

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION

Statement of

JOHN SAMMON
ASSISTANT ADMINISTRATOR

Before the

SUBCOMMITTEE ON HOMELAND SECURITY
COMMITTEE ON APPROPRIATIONS
UNITES STATES HOUSE OF REPRESENTATIVES

MARCH 12, 2009

Good morning Chairman Price, Ranking Member Rogers, and distinguished members of the Subcommittee. Thank you for the opportunity to appear today to provide an update on the Transportation Security Administration's (TSA) efforts to improve surface transportation security through the public transportation (Transit) and freight railroad (Rail) grant program jointly administered and implemented with the Federal Emergency Management Agency (FEMA). I am pleased to be here today with my colleague, W. Ross Ashley, III, the Assistant Administrator for FEMA's Grant Programs Directorate; and representatives from two of our industry partners, Jack Eckles, Deputy Executive Officer, System Safety and Security, Los Angeles County Metropolitan Transportation Authority; and Bill Morange, Deputy Executive Director and Director of Security, New York Metropolitan Transportation Authority (NYMTA).

I would like to begin by thanking the members of the Subcommittee for your support of the initiatives of TSA and our stakeholders to improve Transit and Rail security. I especially want to thank the Subcommittee for the supplemental funding provided in the American Recovery and Reinvestment Act of 2009, P.L. 111-5 (Recovery Act), and the level of funding in the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, P.L. 110-329 (FY09 Consolidated Act) for grant awards for FEMA. These two Acts provide critical funding to our industry partners and enhance TSA's ability to coordinate strategic security efforts to address ongoing and emerging threats. TSA will be working expeditiously with FEMA and the eligible entities to award the additional funding in the Recovery Act to improve security while generating an economic benefit in the local area. We also look forward to working with our partners at the Department of Transportation to expedite the award of Recovery Act grant funding for Amtrak.

Transit Security Strategy

TSA's security strategy for Transit and all modes of transportation involves a risk-based approach that is flexible and capable of responding to evolving threats. We analyze intelligence

on a daily basis to ensure our strategy is focused on the most serious threats and to assist our stakeholders in implementing appropriate security measures in a cost-effective manner. We recognize that we cannot protect every person or all property against every possible threat to a system. Given the nature of the threats to Transit, we must manage risk consistent with what we understand of the threats, vulnerabilities, and consequences. We prioritize our resources to protect against the high-threat, high-consequence events.

The Transit grant program is an important part of TSA's security strategy. The grant program enhances our ability to focus on making high-risk Transit systems less attractive as targets and more secure for the traveling public. The grant program directly funds a host of critical security measures such as the forward-leaning deployment of visible deterrence--Visible Intermodal Protection and Response (VIPR) teams, explosives detection canine (Canine) teams, and trained individuals and equipment to conduct mobile screening of passengers and security surges. The grant program funds security training for front-line employees and law enforcement and public awareness campaigns to engage the public as force multipliers, important measures required by the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53 (9/11 Act). With other offices within the Department of Homeland Security (DHS), we collectively worked to tailor a behavior awareness, recognition, and detection training program for law enforcement officers protecting Transit systems. On a more permanent basis, the grant program makes Transit systems more secure by expanding the deployment of surveillance, monitoring, and detection technologies to improve intrusion and anomaly detection; strengthen access control measures; and otherwise add layers to harden facility security.

The success of our Transit security strategy begins with active stakeholder engagement. Because Transit systems operate in a much more open environment than commercial aviation, our success relies even more on the efforts and commitment of our stakeholders. We engage and communicate with Transit stakeholders on a regular basis through the Transit Policing and Security Peer Advisory Group, the Transit Government Coordinating Council, and the Transit Sector Coordinating Council. On a more informal basis, we actively encourage two-way communication between TSA and stakeholders. Through the Baseline Assessment and Security Enhancement (BASE) program, TSA compiled 55 Smart Security Practices to be shared throughout the Transit sector. The Smart Security Practices contain contact information for an official in the source agency that professional colleagues may consult for more information. Perhaps our most important exchanges with stakeholders involve ongoing classified threat and analysis briefings and the timely distribution of security information products and recommendations through the Mass Transit Security Information Network. Combined with the daily assessment work by TSA's Surface Transportation Security Inspectors, these efforts are continuously improving Transit security and the risk-based allocation of grant funding.

Regional Focus

Today the Transit grant program focuses on strengthening security on a regional basis. TSA believes that effective Transit security requires overall deterrence on a regional level. For example, Manhattan cannot be protected if potential terrorists have free access to a connecting Transit system in New Jersey. In the past, the grant process has awarded portions of the available funding to individual agencies, often in interconnected Transit systems, with the

agencies spending the funding as they separately deemed appropriate and not always with a full analysis of how the spending may or may not have improved security for the larger, interconnected Transit system.

The Transit grant program is now structured to reflect this regional approach by designating Transit regions in two separate groups based on risk. The highest risk Transit regions, comprised of the eight largest Transit systems of Atlanta, Boston, Chicago, Los Angeles, the National Capital Region, New York, Philadelphia, and the San Francisco Bay area, are designated as Tier I regions. In each Tier I region, DHS meets with a Regional Transit Security Working Group (RTSWG) to establish a Cooperative Agreement that identifies projects with the greatest security impact based on regional priorities. Tier II regions consist of other large urban areas and for these, DHS awards grants on a competitive basis considering the security impact of risk reduction projects.

TSA has shaped the grant process to begin with analysis of applicable intelligence. On a global scale, terrorists have successfully targeted trains, stations, and buses. There have been numerous credible threats to Transit systems in the United States. We focus resources on high-risk Transit agencies—those systems having dense passenger loads in confined areas, often involving underground locations, and where there is a history of a credible threat.

TSA gives priority to those projects with security measures that are low-cost yet highly effective, such as security training for front-line employees, security drills and exercises, deployment of Canine teams, mobile screening operations, security surge operations, intrusion detection technology, and access control measures. We collaborate with each RTSWG to identify, consider, and determine the grant submissions in their respective region.

Stakeholder Input

Our engagement with stakeholders is more than a process. Stakeholder input is truly valued and has shaped this process in many important ways. For example, two weeks after I accepted my position at TSA in the summer of 2006, I went to New York to meet with Bill Morange and his staff to ask for his Transit security insights. Chief Morange stressed that training, drills, Canine teams, and mobile bag screening were common practices of NYMTA and the New York Police Department. That same month, I traveled to Houston to ask Chief Tom Lambert how we might set up a Transit advisory group for TSA composed of key Transit security chiefs. Chief Lambert encouraged the TSA to hire someone who has “walked in [Transit agency] shoes” to lead the TSA Transit organization--and we did. We held subsequent discussions with Chief Lambert on how to streamline and structure the training grants to encourage more Transit agencies to release front-line employees for training classes. There are many more examples. Chief Joe Bober of New Jersey Transit advocated the approval of behavioral assessment training by DHS for Transit officers, and Chief John O’Connor from Amtrak worked with us in developing the operations protocols to allow increased Federal and local VIPR coordination and exercises.

Rail Security Strategy

Although Rail grants are a more recent addition to the grant program and are not awarded at the same funding level as Transit grants, the Rail grants are an important component of TSA's Rail security strategy. The principle element of TSA's Rail security strategy is to reduce the risk of Toxic Inhalation Hazard (TIH) chemicals in high threat urban areas. TSA works in close cooperation with the Rail industry to measure risk as a function of unattended standing TIH rail car time in high-threat urban areas. We track every TIH rail car using the Rail industry's Automatic Car Identification readers. These readers are accurate for mainline movements, but are less accurate in complex urban areas. The Rail grant program prioritizes awards to compensate TIH tank car owners and lessors for installing Global Positioning Satellite (GPS) devices on their tank cars. The GPS devices will ensure awareness of the location of the highest risk shipments and enable appropriate security response as such shipments move into or through high consequence urban areas. Security grants will also fund the delivery of security awareness and emergency response training for front-line employees, conduct vulnerability assessments, and develop security plans.

9/11 Act Implementation

I would also like to thank the Subcommittee for your support in providing additional funding to TSA for fiscal years (FY) 2008 and 2009 for the implementation of new regulations and activities authorized by the 9/11 Act. As set forth in the FY2009 TSA Spend Plan for 9/11 Act implementation, which TSA recently submitted to the Subcommittee, the funding will enable TSA to increase our security efforts in many critical areas. We are conducting additional vulnerability assessments for high-risk Transit, Rail, and over-the-road bus operators, expanding the Intermodal Security Training and Exercise Program, developing a transportation security Information Sharing & Analysis Center, hiring an additional 50 Surface Transportation Security Inspectors (STSI), and implementing other important activities.

The 9/11 Act, as this Subcommittee is well aware, directed TSA to implement over 100 programs, rulemaking actions, and activities relating to Transit and Rail security. We continue to make significant progress and we are pleased to report that many of the requirements from the 9/11 Act have been completed. Among those completed actions, I would like to highlight a few to illustrate our progress:

- expanded the existing security grant program for Transit to include Rail and other eligible entities;
- published an interim final rule covering the process for handling false statements made relating to security background check requirements for Transit and Rail workers;
- issued guidance to Transit and Rail operators for conducting voluntary security background checks;
- established and adopted security improvement priorities for Transit; and
- completed updates to Transit security assessments with assessments conducted by STSIs.

TSA is proceeding with implementing the remaining requirements of the 9/11 Act to further enhance surface transportation security. Although some of our ongoing rulemaking efforts have not been completed by the dates established in the 9/11 Act, we are taking action to accomplish some of the same goals through other efforts. For example, TSA developed and implemented a focused security training initiative under the grant program to encourage and expand the availability of the training to front-line workers. DHS revised the eligible costs under the grant program to allow coverage of overtime expenses and streamlined the application process to expedite awards for training. As a result, we have greatly expanded the availability of security training to Transit and Rail workers while we proceed with the formal rulemaking process. Through our ongoing efforts, including efficient use of our resources within our base funding, and your support, we are confident we will continue to enhance security for Transit and Rail, as well as the other modes of transportation.

Conclusion

TSA's Transit and Rail security strategy evolves through, and is improved by, constant interaction with our stakeholders. Our strategy is designed to make terrorist attack planning more difficult and less attractive by making the facilities and systems more secure. The grant program is an important tool in implementing our security strategy. We strive to conduct the process in a transparent manner by making the grant guidance, security project priorities, the process for allocating the money available, and other related information publicly available on the TSA website. We look forward to working with our partners at FEMA to make this grant process as streamlined, effective, and successful as possible. Mr. Chairman, thank you again for this opportunity and I will be happy to respond to your questions.