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Before

The Subcommittee on Transportation Security

Challenging the Status Quo at TSA:

Perspectives on the Future of Transportation Security

U.S. House Committee on Homeland Security

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Good afternoon. First, let me extend my appreciation to you, Chairman Rogers and to Ranking Member Jackson Lee for the invitation to appear before you today. The work the Subcommittee is doing by conducting a series of hearings on critical issues confronting the U.S. Transportation Security Administration (TSA) will support improvements in efficient and effective operations and an enhanced understanding among all stakeholders of the significant challenges the TSA confronts each and every day. As a former TSA senior executive, I can attest to the commitment of the agency's men and women who do their utmost 24/7 to keep Americans secure and all modes of transportation functioning freely. To serve at TSA following the horrific attacks of 9/11/01 remains, for me, a high honor, and my testimony today is delivered in the spirit of a continuing devotion to TSA's mission and to those who serve there.

As this Subcommittee weighs the future of TSA, it is important that you consider steps that will support TSA in enhancing its consistency, credibility and currency. I do not mean to suggest that TSA lacks these attributes, but there are changes that would help the agency operate more efficiently and effectively, reduce criticism of the TSA, and allow the agency to be recognized for the invaluable contribution to homeland security that it makes every day.

First, consistency - in management, organization and leadership.

In the years following TSA's creation with the signing of the Aviation and Transportation Security Act (ATSA) on November 18, 2001, the Congress has acted to change a range of the Act's original provisions. It is now time to review certain of these original provisions and ask whether or not they should be restored going forward.

ATSA created the post of Undersecretary for Transportation Security as the third ranking position in the U.S. Department of Transportation hierarchy and accorded the post the same executive rank as the DOT Deputy Secretary. Most importantly, ATSA created the post with a stated term of 5 years.

Over the intervening years, the five year term provision was removed and the executive rank of the TSA Administrator was reduced. This was done following the creation of the Department of Homeland Security so that TSA would fit into an organizational structure that has since been abolished.

I submit that, at the least, the 5 year term stipulation be reinstated because it will help assure leadership consistency and non-partisanship over the long term. It will help make management of the agency more predictable and permit the overall organization to focus more intently on mission execution and efficient use of resources.

Since TSA was created nearly 11 years ago, there have been six TSA Administrators, including one long term acting leader, and the same number of Deputy Administrators, including my brief acting tenure and the most current appointee who just assumed his post. The turnover in other TSA senior leadership positions is much the same story, often driven by the changes at the top.

With changes at the top usually come a re-wiring of the organization chart and a reallocation of responsibilities.

I suggest the ATSA provision for a 5-year term for the TSA Administrator was intended to support long term consistency in leadership, management and to assure organizational stability. From consistency in leadership would come broad policy and operational buy-in by government and private sector stakeholders. Such buy-in from stakeholders remains critical to TSA's homeland security mission success. This 5-year term provision mirrors that for the FAA Administrator for many of the same reasons.

Related to the provision for a 5-year term is the original executive rank of the TSA Administrator. If the post retained the same rank ATSA accorded it, the TSA Administrator would be an official of near equal status as the DHS Deputy Secretary. It may seem like a small matter – the designation of a Federal post on the OPM Executive Schedule. But the complexity and global visibility of the TSA Administrator position is such that, in fact, rank does matter in

dealing with agency counterparts across the Executive Branch and in working with international partners. ATSA accorded a very senior rank to the TSA Administrator position in recognition that the agency would require the ability to be flexible, swift and responsive without having to engage in cumbersome departmental or intergovernmental bureaucratic deliberations over certain policy and resource allocation matters.

Second, credibility - by taking steps to reduce adverse aviation passenger experiences at the checkpoint.

If TSA can significantly reduce adverse experiences, the agency's overall credibility as a bulwark of post 9/11 homeland security will go up markedly. A potential path to achieving this credibility is the empowerment of the TSA's workforce of Checkpoint Supervisors to intervene in screening processes and to diffuse those situations that often intrigue the news media for days on end when they represent only a rare exception to the experience of two million passengers each day. To be sure, TSA cannot permit individual line officers to set aside security procedures as they see fit. However, TSA does have more than 3,000 management personnel designated as Checkpoint Supervisors present at most checkpoints in the nation's largest airports. These personnel should be authorized to intervene in "special situations" involving unnecessary scrutiny of children and elderly travelers and to pass them through.

While TSA is making changes to procedures aimed at reducing adverse passenger experiences by procedural adjustments, the experienced frontline Checkpoint Supervisors can get TSA out of the headlines expeditiously thus elevating overall agency credibility. In a recent appearance before this Subcommittee, TSA Administrator Pistole acknowledged that this approach had merit and noted that the agency is moving to provide the necessary training to the 3,000 Checkpoint Supervisors. This should occur on an expedited basis.

Third, currency – by having the most advanced security technology capability possible at all times.

Having the most advanced security technology to help ensure the agency stays ahead of the terrorist threat will require the Congress to provide TSA with innovative financing authority and to facilitate the use of independent third party testing to more effectively and cost-efficiently bring technologies to use by the agency.

Innovative financing authority has been discussed and the Subcommittee has heard testimony on this topic previously. Further, the Essential Technology Taskforce Report presented to Secretary Chertoff in 2008 outlined several approaches. I would suggest that the

Subcommittee give due consideration to the concept of a voluntary multi-billion dollar tax credit bond program under which airports would issue debt to pay for security equipment and the necessary infrastructure to support TSA operations.

This approach has not gained strong support in these lean budget times given that the tax credits would show up as an increase in spending under Congressional Budget Office rules. However, I would suggest that this is spending that is not avoidable and such an approach may support efficiency and more common sense planning. It is also private sector dollars what would be leveraged by Federal action.

For instance, TSA is required by ATSA to screen checked baggage using Explosives Detection Systems; an advanced x-ray technology. Across the system this equipment is now headed toward the end of its useful life and will soon have to be replaced. Despite TSA's best efforts, that will be a budget buster if it all needs replaced within a short timeframe which could easily happen. As it is, the agency is not moving toward replacement in the most efficient way since long term infrastructure approaches, in many instances, are being put on hold.

Further, those of us who have been engaged in the budgeting process for a Federal agency know that winning approval for capital equipment expenditures is never easy outside of an emergency. If TSA had innovative financing authority the agency could develop a strategy to keep its technology completely current.

The same holds true for passenger checkpoint technologies as the current generation of x-ray and personnel scanners ages and better, faster versions become available.

Concerning independent, third-party testing of security technologies, TSA can better leverage its limited resources to more quickly facilitate the development and testing of technologies to TSA standards in preparation for final certification and deployment by the agency.

With third party testing, vendors can proceed more expeditiously to develop and test the technologies that TSA requires; better leveraging their limited resources and expediting development. TSA benefits from more rapid and efficient development of technologies and enhances its credibility by being able to point to the independent testing.

From a budget standpoint, again recognizing the continued budget constraints our government must operate under and the need to show the taxpaying public we are providing them with their "money's worth," independent, third party testing should depend primarily on reallocation of existing resources, and in some case will rely on private or other than government funding.

The Subcommittee has heard testimony about TSA's Risk Based Screening program. RBS is supported by new and emerging technology. The full benefits of RBS will not be realized as swiftly as everyone might like if the TSA is left to advocate year over year for budget resources to support it. In addition, with innovative financing authority and independent, third party testing will come the best possible leverage of dollars to be invested in the technology required to keep our security regime robust and ahead of the terrorist threat.

So, assurance that TSA's full suite of security technologies is maintained as current is the third future need I suggest the Subcommittee consider.

Chairman Rogers and Ranking Member Jackson Lee, once again, I greatly appreciate the opportunity to share my thoughts about future changes that will support TSA becoming widely known for consistency, credibility and currency.

I would be pleased to answer any questions the Chairman, Ranking Member or other Members of the Subcommittee may have.