UNITED STATES DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION

STATEMENT OF

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BEFORE THE

COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON TRANSPORTATION SECURITY AND INFRASTRUCTURE
PROTECTION

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Good afternoon, Chairwoman Jackson-Lee, Ranking Member Lungren, and members of
the Subcommittee. Thank you for the opportunity to appear before you today on behalf
of the Transportation Security Administration (TSA) and the Department of Homeland
Security (DHS) to discuss our continuing efforts to improve the aviation security
environment through the development of the Secure Flight program and to effectively use
intelligence to prevent terrorists from using the transportation system to gain entry to or
harm the United States.

First, I would like to thank the Subcommittee for its significant efforts to support TSA's
progress in implementing new security approaches. Over the past two years, many of the
new strategies we have discussed—behavior detection techniques, Visible Intermodal
Prevention and Response (VIPR) teams, travel document checking, Checkpoint
Evolution—have matured into important, visible components of our layered security
approach. Your sustained, personal attention and oversight have been vital to the success
of our security strategy.

I would also like to acknowledge the strong working relationship TSA shares with the
Terrorist Screening Center (TSC) and the Government Accountability Office (GAO) in
carrying out our transportation security mission. I am pleased to appear on the panel
today with Mr. Kopel of the TSC and Ms. Berrick of the GAO.

The National Commission on Terrorist Attacks Upon the United States (9/11
Commission) placed a strong emphasis on enhancing the use of watchlists as part of a
layered aviation security system. The 9/11 Commission's final report recommends that
the watchlist matching function should be performed by TSA and that air carriers should
be required to supply the information needed to test and implement this new system.

TSA's aviation security strategy relies upon an interlocking system of multiple layers of
security. Key to this system is the use of intelligence to both develop countermeasures
against terrorist threats and to intervene directly when threats become apparent. One of

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the most important tools in the fight against terrorism is the U.S. Government's consolidated Terrorist Screening Database (TSDB).

Prior to 9/11, information about known or suspected terrorists was dispersed throughout the U.S. Government, and no single agency was charged with consolidating it and making it available for use in terrorist screening. Under Homeland Security Presidential Directive (HSPD) 6, the TSC now provides "one-stop shopping" so that every government agency is using the same TSDB—whether it is TSA, a U.S. consular official issuing visas overseas, or a State or local law enforcement officer on the street. The consolidated system allows government agencies to run name checks against one comprehensive database with the most accurate, up-to-date information about known and suspected terrorists.

The consolidated system provides the critical nexus between the work of the intelligence and law enforcement communities and the rest of the counterterrorism community. Our partners in the law enforcement and intelligence communities work tirelessly and in some cases under great physical danger to identify individuals who pose a terror threat. It would be dangerous and negligent not to use this information to our advantage. TSA is constantly adapting to the ever-changing threat environment and improving our people, processes, and technology to detect and deter threats. As important as it is to detect threat objects, it is imperative that we use intelligence to aid in the identification and interception of the people who would do us harm.

TSA utilizes subsets of the TSDB—the No Fly and Selectee lists. A nominating agency can recommend that a known or suspected terrorist be placed on the No Fly or Selectee list if the individual meets specific criteria for inclusion on that list.

Terror watchlists keep legitimate terror threats off airplanes every day, all over the world. There are significantly fewer than 50,000 individuals on the No Fly and Selectee lists and only a small percentage of those are in the United States. The lists are reserved for known or suspected terrorists who have reached a threshold where they should not be allowed to fly or should receive additional scrutiny before boarding an aircraft. Using the No Fly and Selectee watchlists, TSA can quickly evaluate passengers to determine if they have a known or suspected link to terrorism or pose a threat to national security and to prevent passengers with known or suspected links to terrorism from boarding aircraft.

The No Fly and Selectee lists are made available for passenger prescreening to air carriers flying into, out of, or within the U.S. for passenger prescreening. As part of their shared responsibility for aviation security, air carriers play a critical role in ensuring that individuals on the No Fly list do not board aircraft. Air carriers must conduct watchlist checks in advance of issuance of boarding passes, and they must notify the TSA of a match to the No Fly list. TSA then notifies the TSC and the FBI, which coordinate the operational response with law enforcement and other agencies and foreign partners as appropriate. Air carriers must also ensure that a match to the Selectee list is subject to secondary screening prior to boarding an aircraft. Aside from a Selectee match, an individual may be subject to secondary screening based on the Computer-Assisted

Passenger Prescreening Systems (CAPPS), as a result of our behavior detection officers, or through other random and unpredictable screening processes we have employed at the checkpoint as part of our layered security system.

Passenger Verification and Redress

We are all aware of recent news reports about individuals with names similar to those on watchlists who are experiencing delays and inconvenience at the airport. The current prescreening system is effectively catching the people we need to identify, but it is also flagging people with similar names.

Recognizing the impact of screening on the public, particularly where only name-based checks are conducted, TSA and other DHS agencies have incorporated redress into their screening programs. DHS has implemented the DHS Traveler Redress Inquiry Program (DHS TRIP), which provides a central gateway for travelers to obtain information about screening and redress as well as a central contact to DHS regarding their adverse screening experiences. Travelers, regardless of their nationality, citizenship, or immigration status, can submit inquiries via the DHS TRIP website, email, or postal mail. The DHS TRIP Program Office, using its redress management system, assigns redress requests to the Department of State or appropriate DHS agencies, ensures coordination of responses, and has instituted performance metrics to track progress. The DHS TRIP Program Office ensures that the cases are then reviewed and resolved, as appropriate, and that travelers receive an official response.

DHS TRIP receives approximately 3600 requests for redress per month. Since DHS TRIP began in February 2007 through August 31, 2008, the DHS TRIP system has logged over 41,000 requests for redress. Over 22,000 applications have been adjudicated and closed with an average response time of just over 60 days. The 60-day response time includes the duration from the date an initial online application is submitted through the date the supporting documents are received to the date the inquiry is closed.

Once a redress request associated with No Fly and Selectee List matching is processed, the cleared individual is also added to the TSA Cleared List that is provided to air carriers. The Cleared List is intended to be used by the airlines to distinguish false matches from actual matches as they perform No Fly and Selectee List matching.

TSA has been working collaboratively with airlines to enhance the ability to avoid delays of passengers with names similar to those on watchlists. Hassles due to problems in verification and the resulting necessity to stand in line to check in at the ticket counter is a consistent complaint by the traveling public. Many passengers are inconvenienced each day. In April 2008, DHS provided air carriers with more flexibility to allow passengers to check in remotely on line or at a kiosk who had previously been unable to do so because they have a name similar to someone on a watchlist. Airlines are now able to create a system to verify and securely store a passenger's date of birth to improve passenger verification. By voluntarily providing this limited biographical data to an airline and verifying that information once at the ticket counter, travelers who were

previously inconvenienced on every trip now have an opportunity for a more convenient travel experience. More airlines need to take advantage of this process.

With implementation of Secure Flight, TSA soon will take over passenger watchlist matching and resolve many of the inconveniences passengers are experiencing with verification under the current system. Until Secure Flight is implemented, however, TSA believes airlines need to do more to alleviate the inconvenience to passengers, including changing procedures for watchlist filtering and improving communications with passengers concerning their status. The decision to invest in improving their watchlist filtering systems may be basically a business decision for air carriers. For TSA, however, this is a very serious concern.

TSA is also concerned that airline employees are misinforming passengers about whether they are on a terrorist watchlist. This practice affects public perception of the watchlists, undercuts the credibility of the security system, and potentially puts at risk sensitive information. TSA has conducted outreach to the air carriers on this issue and has provided guidance as to what to say to a traveler who is a potential match. While TSA wishes to continue to work collaboratively with airlines to solve this problem and penalties are not TSA's preferred approach, TSA has authority to impose penalties up to $25,000 per infraction.

Secure Flight

TSA is moving forward aggressively to assume responsibility for watchlist matching for both international and domestic air passengers through Secure Flight. Secure Flight will close a critical aviation security gap and reduce the vulnerabilities associated with watchlist matching performed by the airlines.   Under Secure Flight, watchlist matching will be more effective, efficient, and consistent, offering improvements in both security and customer service for the traveling public. Secure Flight will add a vital layer of security to our nation's commercial air transportation system while maintaining the privacy of passenger information. TSA evaluated and realigned Secure Flight in 2006 to ensure that privacy and security serve as the very foundation for the system. The realignment established the basic infrastructure and fundamentals of a rigorous program including extensive program management elements. The effort ensured privacy practices are built into all areas of the program.

Secure Flight will improve aviation security by providing:
- Early knowledge of potential watchlist matches;
- Earlier law enforcement notification;
- Decreased chance of compromised watchlist data because of its limited distribution;
- Enhanced use of the Redress Process and Cleared List;
- Consistent watchlist matching process across all aircraft operators; and
- Privacy protections for individuals.

TSA currently plans to begin full operation of Secure Flight in January 2009 with a limited number of aircraft operators. The final schedule for implementation will depend on Fiscal Year 2009 funding and publication of the Secure Flight Final Rule, which currently is in the final stages of Administration review and is anticipated to be published this fall. The Final Rule is the product of extensive consultations with air carriers and other stakeholders, as well as an extended public notice and comment period that resulted in the inclusion of robust privacy protections. In the interim, TSA has conducted extensive systems testing in preparation for Secure Flight's launch and has re-programmed additional funds to accelerate development of the program.

DHS is moving swiftly toward achieving another significant Secure Flight milestone, the certification that TSA has completed all ten of the following Secure Flight conditions required by the Department of Homeland Security Appropriations Act, 2005, P.L. 108-334:

- System of due process (redress) established;
- System error rate will not produce a large number of false positives;
- Accuracy of the system has been stress tested;
- DHS has established internal oversight board;
- TSA has sufficient operational safeguards to reduce opportunities for abuse;
- Substantial security measures are in place to prevent hacking;
- Effective oversight of the use and operation of the system is in place;
- No specific privacy concerns with system architecture;
- States with unique transportation needs are accommodated; and
- Appropriate life-cycle cost estimates and program plans exist.

A certification report is currently in final review.

TSA also has worked closely with the GAO over the past several years as Secure Flight has progressed, meeting regularly and sharing substantial information and documents on plans and testing, with the goal of keeping GAO well-informed and enhancing GAO's ability to complete its post-certification review. Dedicated office space has been provided for GAO at TSA headquarters to better facilitate their work on this and other programs. Upon completion of the DHS Final Certification Report for Secure Flight, we look forward to providing this report to GAO to begin their review.

Extensive consultation with key stakeholder groups, including aircraft operators, aviation associations, privacy advocacy groups, and travel industry associations, has been a critical component of Secure Flight development and has been essential in addressing the issues in the current watchlist matching processes. As a result of this consultation, Secure Flight is designed to address many of the customer service concerns inherent in the current watchlist matching process. Specific customer service benefits include:

- Integrating DHS TRIP into Secure Flight by using the Cleared List and passenger redress numbers in the automated matching process;
- Operating a 24-hour, 7-day-per-week Resolution Service Center for aircraft operators to call to resolve potential Secure Flight matches and limit delays for verification of passengers; and

- Requesting the minimum amount of personal data necessary to conduct effective watchlist matching.

Many aircraft operators expressed concerns about the proposed 60-day implementation period. TSA has modified the Secure Flight implementation approach to accommodate the needs for the industry to make changes to systems and processes. TSA has conducted a series of meetings and working sessions on topics including implementation strategy, testing, and outages, and these meetings will continue with the publication of the Final Rule. As we continue to ready Secure Flight for deployment and ensure a smooth transition through parallel testing of the system, we look forward to a continued partnership with the air carrier industry, with whom we share a common goal of keeping dangerous individuals off aircraft while facilitating legitimate passenger travel.

Conclusion

I would once again like to thank this Subcommittee for its support for TSA's mission. TSA is making major strides toward implementation of Secure Flight, a step that will enhance transportation security and improve customer service while taking advantage of critical intelligence to prevent a terrorist act against the U.S. I look forward to continuing to work together with the Subcommittee as we achieve this important goal. Thank you for the opportunity to appear today, and I would be happy to answer any questions.