



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

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November 26, 2012

**MEMORANDUM**

**TO:** Members, Aviation Subcommittee  
**FROM:** Thomas Petri, Subcommittee Chairman  
**SUBJECT:** Hearing on "How Best to Improve our Nation's Airport Passenger Security System Through Common Sense Solutions."

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**PURPOSE**

The purpose of this hearing is to examine the impact that the regulations and policies of the Transportation Security Administration have on aviation passenger experience and the free flow of aviation commerce. The subcommittee will hear from government, industry, and labor witnesses on their observations and suggestions on TSA's policies.

**BACKGROUND**

The aviation industry plays a major role in the United States economy, accounting for roughly five percent of the nation's gross domestic product (GDP).<sup>1</sup> In 2011, over 803 million passengers traveled in the United States aviation system.<sup>2</sup> According to the United States Travel Association (USTA), the aviation passenger travel industry contributes \$813 billion directly from

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<sup>1</sup> Airlines for America. "Economic Impact Report" <http://www.airlines.org/Pages/Economic-Impact.aspx>

<sup>2</sup> United States Travel Association "U.S. Travel Answer Sheet." Pg. 1.

travel expenditures.<sup>3</sup> The movement of aviation passengers, for either business or leisure purposes, contributes a significant portion to the United States economy.

In 2001, when Congress created the Transportation Security Administration (TSA), the agency became responsible for the screening of commercial passengers, including their persons, and carry on as well as checked baggage. In the years since its inception, the TSA has developed its screening policies to react to intelligence, technology development, terrorist attempts, and public feedback. For example, after the shoe bombing attempt of Christmas 2002, the TSA began to require that passengers remove their shoes for screening. In response to public feedback in recent years, the TSA has developed modified screening procedures for children under 12 and the elderly. As the TSA develops and implements its screening procedures, it has a direct impact on the experience of aviation passengers.

The USTA conducted a survey in 2010 that looked at consumers' satisfaction with their flying experience, including the impact that TSA screening policies have on the aviation passenger experience. According to the survey results, the USTA found that while the majority of fliers report an overall positive experience in flying, their most negative ratings go to security procedures such as removing shoes, pat-down searches, full body x-ray screening, qualifications of TSA personnel, and courtesy and friendliness of TSA personnel.<sup>4</sup> Furthermore, in their blue ribbon panel report, the USTA found that two thirds of air travelers would take one or more additional plane trips if security screening procedures were improved. This would provide an estimated \$85 billion in consumer spending to the United States economy.<sup>5</sup> Given these survey and blue ribbon panel results, the TSA's screening policies have a direct impact on the health of the aviation industry. If people are unwilling to fly or are flying less frequently because of TSA screening procedures, the result is lost revenue for the commercial aviation industry.

The TSA has an important role in providing security for the flying public. But, the TSA was created in the wake of 9/11 to strengthen the security of the nation's airport system while ensuring the freedom of movement for people and commerce. In the past decade the TSA has spent \$57 billion to protect the traveling public from a terrorist incident.<sup>6</sup> According to the USTA's survey results, the American traveling public understands the role that TSA must play in ensuring the security of airline passengers, but they would like for it to be done in a careful and effective manner.<sup>7</sup>

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<sup>3</sup> United States Travel Association "U.S. Travel Answer Sheet" pg. 1.

<sup>4</sup> United States Travel Association "Report of Findings: A Study of Air Traveler Perceptions of Aviation Security Screening Procedures" December 21, 2010, pg. 6.

<sup>5</sup> United States Travel Association "Report of Findings: A Study of Air Traveler Perceptions of Aviation Security Screening Procedures" December 21, 2010, pg. 7.

<sup>6</sup> Washington Times. "TSA Grabs Union Contract", <http://www.washingtontimes.com/news/2012/nov/9/tsa-grabs-union-contract/>, November 9, 2012.

<sup>7</sup> United States Travel Association "Report of Findings: A Study of Air Traveler Perceptions of Aviation Security Screening Procedures" December 21, 2010, pg. 8.

## **Passenger Screening**

Congress tasked the TSA with responsibility "... for the day-to-day screening operations for passenger air transportation and intrastate air transportation."<sup>8</sup> This responsibility includes the development of standard screening procedures, and the hiring, training, and testing of the screening personnel. All commercial aviation passengers must go through TSA's screening process before they can board their flight. The USTA discovered in their survey that many passengers recognize the importance of security screening but believe there must be "more friendly technology and procedures available that are equally effective compared to measures used in airports today."<sup>9</sup>

Over the last decade, in response to passenger concerns and in many cases complaints, the TSA has adjusted screening procedures for children under twelve, the elderly, military personnel, as well as those with disabilities. These alternative procedures, as well as the screening procedures for all other passengers, are listed on TSA's website. However, consumer advocates have raised concerns that for many travelers there is a lack of clarity at the airport on the part of both passengers and screening personnel. This confusion can lead to improper screening, passenger delays, and/or a negative experience by passengers which could impact their likelihood to travel via aviation again. In addition, there seems to be confusion among passengers about what rights they have when it comes to airport screening. Consumer advocates have raised concerns on what impacts this has on the aviation consumer experience. By way of example, some anecdotal accounts have recently emerged about so called "freeze drills". According to TSA, "freeze drills" are tests for screening agents, however confusion at checkpoints have resulted in consternation among passengers.<sup>10</sup> Screening personnel play an important role in aviation security, and additional clarity on proper screening procedures and passenger rights for all parties involved in the screening process would benefit the overall aviation passenger experience.

## **Pat downs and Advanced Imaging Technology**

In 2010 after the attempted underwear bombing, the TSA introduced two new passenger screening procedures, enhanced pat down procedures and widespread use of advanced imaging technology (AIT) machines. According to TSA, they began to implement advanced imaging technologies as soon as 2007, and use two different kinds of machines; millimeter wave and backscatter x-ray. Enhanced pat downs and AIT machines generated public outcry due to what many in the public saw as the invasive nature of the procedures, as well as the amount of

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<sup>8</sup> Air Transportation Security Act. Pub.L. 107-71.

<sup>9</sup> United States Travel Association "Report of Findings: A Study of Air Traveler Perceptions of Aviation Security Screening Procedures" December 21, 2010, pg. 8.

<sup>10</sup> "TSA 'All Stop' Drill at Phoenix's Sky Harbor Airport: What is it?" September 9, 2012. [http://www.huffingtonpost.com/2012/09/28/tsa-all-stop-drill\\_n\\_1923683.html](http://www.huffingtonpost.com/2012/09/28/tsa-all-stop-drill_n_1923683.html).

radiation that may be emitted from the AIT machines. In response to public and Congressional concerns related to radiation exposure, the TSA commissioned a report to test the level of radiation exposure for both operators and passengers from backscatter machines. The TSA has deemed the results of that study to be classified, so the public cannot know the exact results. But, the TSA has issued public statements indicating that the radiation emitted is within safe levels.

In response to privacy concerns related to the “naked images” produced by the AIT machines, the TSA began using privacy software that produces stick figures and highlights irregularities requiring further screening by a box on the figure. With the software upgrades in place, screeners know to pat down the area or areas of the passenger that are highlighted by the box, thus saving passengers from having to endure a more intrusive pat down and saving screener efforts by providing direction for where to focus their attention. Should a passenger not wish to go through an AIT machine they can opt to have a pat down. According to the TSA, pat downs are only used if the passenger opts out of going through an AIT machine, or if an anomaly is detected when they go through the AIT machines.

### **Risk-Based Screening**

The TSA has begun to implement policies that are risk-based; attempting to move away from a screening policy that is “one size fits all”. As part of this new approach, the TSA has developed alternative screening procedures for children and the elderly. The TSA is also rolling out its new PreCheck program that was initiated in 2011. PreCheck is intended to expedite screening for frequent flyers of participating airlines at specific airports, and for those enrolled in the U.S. Customs and Border Protection Trusted Traveler Program. Participants go through a thorough background check conducted by either the TSA or CBP. Once accepted in the program, participants are eligible for expedited screening and modified screening procedures. Originally at only five airports with three participating airlines, the program has expanded over the months with plans for PreCheck to be at 32 airports by the end of 2012. While PreCheck passengers are eligible for expedited screening the TSA has stated that that does not mean they will always be exempted from regular screening procedures.<sup>11</sup> This program is a prime example of TSA’s new risk based approach to screening.

### **Customer Service**

The TSA is tasked with providing not only a security service to the flying public, but a customer service as well. TSA screeners have responsibility for not just ensuring passengers and their baggage are screened, but also to provide guidance to the flying public as they are going through the screening process. The actions and attitudes of the screening personnel can have a

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<sup>11</sup> Transportation Security Administration. “TSA PreCheck.” <http://www.tsa.gov/tsa-pre%E2%9C%93%E2%84%A2>.

direct impact, either positive or negative, on the experience of the passenger. Consumer advocates have raised concerns that TSA screening personnel may not necessarily see their job as providing customer service while ensuring the security of travelers. The Government Accountability Office (GAO) recently undertook an audit of TSA's customer service resources. The TSA receives complaints through five different mechanisms, including from complaint cards, letters to the Administrator, the TSA's Contact Center, and input shared with TSA's customer service representatives. The TSA has several headquarter units and local airport staff that are responsible for addressing and processing passenger complaints.<sup>12</sup> While TSA has multiple sources to gather complaints, GAO found that it does not have an agency-wide policy or consistent process to guide each complaint and use the data gathered to find trends and improve processes and training for screeners. The inability of the TSA to best utilize the feedback they receive from passengers results in the TSA failing to take the opportunity to improve operations and customer service. In addition, the GAO found that while TSA has several methods to inform passengers about its complaint processes it does not have an agency wide policy to ensure consistent use of methods across airports.<sup>13</sup>

### **Screening Personnel Issues**

The TSA is responsible for hiring, training, and managing a workforce of roughly 45,000 screeners. Screeners are the face of the TSA. They directly interact with and come into physical contact with aviation passengers every day. The great majority of these screeners perform their jobs admirably. But, there have been increasing instances of screener misconduct. Cases of screener misconduct include; screeners stealing items from passengers, failing to follow screening standards, taking place in criminal conduct outside the workplace, and participating in plots to allow illegal substances through airports. As these events are reported, questions are raised about the professionalism of screening personnel. Public confidence in the TSA and its screeners is absolutely critical to the success of the agency and the fulfillment of their security mission.

### **Cargo Screening Rules**

The aviation cargo industry is responsible for the movement of billions of pounds of air cargo in and out of the United States every year. In 2010, the United States air cargo industry generated roughly \$27 billion.<sup>14</sup> Air cargo is an essential part of the aviation industry and critical to the free flow of commerce.

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<sup>12</sup> Government Accountability Office. GAO-13-43. "Air Passenger Screening Complaints." November 2012. Pg.i.

<sup>13</sup> Government Accountability office. GAO-13-43. "Air passenger screening Complaints." November 2012. Pg.i.

<sup>14</sup> Airlines for America. "2011 Economic Report", pg 3  
<http://www.airlines.org/Documents/economicreports/2011.pdf>

In 2010, there was a foiled terrorist plot to transport printer cartridge bombs to the United States from Yemen. The attempted plot made use of both passenger and cargo aircraft. After the attempted bomb plot, Members of Congress focused on requiring the screening of 100 percent of all inbound cargo on both passenger and cargo aircraft. Currently, 100 percent of all cargo being carried on passenger aircraft is screened. However, the industry raised concerns with the cost and feasibility of screening 100 percent of the cargo carried on all-cargo aircraft. The TSA has taken steps to improve cargo screening, including developing new risk-based security requirements to focus on high risk shipments, creating an Air Cargo Security Working Group, and initiating an Air Cargo Advanced Screening pilot program. The GAO reviewed the TSA's efforts to address cargo screening needs and while the GAO saw these actions as positive steps they did identify concerns that TSA has not yet met 100 percent screening mandate for inbound air cargo. In addition, they found that TSA has not weighed the costs and benefits of requiring all-cargo carriers to submit screening data, so the TSA does not know if submission of such data would improve its efforts to identify high risk cargo.<sup>15</sup>

## **Conclusion**

The TSA is tasked with protecting the security of the flying public. This responsibility is a complex and challenging task. The policies, regulations, processes and procedures that the TSA implements to protect the flying public clearly have a direct impact on the passenger experience and the free flow of commerce. With the aviation industry accounting for five percent of the United States economy, any negative impact that TSA policies and procedures have on the passenger experience or the flow of commerce has a real impact on the U.S. economy. If passengers choose not to fly or to fly less, or if the movement of goods by air is delayed or halted altogether, jobs are impacted and livelihoods disrupted. The TSA must remain vigilant not just of security needs, but of their role in how the public perceives the flying experience post 9/11. TSA actions have a direct impact on the success or failure of this vital part of the U.S. economy and the freedoms U.S. citizens expect and enjoy.

## **Witnesses:**

### **Government Panel**

Invited: Honorable John Pistole  
Administrator  
Transportation Security Administration

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<sup>15</sup> Government Accountability Office, "Aviation Security: Actions Needed to Address Challenges and Potential Vulnerabilities Related to Securing Inbound Air Cargo." May 2012

Honorable Charles K. Edwards  
Acting Inspector General  
Department of Homeland Security

Mr. Steve Lord  
Director, Homeland Security and Justice Issues  
Government Accountability Office

**Industry and Labor Panel**

Mr. Ken Dunlap  
Global Director, Security and Travel Facilitation  
International Air Transport Association

Ms. Veda Shook  
President  
Association Flight Attendants

Mr. Charlie Leocha  
Director  
Consumer Travel Alliance