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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
FACSIMILE (202) 225-3974
MINORITY (202) 225-5051

<http://oversight.house.gov>

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May 4, 2012

MEMORANDUM

TO: Members of the Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure

FROM: Majority Staff, Committee on Oversight and Government Reform and Committee on Transportation and Infrastructure

SUBJECT: Committee on Oversight and Government Reform and Committee on Transportation and Infrastructure joint hearing: "TSA Oversight Part IV: Is TSA Effectively Procuring, Deploying, and Storing Aviation Security Equipment and Technology?"

On Wednesday, May 9, 2012, at 1:00 p.m. in room 2154 Rayburn House Office Building, the Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure will conduct a joint hearing entitled, "TSA Oversight Part IV: Is TSA Effectively Procuring, Deploying, and Storing Aviation Security Equipment and Technology?" The Committees will examine issues associated with the procurement, deployment, and storage of airport security related equipment. Members will hear testimony from the Transportation Security Administration (TSA), the Department of Homeland Security Inspector General (DHS IG), and the Government Accountability Office (GAO).

Background

In the wake of the attacks of September 11, 2001, Members of the House Committee on Transportation and Infrastructure drafted the Aviation and Transportation Security Act (ATSA), which created the Transportation Security Administration, and was signed into law by President George W. Bush on November 19, 2001.¹ A year later, on November 25, 2002, President Bush signed into law the Homeland Security Act of 2002 ("Act") which created the U.S. Department of Homeland Security ("Department") and incorporated TSA into the Department.² In keeping with the House Oversight and Government Reform Committee's pivotal role in shaping the Department's mission and goals, the Act delegated it responsibility for conducting broad

¹ The Aviation and Transportation Security Act of 2001, P.L. 107-71.

² The Homeland Security Act of 2002, P.L. 107-296.

oversight of the Department and its agencies.³ Since then, the Committee on Oversight and Government Reform has held at least 78 hearings⁴ examining topics ranging from the Federal Government's efforts in responding to Hurricane Katrina⁵ to the oversight of Department contracts, including SBInet.⁶

The Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure have both conducted oversight of TSA policies and programs.⁷ To that end, they have examined aviation security matters including, but not limited to, information sharing, federal workforce issues in managing airport security, perimeter security, the relationship between TSA and local airport operators, the Screening Partnership Program, and the training and supervision of airport screeners.⁸

On March 16, 2011, the House Oversight and Government Reform Subcommittee on National Security, Homeland Defense, and Foreign Operations conducted a hearing entitled, "TSA Oversight Part I: Whole Body Imaging," at which it examined privacy and safety concerns associated with screening technology and pat-downs. On July 13, 2011, the Subcommittee conducted a hearing entitled, "TSA Oversight Part II: Perimeter Security," at which it examined the security approach and policies adopted by TSA to ensure that airports are secure from the front door to the fence line.

On March 26, 2012, the Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure conducted a joint hearing entitled, "TSA Oversight Part III: Effective Security or Security Theater?," at which the committees examined the successes and challenges associated with Advanced Imaging Technology (AIT), the Screening of Passengers by Observation Techniques (SPOT) program, the Transportation Worker Identification Credential (TWIC), and other security initiatives administered by the Transportation Security Administration.

³ Hearings Conducted by the U.S. House Committee on Oversight and Government Reform: Homeland Security. *See*, <http://www.access.gpo.gov/congress/house/house07ch107.html> (last visited March 14, 2012).

⁴ Hearings Conducted by the U.S. House Committee on Oversight and Government Reform: Homeland Security. *See*, <http://www.gpoaccess.gov/congress/house/govreform/index.html> (last visited March 14, 2012).

⁵ U.S. House Committee on Oversight and Government Reform, Minority Report, "Waste, Fraud, and Abuse in Hurricane Katrina Contracts," August 24, 2005.

⁶ Hearing, U.S. House Committee on Oversight and Government Reform, "Management of Massive Homeland Security Contracts: Deepwater and SBInet," February 8, 2007.

⁷ On November 16, 2011, the Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure issued a joint staff report, entitled, "*A Decade Later: A Call for TSA Reform*," as "an examination and critical analysis of the development, evolution, and current status and performance of TSA ten years after its creation."

⁸ *Supra*, note 1; *See also*, Hearing, U.S. House Committee on Oversight and Government Reform, "Coordinated Information Sharing and Homeland Security Technology," June 7, 2002; Hearing, U.S. House Committee on Oversight and Government Reform, "Travel vs. Terrorism: Federal Workforce Issues in Managing Airports," April 4, 2006; Hearing, U.S. House Committee on Oversight and Government Reform, "Knives, Box Cutters, and Bleach: A Review of Passenger Screener Training Testing and Supervision," November 20, 2003.

This series of hearings continues by addressing issues associated with the procurement, deployment, and storage of TSA security related equipment. These matters are of paramount importance to our national security, homeland defense, and the safety of the traveling public.

Discussion

Under the Aviation and Transportation Security Act of 2001, TSA is required to prescribe standards and regulations necessary to screen all passengers and property traveling from and within the U.S. by commercial aircraft.⁹ To comply with this mandate, TSA is constantly acquiring and deploying new technology to fulfill aviation security needs. Similarly, TSA has created layers of security, which include the utilization of technology such as AIT, Explosive Trace Detectors, Explosive Detection Systems, metal detectors and other security related equipment. TSA's acquisition of these security related technologies and equipment represents billions of dollars in costs to the taxpayer and air traveler.

Despite the importance of an effective procurement process, the Government Accountability Office has found that "TSA . . . face[s] challenges in developing technology program requirements on a systemic and individual basis." Thus, GAO has recommended the need for "valid baseline requirements" when DHS agencies, including TSA, procure security technology and equipment. Yet, in June 2010, GAO reported that TSA had awarded contracts to acquire security technology without TSA or DHS approval of "documents essential to planning acquisitions, setting operational requirements, or establishing acquisition program baselines." In response, GAO recommended various ways for TSA to improve its acquisition process, but TSA, while agreeing with GAO's recommendations, still has yet to implement many of the recommendations.

Additionally, various reports, studies, and independent testimony all suggest that TSA is ineffectively deploying security technology and equipment at commercial airports. As recently as March 26, 2012, at the joint hearing conducted by the Committees, Stephen Lord, GAO's Director of Homeland Security, testified that: "some of the deployed AIT units were used on less than 5 percent of the days they were available since their deployment . . . some units were used on less than 30 percent of the days available since their installation." As such, the ineffective deployment of AIT diminished any "potential security benefits" of the technology and highlights the import of effective deployment.

Conclusion

This hearing will examine the aforementioned concerns and seek input from the witnesses on how best to resolve them. Ultimately, the federal government must strive to implement successful and cost-effective security measures. In achieving this, it must do so in a manner that avoids the waste, fraud, mismanagement and abuse of taxpayer resources.

⁹ ATSA, Sec. 106.

Witnesses

- Mr. David R. Nicholson
Assistant Administrator for Finance and Administration and Chief Financial Officer
Transportation Security Administration
- Mr. Charles K. Edwards
Acting Inspector General
Department of Homeland Security
- Mr. Stephen M. Lord
Director
Homeland Security and Justice Issues
U.S. Government Accountability Office

Staff Contacts

For questions related to the hearing, please contact Mitchell Kominsky or Tom Alexander of the Oversight and Government Reform Majority staff at (202) 225-5074; or Sean McMaster of the Transportation and Infrastructure Majority staff at (202) 225-9446.