

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION**

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Before the

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

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Good morning Chairman Inouye, Vice Chairman Stevens, and distinguished members of the Committee. Thank you for this opportunity to speak with you about the progress the Department of Homeland Security (DHS) has made in fulfilling the recommendations of the 9/11 Commission related to aviation security.

First, I would like to thank the Committee for the tremendous support given to DHS and the Transportation Security Administration (TSA) over the past year, especially as we have sharpened our focus on explosives at the passenger checkpoint. We look forward to continuing our partnership on these and other issues in the coming year.

2006 was a demanding year for TSA, and its partners in aviation security generally, but it ultimately has demonstrated how far we have come in securing our Nation's transportation systems since the 9/11 Commission issued its report and recommendations.

While last year is most notable for the activities related to the liquid explosives plot, I would like to highlight for the Committee several initiatives that helped us prepare to meet that and other security challenges as well as the challenge presented by increased passenger loads. Last year we discussed our need to focus more on the threat of improvised explosive devices (IEDs) at the passenger checkpoint. We knew that, while technology is a key component of our security strategy, we had opportunities to increase security by better enabling our workforce, specifically our Transportation Security Officers (TSOs). I will discuss some examples later in my testimony, but the efforts were centered around training and retaining our best people, giving them financial and career progression incentives, and expanding opportunities for more advanced security skills like behavior observation.

While those efforts were underway, TSA, anticipating increased summer passenger loads, changed the way it hires new employees from a centrally operated headquarters model to one where the local airport team managed its own hiring. This transition was complete in time to staff the Memorial Day to Labor Day peak summer travel period.

In the weeks before Memorial Day, there was concern about TSA's new staffing model and the agency's readiness to handle the summer traffic. The liquids ban in August raised issues about large scale cancellation of flights due to security delays. Our "3-1-1" security procedures, which allow passengers to bring onto planes small quantities of liquids that do not represent a significant security risk, were controversial, and many felt that the Thanksgiving holidays would be affected by security delays. But TSA, airlines, airports, and passengers were ready for the summer, flights were not cancelled as a result of the liquids ban, and all handled the holiday travel season without incident.

Similarly, TSA's Federal Air Marshals Service (FAMS) put forth major efforts at improving its operating procedures to better retain Federal Air Marshals (FAMs) and improve TSA's ability to quickly support emergent circumstances that might occur anywhere in the world. Examples of these efforts include the comprehensive listening and employee involvement initiatives that resulted in more flexible dress code and travel requirements, as well as the FAMS support of the emergency evacuation of U.S. citizens from Lebanon.

The value of a fully-staffed, fully-prepared, and actively engaged TSA front-line workforce, be they TSOs or FAMs, was made evident most dramatically in TSA's response to the discovery in the United Kingdom of a plot to use liquid explosives to take down passenger aircraft bound for the United States. TSA acted decisively and swiftly to protect the traveling public. Literally overnight, our dedicated TSOs implemented major new screening protocols to focus on and protect against the imminent threat. FAMs moved, in the hundreds, to conduct missions of unprecedented tempo and complexity to combat the threat and instill confidence in the security of commercial aviation. The support of our partners in the airports and airlines, as well as the cooperation of the traveling public, was invaluable in achieving this success. All of us can be proud of the fact that while this was enormous change, implemented on an emergency basis, the U.S. aviation system continued to function—that, even though there were security delays in the first few days of the new process, the system operated smoothly from August right through the recent holidays.

In this regard, we would emphasize that TSA's ability to deal effectively with the liquids plot, as well as its ability to assist with the impact of Hurricane Katrina, depended upon TSA's flexible personnel management authorities established in the Aviation and Transportation Security Act (ATSA). These authorities permit TSA to flexibly manage and deploy its workforce, including its TSO workforce, in carrying out important security work directly affecting national security. During Hurricane Katrina and after the United Kingdom air bombing plot was foiled, TSA changed the nature of employees' work—and even the location of their work—to flexibly respond to these emergencies. Similarly, FAMs were redeployed on hours' notice to support the evacuation of U.S. citizens from Lebanon. This flexibility is a key component of how DHS, through TSA, protects Americans while they travel. For these reasons we would strongly oppose any legislative proposal that would diminish the authority that this Committee gave to us in ATSA.

It is also important to note that our partners in other countries around the globe stepped up in a major way to implement the new protocols that we instituted with necessarily short notice. The communications efforts that followed the emergency actions resulted in unprecedented advanced harmonization of security measures that subsequently resulted in nearly identical measures for the United States, Canada, the entire European Union, and Australia, as well as adoption by the International Civil Aviation Organization (ICAO) of a world-wide recommended practice reflecting the same procedures.

We have learned a great deal since the 9/11 Commission released its findings about the nature of the terrorist threat today and about the best ways to use the tools at our disposal to deal with that threat. Our experience teaches us that the 9/11 Commission recommendations can be most effective when applied in the context of the constantly changing world in which we operate. They inform our path forward as we integrate them with the additional insights we have gained since their publication.

Since its inception, TSA has embraced the essential concept that no single security strategy is foolproof, but by employing layers of security to our mission, risk to our Nation's transportation system can be mitigated. Our layered approach to security utilizes and relies upon interconnecting networks among our partners in the aviation industry—air carriers and airport operators; State and local governments and their law enforcement agencies; and other Federal entities including among others, other DHS components, the FAA, and the Federal intelligence community; as well as other nations allied with us in the fight against terrorism. Our layered approach utilizes technology and, more importantly, depends upon the skills and dedication of our TSOs.

We have learned that the most visible part of our aviation security mission, the screening of passengers and property at the airport, is but a part of our arsenal against terrorism. We cannot focus on a “catch them in the act” strategy that waits until a person tries to board an aircraft with a weapon. No matter how good our screening is, and how sophisticated our technology is, our success is greatly improved with our ability to anticipate the terrorist act and thwart it well before it gets off the ground. This was demonstrated not only by the timely investigation, revelation, and frustration of the British liquid explosives plot, but also by the early disruption of a plot to attack tunnels under New York's Hudson River.

Our People

Most importantly, we know that our mission cannot be achieved with a checklist mentality in an assembly-line environment. Our people are the most critical asset in our mission of securing the Nation's transportation systems. No existing technology can provide a fully-automated approach, and even with extensive use of technology, we will always need the critical thinking skills of people to adapt to emerging threats.

The introduction of several new programs focuses on developing specialized skills in our workforce. TSA has implemented a behavior observation and analysis program, called Screening of Passengers by Observation Techniques (SPOT), designed to provide TSA

Behavior Detection Officers (BDOs) with a non-intrusive means of identifying potentially high-risk individuals. The program was developed and implemented to observe normal passenger characteristics and anxieties and identify anomalies to detect individuals who may be a threat to aviation and/or transportation security. SPOT is also part of a larger effort by the agency to add more layers of security to protect against those individuals seeking to defeat our security systems.

TSA has also implemented the Bomb Appraisal Officer (BAO) program to prevent the introduction of explosives and IEDs from entering the aviation system. The BAOs are trained bomb technicians who provide advanced training for the workforce and resolve alarms that are beyond the TSO workforce capability.

TSA continues to develop and refine our plans relating to document-checking, whereby specially trained TSOs examine boarding documents to detect and deter individuals attempting to board aircraft fraudulently. This interaction with passengers also gives these TSOs an additional opportunity to observe behavioral characteristics of passengers and identify anomalies that would warrant additional screening, augmenting other security programs such as SPOT.

TSA also continues to add elements of randomness and unpredictability to the airport security environment to prevent terrorists from committing terrorist or harmful acts.

Our mission success therefore depends on recruiting and keeping trusted, bright, well-motivated, well-trained people who have the right tools, work in a positive, team-driven environment, and are involved and challenged by their work. Our workforce must be rewarded by fair compensation and benefits and have prospects for continued advancement based on their ability and effort.

To this end, in 2006 we rolled out a comprehensive performance management system for making TSA a true performance-based organization. Under this system, TSA is now compensating its TSOs based upon their technical proficiency, training and development, customer service skills, teamwork, professionalism, and leadership. By recognizing and rewarding the right skills and new skills, as well as higher proficiency levels, we are reinforcing critical performance areas and developing new ones to support the ever-changing needs in security.

Another critical program introduced in 2006 is the TSO Career Progression initiative. TSA is committed to creating a career track and advancement opportunities that will encourage not only quality performance, but also longevity among our TSOs. This program created new pay bands for TSOs and the opportunity to serve in advanced positions as Behavior Detection Officers, who execute TSA's Screening Passengers by Observation Technique (SPOT) Program, BAOs, and TSA-Approved instructors, who provide a full range of required TSO training.

Passenger Pre-Screening

The focus on people applies to those who work at airports and airlines and fly as passengers as much as to those, like TSOs and FAMs, who provide security for the system. This topic rightly received considerable attention from the 9/11 Commission.

Regarding passenger pre-screening, I testified before this Committee in February 2006 on the status of Secure Flight, TSA's watch list matching program, and am pleased to update the Committee in the context of the 9/11 Commission recommendations.

While we are aware of concerns regarding the effectiveness of the current system of screening domestic airline passengers against the No Fly List, today any person on the No Fly List will not fly. The No Fly List is regularly kept up to date and changes are made as required. Secure Flight, when operational, will bring the process of comparing passenger names against the No Fly List, now performed by aircraft operators, into the government. That is why I have said that it is more important that Secure Flight is built right – with all the needed operational attributes and privacy that will withstand any challenges. So while I am mindful of the urgency to bring Secure Flight into operation quickly, I am also mindful of my obligation to the public not to get into a situation where we either have to stop flights or allow them to fly without a way to prevent No Flies from boarding.

TSA is firmly committed to protecting the privacy and civil liberties of travelers. After completing a vulnerability assessment of the Secure Flight program and after considering feedback from the Congress and the Government Accountability Office (GAO), as well as DHS evaluations of the program, I announced to this Committee that TSA was re-baselining the program. At that time, we undertook this effort to assure privacy and information security in Secure Flight by making sure the foundation of the program was strong and that it will be successful upon implementation. That work has now been completed.

I am pleased to update you that we are currently working with the DHS Screening Coordination Office (SCO) toward achieving DHS certification and demonstrating satisfaction of the ten areas of Congressional direction to GAO. We are working closely with GAO to facilitate their review of the program's development. In addition, through regularly scheduled meetings with U.S. Customs and Border Protection (CBP), we are coordinating airline industry needs with CBP and the airlines with the intent of providing a single DHS system interface to the industry.

Key to our efforts in improving passenger pre-screening has been the tremendous undertaking to systematically review names on the No Fly List. The purpose of the review is to remove, or downgrade to the Selectee List, individuals that do not meet the established criteria for the No Fly List. The review implements new guidance for the No Fly and Selectee Lists ratified in July 2006 by the Terrorist Screening Center's (TSC) Governance Board. Just as the threat environment is fluid, so must the No Fly List be maintained as a true list of individuals who currently pose a threat, rather than

maintaining on the list those who were feared to have presented a threat in the past, but no longer do. TSA and the TSC, in collaboration with all the nominating agencies responsible for compiling the No Fly List, are in the process of a thorough, name-by-name review of that list. We expect that by the time the review is completed in mid-February, the No Fly List should be reduced by approximately 50%. A similar review will be undertaken with respect to the Selectee List.

Integral to the successful execution of our passenger pre-screening efforts is our redress system, by which travelers who either previously have been misidentified or believe they are on the No Fly or Selectee List in error may apply to have that error corrected. We have significantly modified the process in response to customer feedback that the process was too cumbersome and expensive. Now an applicant need submit only a single document—a United States Passport—to verify his or her identity. Approximately 70% of applicants have this document and are therefore able to apply for relief without submitting other documentation. We have also eliminated the requirement that identity documents be notarized and we allow electronic submission of the application and supporting documentation. Finally, TSA introduced an automated Redress Management System (RMS). After assuring the privacy of users and the security of the system, RMS was launched on October 6, 2006, enabling travelers to submit and check the status of their applications electronically via the internet.

TSA has already seen a dramatic improvement in customer service. TSA received and processed more than 20,000 redress requests for calendar year 2006. At the same time, the average processing time has been reduced from 60 to less than 10 days. TSA is also working with other DHS components to bring to reality the DHS Traveler Redress Inquiry Program (DHS TRIP), Secretary Chertoff's and Secretary of State Rice's joint vision of one-stop redress for travelers. This program would provide travelers with a single, simple process for addressing Federal watch list misidentification issues and other individual complaints that arise from the traveler's screening experience.

Explosives Detection Technology

In partnership with DHS Science & Technology (S&T) directorate, TSA benefits from a robust research and development program for explosives detection. TSA has invested over \$1 billion to purchase, install and upgrade explosives detection systems at airports over a three-year period. In fiscal year 2006, TSA invested approximately \$534 million in the purchase and deployment of explosives detection technology, which included Next Generation technology and Letters of Intent (LOI) reimbursement.

DHS continues to move forward to research, pilot, and deploy additional checkpoint explosives detection technologies. These new technologies will be deployed as soon as their reliability is assured. In the coming weeks, TSA will also begin testing x-ray backscatter technology that will be able to detect non-metallic devices and objects, in addition to metallic weapons and other threat items.

Consistent with all other elements of security, the integrity of explosives detection ultimately depends upon a well-trained, dedicated workforce. In the fall of 2005, TSA developed and rolled-out advanced IED training for every checkpoint TSO, including detection of liquid explosives. More than 38,000 TSOs have completed this training, which has subsequently been reinforced with intensive technical classroom training and online improvement training to reinforce explosives detection capabilities.

TSA conducts its own explosives covert testing on our checkpoints, and we have made changes to our protocols to improve passenger screening. We are working with GAO to incorporate any lessons learned from their tests in our training and screening protocols, as well.

Checked Baggage Screening

Today TSA meets the requirement to screen 100% of all checked bags for explosives. Since the initial deployment of explosives detection systems (EDS) and explosives trace detection units (ETDs) to screen checked baggage electronically for explosives after 9/11, TSA has aggressively pursued innovation and investment intended to dramatically improve the system. Today, 67 airports are either operational or deploying some form of advanced in-line baggage screening system.

In February, 2006, TSA delivered to Congress a Strategic Planning Framework for the Electronic Baggage Screening Program (EBSP). This framework details TSA's long-term planning philosophy for the development and implementation of optimal baggage screening solutions at the Nation's top 250 airports, where over 99% of checked baggage originates, and currently guides TSA's investment and deployment decisions. The plan also includes a funding prioritization schedule, a deployment strategy, an EDS life-cycle management plan, and a stakeholder collaboration plan.

TSA, through an Aviation Security Advisory Committee (ASAC), has been working separately with aviation industry stakeholders to develop a cost-sharing formula and innovative financing solutions for the EBSP, and has been exploring the options proposed to expedite the deployment of in-line EDS. This Baggage Screening Investment Study (BSIS) has been completed and will be provided to Congress in the near future.

Air Cargo Security

TSA has augmented air cargo security through a combination of layered security measures, including screening and vetting, that enhance security without unduly disrupting the flow of commerce. As part of this effort, TSA is implementing a comprehensive final regulation to strengthen air cargo security throughout the supply chain and has issued targeted rules that set additional security requirements for regulated parties. These rules include: the elimination of all exemptions from cargo subject to screening, increasing to 100% TSA's screening of counter-to-counter cargo and increasing to 100% TSA's screening of all cargo received at Category II, III, and IV airports. TSA also targets certain high risk categories of cargo for 100% screening,

utilizes over 396 canine teams to screen cargo at 74 of the Nation's larger airports, and is requiring Security Threat Assessments for all supply chain workers with unescorted access to air cargo.

TSA vigorously enforces these regulations and security directives through inspections and imposition of civil penalties for violations, through a committed staff of 300 air cargo security inspectors and additional aviation security inspectors. Thus far, this program has successfully managed risk, while allowing the airline industry to provide air cargo service on passenger flights. We plan to maintain this approach of vigorous enforcement, coupled with continued technological research and development. However, any mandate to physically inspect 100% of air cargo within three years is not feasible without impeding the legitimate flow of commerce and imposing an unreasonable cost on the government.

Conclusion

2006 was a growth and performance year for TSA. We have come a long way since this Committee wrote ATSA and since the 9/11 Commission issued its recommendations. We now have a strong, flexible, effective operating capability at TSA with the proven ability to network with others in government and industry around the world. While we still have holes that need to be filled and foundations that need to be strengthened, we have a sound strategy, effective against an adaptive enemy, and the operating capability to execute it. Part of this strategy will be a continuously adaptive response. While we understand that travelers are looking for continuity and certainty in their travel experience, we need to balance that need against the need to remain adaptive to the ever-changing threat.

This Committee created the TSA and gave it a critical mission. The men and women of TSA have signed up to do that mission and are today fulfilling it. It is demanding work and our job satisfaction comes from participating in the most compelling mission of our time and we understand that while criticism comes with the job, TSA has the honor of doing meaningful work on behalf of our country.

Further progress in 2007 will be made and our success will be greater if we can finish the build-out of TSA and achieve what ATSA envisioned. The Congress and Administration have provided the authorities and the resources we need for 2007 and we will soon have recommendations for 2008. I look forward, and I know I speak for every one of us at TSA, to working with the Committee and others in Congress on achieving the vision that was contemplated during the intense aftermath of 9/11, and we will do so with the same intensity we all felt five years ago.

Mr. Chairman, thank you again for the opportunity to testify today. I am happy to respond to the Committee's questions.