1049 levels, this seems to indicate that there is not improvement,
1050 in fact, it looks like we have lost ground in passenger
1051 screening.

1052 Mr. HAWLEY. No. And let's be clear. If you want good
1053 scores, I will deliver you good scores. What we are saying
1054 is--

1055 Mr. MICA. No, I know we--

1056 Mr. HAWLEY.--we are going to take on the toughest
1057 assignment, which is they are bringing improvised explosive
1058 devices in component parts, and we are going to train and
1059 test against that. That is really, really hard. I would
1060 suggest there might be any number of facilities within ten
1061 miles of here that would have a very difficult time to detect
1062 all these things. We are focused on the toughest, toughest
1063 part of it, we train and test on it. That article was
1064 something about training. There was not data in there about
1065 test results.

1066 Chairman WAXMAN. Thank you, Mr. Mica.

1067 I am confused about one point, just to clarify for the

1068 | record. Mr. Cummings asked whether the materials got on the
1069 | plane, and as I understand it, Mr. Kutz you said yes and then
1070 | Mr. Hawley, you said no. What would be the basis for your
1071 | saying that on GAO tests, it didn't get onto the plane?

1072 | Mr. HAWLEY. My understanding is that what was in the
1073 | video was not what was brought through the checkpoint. The
1074 | reason that is significant is that you would have had to
1075 | assemble the bomb past the checkpoint. And there are
1076 | measures in place between the checkpoint and the aircraft
1077 | that would make it more difficult for somebody to therefore
1078 | get there. So as I said, you can get through a piece of it,
1079 | you can get a piece through the checkpoint, perhaps. But
1080 | there are other barriers on the way. And I just wanted to
1081 | make clear it was not a completed IED that went through and
1082 | got on the aircraft.

1083 | Chairman WAXMAN. Well, we are talking about GAO's--what
1084 | was the situation?

1085 | Mr. COONEY. Mr. Chairman, we did not, after we got
1086 | through the checkpoint, we did not construct the device. We
1087 | brought all the components onto the aircraft. That is to say
1088 | that we could not have constructed it on the aircraft. We
1089 | could have simply gone into the lavatory on the aircraft once
1090 | the plane was airborne and constructed the device there. So
1091 | we did bring all the components onto the aircraft.

1092 | Chairman WAXMAN. It did get onto the plane.

1093 Mr. Higgins?

1094 Mr. HIGGINS. Thank you, Mr. Chairman. I just have a
1095 couple of observations. Mr. Hawley, you had indicated at the
1096 beginning that TSA officers have the best interests of the
1097 flying public in mind and that the flying public should be
1098 more, presumably tolerant of the work that TSA does to
1099 protect them. The thing that kind of concerns me about this
1100 panel is that there seems to be an adversarial relationship
1101 TSA and the Government Accountability Office, where in fact
1102 my sense is you have the same primary objective, and that is
1103 to protect the public, and the flying public in this
1104 particular circumstance.

1105 I understand that there are layers of security and that
1106 risk management is not a perfect science, that you have to
1107 not only take into consideration possibility, but also
1108 probability. So when I look over the testimony and this
1109 seemingly adversarial history that exists between TSA and
1110 GAO, that fundamentally raises some questions and concerns,
1111 because my sense is that that GAO is not conducting this to
1112 embarrass anybody, but knowing that a security system in its
1113 many layers is an evolving process that takes into
1114 consideration information that may not have been presumed
1115 when originally security systems were put in place, that it
1116 has to be flexible, it has to be elastic, it has to be
1117 evolving.

1118 Your thoughts?

1119 Mr. HAWLEY. I would just like to say, although we
1120 definitely are sparring a little bit today, we have a
1121 surprisingly good relationship in that, the reason I have
1122 said certain things was to have the record be clear. Because
1123 I think it is a key point, the difference between
1124 catastrophic failure and something unsafe on the aircraft. I
1125 think we are absolutely in lockstep in terms where we end up.
1126 I think we agree strongly with GAO's suggestions as to what
1127 goes forward. The value they bring is in some other areas
1128 other than the ones that I am disputing.

1129 So I take it as an indication of our respect and sort of
1130 professional relationship. But it actually is a very good
1131 relationship.

1132 Mr. HIGGINS. On behalf of the flying public, we want to
1133 encourage you to work together and to continually improve the
1134 security system.

1135 Mr. KUTZ. Yes, we do often spar over the facts. But I
1136 think the important part is, as you said, the suggestions we
1137 have, if they consider those seriously and where appropriate,
1138 implement them, that is the most important part at the end of
1139 the day and hopefully that is what they will walk away with
1140 from this.

1141 Mr. HIGGINS. Great. Just a final question, Mr.
1142 Chairman. Mr. Kutz, you had said that one of the

1143 | recommendations to TSA was increased pat-downs. I am just
1144 | curious, is it a more comprehensive pat-down per incident, or
1145 | is it more incidents of pat-downs that you are recommending?

1146 | Mr. KUTZ. No, it is actually the pat-down being, if I
1147 | could say a little bit more thorough.

1148 | Mr. HIGGINS. Thorough, okay.

1149 | Mr. KUTZ. Yes.

1150 | Mr. HIGGINS. Thank you very much. That is all, Mr.
1151 | Chairman.

1152 | Chairman WAXMAN. Thank you, Mr. Higgins.

1153 | We are being called to the House Floor for a series of
1154 | three votes, which ought to bring us back here in a half
1155 | hour. So we are going to recess then reconvene to complete
1156 | the hearing. So we stand in recess.

1157 | [Recess.]

1158 | Chairman WAXMAN. I want to call the hearing back to
1159 | order. We will start with Mr. Yarmuth.

1160 | Mr. YARMUTH. Let me start by saying I am a little bit
1161 | uncomfortable with conversations like these, as I am sure you
1162 | are, recognizing on the one hand our obligation to provide
1163 | oversight on airport security and also the security of
1164 | striking that very delicate balance between trying to make
1165 | the public confident that we are doing what we need to be
1166 | doing, and also not scaring them to the point where they are
1167 | afraid to fly.

1168 I remember back in my journalist days, back right after
1169 the 9/11 crashes, and I was doing an interview with the
1170 director of the airport in Louisville, and asked him, going
1171 through a number of the measures they were taking, whether
1172 these measures in fact were designed to provide real security
1173 or the illusion, the perception of security. He was quite
1174 candid and said, this is basically to create the perception
1175 of security, because there is a limit to what we can do to
1176 provide real security. I probably won't get any serious
1177 disagreement out of you on that.

1178 But with that premise, whether you accept it or not, I
1179 would like to ask a couple of questions, because we all go
1180 through security on a weekly basis. And by the way, I will
1181 say the TSA people in my airport in Louisville are terrific,
1182 they work hard, they are very considerate. I have no
1183 complaints about them. But it seems like a lot of the
1184 measures that are taken don't focus on what you talked about,
1185 focusing on the priorities of not bringing a plane down, but
1186 to again create some kind of an illusion which, when you get
1187 behind them, don't make any sense. This is going to sound a
1188 little trivial, but it is parochial and important to me.

1189 We make Louisville Sluggers at Hillerich and Bradsby in
1190 Louisville. You can go on a tour of the museum there. They
1191 sell souvenir baseball bats. Souvenir baseball bats are
1192 about 15 inches long and probably not much bigger around than

1193 | this pencil, and you can't take them on a plane.

1194 | Now, I will guarantee you, and there is a big display
1195 | when you go through the TSA line that you can't bring these
1196 | little bats on the plane. Now, I guarantee you, I am
1197 | carrying, every time I am on the plane, things that I could
1198 | do more damage with than those baseball bats. It seems to me
1199 | that that is one of those instances in which we focus on
1200 | things that don't make any sense, don't provide any security
1201 | and may in fact, if we are relying on people who are stressed
1202 | and have to cover a lot of people and so forth, we are making
1203 | them deal with things that don't make any difference in the
1204 | final analysis. Would you care to comment on that, Mr.
1205 | Hawley?

1206 | Mr. HAWLEY. I think you have raised a number of good
1207 | points. Specifically on that one, we are looking right now
1208 | at the prohibited items list, and we are doing it in
1209 | conjunction with our partners in Canada and the European
1210 | Union and other places, so that we can have a common
1211 | framework. As you know, we made the decision on scissors and
1212 | small tools, and recently the lighters, based on risk
1213 | management.

1214 | So we specifically are looking at the baseball bats as
1215 | well as the rest of the prohibited items list, because we
1216 | have to stay flexible. Again, I want to get away from the
1217 | checklist mentality, where we are just looking to take things

1218 | away. We need to look for the person who is bringing a novel
1219 | threat.

1220 | Mr. YARMUTH. And I guess the other question I would have
1221 | is, you may have alluded to this earlier, but it seems to me
1222 | that in most cases, the greatest protection you would have in
1223 | terms of things that go on in the passenger cabin are the
1224 | other passengers. And not necessarily things that you would
1225 | do going in. Richard Reid was ultimately stopped because it
1226 | was a passenger who pointed out that it was unusual that
1227 | somebody would try to light his foot on the plane.

1228 | Mr. HAWLEY. I would like to address the charade issue,
1229 | because I hear it a lot, I see it on the blogs. We directly
1230 | address that in the IED component piece. We can get high
1231 | scores on testing, et cetera. But our officers know in
1232 | reality what is real and what is charade. In order to get
1233 | them prepared and motivated and switched on to look for the
1234 | difficult threat, they have to believe that what we are
1235 | really doing is security.

1236 | So we have really worked hard in the last couple of
1237 | years to openly communicate with our work force about the
1238 | threats. What we do we do because we believe it is a security
1239 | matter. And we do need the support of the Congress and the
1240 | public when we do change a security measure, because you can
1241 | always come up with a scenario that says I can use X to do Y.
1242 | And all of it is risk management. It is very difficult.

1243 Any one issue you can fight over. But you have to fit the
1244 whole thing together. I think it is a pretty complex
1245 equation. It is important that we address these
1246 vulnerabilities publicly, so the public knows that is
1247 involved.

1248 Mr. YARMUTH. Along those lines, I am not sure I have
1249 ever heard an announcement from a flight attendant inside a
1250 cabin about, and I know you don't want to make people so
1251 hypersensitive that they will report things that are just
1252 normal behavior, but when you get paranoid people, but that
1253 you need to be alert to what people are doing in the cabin
1254 and if you see any suspicious activity to report it. Has
1255 there ever been any thought to utilizing the crew to actually
1256 enlist the passengers in those precautions?

1257 Mr. HAWLEY. Well, certainly the crews are enlisted. We
1258 don't make any announcements. Actually you would be
1259 surprised, we probably get two or three a day of disruptive
1260 passengers subdued by other passengers. So I think we all
1261 travel at a heightened state of alert. I am very confident,
1262 given the track record we have, that people doing suspicious
1263 activities are in fact reported.

1264 Mr. YARMUTH. Good. My time is up. Thank you, Mr.
1265 Chairman.

1266 Chairman WAXMAN. Mr. Westmoreland, I think you are next.

1267 Mr. WESTMORELAND. Thank you, Mr. Chairman.

1268 Mr. Hawley, I just want to go back to a couple of
1269 things. One was the point about whether this material that we
1270 saw on the video actually got on the plane or didn't get on
1271 the plane. I think it was Mr. Cooney that said it did get on
1272 the plane. And you said that it may have, but not in a form
1273 that could have caused the damage.

1274 You mentioned that there were some other points, I
1275 guess, between the screening location and where it would have
1276 actually got on the plane. So are we to be under the
1277 assumption that these people would prepare this thing prior
1278 to boarding the plane or once they boarded the plane?

1279 Mr. HAWLEY. Of course, they could attempt either. From
1280 the checkpoint to the boarding gate, there is a significant
1281 amount of security that is not seen. As you know, we have a
1282 significant number of Federal air marshals flying every day.
1283 They are undercover, they are in airport boarding gates.
1284 Part of their job is when they are not actually on the
1285 aircraft to be patrolling in those areas, on the lookout for
1286 this. We know exactly what can bring a plane down, we know
1287 the characteristics of that chemistry and what you have to do
1288 to mix it properly. So there are some tell-tales that you
1289 can pick up on that would make it very, very difficult for
1290 someone to get away with it.

1291 I think the point Mr. Cooney raised, on the aircraft, in
1292 the restroom, is something that we pay attention to, and

1293 | certainly flying air marshals and flying flight crews pay
1294 | attention to it. But we look at, we really look across the
1295 | board.

1296 | Mr. WESTMORELAND. Okay. Let me ask you this. I think
1297 | that you mentioned that there has been too much attention, or
1298 | TSA agents are having to pay too much attention to carry-on
1299 | baggage. Just from experience, in doing quite a bit of
1300 | flying, there are some people that carry on everything but
1301 | the kitchen sink. Supposedly, it is a one bag carry-on, one
1302 | carry-on and one personal item. Would it help if we start
1303 | enforcing that to where you could spend more time on the
1304 | person, on the physical person, rather than having to go
1305 | through all these bag checks? Some people get in line, they
1306 | have five of the gray trays and then some other stuff going
1307 | through. When can we have some enforcement of that, where
1308 | you are kind of given a little more flexibility in looking at
1309 | that individual?

1310 | Mr. HAWLEY. It is a shared responsibility with the
1311 | airlines. We looked at this during the liquid plot with the
1312 | U.K. They went to one bag, we did not. Our concern and my
1313 | concern was, you get a duffel bag and toss your two or
1314 | however many it is in there and zip it up and say, voila,
1315 | here is my one bag. Then that gets, that is too congested
1316 | for us really to give an easy look. So you have to do a bag
1317 | check and then that is a nightmare.

1318 So it really is, that is why I say partnering with the
1319 public, that we have to fight through 10 million images a
1320 day, and the extent to which the public can make them less
1321 cluttered, it gives terrorists less room to hide and it
1322 speeds the process.

1323 Mr. WESTMORELAND. So you don't think that would be an
1324 alternative in trying to get the airlines to more enforce
1325 what they are doing?

1326 Mr. HAWLEY. Yes, I would focus on the weight. I think
1327 the weight is a bigger problem than the number. Because we
1328 injure our folks sometimes when picking up a bag and it is
1329 way too heavy. But we have to operate in the world that
1330 exists and not unduly do commerce. Our challenge is it is
1331 our job to find the bomb part, no matter what is thrown at
1332 us. And that is what we hold our officers to.

1333 Mr. WESTMORELAND. And I know that you are probably going
1334 through all the training and trying to get everybody through
1335 the training. I know that Mr. Mica had mentioned the
1336 behavioral interviewing or whatever. I am sure that is a
1337 much more difficult process or more training that you have to
1338 send somebody through, and they probably have to have a
1339 certain tendency to be able to do that.

1340 But it does concern me that these tests were run in
1341 several airports, and you, or the TSA doesn't seem to know if
1342 this behavioral part was there, and if it did any good or

1343 | whatever. I don't know how much information you have shared
1344 | back and forth about the test and the airports and who it
1345 | was. But I would like for you to comment on that if you
1346 | would.

1347 | Mr. HAWLEY. Yes, it is a key point. Part of the
1348 | protocol, and I respect the protocol, is they don't give us
1349 | advance notice. So we don't know when they are coming, and
1350 | whether they know it, the BDOs or not. We in fact are
1351 | working on tests of what we call the behavior detection
1352 | officers. It is, we are finding it is difficult to simulate
1353 | the actual stress of somebody with hostile intent. So we are
1354 | working with other countries who have capability there, as
1355 | well as with our research arm at the Department, to get the
1356 | scientific data that will say how good our officers are, just
1357 | on the behavior.

1358 | Mr. WESTMORELAND. Mr. Hawley, I want to thank you for
1359 | the job that you are trying to do with TSA. I know it is a
1360 | big, big undertaking. I appreciate your coming here today.
1361 | I know it was probably similar to having a root canal. But I
1362 | do want to thank you for that.

1363 | Chairman WAXMAN. Thank you, Mr. Westmoreland.

1364 | Mr. Shays?

1365 | Mr. SHAYS. Thank you, Mr. Chairman, again for holding
1366 | this hearing.

1367 | Mr. Hawley, I wouldn't want your job. I want to say

1368 that up front. I think it is one of the most difficult jobs.
1369 I think it is a no-win job. But I was uncomfortable with
1370 the morning part of this hearing, because I felt like we were
1371 making, giving us the sense that we have 19 points, so they
1372 got through 1, and that is not good, but don't lose sleep
1373 over it. And I am losing sleep over it, and I don't have
1374 your job.

1375 Mr. Kutz, my understanding is you attempted 21 times to
1376 bring in explosive devices. Is that correct?

1377 Mr. KUTZ. It was 21 times in 2006 and 19 in 2007.

1378 Mr. SHAYS. Now, of the 21 times, how many got through?

1379 Mr. KUTZ. I can't discuss that specifically. That is
1380 considered sensitive security information.

1381 Mr. SHAYS. Did a majority get in?

1382 Mr. KUTZ. I am not supposed to--I can say we got
1383 through.

1384 Chairman WAXMAN. If Mr. Shays would yield to me, Mr.
1385 Davis and I have had a briefing with the intel people and we
1386 didn't think it was productive to get into any kind of
1387 numbers.

1388 Mr. HAWLEY. I could offer that the numbers are not
1389 necessary to get the learning from it. And I think we derive
1390 a significant amount of learning. So we would stipulate that
1391 there are learnings to be had regardless of the numbers.

1392 Mr. SHAYS. Okay. I am going to go under the assumption,

1393 | then, because I don't know, that a majority got through. And
1394 | given that, I would like to ask this question. Mr. Kutz, if
1395 | you had attempted 19 times, 21 times and 19 times to get
1396 | through and none of them got through, would you have still
1397 | written the report and would we have been able to say to Mr.
1398 | Hawley, this is pretty fantastic. Or if you had had a total
1399 | failure, would there have been no report?

1400 | Mr. KUTZ. We always write the results of our work. That
1401 | is part of our protocols. We always go through the same
1402 | briefings. We gave them all the details of where we went,
1403 | what we did, several detailed briefings. We always report
1404 | externally the results.

1405 | Mr. SHAYS. Mr. Hawley, I was troubled by your comment
1406 | that none of the weapons grade material, or the bombs got in
1407 | because they weren't assembled. It seems to me like that is
1408 | a lawyer talking instead of the fact that GAO was able to get
1409 | this weapon grade material through, they were able to get the
1410 | detonation through. And is that not correct, they were able
1411 | to get it through and get it on the plane, is that not
1412 | correct, Mr. Hawley?

1413 | Mr. HAWLEY. You have to ask them as to what they
1414 | actually did.

1415 | Mr. SHAYS. What got on the plane? Did you stop--

1416 | Mr. KUTZ. The devices we described, the detonator, the
1417 | liquid explosive and the incendiary device components.

1418 Mr. SHAYS. And everything you showed us on the film was
1419 what you got on? There is not two different examples? You
1420 didn't have a bigger explosive on the TV screen. What you
1421 got through was what you detonated or similar?

1422 Mr. KUTZ. Similar, correct.

1423 Mr. SHAYS. Okay. What would have been involved with
1424 assembling the weapon, the bomb?

1425 Mr. COONEY. We practiced assembling the weapon. It took
1426 approximately 12 to 15 minutes to put it together once.

1427 Mr. SHAYS. So that is a pretty long time. If you were
1428 to take that, if someone was sitting next to you, that would
1429 be a pretty difficult thing to assemble in front of someone,
1430 correct?

1431 Mr. COONEY. If we were on a plane, we wouldn't assemble
1432 it in our seats. We would assemble it in another area of the
1433 plane.

1434 Mr. SHAYS. Okay. Let's just say you went to the
1435 restroom. Would you have had to carry a case into the
1436 restroom?

1437 Mr. COONEY. I can't go into that, Congressman, based on
1438 the confidentiality and the classification of the report. I
1439 will be happy to discuss that with you in a closed session.

1440 Mr. SHAYS. I guess what I want to know is, would it have
1441 been noticeable to a flight attendant or someone else that
1442 someone was having to carry on something that was noticeable,

1443 | or would it have been able to have been disguised?

1444 | Mr. COONEY. It would have been disguised.

1445 | Mr. SHAYS. So Mr. Hawley, why should I take any solace
1446 | in the fact that you say, well, they weren't taken on the
1447 | plane because they weren't assembled? Why is that
1448 | meaningful?

1449 | Mr. HAWLEY. Thank you for asking the question. This is
1450 | not an exact analogy, but it is like bringing the watch parts
1451 | through and then saying, I am going to assemble it--

1452 | Mr. SHAYS. Bringing the what part through?

1453 | Mr. HAWLEY. A watch, you know, I have my watch and I
1454 | bring watch parts through. It is very sophisticated
1455 | chemistry to get the right everything, as well as certain
1456 | matters of assembly. There are some telltale indicators when
1457 | one is doing that, and it is not trivial to assemble one of
1458 | these things so that they work. You have to ask yourself
1459 | that, given the Richard Reid issue, there is a certain bar of
1460 | effectiveness that they would want to do before they would
1461 | expose themselves to discovery. And that bar is reasonably
1462 | high.

1463 | Mr. SHAYS. Okay. Well, I will just end by saying, it is
1464 | unsettling to think that so much explosive device could get
1465 | through. And I make an assumption that a good amount did get
1466 | through. I would like to have thought that maybe 1 out of 19
1467 | or 1 out of 21 would have been the number. So I wish you

1468 | well and I hope that we are doing everything that we can to
1469 | help you succeed, Mr. Hawley.

1470 | Chairman WAXMAN. Thank you, Mr. Shays.

1471 | Mr. Issa?

1472 | Mr. ISSA. Thank you, Mr. Chairman. And thank you for
1473 | holding this bipartisan hearing. I think it is doing us a
1474 | lot of good to at least make sure the American public
1475 | understands the need for ongoing improvement.

1476 | I think maybe, Administrator, the kindest way to start
1477 | this off is with something that will be good for the public.
1478 | I had this shown to you earlier, and it is entitled deluxe
1479 | 16-piece carry-on kit. For the record, if someone goes and
1480 | buys one of these kits where they can get little teeny
1481 | amounts of what they need to travel that may not otherwise be
1482 | available or may cost a lot of money to buy, are they allowed
1483 | to use that?

1484 | Mr. HAWLEY. Pretty much yes, assuming it has a zip top
1485 | bag under there, which I believe it does.

1486 | Mr. ISSA. Right, but the individual bottles themselves?

1487 | Mr. HAWLEY. Yes.

1488 | Mr. ISSA. And I would hope that after today's hearing,
1489 | universally, TSA people who don't get it, who routinely I
1490 | have seen, because I travel every single week, twice a week,
1491 | I have seen them turn people away with, oh, there is no
1492 | marking on that. They do not seem to understand that, while

1493 | these are being sold, and while in many cases the only way,
1494 | and I don't want to sound sexist, but for a woman to have a
1495 | multitude of different, small items, make-up needs, and carry
1496 | it on, they need to have that, particularly if you look at
1497 | what is often in a purse. I see a lot of grinning by the men
1498 | and women behind you. But I think it is important that when
1499 | we say we care about commerce and we care about the traveler,
1500 | that there be a uniform understanding that this doesn't have
1501 | to be the answer, which is everything I took from the last
1502 | hotel I stayed in.

1503 | [Laughter.]

1504 | Mr. ISSA. It was two days worth, I didn't take any more
1505 | than my share.

1506 | But I think it is important, because my line of
1507 | questioning will not be on security. And it won't be on
1508 | security because one, I spent time in the military, in EOD,
1509 | and I am going to predict that 20 years from now you are
1510 | still going to be playing cat and mouse. We were playing cat
1511 | and mouse with the STFs in the 1970s. I don't think it is
1512 | going to change.

1513 | Having said that, I am going to ask you a question,
1514 | which is, given that we continue to fund you at the levels
1515 | you request and that you continue to ask for bucks for Buck
1516 | Rogers type innovation, do you believe that you will
1517 | reasonably be able to stay ahead of these ever-moving and

1518 | improving target characteristics?

1519 | Mr. HAWLEY. I do, but it won't be through Buck Rogers
1520 | technology. I think we have to have technology that is
1521 | reliable, that is sophisticated, that is affordable. But
1522 | getting on the cutting edge of technology I think is
1523 | expensive, not reliable, and can usually be engineered
1524 | around. So we will always have the human factor, and I take
1525 | your point about generational conflict and that this is a
1526 | long-term thing. When we do something, they are going to
1527 | react to get around it.

1528 | Therefore, for our technology purchases, you will see
1529 | fewer purchases of those big trace portals and more purchases
1530 | of portable liquid explosive detectors, portable explosive
1531 | detectors that we are in fact using even with some of our
1532 | foreign partners. So the flexible mix of technology and the
1533 | business process where our officers and all of our folks,
1534 | including Federal air marshals, can continue to adapt and not
1535 | give the enemy a stationary target, I think that is the
1536 | critical thing and I don't think, we are not going to have a
1537 | silver bullet.

1538 | Mr. ISSA. Because you kind of led into this, you are
1539 | going to be a labor-intensive industry for a while, for the
1540 | foreseeable future, that technology per se is not going to
1541 | eliminate the need for the men and women in uniform who
1542 | handle the luggage, look through it, or who, out of uniform,

1543 | plain clothes, who observe after you go through the primary
1544 | checkpoint. Then can I ask for something very
1545 | straightforward in this hearing? Because this is the
1546 | Government Oversight and Reform. I travel throughout Europe
1547 | and the Middle East, but usually go through Europe
1548 | commercially on my way to the Middle East.

1549 | For some reason, the Europeans have figured out that to
1550 | have a TSA-equivalent person shuttling little gray trays back
1551 | and forth is a huge waste of a trained individual. I travel
1552 | through Dulles, I travel through San Diego, Sacramento, a
1553 | number of other airports. They all vary, but none of them
1554 | reached level of moving the trays from where they get left
1555 | off back to the other without human intervention, meaning
1556 | that in every one of your airports, you have somebody like
1557 | the uniformed person behind you who is doing a task that
1558 | requires absolutely no training, absolutely no expertise, for
1559 | which we are paying for training and expertise. I would hope
1560 | that you would commit to us to make the dollars available to
1561 | automate the trays or the equivalent, so that we not waste
1562 | valuable Government employees on something that, quite
1563 | frankly, anybody can do and no one should have to do in this
1564 | automated day and age.

1565 | Mr. HAWLEY. Yes, that is the perfect use of technology
1566 | to make it more efficient. I totally agree.

1567 | Mr. ISSA. Thank you . I will end on that high note, Mr.

1568 Chairman. Thank you.

1569 Chairman WAXMAN. Thank you, Mr. Issa.

1570 Mr. Kutz, last year, GAO conducted a similar undercover
1571 operation and managed to get liquid explosives past security
1572 checkpoints in all 21 airports you tested. In February of
1573 2006, when GAO completed its investigation, there wasn't a
1574 public hearing such as we are having today. Instead, GAO
1575 privately briefed TSA officials, including Mr. Hawley, on its
1576 results.

1577 Mr. Kutz, in your February 2006 briefing with Mr.
1578 Hawley, did you warn him about the vulnerabilities your test
1579 had exposed?

1580 Mr. KUTZ. The February 2006 briefing, we did not have
1581 liquid explosives on the 2006 testing. It was the other two
1582 devices, the incendiary and the IED detonator we showed
1583 today. The liquid explosives were on the work we did for your
1584 Committee as part of the 2007. So we did not do that. They
1585 were certainly aware, as Mr. Hawley said, that liquid
1586 explosives are a significant risk here. And that was one of
1587 the reasons, I think, that we attempted to do that as part of
1588 our second test for your Committee.

1589 Chairman WAXMAN. But you did brief him on what you had
1590 found in your investigation?

1591 Mr. KUTZ. In 2006, that is correct. Yes.

1592 Chairman WAXMAN. And following your briefing to TSA, did

1593 | TSA change its policies or procedures to fix the gap in
1594 | security that your tests highlighted?

1595 | Mr. KUTZ. I don't think any procedures were changed.
1596 | What they represented to us, that people were alerted to what
1597 | we did and there was additional training. That is what we
1598 | understood happened after the last report.

1599 | Chairman WAXMAN. Instead, Homeland Security Department
1600 | officials made statements to the press criticizing the GAO
1601 | investigation, stating that they were a bit far-fetched. Mr.
1602 | Hawley, you were quoted in an NBC story as saying, TSA wasn't
1603 | interested in materials that would set off an interesting
1604 | firework display in an aircraft but can't bring the plane
1605 | down.

1606 | Mr. Kutz, do you think the substances that GAO smuggled
1607 | in were nothing more than fireworks, as Mr. Hawley had
1608 | suggested?

1609 | Mr. KUTZ. I would go back to the video that we showed,
1610 | the first video of the automobile trunk and the floor of the
1611 | automobile being blown out, that was the item we brought on
1612 | in 2006. And the incendiary device that was the intense heat
1613 | burning was the other device we brought on. Whether they
1614 | would bring down an aircraft or not, I don't know. But they
1615 | would certainly threaten the passengers and could cause
1616 | serious damage.

1617 | Chairman WAXMAN. Do you think that they were minimizing

1618 | the true dangers with that statement?

1619 | Mr. KUTZ. To call it a science experiment or something,
1620 | I think that trivializes it, yes.

1621 | Chairman WAXMAN. Mr. Hawley, you appear to think that
1622 | these GAO tests are insignificant. You say that you are only
1623 | focused on the serious threats. We all just saw the video of
1624 | the explosions and that is a serious threat.

1625 | In this morning's Washington Post, this is what TSA
1626 | says: "There is nothing in the report that is news to us."
1627 | Last year, you failed to prevent explosives from getting onto
1628 | airplanes, you promised to improve your performance. But now
1629 | we learn that GAO was again able to bring explosive materials
1630 | onto planes.

1631 | The problem is that the news is the same, it is not
1632 | getting better. And that is unacceptable, you are failing.
1633 | Here is what else TSA said: "We don't change security
1634 | procedures in knee-jerk fashion." GAO's first report was
1635 | issued in February 2006. That was 19 months ago. I want to
1636 | know what you are going to change now, so that we are not
1637 | here next year facing exactly the same situation.

1638 | Mr. HAWLEY. I appreciate the question. The answer is
1639 | that all this training I was talking about in terms of the
1640 | checkpoint drills that we now do throughout the system every
1641 | day, that is added. I believe that is probably the best
1642 | thing that we can do at this point, is actually from our own

1643 covert testing, which drills down into the specifics of the
1644 vulnerability, that was identified and they recommended this.
1645 We followed the recommendations of our covert testers.

1646 I think the technical issues about what the GAO tested
1647 are a separate debate, and we probably don't completely agree
1648 on it. However, the results of it I take. I think it is a
1649 valuable lesson to learn, and the issue of explosives or
1650 homemade chemicals, whether they work or don't work. We have
1651 to be alert to it. I should also say, as I said in my
1652 opening, that I identified and TSA identified those
1653 vulnerabilities in 2005. So we know what the vulnerabilities
1654 are. As I laid out, we have put in place quite a few
1655 measures, and I think I have provided the Committee with
1656 that, that are directed at improvement.

1657 And have we closed the vulnerability? No. But we do 2
1658 million passengers a day and 38 tests over 3 months is
1659 probably not statistically significant. It is directionally
1660 significant and I think we have to take it as valuable input.
1661 But it is not something on which the public should panic or
1662 should be concerned about the overall system. These are
1663 known vulnerabilities. The GAO is helping us in terms of
1664 addressing them and that is really what the story is.

1665 Chairman WAXMAN. Last year, you said you were going to
1666 do more training of personnel as well. I guess the point I
1667 want to drive home is that we are going to ask for this GAO

1668 | report again next year, and you are on notice. We don't want
1669 | to have to hold a hearing where we get a report that GAO came
1670 | in and gave us a very discouraging picture. We don't want
1671 | TSA to minimize it, we don't want to scare people but I don't
1672 | want you to minimize it. I think you should take this one
1673 | seriously, and I didn't feel that you took the first one as
1674 | seriously as you should.

1675 | So I hope that we can continue to talk about all the
1676 | efforts that are going to be made to assure the public in
1677 | reality that as many of the vulnerabilities as we face are
1678 | going to be reduced and that we are going to get safer and
1679 | safer in our transportation.

1680 | Mr. HAWLEY. I can assure you that everybody at TSA has
1681 | no question about the seriousness of which I take IED
1682 | penetration drills and the significance of this. So yes,
1683 | sir.

1684 | Chairman WAXMAN. Thank you.

1685 | Mr. Davis, any further comments?

1686 | Mr. DAVIS OF VIRGINIA. I just have a couple. I want to
1687 | clarify a point that was talked about earlier. Mr. Hawley,
1688 | as you understand it, and then I will ask Mr. Cooney and Mr.
1689 | Kutz to comment, was what the GAO got past security the same
1690 | elements that were in the video played earlier? What is your
1691 | understanding?

1692 | Mr. HAWLEY. My understanding was that they were in fact

1693 | different.

1694 | Mr. DAVIS OF VIRGINIA. Okay. Mr. Cooney, Mr. Kutz?

1695 | Mr. COONEY. They were the same as in the video.

1696 | Mr. KUTZ. Yes, Mr. Cooney is one of the ones that

1697 | actually did the testing. So he has first-hand knowledge of

1698 | what was brought onto the plane, because he is one of he ones

1699 | that had it in his bags and on his person.

1700 | Mr. DAVIS OF VIRGINIA. Okay.

1701 | Mr. HAWLEY. I think the issue, it is not a trivial issue

1702 | that in the sense as we evaluate the layers of security, if

1703 | in fact what you brought to the checkpoint was able to blow

1704 | up a plane, that is one thing. And if you have to--

1705 | Mr. DAVIS OF VIRGINIA. Well, they never said it was able

1706 | to blow the plane up. They could obviously cause damage,

1707 | right? But there is no allegation here that it would blow

1708 | the plane up?

1709 | Mr. COONEY. That is correct, sir.

1710 | Mr. HAWLEY. So I think I would just stand with--

1711 | Mr. DAVIS OF VIRGINIA. You could open up the door, the

1712 | emergency door of the plane and do damage as well. I think

1713 | they were very careful not to make the allegation it would

1714 | blow it up.

1715 | Mr. HAWLEY. The key point for the public is that we are

1716 | in agreement on the need to continue to close down

1717 | vulnerabilities everywhere in the system. I think the

1718 differentiation is, because of the distinctive nature of the
1719 video, people say, oh, my goodness, this could happen to my
1720 plane. And the situation, that is not what is actually
1721 portrayed in this data. The data points out and recognizes
1722 vulnerabilities that we recognize exist, they discover they
1723 exist. And we all agree they need to be closed.

1724 Mr. DAVIS OF VIRGINIA. TSA has recognized the threat of
1725 explosive bomb components being brought on board in carry-on
1726 bags some time ago. You spent millions of dollars funding
1727 the development of a high quality auto explosive detection
1728 system to meet the threat, a technology that is successfully
1729 used to screen checked baggage, is that correct?

1730 Mr. HAWLEY. And now recently carry-on baggage.

1731 Mr. DAVIS OF VIRGINIA. Okay. What has your agency done
1732 to advance this technology at a passenger screening
1733 checkpoint?

1734 Mr. HAWLEY. The science and technology division of DHS
1735 does the R&D for the Department. My understanding is they
1736 put something close to a billion dollars of investment into
1737 the IED research and development area. The key point for us
1738 is the R&D discoveries in the next short period of time
1739 aren't immediately deployable. Our job is to use what is
1740 available to day to limit the gaps until future technology is
1741 developed.

1742 Mr. DAVIS OF VIRGINIA. So you are using AT machines

1743 | today as opposed to the EDS? Or could you use both?

1744 | Mr. HAWLEY. We use both. There is the old-fashioned
1745 | x-ray, which is a single source--

1746 | Mr. DAVIS OF VIRGINIA. Right, AT machines, as I
1747 | understand it, don't provide a 360 degree view.

1748 | Mr. HAWLEY. No, but they can get pretty close.

1749 | Mr. DAVIS OF VIRGINIA. And they don't provide a 3-D
1750 | image for the screeners to view the baggage?

1751 | Mr. HAWLEY. That is correct as far as I know.

1752 | Mr. DAVIS OF VIRGINIA. But they do provide a cheaper
1753 | price?

1754 | Mr. HAWLEY. Exactly. And we can deploy them
1755 | extraordinarily widely. And they have very low maintenance.
1756 | So that is a factor.

1757 | I think a mix is important. The auto EDS, as they call
1758 | it, very excellent technology. We are buying 20 more, I
1759 | hope, in 2008. But if we can get 500 of the ATs out, that
1760 | covers a lot of ground and is upgradable over time with
1761 | better software. So I think that is a good business
1762 | decision.

1763 | Mr. DAVIS OF VIRGINIA. For 2007, the President initially
1764 | requested \$80.52 million for emerging technologies, is my
1765 | understanding. In addition, he requested \$25 million for
1766 | checkpoint explosives detection equipment and pilot screening
1767 | technologies in the emergency supplemental, for a total of

1768 | \$105 million for emerging technologies in 2007. Congress
1769 | provided the requested funds, but the agency still only spent
1770 | \$50 million on the emerging technology, checkpoint
1771 | technologies.

1772 | Mr. HAWLEY. Those numbers don't match what I have in my
1773 | head. I clearly can go back and reconcile those.

1774 | Mr. DAVIS OF VIRGINIA. I guess the question is, we have
1775 | provided close to \$105 million, my understanding is it has
1776 | not all been spent. I guess what we would like to know from
1777 | a Committee perspective is, what hasn't been spent, why not,
1778 | what is in the pipeline, just so--

1779 | Mr. HAWLEY. I will have to get back to you on what has
1780 | been spent. We have asked for \$136 million in checkpoint
1781 | technologies. It is perhaps a different category than what
1782 | you are talking about. But we have significantly spent in
1783 | that area. We used up to buy the 250 AT machines, I believe
1784 | what we had in 2007. I will have to confirm those numbers.
1785 | But we have continued to request significant additional funds
1786 | in 2008.

1787 | Mr. DAVIS OF VIRGINIA. The last thing I would ask you
1788 | is, how are we in coordination with other nations at this
1789 | point? Some of them have, many of them are not as strict as
1790 | we are. But they are subject to the same kind of
1791 | vulnerabilities that we are.

1792 | Mr. HAWLEY. Yes.

1793 Mr. DAVIS OF VIRGINIA. How is that coordination?

1794 Mr. HAWLEY. I think that is absolutely critical. Because
1795 if we get our U.S. domestic secure and somebody is able to
1796 board a flight overseas and hijack it or blow it up, that is
1797 the same result. So we depend on our international partners.

1798 We have created a new group at TSA that does this global
1799 strategy. We moved our head of intel, intelligence, to the
1800 head of that, so that he would have the credibility with
1801 other nations in discussing security matters, for instance,
1802 on shoes. We feel very strongly about shoe screening and
1803 working with our partners to do shoe screening is something
1804 that is not popular, but we think is effective from a
1805 security point of view.

1806 So I think over the next five years and beyond, the
1807 degree to which U.S. security measures tie in with our
1808 international partners is a big opportunity and important.

1809 Mr. DAVIS OF VIRGINIA. Well, no question. But I guess
1810 my question is, how is that partnership?

1811 Mr. HAWLEY. That is it.

1812 Mr. DAVIS OF VIRGINIA. Are they all responding? Are we
1813 having some that are balking a little bit at it?

1814 Mr. HAWLEY. We have extraordinary cooperation with our
1815 neighbors to the north and south, Canada and Mexico. The
1816 European Union, clearly the U.K. we are very close with. I
1817 have just returned from working with some of our Asian

1818 partners. I expect that that closes the loop.

1819 The big opportunities are in Africa and South America.
1820 There are a lot of governments there that want to do
1821 first-rate security. Our job is to give them the training in
1822 something that is accessible. We can't give them million
1823 dollar pieces of equipment and say we want you to deploy
1824 this. We have to find things that are less expensive but do
1825 provide security value that can in fact be deployed around
1826 the world.

1827 Mr. DAVIS OF VIRGINIA. Thank you.

1828 Chairman WAXMAN. Thank you, Mr. Davis.

1829 I want to thank the three of you for your presentations
1830 to us, and the GAO for your excellent work. We hope that
1831 next year, when we look at a GAO report we are going to see a
1832 lot of improvement and we will have better news. Because at
1833 this time of year, people want the good news and their
1834 anxieties eased. There are too many vulnerabilities. And we
1835 want those vulnerabilities fixed.

1836 Thank you very much. The Committee stands adjourned.

1837 [Whereupon, at 12:33 p.m., the committee was adjourned.]