

**NOMINATION OF JOHN S. PISTOLE,
TO BE ADMINISTRATOR OF THE
TRANSPORTATION SECURITY ADMINISTRATION
AND ASSISTANT SECRETARY OF THE
U.S. DEPARTMENT OF HOMELAND SECURITY**

HEARING

BEFORE THE

**COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE**

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

JUNE 10, 2010

Printed for the use of the Committee on Commerce, Science, and Transportation



U.S. GOVERNMENT PRINTING OFFICE

67-573 PDF

WASHINGTON : 2011

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

JOHN D. ROCKEFELLER IV, West Virginia, *Chairman*

| | |
|---------------------------------|---|
| DANIEL K. INOUE, Hawaii | KAY BAILEY HUTCHISON, Texas, <i>Ranking</i> |
| JOHN F. KERRY, Massachusetts | OLYMPIA J. SNOWE, Maine |
| BYRON L. DORGAN, North Dakota | JOHN ENSIGN, Nevada |
| BARBARA BOXER, California | JIM DEMINT, South Carolina |
| BILL NELSON, Florida | JOHN THUNE, South Dakota |
| MARIA CANTWELL, Washington | ROGER F. WICKER, Mississippi |
| FRANK R. LAUTENBERG, New Jersey | GEORGE S. LEMIEUX, Florida |
| MARK PRYOR, Arkansas | JOHNNY ISAKSON, Georgia |
| CLAIRE McCASKILL, Missouri | DAVID VITTER, Louisiana |
| AMY KLOBUCHAR, Minnesota | SAM BROWNBACK, Kansas |
| TOM UDALL, New Mexico | MIKE JOHANNES, Nebraska |
| MARK WARNER, Virginia | |
| MARK BEGICH, Alaska | |

ELLEN L. DONESKI, *Staff Director*

JAMES REID, *Deputy Staff Director*

BRUCE H. ANDREWS, *General Counsel*

ANN BEGEMAN, *Republican Staff Director*

BRIAN M. HENDRICKS, *Republican General Counsel*

NICK ROSSI, *Republican Chief Counsel*

CONTENTS

| | |
|--|-----------|
| Hearing held on June 10, 2010 | Page 1 |
| Statement of Senator Rockefeller | 1 |
| Statement of Senator Hutchison | 3 |
| Prepared statement | 5 |
| Statement of Senator DeMint | 6 |
| Statement of Senator Begich | 27 |
| Statement of Senator Warner | 30 |
| Statement of Senator Thune | 32 |
| Statement of Senator LeMieux | 35 |
| Statement of Senator Dorgan | 39 |

WITNESSES

| | |
|---|----|
| John S. Pistole, Administrator-Designate, Transportation Security Administration, and Assistant Secretary-Designate, U.S. Department of Homeland Security | 7 |
| Prepared statement | 9 |
| Biographical information | 10 |

APPENDIX

| | |
|--|----|
| Response to written questions submitted to John S. Pistole by: | |
| Hon. Daniel K. Inouye | 47 |
| Hon. Bill Nelson | 47 |
| Hon. Frank R. Lautenberg | 48 |
| Hon. Amy Klobuchar | 49 |
| Hon. Tom Udall | 50 |
| Hon. Kay Bailey Hutchison | 51 |
| Hon. Olympia J. Snowe | 54 |
| Hon. Jim DeMint | 59 |
| Hon. John Thune | 59 |
| Hon. Sam Brownback | 61 |

**NOMINATION OF JOHN S. PISTOLE, TO BE
ADMINISTRATOR OF THE TRANSPORTATION
SECURITY ADMINISTRATION AND
ASSISTANT SECRETARY OF THE
U.S. DEPARTMENT OF HOMELAND SECURITY**

THURSDAY, JUNE 10, 2010

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 10:30 a.m. in room SR-253, Russell Senate Office Building, Hon. John D. Rockefeller IV, Chairman of the Committee, presiding.

**OPENING STATEMENT OF HON. JOHN D. ROCKEFELLER IV,
U.S. SENATOR FROM WEST VIRGINIA**

The CHAIRMAN. Good morning, everybody. This hearing comes together, and the two most important members of this committee are here, present, and ready to work.

We are here today to consider John Pistole to be, at last, hopefully, almost definitely, the Administrator of the TSA.

It's embarrassing that such an enormous undertaking doesn't have the leadership that it needs. I am convinced that you can provide that leadership on the basis of work we've done in the Intelligence Committee and on basis of the conversations that we've had about all of this. There's no question in my mind about it.

We cannot ignore the fact that for far too long we just have—we've been without one, and we paid a terrible price for one. And I want to talk about that in the questions.

This country has endured an attempted Christmas Day attack aboard an airplane bound for Detroit; an attempted Times Square bombing, where the terrorist was pulled off the plane that was about to take off for Dubai and they pulled him off; and just this weekend, two men were arrested, again at JFK, as they attempted to board a flight to Egypt on their way to Somalia. Well, that's a good combination—and they were planning on joining an international terrorist organization. We've got to get this all right.

Our vast and open transportation system, which is classically American in its nature, is part of everybody's lives in small towns, in big cities, and we understand that. They connect our communities to a wider world, which we need. The enormous reach is what makes our transportation system such a powerful tool for terrorists. We open ourselves, because we are that nature, and we pay a price for it, because they can take advantage of it. Single pur-

chase, cash, all the rest of it. It's not even really that hard, but it is going to have to be.

And they're constantly looking for new ways to make attacks, to do things. They're single operators. They can be less sophisticated, they don't have to be as highly trained. They can get this all off the Internet. They can do it because they're mad at America. They could be Americans; and they are, in fact, some of them. And that's going to grow. Wherever people are having trouble economically, in the Middle East or in this country, and people get mad and frustrated, they want a way out, they want something to belong to, which they can say gives them identity. And, unfortunately, terrorism is one of the ways that they can do that and feel like they're strong men and women.

As I indicated, we've had concentrated discussions on a variety of things over the years, on the Intelligence Committee. That's very important to me. I know what some of the stuff that they're thinking about is, and what has been attempted and not worked, and what has been attempted and has worked. And it's all very upsetting.

So, TSA takes on this tremendously new dimension of, needing to make lines more efficient, to get people less angry, all up against a budget freeze—which we have to talk about—and, at the same time, be a step ahead, if possible, of terrorists.

So, we need an experienced and skilled Administrator. And we need that person now, to lead the TSA and to lead the workforce, because people can work hard, but if they don't have a leader, something happens to them eventually. And you, I think, are that kind of leader. Protecting our country against future attacks. We just need all of this, period.

I, myself, just speaking as one Senator, am confident that you, John Pistole, are ready. You're qualified to lead this agency effectively.

As the FBI's deputy director, Mr. Pistole is currently the Bureau's second in command. That's the—just to consider that—Bob Mueller, then John Pistole—that's a fairly famous, large agency, which does things all over the world, and you've been deputy for that. And you've worked with it for 27 years, which is a tad more than a learning experience.

You've been a special agent. You served in many different leadership roles, focusing on civil rights, white-collar crime, leading field officers, and instructing new agents. You participated in the investigative and recovery efforts for the Egypt Air Flight 990 crash off the coast of Rhode Island.

And you were later appointed as an inspector to the inspection division, in Washington D.C., conducting evaluations and audits of FBI field offices and headquarters divisions. Well, that was giving you the run of the campus to find out what was wrong—the run of the Nation.

After September 11, in 2001, Director Mueller appointed you, John Pistole, to the FBI's counterterrorism division, where you testified before the 9/11 Commission. I remember that testimony. We all watched all of it—on a panel titled, “Preventing Future Attacks in the United States.”

With such diverse experience, such a broad investigative and national security background, and the disciplined nature of the John Pistole that I know—the hard worker, tough guy—I firmly believe that you have what it takes to impact this agency. I'm just speaking for myself and not necessarily for others.

So, to move forward, we need to make that change. We need to have an effective leader at TSA.

I think it's one of the most difficult positions in all of Washington, because you have all of America, in magnificent sequence, getting mad at you for their inconveniences. And I think there are going to be more inconveniences. I think there are going to have to be more inconveniences if we're going to really do the terrorism thing well. And a lot of people won't like that. It's just such an important job.

Let me end up by saying that Commerce Committee has a significant role in homeland security oversight. Others don't seem to want to recognize that, but we do, and we know it, and we take it very seriously.

This committee is currently drafting two very important security bills. One is the TSA reauthorization. The other is the port security bill. We hope to have those ready to introduce within several weeks—within a week or two.

Mr. Pistole, should you be confirmed, I very much intend to work with you to make sure that TSA succeeds. It's just so important. It's life and death stuff, and it's at the heart of American traveling and the essence of freedom that people feel. And those things come in conflict at some point. I expect you and the administration to communicate with and work with Congress to make sure that TSA has the funds it needs.

So, I thank you. I've read your FBI reports. They were utterly boring they were so clean.

[Laughter.]

The CHAIRMAN. I yield now to my Ranking Member, my partner, Senator Kay Bailey Hutchison.

**STATEMENT OF HON. KAY BAILEY HUTCHISON,
U.S. SENATOR FROM TEXAS**

Senator HUTCHISON. Well, thank you, Mr. Chairman.

Mr. Chairman, I really appreciate that you called this hearing so quickly, because there is no question that this important agency not having a head that has a strategy and a plan and an ability to manage 50,000 people across the country and the world is not the way it should be. And so, I appreciate that we are acting quickly.

And, Mr. Pistole, you and I have met. And I, too, have read your FBI report. And I would concur with my Chairman. I'm going to tell you a funny story later. But, I think that, honestly, I believe the President has made the right decision this time.

I'm not going to read an opening statement, but just a couple of points.

As you know—and we talked about this—I am very concerned about this obvious pressure to allow collective bargaining by TSA employees. I am adamantly against that—I will ask you that question, as I told you I would—because law enforcement and security

personnel are just in a different category. And that is recognized from local government all the way to the FBI and others.

You can't have 8-hour days. You have to be able to respond to emergencies. And you have to be willing and want to do that. To take this job, as TSA inspector, you have to want to keep America safe. And you have to be willing to go the extra mile and not be a 9-to-5 type of employee. There are other jobs for you, if that is what you want to do.

So, I will be asking you about that. And as we go forward, if you are confirmed, we're going to ask you, down the road, what the status of that is, because you'll have to make that decision. And I hope that, with your background, it is the right one.

And the other point that I would just make is that you, having served in the FBI, are serving in an agency that has, what, 102 years of history, but you're going in to be the top of an agency that has been in business for 9 years. And there have been a few stumbling blocks.

We were here when we were writing the bill that created the TSA. And we looked carefully at all the different ways to organize it, and we gave it to Homeland Security, and we made it a separate agency there, and we wanted to make sure that we do all of the right things for this important position.

And so, there have been kinks, but largely it has worked. And I hope that you will be the one that sets the standards for the future, for the way the agency operates. And it has to be efficient, and it has to also not encroach on the traveling public to too great a degree. And there's just a fine balance there.

I want to say that, in my experience in the airports, for instance, the employees at TSA do a great job, and they're friendly, and they're nice, and they understand the frustrations of the passenger that has to be the one who is screened. And I certainly have had that experience myself, and it's not fun. But, they've been very, very nice and polite and understanding.

So, I think that it is a good agency, in the main. But, we also have other, besides air, issues. We have ports and will want input on port security, because, as I mentioned to you, in my home State of Texas we have the second largest chemical complex in the world right next to a port. And so, we need to make sure that we're doing everything to secure our ports, our trains, all of the buses, all of the traveling modes that our people use and that are used in commerce.

So, it's a big job. I think you're up to it. And I have seen nothing that would give me pause. And the people who really know you and have worked with you, which I haven't, also give you the thumbs-up.

So, I'm looking forward to a working relationship with a no-nonsense law-enforcement-background person, like yourself, that will get on the job and not take no for an answer.

Thank you very much.

The CHAIRMAN. Thank you very much, Senator Hutchison.

We would welcome Senator DeMint to give a very, very short comment, and Senator Begich to make a very short comment, and then we'll go to you.

[The prepared statement of Senator Hutchison follows:]

PREPARED STATEMENT OF HON. KAY BAILEY HUTCHISON, U.S. SENATOR FROM TEXAS

Mr. Chairman, thank you for convening today's hearing. The Transportation Security Administration (TSA) performs a vital mission at the Department of Homeland Security (DHS) in helping to protect the security of the traveling public. Yet, TSA has been without an Administrator since January 2009. It is important for our Committee to review the qualifications and priorities of the President's third nominee to fill this critical position, and I am hopeful that the country will soon have a TSA Administrator confirmed and on the job.

I want to welcome Mr. Pistole, and thank you for your willingness to serve as the TSA Administrator. Your 26 year career at the Federal Bureau of Investigation (FBI) is commendable, as is your willingness to continue your career in public service.

The job of TSA Administrator brings with it the responsibility of assuring not only the security of all modes of transportation, but also the economic viability of the country's transportation system and the sustainment of the free flow of commerce. If confirmed, the job before you will be extremely challenging, and the decisions you make may have far-reaching effect. Given your background at the FBI, you will undoubtedly be familiar with the threats our country faces, yet your management skills will also be put to the test, given that you would assume the helm of an agency with over 50,000 employees scattered throughout the country. With that in mind, I want to mention several issues that I believe will be of importance for the next Administrator on day one:

First, is the issue of allowing collective bargaining for the country's transportation security officers (TSOs), or screeners. I would like to note *that Federal law prohibits screeners from striking*; and all the previous TSA Administrators have maintained that allowing screeners to collectively bargain would negatively impact TSA's fundamental security mission. With your background in security, Mr. Pistole, I am sure you can appreciate the need for TSA to have a flexible workforce which can react quickly to emerging threats. While the FBI does not have unions, I wonder whether the FBI could do its job as effectively, if the agents had collective bargaining authority. This Committee will be extremely interested in how you address this issue.

Second, I strongly encourage TSA to work to develop better relationships with all of its stakeholders. The success of the agency—and the security of our nation—is linked to cooperation and trust between industry and government. Over the years, constituents and modal industry stakeholders alike have noted that TSA too often pays lip-service to partnerships and frequently tries to institute policies that have great economic impact without first seeking industry input. A safe and effective security system is mutually beneficial to industry and government alike; properly coordinating to create a seamless and secure environment will be a daily challenge. The traveling public wants and deserves a security experience that is effective, but without being overly cumbersome or economically unrealistic.

Third, as is the case with several other government departments and agencies, TSA often seems to find itself playing catch-up, fighting the last terrorist battle, and getting caught in the trap of spending hundreds of millions of dollars on unproven equipment and programs. I believe that the head of TSA needs to be willing to make the tough decisions about programs and projects that do not work as desired, and focus on making TSA an agency that is ahead of the curve, rather than behind it. Mr. Pistole, if you are confirmed, I hope that you will bring your leadership experience and valuable intelligence and law enforcement expertise to an agency that could really benefit from the unique professional background you hold.

In this country, we are heavily dependent upon the openness and security of our transportation systems, which affords the free flow of goods and travelers each day. We place great trust in TSA, much like the FBI, to do its job effectively and efficiently. However, in order to do the job properly, TSA will need long-term leadership with a clear, yet flexible and nimble, strategy, to identify, address and act upon the threats of today and tomorrow. Unfortunately, much like our transportation systems, our threats are vast and reach across our country, and the world. While balancing those two conflicting systems will be tremendously difficult, it is paramount.

Next month, the FBI will celebrate its 102nd anniversary. By contrast, TSA is in only its ninth year of existence. But, since 9/11, the FBI has had to re-invent itself as a more prevention-oriented, intelligence-driven agency, and you have played a leading role in that effort. I will want to hear how your experience managing change at the FBI would inform your leadership of the TSA.

Mr. Chairman, thank you again. Mr. Pistole, I look forward to your testimony.

**STATEMENT OF HON. JIM DeMINT,
U.S. SENATOR FROM SOUTH CAROLINA**

Senator DeMINT. Thank you, Mr. Chairman. It's not very, very short, but it is reasonably brief, by senatorial standards. Thank you.

The CHAIRMAN. This is a bad beginning.

[Laughter.]

Senator DeMINT. I just——

Senator HUTCHISON. We go by House standards over here.

Senator DeMINT. Yes, the——

Senator HUTCHISON. One minute.

Senator DeMINT.—the one minute.

[Laughter.]

Senator DeMINT. Mr. Pistole, it's good to see you again. Thank you for coming by my office. I enjoyed our conversation. And I believe you are well qualified for this position.

I want to make the same point to you that I've made to other nominees, that the ability of TSA to be able to quickly respond to threats is essential to their effectiveness.

Abandoning the current policy that prohibits collective bargaining by transportation security officers will significantly undermine TSA's ability to respond to threats, and protect the Nation. And it's a change that I hope you will counsel the President against.

I implore you to approach every policy issue at TSA with a simple question, "What will this do to improve security?" We all know the President has made a political promise to the unions, in return for their support, to force collective bargaining onto over 50,000 transportation security officers, but, your promise has to be to keep the American people safe.

I asked the Secretary of Homeland Security, a few months ago, this question, "how will collective bargaining at the TSA will improve security?" Her answer was, "that the two weren't mutually exclusive." Her answer was illustrative, because clearly she couldn't come up with a good answer of why collective bargaining was actually going to improve security.

When the Secretary of Homeland Security can't tell us how a change to Homeland Security policy will improve security, it should stop us in our tracks. This should be a clear message that collective bargaining at the Transportation Security Administration remains a threat to aviation safety, and the only reason to adopt collective bargaining is a payback to political allies.

Having been a career civil servant who spent his life serving the Nation under administrations of both parties, I hope you will provide advice to the President that turns on that single question, "How will this improve security?"

As I've mentioned, collective bargaining will not only not improve security, it will have a direct negative impact on security.

First, it will impose a 19th-century industrial personnel management model to a 21st-century Information Age threat. The threat we see in the aviation sector is creative and nimble, and our response needs to be creative and nimble. We need to continually improve what we do at TSA. The men and women who protect the aviation sector need to be able to quickly respond to changing

counterterrorism tactics so we can thwart the tactics of our adversaries and protect passengers without having to get a signoff from a union boss. The Secret Service, the Coast Guard, the military, and the FBI, where you were second in command, realized this long ago, and they prohibit collective bargaining.

Additionally, you can't have a security workforce that has rigid, standardized procedures. The standardized procedures that are part and parcel of a collective bargaining agreement are exactly the kind of procedures terrorists can survey and defeat. It's frustrating that the American Federation of Government Employees—on their website, they ask for exactly that. They ask, "How would collective bargaining rights—what would it mean to you?" The union states that they're promising that workplace rules will be improved and standardized. This is a threat to national security, and completely unacceptable, and I hope you will do everything you can to ensure that the union demands—

[Chairman tapped the gavel.]

Senator DEMINT. Yes, sir. I'll just include the rest of this in my questions.

But, I think you know your colleagues at the FBI will laugh at you if you ever try to make the case that security forces need third-party negotiations.

Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. Thank you, Senator DeMint.

Mr. Pistole, we welcome you here. We would like very much for you to introduce your wife and two daughters, and then hear your statement.

**STATEMENT OF JOHN S. PISTOLE, ADMINISTRATOR-
DESIGNATE, TRANSPORTATION SECURITY
ADMINISTRATION, AND ASSISTANT SECRETARY-DESIGNATE,
U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. PISTOLE. Well, thank you, Chairman Rockefeller and Ranking Member Hutchison.

And I would like to take that privilege of introducing my wife of nearly 31 years, Kathy Harp, and our daughters, Lauren and Jennifer, who are here with me today. So, thank you for that. And I thank them for their unwavering love and support, because without them it's a very difficult job to do. So, thank you for being here.

And to the Committee, I appreciate the opportunity to be here today. And I appreciate your very kind opening comments, Chairman and Ranking Member, and to be here as the President's nominee, as the Assistant Secretary for TSA. I'm honored by the President's call to service and by Secretary Napolitano's support.

And I—in addition to expressing appreciation to this committee for what you've been through and are doing now for this important position, I'd also like to express my personal appreciation to those in Federal, state, local, tribal law enforcement, and in the U.S. intelligence community that I've had the privilege of working with these nearly 27 years.

And I'd also be remiss if I didn't acknowledge our international partners, with whom I've had the privilege of work, because it's—without their help we would be unable to fully address the worldwide terrorist threats which may impact the homeland.

We know that—I—national security and counterterrorism are familiar territory for me. And during my career with the FBI, I think it's—has provided me the skills and experience necessary to lead TSA and address the challenges of keeping the Nation's transportation system secure.

For example, in 1992, when I worked with Italian authorities investigating the assassination, by the Sicilian Mafia, of the two top anti-Mafia judges and a number of body guards killed by what could be described as a surface transportation bomb, and then later a vehicle-borne IED, a VBIED, respectively, in two different assassinations.

In 1999, as you mentioned, I helped lead the investigation recovery efforts of Egypt Air 990, off the coast of New England, which killed over 230 people.

And after the tragic events of 9/11, I was put in charge of helping transform the mission and focus of the FBI's new and greatly expanded counterterrorism efforts.

In May 2003, I led an FBI team to Riyadh, Saudi Arabia, investigating the al Qaeda-affiliated vehicle-borne bombings targeting three Western housing compounds which killed 40 people, including eight Americans.

And, as you noted, for the last five and a half years, I have served as a deputy director of the FBI, overseeing all the FBI efforts to protect the Homeland.

These experiences, and the years I spent as a street agent in Minneapolis and New York, particularly on a joint FBI-NYPD—joint organized crime task force, and then as a field supervisor in Indianapolis, assistant special agent in charge in Boston, inspector, as you noted, and then as an instructor at the international law enforcement academy, in Budapest—all of these taught me the critically important lesson on developing key partnerships, all designed to protect our citizens from those who would cause us harm.

Now, we know, since the creation of—after 9/11, TSA has played a vital role in securing our Nation's transportation systems. Like the FBI, TSA relies upon a dedicated workforce, including over 47,000 TSOs at airports and throughout the Nation. They are TSA's field officers, the front line in a layered network protecting our aviation domain from adversaries.

I will dedicate myself to supporting TSA's workforce, if confirmed, in ensuring the highest standards of professionalism. And I—also, if confirmed, I will assess TSA's non-aviation surface transportation efforts, in concert with state and local authorities.

Additionally, I will work in close collaboration with all stakeholders, including other Federal agencies, state, local, tribal governments, private industry, our international partners, and, of course, the traveling public.

In closing, I look forward to advancing TSA's critical mission. And so, Mr. Chairman and Ranking Member Hutchison, I thank you for the opportunity to appear before you today—distinguished members of the Committee—and welcome your questions, and, if confirmed, look forward to working with you and members of the Committee.

Thank you, sir.

[The prepared statement and biographical information of Mr. Pistole follows:]

PREPARED STATEMENT OF JOHN S. PISTOLE, ADMINISTRATOR-DESIGNATE, TRANSPORTATION SECURITY ADMINISTRATION, AND ASSISTANT SECRETARY-DESIGNATE, U.S. DEPARTMENT OF HOMELAND SECURITY

Good Morning, Chairman Rockefeller, Ranking Member Hutchison, and distinguished members of the Committee. I am deeply privileged to appear before you today as the President's nominee as Assistant Secretary of the Department of Homeland Security (DHS) for the Transportation Security Administration (TSA). I am honored by the President's call to service and by the support of Secretary Napolitano.

With your kind indulgence, I would like to recognize my wife of nearly 31 years, Kathy, and our daughters, Lauren and Jennifer, who are with me today, and thank them for their unwavering love and support. I would also like to express my appreciation to those in Federal, state, local and tribal law enforcement communities and the U.S. Intelligence Community, with whom I've had the privilege to work since becoming a Special Agent of the FBI in 1983. And to the men and women of TSA, I would like to say that I am eager to join your ranks and to work with you in safeguarding our Nation's transportation system.

National security and counterterrorism are familiar territory for me, and my 26-year career with the FBI has provided me with the skills and experience necessary to lead TSA and meet the Administration's objective of keeping the Nation's transportation systems secure. In 1999, while an Assistant Special Agent in Charge (ASAC), in Boston, I participated in the investigation and recovery efforts involving Egypt Air Flight 990 after it crashed off the coast of New England. After the tragic events of September 11, 2001, I was put in charge of helping transform the mission and focus of the FBI's new and greatly expanded counterterrorism program, culminating in my appointment as the Executive Assistant Director for Counterterrorism and Counterintelligence. In 2003, I led an FBI team to Riyadh, Saudi Arabia, investigating the bombings of three housing compounds in which 40 people died, including eight Americans.

In my current position as Deputy Director, I was involved in the investigation of the December 25, 2009, attempted attack on Northwest Flight 253 in addition to overseeing the investigative efforts leading to the apprehension of Najibullah Zazi in connection with a plot against New York City subways. Additionally, I was involved in the investigation of Faisal Shahzad related to the attempted car bombing last month in Times Square. In these and all other efforts during my career with the FBI, I have worked steadfastly to expand and improve efforts to ensure the security of the homeland.

Since its creation after 9/11, TSA has played a vital role in securing our Nation's transportation systems. I look forward to advancing TSA's critical mission in close collaboration with all of our partners, including other Federal agencies, state, local and tribal governments, private industry, our international partners, and, most importantly, the traveling public.

Today, we face threats from other terrorist cells around the world, and from homegrown terrorists who are not affiliated with a particular network, but who, nonetheless are inspired by the message of hatred and violence. Nearly 9 years ago, as I helped restructure the FBI to deal with the terrorist threat in the wake of 9/11, it was evident that our success depended upon a multi-pronged approach that combined a variety of disciplines, including risk assessment, intelligence, and security initiatives, as well as law enforcement. In the transportation domain, TSA also employs a layered approach to security, including its Transportation Security Officers and advanced screening technologies at airport checkpoints, Federal Air Marshals patrolling domestic and international flights, canine patrols in both aviation and transit rail domains, and participation in Joint Terrorism Task Forces (JTTFs), to name just a few. If confirmed, I will use the lessons I learned in restructuring our counterterrorism efforts within the FBI to further enhance TSA's counterterrorism efforts across all modes of transportation to keep the traveling public safe.

The years I spent as a Special Agent in the Minneapolis and New York Divisions, as a field supervisor of a White Collar Crime (WCC) and Civil Rights Squad in Indianapolis, as Assistant SAC in Boston overseeing WCC and Computer Intrusion programs, and as an instructor of Organized Crime matters at the International Law Enforcement Academy taught me the valuable contribution of the men and women who work on the front line in protecting our homeland.

Like the FBI, TSA relies upon a dedicated workforce including about 47,000 TSOs at airports throughout the Nation. They are TSA's field officers, the front line in protecting our aviation domain from our adversaries. I believe in mentoring, both in the field and in the classroom, and I will pursue it as one of my priorities. If confirmed, I will dedicate myself to supporting TSA's workforce that continues to meet the highest standards of professionalism through comprehensive training, respect, and opportunity for advancement.

My familiarity with and respect for field operations is combined with years in senior management. Following my detail to help lead the Information Security Working Group (ISWG) on security and vulnerability issues, I was appointed by Director Mueller following the tragic events of 9/11 as Deputy Assistant Director for Operations of the Counterterrorism Division, then as Assistant Director, and afterwards as Executive Assistant Director for Counterterrorism and Counterintelligence before being promoted Deputy Director in October 2004. I understand complex organizations and am dedicated to leading TSA to the next level.

As part of the U.S. Intelligence Community, I understand the importance of information sharing and I am committed to building upon the Administration's efforts to counter terrorism. Moreover, based upon my counterterrorism and international experience at the FBI, I understand that our Nation's defenses must begin beyond our borders through strong international partnerships. Our aviation security also depends upon the commitment of our foreign partners to enhance aviation security measures. I look forward to building upon the progress made by Secretary Napolitano and Deputy Secretary Lute in their aggressive global outreach initiative to enhance international aviation security, particularly for international flights bound for the United States. If confirmed, I will build upon these efforts to make the international aviation system safer and ensure the security of our homeland.

If confirmed, I look forward to partnering with this committee in deploying enhanced screening technologies, both at domestic airports and by our international partners. Advanced technologies are critical to detect evolving threats such as explosives. At the same time, TSA must remain respectful of personal privacy, dignity and civil rights and liberties, areas that are priorities for me.

Finally, throughout my years of service as a law enforcement official, I have remained forever mindful of the need to identify those who wish to do us harm and also protect individual civil rights and liberties. We should be judged not only by our ability to defend our Nation from terrorism, but also by our commitment to defend the rights and freedoms we all enjoy. If confirmed, safeguarding the civil liberties and privacy interests of all Americans will remain a top priority.

If confirmed, I would like a close working relationship with Congress and with this committee. I would be honored to serve with the outstanding men and women of TSA as their Assistant Secretary, and I applaud the work they perform each and every day, along with the outstanding work performed by Gale Rossides in her role of Acting Administrator.

In closing, I again thank President Obama and Secretary Napolitano for their confidence and faith in my ability to lead TSA. Mr. Chairman, Ranking Member Hutchison, I thank you for the opportunity to appear before you today and I look forward to answering your questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): John S. Pistole.
2. Position to which nominated: Assistant Secretary of Homeland Security, Transportation Security Administration.
3. Date of Nomination: May 17, 2010.
4. Address (List current place of residence and office addresses):
 Residence: Information not released to the public.
 Office: Federal Bureau of Investigation, 935 Pennsylvania Ave., NW, Washington, DC 20535.
5. Date and Place of Birth: June 1, 1956; Baltimore, MD.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).
 Kathleen M. Harp, homemaker; children: Lauren E.H. Pistole, age 20, Jennifer A.H. Pistole, age 17.
7. List all college and graduate degrees. Provide year and school attended.

Anderson University, B.A. cum laude, 1978.
Indiana University School of Law—Indianapolis, J.D., 1981.

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

1981–1983: Attorney, Teague, Cole, Hamer & Pistole, P.C., Anderson, IN.
1983 to present: Federal Bureau of Investigation.
Sept. 1983–Jan. 1984, FBI Academy, Quantico, VA.
Jan. 1984–Mar. 1986, Special Agent, Minneapolis Field Office.
Apr. 1986–Nov. 1990, Special Agent, New York City Field Office.
Nov. 1990–Mar. 1994, Supervisor, FBI Headquarters, Washington, DC.
Mar. 1994–July 1999, Supervisor, Indianapolis Field Office.
July 1999–July 2001, Assistant Special Agent in Charge, Boston Field Office.
July 2001–May 2002, Inspector, Inspections Division, FBI Headquarters, Washington, DC.
May 2002–Sep. 2003, Deputy Assistant Director for Operations, Counterterrorism Division, FBI Headquarters, Washington, DC.
Sep. 2003–Dec. 2003, Assistant Director for Operations, Counterterrorism Division, FBI Headquarters, Washington, DC.
Dec. 2003–Oct. 2004, Executive Assistant Director for Counterterrorism and Counterintelligence, FBI Headquarters, Washington, DC.
Oct. 2004 to present, Deputy Director, FBI Headquarters, Washington, DC.

9. Attach a copy of your resume. A copy is attached.

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years: None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last 5 years: None.

12. Please list each membership you have had during the past 10 years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

International Association of Chiefs of Police (IACP), 2002 to present; Executive Committee member since 2004. (service in official FBI capacity).

International Security Management Association (ISMA), 2005 to present, Government Affairs member. (service in official FBI capacity).

Centreville United Methodist Church, member since 2002.

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt: No.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period: None.

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

Presidential Rank Award for Distinguished Executive, 2005.

Honorary Doctor of Law degree, and Commencement speaker for Anderson University, 2006.

Edward H. Levi Award for Outstanding Professionalism and Exemplary Integrity (DOJ), 2007.

Outstanding Alumni award and Commencement speaker at Indiana University School of Law, Indianapolis, 2009.

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics rel-

evant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

Published Articles:

“Safeguards are in Place,” *USA Today* (Nov. 9, 2005) (with Rachel Brand).

“Tools Against Spies and Terrorists,” *Washington Post* (Nov. 12, 2005) (with Rachel Brand).

“An FBI That Changes with the Times,” letter to the editor, *Washington Post* (July 8, 2005).

Also, see attached list of speeches.

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

See attached list of testimony before Congressional committees.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

Since 9/11, I have played a key role in the FBI’s mission of preventing terrorist attacks in the U.S. I am part of and intimately familiar with the U.S. Intelligence Community, along with Federal, state, local and tribal law enforcement, all of which are key drivers for carrying out this mission. I have helped lead the transformation of the FBI into a threat-based, intelligence-driven organization.

It would be an honor and privilege to apply my more than 26 years of FBI experience, including the last 5 years as Deputy Director, the senior career position in the FBI, to the challenges of leading TSA, the agency charged with protecting the Nation’s transportation systems to ensure freedom of movement for people and commerce.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

Having served the last 9 years in the Senior Executive Service (SES) for the FBI, I recognize the importance of ensuring proper management and accounting controls are in place and adhered to rigorously. I have worked with the DOJ Office of Inspector General on a number of issues relevant to this topic, particularly in the last 5 years as Deputy Director. I have also worked with GAO on similar issues, and was instrumental in establishing an “Office of Integrity and Compliance” at the FBI to identify potential issues posing a risk to the FBI’s mission, *before* they became an issue.

As Deputy Director, I have extensive leadership and management experience helping lead a 34,000 employee agency with nearly a \$8 billion budget. I serve as the rating official for all 56 Special Agents in Charge (SACS), along with 12 key executives at FBIHQ. I chair the bi-monthly SES Board, which reviews SES positions and makes recommendations to the Director for selection. I have represented the FBI domestically and internationally, briefing the President, testifying before Congress, participating in National Security Committee (NSC) Deputies Committee meetings, and Office of the Director of National Intelligence (ODNI) Executive Committee (EXCOM) and Counterterrorism (CT) Resources meetings chaired by the DNI.

20. What do you believe to be the top three challenges facing the department/agency, and why?

1. To protect the national security of the U.S. and traveling public by utilizing all available intelligence regarding threats and prioritizing resource allocations to these threats.
2. To ensure all personnel at TSA have a personal investment in the mission of the agency.
3. To ensure there is robust short-term and long-term strategic planning identifying potential threats coupled with internal controls to maximize the efficiency of security services TSA provides to its customers.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

Upon retirement from the FBI, I will begin drawing my government pension. No other issues.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain: No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Describe any activity during the past 10 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

None, except in my Federal Government capacity.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. That said, I am not aware of any potential conflicts of interest.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain.

In June 2009, while traveling on vacation, a loose bullet was found in my briefcase during security screening in the Frankfurt airport. I had inadvertently left the bullet in my briefcase, and I had been unaware it was there. When I returned to the United States, I reported the incident to the FBI. I was reminded of the applicable rules, but received no formal reprimand or censure.

From 2007–2010, the Department of Justice Office of the Inspector General (OIG) published three reports examining the FBI's use of National Security Letters and "exigent letters." The reports criticized the FBI's past practices, but also noted that the FBI had taken appropriate remedial actions beginning in 2007. OIG subsequently communicated to FBI's Office of Professional Responsibility that it found no misconduct on my part, and that every level of the FBI bears some responsibility for the problems cited.

During my tenure as a senior official at the FBI, DOJ OIG has issued reports relating to the FBI's operations. None of these reports were the result of complaints filed against me, and I have not been disciplined or reprimanded in any of the matters. These reports are available at <http://www.justice.gov/oig/reports/FBI/index.htm>.

In addition, please see the EEO matters discussed in my response to Question 3, below.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain: No.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain.

As Deputy Director of the FBI, I chair the Personnel Board and serve as the rating official for much of the FBI's Senior Executive Service. As a result, I have been responsible for making hundreds of personnel decisions. In a few instances, described below, employees have filed EEO complaints related to these personnel decisions or related personnel actions. In one case, also below, an employee named me in a lawsuit related to a personnel decision.

- In 2009, an employee who received a negative performance inspection brought an EEO complaint alleging gender discrimination. Although I had decided against reassigning the employee based on the inspection, the employee alleged that the inspection and related processes were conducted improperly. This matter is in discovery before the EEOC.
- In 2007, an employee who had unsuccessfully sought a specific position within the FBI brought an EEO complaint alleging gender discrimination. The FBI General Counsel's office settled the case in June 2008.
- In 2008, an employee brought an EEO complaint alleging gender discrimination. The employee claimed to have been passed over for promotion and subject to disparate treatment and harassment by officials conducting a performance review. The employee also alleged that I had stated that the employee should consider retiring to avoid being removed from the employee's position. I did not make such a statement; in fact, I had determined that reassignment of a particular case from the employee was a sufficient remedy, and decided against reassigning the employee. The matter is in discovery before the EEOC.
- In 2008, an FBI employee who did not receive a performance bonus brought an EEO complaint alleging gender and race discrimination. Performance bonuses are recommended by the Executive Assistant Directors and Associate Deputy Director based on employee ratings. This employee was not rated highly enough to receive a bonus. The matter is pending before DOJ's Complaint Adjudication Office.
- In 2009, a former FBI employee brought an EEO complaint alleging gender and race discrimination. An inspection had revealed multiple performance issues and potential criminal violations on the part of the employee, and the employee had retired rather than face transfer. The matter is pending before DOJ's Complaint Adjudication Office.
- In 2006, an FBI employee brought an EEO complaint alleging discrimination based on reprisal when the Special Agent Middle Management Selection System (SAMMS) Board denied the employee's request to participate in the Inspector-in-Place program. I concurred with the Board's decision. The FBI's Complaint Adjudication Board found no discrimination based on reprisal, and the employee did not appeal the ruling.
- In 2008, a former FBI employee named me as a codefendant in a suit alleging civil rights violations and discrimination related to being reassigned. The plaintiff had been transferred after an OIG investigation found that the plaintiff had retaliated against a subordinate for being a whistleblower, and a subsequent inspection revealed additional performance issues. As Deputy Director, I made the decision to reassign the employee. FBI's Office of Professional Responsibility subsequently recommended dismissal, but the employee retired. The FBI has filed a motion to dismiss the case, *Tabman v. FBI*, which is pending in D.C. District Court.

In addition, I recently became aware that during my service at the FBI, I have been named in two additional lawsuits:

- *Khan v. Chertoff* was a mandamus complaint alleging delays in the processing of immigration applications. I was named as a codefendant in my official capacity, along with Michael Chertoff, Jonathan Scharfen, and Alberto Gonzalez. The case was dismissed on March 20, 2008. To the best of my knowledge, I had no personal involvement in this matter.
- In 2006, in *Godinez v. Pistole*, a prisoner brought a pro se suit alleging civil rights violations. The case was dismissed on December 21, 2006. To the best of my knowledge, I was never served in this case.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain: No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

Please see the EEO complaints described above in response to Question 3.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: None.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees?

I will do everything within my power to ensure deadlines are met.

2. Will you ensure that your department/agency does whatever it can to protect Congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

ATTACHMENTS

BIOGRAPHY/RESUME OF JOHN S. PISTOLE

John S. Pistole began his career as a Special Agent with the FBI in 1983. He served in the Minneapolis and New York Divisions before being promoted to a Supervisor in the Organized Crime (OC) Section at FBIHQ. He assisted the Italian National Police in their investigations into the 1992 assassinations of two prominent Magistrates. He also served as an Instructor in OC matters at the FBI Academy for nearly 30 New Agents Classes.

Mr. Pistole later served as a field supervisor of a White-Collar Crime (WCC) and Civil Rights Squad in Indianapolis, Indiana, where he created a Health Care Fraud Task Force and a Public Corruption Task Force. During this time, he also developed curricula and provided instruction at the first two sessions of the newly opened International Law Enforcement Academy in Budapest, Hungary.

Mr. Pistole next served as Assistant Special Agent in Charge, Boston, Massachusetts, where he had oversight for WCC, Computer Intrusion Programs, and all FBI matters in the States of Maine and New Hampshire and WCC, especially Public Corruption, in Rhode Island. In 1999, he helped lead the investigative and recovery efforts for the Egypt Air Flight 990 crash off the coast of Rhode Island. Following the espionage arrest of Robert Hanssen, he was detailed to FBIHQ and helped lead the Information Security Working Group, addressing security and vulnerability issues. He was then named an Inspector in the Inspection Division in Washington, D.C., where he led teams conducting evaluations and audits of FBI field offices and Headquarters divisions.

Following the events of 9/11, Director Mueller appointed Mr. Pistole to the Counterterrorism Division, first as Deputy Assistant Director for Operations, then as Assistant Director. Mr. Pistole was then appointed as the Executive Assistant Director for Counterterrorism and Counterintelligence. In October, 2004, Mr. Pistole was promoted to Deputy Director, the number two position in the FBI. He is a recipient of the 2005 Presidential Rank Award for Distinguished Executive. In 2007, Mr. Pistole received the Department of Justice Edward H. Levy Award for Outstanding Professionalism and Exemplary Integrity.

Mr. Pistole practiced law for 2 years prior to joining the FBI. He is a graduate of Anderson University, where he was the 2006 Commencement speaker and received an honorary Doctor of Laws; and the Indiana University School of Law—Indianapolis, where he was the 2009 Commencement speaker and the recipient of the Outstanding Alumni Award. He is married and has two daughters.

List of Speeches and Remarks Given by John S. Pistole

| Address and Location | Date |
|--|-----------|
| Norwood Policy Academy's 12th Municipal Police Officers Graduation Quincy, MA | 7/22/2000 |
| Speech to Graduates | |
| New Agents Graduation Quantico, Virginia | 09/10/04 |
| Adaptability, Partnerships, and Leadership | |

| Address and Location | Date |
|---|----------|
| Society of Former Special Agents San Francisco, CA Islamic Militants among Us: How Real Is the Threat? | 09/15/04 |
| Welcoming DCI Porter Goss FBI Headquarters, Washington, D.C. Welcome to DCI GOSS/FBI—CIA Cooperation | 10/04/04 |
| Hispanic Heritage Month Celebration FBI Headquarters, Washington, D.C. Hispanic Americans and the FBI | 10/05/04 |
| National Disability Awareness Month FBI Headquarters, Washington, D.C. Success Knows No Limitations | 10/06/04 |
| AG Ashcroft Farewell Ceremony FBI Headquarters, Washington, D.C. A Tribute to AG Ashcroft | 01/26/05 |
| Center for Strategic and International Studies Washington, D.C. Transnational Threats and Information Sharing | 02/15/05 |
| New Agents Graduation Quantico, Virginia Adaptability, Partnerships, and Leadership | 04/12/05 |
| National Executive Institute Quantico, VA Leading Today's FBI | 04/21/05 |
| National Academy Graduation Quantico, VA Global Law Enforcement Cooperation | 06/10/05 |
| FBI Honorary Medals Ceremony Liberty Crossing, McLean, VA Honoring the FBI's Heroes | 07/13/05 |
| DOD Worldwide Combating Terrorism Conference Arlington, VA Working Together to Fight Terrorism | 09/14/05 |
| New Agents Graduation Quantico, Virginia Adaptability, Partnerships, and Leadership | 09/15/05 |
| ANSIR Conference Indianapolis, IN Counterintelligence, National Security, and the FBI | 09/19/05 |
| Harvard University MBA Student Presentation Cambridge, MA Managing Change and Leading Transformation at the FBI | 10/04/05 |
| George C. Marshall European Center for Security Studies Garmisch-Partenkirchen, Germany The FBI, Global Partnerships, and the War on Terror | 10/17/05 |
| Association of Former Intelligence Officers FBI Headquarters, Washington, D.C. Intelligence at the FBI | 10/28/05 |
| Vance Overseas Security Advisory Council Annual Briefing Dinner Washington, D.C. The FBI: Combating Today's Threats | 11/08/05 |
| New Agents Graduation—05–14 Quantico, VA Adaptability, Partnerships, and Leadership | 01/24/06 |
| Tokyo Press Roundtable Tokyo, Japan International Cooperation to Combat Crime | 03/07/06 |
| National Legal Center for the Public Interest—Day With Justice Great Hall, RFK Main Justice Building, Washington, D.C. Today's FBI | 03/22/06 |
| Anderson University Commencement Anderson, IN Stepping out in Faith | 05/06/06 |
| New Agents Graduation—06–06 Quantico, VA Adaptability, Partnerships, and Leadership | 05/10/06 |
| Special Agent Memorial Ceremony FBI Headquarters, Washington, D.C. Honoring the FBI's Fallen Special Agents | 05/17/06 |

| Address and Location | Date |
|---|----------|
| Memorial Day Wreath Laying FBI Headquarters, Washington, D.C. A Tribute to America's Veterans | 05/26/06 |
| New Agents Graduation—06–08 Quantico, VA Adaptability, Partnerships, and Leadership | 06/07/06 |
| Operation Holiday Crush Press Conference RFK Main Justice Building, Washington, D.C. Announcing Indictments in Miami Seven Terrorism Case | 06/23/06 |
| International Association of Police Chaplains—Luncheon Keynote Indianapolis, IN Today's FBI, Today's Challenges | 07/10/06 |
| International Association of Police Chaplains—Opening Ceremony Indianapolis, IN FBI Chaplain Program | 07/10/06 |
| New Agents Graduation—06–10 Quantico, VA Adaptability, Partnerships, and Leadership | 07/19/06 |
| New Agents Graduation—06–11 Quantico, VA Adaptability, Partnerships, and Leadership | 08/16/06 |
| New Agents Graduation—06–12 Quantico, VA Adaptability, Partnerships, and Leadership | 08/30/06 |
| Commonwealth Club of San Francisco San Francisco, CA September 11, 2006: The FBI in a Post-9/11 World | 09/11/06 |
| Attorney General Awards RFK Main Justice Building Honoring DOJ Leaders | 09/12/06 |
| New Agents Graduation—06–13 Quantico, VA Adaptability, Partnerships, and Leadership | 09/14/06 |
| Society of Former FBI Special Agents New York City, NY The Legacy of Former Agents | 09/21/06 |
| International Symposium on Agroterrorism Kansas City, MO Working Together to Protect America's Agriculture | 09/25/06 |
| Chesapeake II Conference Toast Chantilly, VA <i>Partnership Toast</i> | 10/12/06 |
| New Agents Graduation—06–16 Quantico, VA Adaptability, Partnerships, and Leadership | 10/26/06 |
| World Economic Forum New Delhi, India The Global FBI | 11/27/06 |
| Media Availability Kiev, Ukraine Global Law Enforcement Cooperation | 11/28/06 |
| Prefetto Giovanni De Gennaro Award Ceremony FBI Headquarters, Washington, DC Honoring Giovanni De Gennaro | 12/08/06 |
| Holiday Reception FBI Headquarters, Washington, DC Happy Holidays | 12/15/06 |
| 2007 | |
| University of Pennsylvania, Department of Criminology Philadelphia, PA FBI Transformation-info Sharing and Partnership | 1/26/07 |
| Major County Sheriffs Association Washington, D.C. Working Together to Protect America from Crime | 01/31/07 |
| Council on Christian Colleges and Universities Washington, D.C. Christian Education and Public Service | 02/02/07 |

| Address and Location | Date |
|---|----------|
| National Fusion Center Conference Destin, FL The Force of Fusion: Working Together to Protect America | 03/07/07 |
| Indianapolis School of Law Distinguished Speaker Series Indianapolis, IN Today's FBI: Fact Vs. Fiction | 03/20/07 |
| New Agents Graduation Quantico, VA Adaptability, Partnerships, and Leadership | 03/26/07 |
| Hazardous Devices School Memorial Huntsville, Alabama A Tribute to Bomb Technicians | 04/16/07 |
| ChoicePoint Users Conference Arlington, VA Intelligence, Information-sharing, and Partnerships | 05/08/07 |
| Special Agents Memorial Service FBI Headquarters, Washington, DC Honoring the FBI's Fallen Special Agents | 05/16/07 |
| Society of Former Special Agents South Lake Tahoe, CA Honoring the FBI's Heroes | 05/22/07 |
| Memorial Day Wreath Laying Ceremony FBI Headquarters, Washington, D.C. | 5/24/07 |
| Pearls in Policing The Hague, Netherlands Radicalization and Homegrown Terrorism | 06/11/07 |
| SOCA Meeting London, England Counterterrorism, Information Sharing, Legats | 06/26/07 |
| SOCA Podcast London Embassy, London, England The FBI and the United Kingdom—Working Together to Protect Our Nations | 06/26/07 |
| Corporate Fraud Task Force Anniversary Washington, D.C. Combating Corporate Corruption | 07/17/07 |
| Hispanic Heritage Month FBI Headquarters, Washington, DC Celebrating Diversity in the FBI | 10/10/07 |
| Ethics and Intelligence Seminar Queenstown, MD Ethics and Integrity in the Intelligence Community | 10/19/07 |
| American Bankers Association/ABA Money Laundering Conference Washington, D.C. The FBI and the Private Sector: Investigating Terrorism Financing | 10/22/07 |
| Legat Conference FBI Headquarters, Washington, DC Introductions of DNI McConnell, Secretary Chertoff, and CIA Director Hayden | 10/24/07 |
| Wreath Laying Ceremony Nairobi, Kenya Honoring the Victims of the 1998 East African Embassy Bombings | 11/05/07 |
| 100 Club of Indianapolis Indianapolis, IN Evolution of the FBI | 11/20/07 |
| Native American/Alaskan/Pacific Islander Heritage Month Celebration FBI Headquarters, Washington, DC Celebrating Diversity in the FBI | 11/28/07 |
| New Agents Graduation (07–06) Quantico, VA Adaptability, Partnerships, and Leadership | 12/07/07 |
| National Academy Graduation (Session 231) Quantico, VA Global Law Enforcement Cooperation | 12/14/07 |
| 2008 | |
| Coastal Crisis Chaplaincy Banquet Charleston, SC The Power of the Chaplaincy | 01/24/08 |

| Address and Location | Date |
|--|----------|
| Field Office Building Dedication San Antonio, TX A Modern Building for a Modern FBI | 02/19/08 |
| Anti-Defamation League Distinguished Service Award Ceremony Albuquerque, NM Balancing Counterterrorism and Civil Rights | 02/24/08 |
| 2nd IACP Summit on Transnational Gangs Los Angeles, CA Working with Global Partners to Combat Transnational Gangs | 03/03/08 |
| New Agents Graduation (08-01) Quantico, VA Adaptability, Partnerships, and Leadership | 03/05/08 |
| Kellogg Case Study Program with Int'l Security Management Association Chicago, IL FBI Update, Private Sector Partnerships, Current Threats | 03/31/08 |
| Domestic Security Executive Academy Quantico, VA FBI Update, Private Sector Partnerships, Current Threats | 04/10/08 |
| Police Officer Memorial Prayer Breakfast St. Louis, MO Police Week, Law Enforcement Line of Duty Deaths, Leadership | 04/25/08 |
| Special Agent Memorial Service FBIHQ Police Week, Law Enforcement Line of Duty Deaths, Sacrifice | 05/13/08 |
| Remarks to Vice President of Colombia and other dignitaries Bogota, Colombia Partnerships and Current Threats | 05/19/08 |
| National Academy Latin American and Caribbean Retrainer Santiago, Chile Power of Partnerships, Case Successes, Global Threats | 05/20/08 |
| Ambassador's Reception Buenos Aires, Argentina Power of Partnerships, FBI's 100th Anniversary | 05/21/08 |
| AMIA Meeting and Press Statement Buenos Aires, Argentina Power of Partnerships, Terrorism | 05/21/08 |
| Junior Special Agents Washington, D.C. Civic Duty, Education | 06/06/08 |
| International Security Management Association Conference Boston, MA Power of Partnerships, Private Sector | 06/10/08 |
| Community Relations Conference Tampa, FL Community Outreach, Power of Partnerships, FBI Today | 06/18/08 |
| Strategic Alliance Conference Monterey, CA Power of Partnerships, Global Threat | 06/23/08 |
| Defense Senior Leadership Conference Arlington, VA (Pentagon) Combating Radicalization/terrorist Threat | 07/15/08 |
| FBI DAY (Emcee Script) Washington, D.C. Celebrating a Century of Service | 07/17/08 |
| Dedication of William H. Webster Conference Room FBI Headquarters, Washington, D.C. Honoring Judge William Webster | 07/17/08 |
| 100th Anniversary International Reception FBI Headquarters, Washington, D.C. Celebrating a Century of Partnerships | 07/17/08 |
| Commission on the Prevention of WMD Proliferation and Terrorism Washington, D.C. WMD Threat/FBI Response | 09/10/08 |
| Society of Former Special Agents Honolulu, HI Update on the FBI's Current Focus | 09/17/08 |
| FBI New York 100th Anniversary Commemoration New Rochelle, NY Celebrating a Century of Service | 09/18/08 |

| Address and Location | Date |
|--|----------|
| Information Technology Study Group Washington, D.C. Electronic Surveillance and Information Technology | 10/22/08 |
| Unveiling of Society of Former Special Agents Medallion FBI Headquarters, Washington, DC A Tribute to Former Special Agents of the FBI | 12/19/08 |
| New Agents Graduation (08–16) Quantico, VA Adaptability, Partnerships, and Leadership | 12/23/08 |
| Intelligence Basic Course Graduation (09–01) Quantico, VA Intelligence in the FBI | 12/23/08 |
| 2009 | |
| National Security Higher Education Advisory Board Washington, DC Opening Remarks | 2/04/09 |
| New Agents Graduation (09–01) Quantico, VA Adaptability, Partnerships, and Leadership | 03/11/09 |
| National Executive Institute Fredericksburg, VA Today's FBI/Partnerships/importance of NEI | 03/19/09 |
| Indiana University School of Law—Commencement Indianapolis, IN You Can Make a Difference | 04/28/09 |
| EDI Leadership Conference Quantico, VA Leading Change | 05/09/09 |
| Society of Former Special Agents Regional Meeting Sun Valley, ID State of the Bureau | 05/19/09 |
| Memorial Day Wreath Laying FBI Headquarters, Washington, DC A Tribute to Fallen Soldiers | 05/20/09 |
| Federal Law Enforcement Memorial Service Phoenix, AZ Law Enforcement Line of Duty Deaths, Sacrifice | 05/21/09 |
| New Agents Graduation Quantico, VA Graduation Speech | 5/28/09 |
| ODNI Trade Association Meeting Washington, DC FBI Transformation-importance of Private Partnership and Domain Awareness | 5/29/09 |
| “Pearls in Policing” Conference The Hague, Netherlands FBI of Tomorrow | 06/14/09 |
| New Agents Graduation (09–07) Quantico, VA Adaptability, Partnerships, and Leadership | 07/09/09 |
| New Agents Graduation (09–10) Quantico, VA Adaptability, Partnerships, and Leadership | 08/19/09 |
| New Agents Graduation Quantico, VA Graduation of New Agents Class | 9/02/09 |
| Cook County Crime Stoppers Awards Ceremony Chicago, IL Partnerships and Community Leadership | 09/10/09 |
| ISA Graduation, Ulpan Language School Tel Aviv, Israel Partnership, Intelligence, and Information Sharing | 09/16/09 |
| Domestic Security Executive Academy Quantico, VA Partnership, Intelligence, and Information Sharing | 09/21/09 |
| Ethics and Compliance Officers Association Chicago, IL Ethics and Compliance in Law Enforcement | 09/24/09 |

| Address and Location | Date |
|---|----------|
| ATAC Federal Prosecutors Conference Washington, D.C. National Security, Counterterrorism, Intelligence | 09/30/09 |
| Hispanic Heritage Month FBIHQ Celebrating Diversity in the FBI | 10/08/09 |
| AFCEA Symposium Chantilly, VA Today's FBI and Intelligence | 10/14/09 |
| University of Indianapolis Lectureship Indianapolis, IN Public Service and Civic Responsibility | 10/15/09 |
| OSAC Winter Meeting Washington DC The FBI: Combating Today's Threats | 11/18/09 |
| Baltimore Field Office Dedication in Honor of Sam Hicks Baltimore, MD Partnerships, Line of Duty Death | 11/23/09 |
| New Agents Graduation 09–15 Quantico, VA Adaptability, Partnerships, and Leadership | 11/24/09 |
| George Marshall European Center for Security Studies FBIHQ Partnerships, Intelligence, FBI Priorities | 12/08/09 |
| New Agents Graduation 09–17 Quantico, VA Adaptability, Partnerships, and Leadership | 12/23/09 |
| 2010 | |
| SOCA Luncheon Washington, D.C. Organized Crime, Partnerships | 02/04/10 |
| FBI National Academy Associates Executive Board Conference Quantico, VA Partnerships, Intelligence, FBI Priorities | 02/17/10 |
| National Executive Institute Opening Banquet Crystal City, VA Partnerships, Intelligence, Leadership | 03/18/10 |
| FBI National Academy Associates Africa/Middle Eastern Retrainer Botswana Partnerships, Intelligence, FBI Priorities | 03/22/10 |
| Financial Crimes Enforcement Network Distinguished Speaker Series Alexandria, VA Partnerships, Intelligence, FBI Priorities | 04/07/10 |
| North Texas Crime Commission Dallas, TX Partnerships, Intelligence, FBI Priorities | 04/14/10 |

Testimony

| Date | Committee | Hearing Topic |
|---------------------|--|--|
| <i>Open Session</i> | | |
| 04/01/2009 | HJC | Proposals to Fight Fraud and Protect Taxpayers |
| 03/20/2009 | House Committee on Financial Services | Federal and State Enforcement of Financial Consumer and Investor Protection Laws |
| 02/11/2009 | SJC | The Need for Increased Fraud Enforcement in the Wake of the Economic Downturn |
| 03/28/2007 | HPSCI | FBI Use of National Security Letters |
| 01/25/2007 | SSCI | Implementation of Intelligence Reform and Terrorism Prevention Act of 2004 |
| 08/23/2004 | House Judiciary Subcommittee on Crime, Terrorism and Homeland Security | Creating a National Intelligence Director |
| 08/03/2004 | Senate Governmental Affairs Committee | FBI Reforms to Meet Current Threats |
| 06/16/2004 | National Commission on Terrorist Attacks Upon the United States | The 9/11 Plot |
| 04/14/2004 | National Commission on Terrorist Attacks Upon the United States | Law Enforcement and the Intelligence Community |

Testimony—Continued

| Date | Committee | Hearing Topic |
|------------------------|--|--|
| 10/14/2003 | Senate Judiciary Subcommittee on Terrorism, Technology and Homeland Security | Terrorist Recruitment in Prison and the Recent Arrests Related to Guantanamo Detainees |
| 10/01/2003 | House Select Committee on Homeland Security | Fraudulent Identification Documents and the Implications for Homeland Security |
| 09/25/2003 | Senate Committee on Banking, Housing and Urban Affairs | Identifying, Tracking and Dismantling the Financial Structure of Terrorist Organizations |
| 09/24/2003 | House Financial Services Subcommittee on Oversight and Investigations | The Terrorist Financing Operations Section |
| 09/09/2003 | Senate Finance Committee | The Alias Among Us: The Homeland Security and Terrorism Threat from Document Fraud, Identity Theft and Social Security Number Misuse |
| 07/31/2003 | Senate Committee on Governmental Affairs | Terrorism Financing: Origination, Organization and Prevention |
| 03/18/2003 | Senate Committee on Foreign Relations | Diplomacy and the War Against Terrorism |
| <i>Closed Session*</i> | | |
| 01/28/2010 | SSCI | Fort Hood Update |
| 01/27/2010 | HPSCI | Fort Hood Update |
| 02/12/2008 | SSCI | Cyber Initiative (Testimony pending) |
| 09/20/2007 | SSCI | FISA and Protect America Act |

*The transcripts for closed, classified hearings are maintained by the Committees and not made available to the FBI.

The CHAIRMAN. Thank you, Mr. Pistole, very much.

I'm going to open the questioning by asking you to try and give a thumbnail sketch of how you see the terrorism threat; and the use of airplanes; and therefore, the use of detection equipment, and how satisfactory is it. How do you see the terrorism threat coming from overseas? How do you see it from people who come from overseas to be embedded here? And how do you see it coming from Americans themselves, as anger grows, which, of course, it is? And then how does that mesh in to how you change and amplify the technology that people have to go through to be searched? Because that is an absolute obligation, and whole-body imaging is anathema to a lot of people. I don't know how you get around that. So, could you talk about how you see the sequencing of threats, the magnitude of the threats, where the threats are from, and how you adjust technology to try and counter that?

Mr. PISTOLE. Thank you, Mr. Chairman. And that actually addresses my top priority, if confirmed, in going into TSA, to ensure that the men and women of TSA, and all those who deal with it, see it as a threat-based, intelligence-driven agency with a national security focus answering the question of, How do we manage risk?

We know that al Qaeda and its affiliates, including TTP, for example, associated with Shahzad, on Times Square, and a number of other affiliated AQ—al Qaeda-related groups—have the intent to commit attacks in the homeland. The question is their capability.

And so, what I've been doing in my current job, as Deputy Director, is trying to work with all the interagency partners to identify those threads of intelligence which may help inform our actions here in the homeland. And I think at TSA it becomes especially critical.

For example, given the Christmas Day plot, and the concealment technique that was used in that plot, which has to be used to help inform the people on the front lines as to what type of detection is appropriate—is the best suited to detect those type of new con-

cealment methods, knowing that there was a great deal of sophistication in that device.

And so, what it comes back to is making sure that TSA has the latest intelligence, the latest training, the latest techniques, and the latest technology to work as part of that layer of defense.

The best scenario is if we have the intelligence through part of the U.S. intelligence community to say, "There are threats at this particular location," whether it's an airport, a port, a cargo ship. We know, obviously—from Madrid, in March of 2004; in London, in July of 2005—both July 7 and 21; from Moscow, 2 months ago, two female suicide bombers on the subway there; from Mumbai, in 2007; a number of other incidents in India—that terrorists are interested in soft targets.

So, the more we harden our targets, the more we see opportunities that the terrorists are looking for to hit us, such as in Times Square. Somebody can—as you mentioned, the freedoms we have here in the country—somebody can drive in, park a car, walk away, and explode a device, causing maximum carnage. So, that's what we have to do, make sure we're threat-based, intelligence-driven, allocating our resources to the risk.

And I think that all factors into what is the technology that we're acquiring, how do we train our people, and how do they go about doing their jobs as part of that layered security.

The CHAIRMAN. So, you're really making the security factor the main factor, in terms of the use of imaging and technology and what it is that people have to go through.

Mr. PISTOLE. Absolutely.

The CHAIRMAN. We started with shoes; that was because of the shoe-bomber.

Mr. PISTOLE. Right.

The CHAIRMAN. You know, when we have a—more than a 3-ounce tube of toothpaste, and we've got to pitch it, people don't like it. I don't know whether that's related to security, but it sure could be.

Mr. PISTOLE. True.

The CHAIRMAN. So, is that what rules in making decisions about imaging and equipment and what people have to go through?

Mr. PISTOLE. Yes. I mean, security is paramount, Mr. Chairman. The whole purpose of the agency and all the U.S. Government efforts since 9/11 have been to enhance security; obviously, trying to balance civil liberty and privacy issues that are attendant to being citizens of the United States.

In my current job, I've had a lot of opportunities to do that, in how we investigate U.S. citizens and those—others, to make sure that we're doing everything legally possible to prevent bad things from happening, while protecting the civil liberties and privacies of those who we don't have an investigative interest in. So—

The CHAIRMAN. But, that leaves the Watch List. And the Watch List was violated recently.

Mr. PISTOLE. Yes, the Watch List is an important tool in the overall toolbox, if you will, that the U.S. Government has. It is constantly being evaluated and modified to ensure that it is the best information possible to provide the best tools possible to those who would engage with the traveling public.

So, for example, individuals who we describe as “clean skins,” those who have no terrorist affiliations, such as Abdulmutallab, with Christmas Day. It makes it a challenge. If that person’s not on a Watch List, how do we screen for that, other than through these enhanced techniques?

And so, the Watch List performs a valuable function in trying to identify, basically, as a tipper to say, “OK. Here’s somebody you should take a additional look at.” It’s not dispositive of anything. But, if somebody is on a Watch List, particularly the No Fly or Selectee, then obviously additional scrutiny should be, and is, applied to ensure that person does not pose a threat to aviation security, in that instance, or to other opportunities that person may have to do something bad in the U.S.

The CHAIRMAN. Thank you, Mr. Pistole.

Senator HUTCHISON.

Senator HUTCHISON. Well, thank you, Mr. Chairman.

First, I will just ask you the question, as the Ranking Member, if you and your agency will be available to all of the members of our committee, as well as our staffs on our behalf, for information that we need to be the oversight committee of the U.S. Senate.

Mr. PISTOLE. Absolutely, Senator Hutchison. I look forward to that, if confirmed.

Senator HUTCHISON. Thank you. Let’s talk about collective bargaining.

We have asked nominees, before, the question about what you think about it, how you would respond to it. But, I’m going to ask you a different question, because I know that the Secretary will make a final decision on this. But, my question to you is, What is going to be your advice to the Secretary? And what factors are you going to use to give her advice on whether this would hurt the capability to respond, to avoid any kind of work stoppages or slowdowns or any of the ways that people use to show that they aren’t pleased if collective bargaining doesn’t go their way?

Mr. PISTOLE. Sure. Thank you, Senator.

Secretary Napolitano did ask me to conduct a review of this issue, which I’ll do, engaging all stakeholders in the process. In terms of any big issues or decisions like that, in my leadership experience at the FBI I tried to do just that. So, it’s consistent with that perspective of trying to gather as much information as possible, and then making an informed judgment or recommendation. And so, I need more information to do that.

My experience with the FBI is such that, of course, we don’t have unions or collective bargaining. And so, I’m attuned to the security/safety issue. And, from my perspective, whatever the discussions are can’t adversely affect the safety and security of the traveling public.

Senator HUTCHISON. Every previous Administrator has determined that collective bargaining is not appropriate for this particular agency. Will you consult with former heads of the TSA in your deliberations about what you will recommend?

Mr. PISTOLE. I would consider that, Senator. As people who are, I would think, part of the stakeholders in this process, given their experience and everything, obviously would be open to all those who have valuable insights in that regard.

Senator HUTCHISON. Let me just ask you if the Secretary has indicated to you that she will take your advice or when she asked you to look into it, did she say that she would rely on you, or indicate that she might go a different way?

Mr. PISTOLE. No. She gave no indication. She simply asked me to do the review. And, from my perspective, that is an independent assessment that I would do with—again, engaging all the stakeholders, but that will be my assessment, and we've had no discussions about the outcome of that.

Senator HUTCHISON. Well, we certainly are going to, as I said earlier, want to have a progress report and be fully informed of—

Mr. PISTOLE. Absolutely.

Senator HUTCHISON.—of your decision. And be able to discuss it.

Let me ask you about your thoughts on the other issues besides airline security. I think that many of the focuses in this agency have certainly been airline—and, as they should be.

Mr. PISTOLE. Right.

Senator HUTCHISON. That is a place where people are vulnerable, and we know that many tricks have been tried, and largely we have avoided having another 9/11. But, what other areas do you see as priorities and where you would need to put resources for safety?

Mr. PISTOLE. Thank you, Senator. It—as I mentioned, given the interest in and successful attacks that we've seen in Europe and India, in particular, against rail networks; the attempted attack by Najibullah Zazi, last fall, against the New York City subways, a plot that was disrupted; the intelligence that's out there that indicates, again, targeting of more soft targets, means that the rail system with, you know, the millions—the multiple or more millions of passengers traveling by rail every day in subways than the 2 million air passengers that we have here in the U.S., makes that one of the key priorities.

Ports are also a critical area that needs to be worked as part of the interagency. Obviously, Coast Guard has a large responsibility there with helping inform and then work with the other agencies to address the vulnerabilities that al Qaeda and other terrorist groups have indicated an interest in trying to do bad things to.

So, those two part—obviously, HAZMAT carriers those—the over-the-road truckers who can carry hazardous loads, the freights, as I mentioned, heavy rail, light rail, subways, those are all areas that fall within that umbrella of transportation security. And so, if confirmed, I look forward to working with you and the Committee to assess those vulnerabilities and to figure out the best way to manage risk by allocating resources.

Senator HUTCHISON. Well, thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Hutchison.

Senator DeMint.

Senator DEMINT. Thank you, Mr. Chairman.

Mr. Pistole, the reason that some of us are making such an issue of collective bargaining, it's a signal to us. There's no doubt in my mind that you have the qualifications to make the Transportation Security Agency a better agency, to continue to improve it, that you know how to manage people and focus on security. But, if we see

you yielding to political pressure, that would suggest to us that the priorities have changed. And that's why it's so important to us.

I've got a letter from candidate Barack Obama to John Gage, of the National—or the American Federation of Government Employees, promising to provide collective bargaining benefits. And so, that's going to be a very difficult political pressure for you to stand down, but I think you probably have worked in difficult environments before.

When we met a few weeks ago, you said you had never thought of having collective bargaining at the FBI. And you are one of the Nation's leading counterterrorism officers. I find it instructive that you didn't even think that the workforce at the FBI needed to unionize.

Would it be accurate to say that implementing collective bargaining at FBI would not improve national security?

Mr. PISTOLE. I'm sorry, Senator, if you could rephrase—or restate that? I apologize. In terms of the FBI—

Senator DEMINT. Would collective bargaining improve security—would it improve national security—

Mr. PISTOLE. Oh. I—

Senator DEMINT.—at the FBI?

Mr. PISTOLE. Thank you. No, Senator. Obviously—and, from the FBI's perspective, we have to have the ability to surge resources at any time, to be able to deploy people, not only nationwide, but worldwide, at a moment's notice. And so, the perspective is one—again, from my experiences, is one of not collective bargaining.

Senator DEMINT. Yes.

Mr. PISTOLE. So, that's why I need to—

Senator DEMINT. But—

Mr. PISTOLE.—go into it—

Senator DEMINT.—let me ask this, because obviously the people who work at the agency, the officers, are very important to us, and the way they're treated—

Mr. PISTOLE. Sure.

Senator DEMINT.—is very important to us. And if you assume the reins at the TSA, can you commit to paying the TSO—the officers an honest wage, having the highest workplace standards, ensuring the professional development of your officers? And do you promise not to show favoritism or discriminate in the processes that evaluate performance and determine promotion, overtime, shift bids, or health and safety? Is—would that be your commitment?

Mr. PISTOLE. Well, Senator, of course what I am very focused on is the workforce development issues. You've gone into a lot of detail there. What I pledge to do is make sure that the—all the TSOs and all employees of TSA that have a voice to—that they know can be heard by the head of the agency, and that they can engage and can discuss those issues, some of which you've outlined, in a meaningful fashion. So, yes, I pledge to—

Senator DEMINT. But, you don't think you necessarily need a third party to tell you to do that.

Mr. PISTOLE. That's something I have to withhold judgment on, because I don't have the information yet. I need to conduct that review, talk to the stakeholders, and make an informed judgment.

Senator DEMINT. You don't have the information about what your commitment to the employees will be?

Mr. PISTOLE. No. I know what my commitment to the employees would be, if confirmed. Thank you, Senator.

Senator DEMINT. When you do your assessment, will you make that assessment available to this committee?

Mr. PISTOLE. I would need to talk with the Secretary initially, and then, in discussions with her, make that decision.

Senator DEMINT. So, you're not sure whether or not you'll give us your assessment.

Mr. PISTOLE. I'm not sure. I need to talk to the Secretary about that.

Senator DEMINT. OK. All right. The unions are making the case that if we don't have collective bargaining, that someone in your position will not provide the proper workplace environment and fairness. I think your history shows that that's not true—

Mr. PISTOLE. Right.

Senator DEMINT.—but that's certainly something you're capable of. So, again, I know we've made enough of this issue, but I will trust your judgment—

Mr. PISTOLE. Thank you, Senator.

Senator DEMINT.—until proven otherwise.

Thank you very much.

Mr. PISTOLE. Thank you, Senator, appreciate it.

Senator DEMINT. I yield back, Mr. Chairman.

The CHAIRMAN. Thank you, Senator DeMint.

Senator Begich.

STATEMENT OF HON. MARK BEGICH, U.S. SENATOR FROM ALASKA

Senator BEGICH. Thank you, Mr. Chairman.

Thank you very much. It was great to see you, a couple days ago.

I do have—I want to restate some of the questions we talked about, but I have to take—I wasn't planning to ask any questions on this, or even make a statement on it. But, on the whole collective bargaining issue, you know, I'm hopeful that—you know, what I've learned here, in a year and a half, little issues like this suddenly become big issues because of philosophical differences, versus what is right and what needs to be done.

Let me ask you, first, one basic question, then I'm going to give you a comment, here.

First, the question is, In your position, you will—will you do everything possible to make sure that whatever rules, regulations, procedures—everything you do will ensure the safety of traveler as well as the highest quality of workers in TSA?

Mr. PISTOLE. Yes.

Senator BEGICH. That's the ultimate question. How you get there—

Mr. PISTOLE. Yes.

Senator BEGICH.—is—you know, this is the part of the role that I look to administration to work on. As a former Mayor, someone who had to administer well over 800 police and fire, who are unionized, I saw not one diminishment of public safety, because people who go into this field—and correct me if I'm wrong; you've been in

the FBI for many years—they chose this field not because it's union or nonunion.

Mr. PISTOLE. Right.

Senator BEGICH. They choose this field because this is the area of interest to them, because they instinctively—you want to make this place a safer place. Is that a fair—

Mr. PISTOLE. That's right.

Senator BEGICH.—statement.

Mr. PISTOLE. Sense of mission.

Senator BEGICH. That's right. You don't sit there go, "Geez, is this union or nonunion?"

Mr. PISTOLE. No.

Senator BEGICH. So, I have to take some exception to both minority members, and that is, I will stack the police department that I had against any public safety team in this country. They were unionized, but they never forgot their number-one mission—

Mr. PISTOLE. Right.

Senator BEGICH.—which is the public safety of, in that case, our community there. Same thing you would see at TSA. Is that a fair—

Mr. PISTOLE. Yes.

Senator BEGICH.—statement? Under any circumstances, the goal is—you're going to make sure those folks understand their number-one mission—

Mr. PISTOLE. That's—

Senator BEGICH.—is traveling—

Mr. PISTOLE. Yes, sir.

Senator BEGICH. And so, I want to take a—some exception. I understand there are philosophical issues, but, again, people don't go into these jobs and say, "Geez, you know, if the union doesn't do this, I'm not going to keep the public safe." Do you have that feeling, that they would do that?

Mr. PISTOLE. I really don't have that sense, Senator. Obviously, coming from my, you know, 27 years—

Senator BEGICH. Right.

Mr. PISTOLE.—at FBI, nonunion/collective bargaining—

Senator BEGICH. But, you've worked as an FBI agent with police—

Mr. PISTOLE. Sure.

Senator BEGICH.—officers all across—

Mr. PISTOLE. All the time.

Senator BEGICH.—the country.

Mr. PISTOLE. Task forces—

Senator BEGICH. Right.

Mr. PISTOLE.—all across the country.

Senator BEGICH. You can probably not tell me which ones are union or nonunion, correct?

Mr. PISTOLE. I—

Senator BEGICH. But, you—

Mr. PISTOLE. Some are, some aren't.

Senator BEGICH. Right. But, you can probably tell me who were the best officers.

Mr. PISTOLE. Sure.

Senator BEGICH. And it's irrelevant of—

Mr. PISTOLE. Right.

Senator BEGICH.—what—if they belong to bargain unit, or not. Because that never really enters the discussion. Is that fair?

Mr. PISTOLE. That's correct.

Senator BEGICH. OK. I apologize. I had no interest in talking about this issue. Again, as a mayor who managed public safety officers, I can tell you, again, their number-one goal is to keep the public safe.

Mr. PISTOLE. Right.

Senator BEGICH. Period. And so, I just take a little exception to the debate that just went on.

But, let me get to very specific Alaskan issues, if I can, as we talked about. And one of them was the whole issue of the TWIC cards and how—the transportation issue. We talked a little about that; I want to just make sure we have this conversation on the record.

Mr. PISTOLE. Sure.

Senator BEGICH. And that is, the complication for people in rural Alaska to get those—that next step, where they have to get the card personally delivered to them, which in some cases could be very expensive to fly to go to the next location to get that, and/or time commitment.

We talked about some ideas of trying to utilize technology in this way, of understanding the need to make sure the safety is cleared, the right person gets the card.

Mr. PISTOLE. Right.

Senator BEGICH. I want to reiterate the point, but also make sure you and I are on the same page, that you would be willing to look at innovative ways to ensure that they get these cards, that the security is there, but this expensive back-and-forth traveling—may be an opportunity to avoid that with some new technologies. Is that a fair—

Mr. PISTOLE. Yes. Senator, I—if confirmed, I look forward to working with you and the Committee on that issue, to make sure that the best business model's in practice, and the latest technologies are used—again, while ensuring the safety and security of those guards and the workers is paramount.

Senator BEGICH. Also, we talked about the whole issue of when Anchorage Airport went into a full—right after 9/11, kind of, almost volunteered to upgrade their facilities, in advance of all the regulation and everything put into place. But, they're—they did it because they were remodeling—renovating the airport, as well as others around the country. And there are a few of these airports, similar situation, where they expended money, but the TSA, now, has not reimbursed them, after multiple years. Is this an area you would look into and help us try to figure out a resolution?

Mr. PISTOLE. Yes, Senator. I would look into that.

Senator BEGICH. OK. The last one is just a general comment. And you and I had a conversation on this, and that is just the whole issue of the uniqueness of aviation in Alaska. Would it be fair, in our conversation we had, that there is some differences, but you have to see them as they lay out—but, in rural Alaska, rural states, having a full-blown TSA—for example—I'll just use an example I used in—with you—was in a village, like Chevak, which—

very small—that maybe there needs to be not one-size-fits-all, but an understanding of rural internal state travel, and how TSA can be more customer friendly in that regard. Is that a fair—

Mr. PISTOLE. That's fair, Senator. And, if confirmed, I look forward, again, to working with you and the Committee as to those issues, how we can tailor the appropriate resources at the respective airports.

Senator BEGICH. Excellent. Last comment. And, again, I look forward—I know you've been to Palmer, you've been there for a little while.

Mr. PISTOLE. Yes.

Senator BEGICH. You went there for a short bit. I look forward to trying to bring you up to Alaska, and we'll go visit one of those villages.

Mr. PISTOLE. Thank you, Senator, appreciate it.

Senator BEGICH. Thank you very much.

Mr. PISTOLE. Yes.

The CHAIRMAN. Mr. Pistole, I warn you that the Senator who just spoke is obsessed, and properly so, with Alaska. And you will see him and hear from him often.

[Laughter.]

Mr. PISTOLE. That's—

The CHAIRMAN. Senator Warner.

**STATEMENT OF HON. MARK WARNER,
U.S. SENATOR FROM VIRGINIA**

Senator WARNER. Thank you, Mr. Chairman.

I'm not sure my good friend and colleague is simply obsessed with Alaska, he's obsessed with a lot of things.

[Laughter.]

Senator WARNER. So, I—you know.

Mr. Pistole, it's good to see you again. And let me—

Mr. PISTOLE. Senator.

Senator WARNER.—make a couple of—

Mr. PISTOLE. Likewise.

Senator WARNER.—quick comments. One, I think you've got the absolute right background for this position.

Mr. PISTOLE. Thank you, Senator.

Senator WARNER. And I enjoyed visiting with you yesterday. And obviously you've had a history of public service. And to be willing to step into this breach, considering the challenges of this job, and the past challenges of some of the nominees, I'm, again, grateful for your willingness to step forward.

Mr. PISTOLE. Thank you, Senator.

Senator WARNER. And Senator Begich already raised one of the issues that I was going to raise. I, too, have one of those airports that did the right thing, relied upon TSA assertions, that if you go ahead and upgrade next-generation security facilities during the middle of a remodeling effort, that makes good business sense. And then, when they came to get reimbursed, those dollars haven't been there. So, I look forward to hearing the same kind of response, as well. And this is probably one of those ecumenical issues, I imagine. I've got colleagues on the other side of the aisle who've got this same issue.

Let me also reassert what I think the Chairman has mentioned, what I think all our colleagues believe, is that your number-one job is to make sure that your TSA employees ensure the safety of the homeland, the safety of our traveling public, both domestic and foreign, and clearly a—my conversations with you and reviewing your background, you’ve got that expertise.

Mr. PISTOLE. Thank you, Senator.

Senator WARNER. But, I do believe there is another piece to this, and we raised this yesterday, and I want to just take another moment on it. And that is—you’ve got—you’ll have close to 50,000 employees. And in many ways, this is the—these employees are the first impression—

Mr. PISTOLE. Right.

Senator WARNER.—that visitors coming to our country interact with. It’s also a required intersection with all of the domestic traveling public. And I don’t think, again, I’m going to be alone in this issue, but I constantly hear complaints about mistreatment of the traveling public by TSA officers.

I recently received a letter from a constituent who described a incident of waiting literally 40 minutes in a screening line at Dulles. And he described the TSA officers as surly and inappropriate. He said they had no consideration of folks waiting in line. And again, as we discussed, I think most Americans realize that the—in—the privilege of flying will require the privilege—or—and the requirement of additional screening in a post-9/11 world. But, that requirement can be done in a manner that is—doesn’t have to be surly. I think one of the challenges you’re going to have in this requirement is making sure that customer service—

Mr. PISTOLE. Right.

Senator WARNER.—not to be trumped by security. Security always has to trump. But, customer service has to be a component of your TSA officers.

And what I think added insult to injury—and again, probably most of my colleagues have flown out of Dulles recently—we’ve spent literally tens of millions of dollars on a new security mezzanine, and it’s more than a bit frustrating for the traveling public to get carted and shuttled down to this new security mezzanine, with lots and lots of gates, and see, then, those gates woefully understaffed and—this is repeated comments—sometimes staffed by folks who are surly and—there’s the “surly and inappropriate behavior,” the comments of my constituent. And these folks have got a job to do, but they can do it in a way that, I think, both doesn’t mitigate their security concerns, actually would enhance the security concerns if they feel cooperation from the traveling public, as well as the role of this first impression that comes about with our—with many of our foreign travelers.

So, what steps would you take to ensure appropriate staffing, to ensure that, as you buildup this esprit de corps at the TSA—you’ve got a new agency with a lot of burdens—that customer service is part of that?

Mr. PISTOLE. Sure.

Senator WARNER. Civil servants ought to act in a civil manner.

Mr. PISTOLE. Right.

Senator WARNER. And what kind of metrics could we, as the oversight committee, look to you, as you get into this role, to make sure that we're seeing that kind of progress, both in terms of staffing, morale, and in the customer service area?

Mr. PISTOLE. Thank you, Senator. And I would just start off by saying I agree with all of your statements in terms of—customer service has to be part and parcel of the security mission, and that oftentimes you can accomplish more through better customer service than the type of conduct that you described, which, if confirmed, my expectation and clear direction would be to focus on those issues.

I think everybody recognizes, in this room and any of the traveling public, that the TSOs have a challenging job. Some would say it's very challenging, with limited reward, you know, only recognized if something bad happens, which is not a good metric.

So, what I want to do, if confirmed, is work with the human resources people of TSA and the Department to assess what the current metrics are. I, frankly, don't know right now. Obviously, throughput is one of those key issues. How many people can get through the screening in there—with their carry-on bags, those things, and what makes sense. And so, I will, if confirmed, look forward to working with the Committee, to be informed by, perhaps, expectations, managing those expectations, and then trying to work, again, through the training and retraining of TSOs and other TSA personnel to make sure that their role in this layered security apparatus that we have in the United States makes sense, that we don't have undue interruptions to the commerce or free flow of business and of people and goods, while still maintaining that security that you mentioned.

So, I look forward to, again, if confirmed, working with you and the Committee on those issues.

Senator WARNER. Well, thank you, Mr. Pistole. And I'd, again, want to say thank you for being willing to step up. This is going to be a—I think, a bit more multidimensional challenge. You bring the security background, I think, and great expertise. But, as we discussed yesterday, I think there's going to be a lot of management components of this challenge that I look forward to working with you on.

Thank you, Mr. Chairman.

Mr. PISTOLE. Thank you, Senator Warner.

The CHAIRMAN. Thank you, Senator Warner.

Senator Thune.

STATEMENT OF HON. JOHN THUNE, U.S. SENATOR FROM SOUTH DAKOTA

Senator THUNE. Thank you, Mr. Chairman and Deputy Director Pistole. Appreciate your willingness—

The CHAIRMAN. Senator Thune.

Senator THUNE.—and interest in serving as Administrator of the TSA.

Like a number of my colleagues, I've been concerned, with the Administration's long delay in filling what, in my view, is a very top position. This is even before Mr. Southers and General Harding withdrew their names from consideration. With your longstanding

service to our Nation at the FBI, I think you would bring an important perspective to TSA when it comes to strengthening security for the traveling public.

Mr. PISTOLE. Thank you.

Senator THUNE. And so, we welcome your interest and willingness to serve.

Mr. PISTOLE. Thank you.

Senator THUNE. There's no question that we face a lot of challenges, going forward, when it comes to addressing the changing terrorist threats. A couple of challenges that I believe TSA is faced with include complacency from the general public, and, second, the need to bolster security protocols, as was witnessed by the December bombing attempt in Detroit; and the recent New York City incident, in which Mr. Shahzad almost fled the country after purchasing a one-way ticket to Dubai.

So, clearly, there are lots of challenges still out there. It's going to be always hard to—we're always asking for some of our agencies to do more with less. And I wanted to get at one issue and get your response to it, because the budget request for TSA is \$8.16 billion for this year, which is a 6.6-percent increase over Fiscal Year 2010. And I think, as you know, on Tuesday the White House issued a directive, to all agency heads, to trim at least 5 percent from their budgets.

And the question I have has to do with an award that was recently issued by the TSA. It was an IT services contract that was \$52 million more expensive than the lower bid from a contractor with almost the same technical solution ratings. Now, given the fiscal crisis that our country is facing, does this make sense for taxpayers?

Mr. PISTOLE. Thank you, Senator. I'm not familiar with that particular contract. I was not privy to any of those dealings, yet. I am still dealing with the FBI budget, frankly, and all those issues. But, if confirmed, obviously that is one of the key areas, to make sure that taxpayer dollars are being wisely invested in the proper tools and technology to do the things that we need to do to protect the traveling public. So, yes, I pledge to work with the Committee on those issues, bring a sense of strong fiscal responsibility to this position.

Senator THUNE. OK. I would appreciate, as you undertake to do that, looking at the procurement process. And I'll just give you a little more background on this, since you're not acquainted with it. I hope that it's something you can kind of dig into. But, it's a contract that appears to be very poorly handled. It has been going on for more than a couple of years. It has been the subject of at least two successful protests, and a third is pending with the GAO. During the course of those protests the GAO found that there were irregularities in the acquisition process. And in addition, due to the length of time that has passed since the proposal for IT services was first issued—issued, it's my understanding that the scope of work sought by TSA may not accurately reflect its current needs.

So, there has been a long tail on this thing. It has been in the works, as I said, for a couple of years. And I would hope that—it seems, to me at least, that, given the excess cost for the current contract award, and the flaws in the solicitation process, that TSA

ought to take a—undertake a fresh, independent review of this procurement, and report back to Congress on plans to address concerns about the procurement, and plans to improve that acquisition process. So, I hope that we can count on you.

As I mentioned earlier, these are hard times, you know, fiscally for the country. We're dealing with unprecedented levels of deficit spending and debt. And when you hear stories like this—

Mr. PISTOLE. Right.

Senator THUNE.—it doesn't do anything to bolster the public's confidence in their government and its ability to make sure that they are being good stewards of America's tax dollars. So, I appreciate your following up on that, and hope that we can continue to work with you and try and bring a resolution to this that's acceptable and that's in the best interest of the taxpayers.

I know you don't have extensive background when it comes to the aviation sector, in particular, but I'd like to know a little bit more about what you see as the TSA's role when it comes to general aviation, including smaller airports in places like South Dakota and across the country.

There is no question, I think, that these—that—you know, we hear this all the time from those who use airports, from a general aviation standpoint. And obviously we've got a lot of commercial travelers. But, how do you see the TSA interacting and dealing with the general aviation community and the issues that they're concerned about with regard to safety?

Mr. PISTOLE. Thank you, Senator. And I think it's back to the—my early statement about TSA being a threat-based, intelligence-driven agency with that national security mission in mind, and trying to answer the daily question, How do we manage the risk? So, with general aviation, clearly it becomes of—What are the risks associated with general aviation? We know of a number of interests by terrorists of using what may be seen as a softer protective screen, if you will, on general aviation than commercial aviation. And so, it's something that I need to review all the latest threat assessments to see what information—or what has already been done, and then try to make some informed judgments—again, with the fiscal restraints that you mentioned—recognizing you can't be all things to all people at all times in all places. So, how do we allocate those limited resources in a meaningful fashion based on risk?

But, I look forward to working with you and the Committee as to that—those issues.

Senator THUNE. OK.

Thank you, Mr. Chairman. I see my time's expired.

The CHAIRMAN. Thank you, Senator Thune.

And when you hear of examples, like you mentioned, it's important to tell the Committee about it, because we're not aware of that.

Senator THUNE. OK.

The CHAIRMAN. So, that would be helpful.

Senator THUNE. We will certainly do that, Mr. Chairman.

The CHAIRMAN. All right.

Senator LeMieux.

**STATEMENT OF HON. GEORGE S. LEMIEUX,
U.S. SENATOR FROM FLORIDA**

Senator LEMIEUX. Thank you, Mr. Chairman.

First, I want to say, Mr. Pistole, thank you for your service; not just your willingness to submit yourself for this position, but your service with the FBI since 1983.

Mr. PISTOLE. Thank you, Senator.

Senator LEMIEUX. And I want to take a moment, if I may, to thank your wife and your daughters. We all——

Mr. PISTOLE. Appreciate that.

Senator LEMIEUX.—serve with the support of our family. And you've made sacrifices, but they've made sacrifices, too. So——

Mr. PISTOLE. Absolutely.

Senator LEMIEUX.—thank you——

Mr. PISTOLE. Appreciate that, Senator.

Senator LEMIEUX.—for the partnership that they have provided for you.

I think you've got great credentials for this job. I enjoyed our meeting the other day. You and I spoke a lot about technology. And I want to echo my colleague from South Dakota's comments about using technology for purposes of efficiency.

Mr. PISTOLE. Right.

Senator LEMIEUX. We've heard about long lines in our airports in Orlando and Miami. And there's a lot of concern about the modernization of the way that the TSA employees work, whether they are on overtime, because they're not using, perhaps, the best technology possible.

So, I look forward to you reviewing those contracts and systems and evaluations, to make sure we're doing the best thing possible. And know I have your commitment to do that.

Mr. PISTOLE. Absolutely, Senator. I look forward to doing that.

Senator LEMIEUX. Also on technology, you know, we spoke about this issue, and we've talked about it here at this committee before, when we were evaluating some of the folks that came before you, and that is—is the general frustration that the American people have that an 85-year-old grandmother or, you know, my 5-year-old child will be pulled aside for a lot of extra screening, or delayed, when we know that more than, you know, 90 percent of our threats are from Islamic extremists. And we need to do a better job of protecting against those who are going to do danger to us, and trying to speed other people through who pose no danger to the American people.

And I know that there are laws in place that—as we discussed, that tie our hands, in some extent, about how we can use predictive modeling technology and things like that. But, I would like for you, just on the record, to express your commitment that we're going to try to use technology, we're going to look to what other countries, like Israel, are doing. They've got, apparently, software that they're using now that checks the stress on people. They use a lot of just personal interaction with the folks who get on the plane, to try to qualify them.

And I just want to get your commitment——

Mr. PISTOLE. Yes.

Senator LEMIEUX.—on the record, that we're going to look for innovative ways so that the average American traveler, who presents no threat, is going to be able to get through quicker, but we are going to provide the scrutiny we need on those who might actually endanger our country.

Mr. PISTOLE. Well, thank you, Senator LeMieux, and I appreciate your focus on technology. We know there's a lot out there. It's a question of the right technology with the right application at the right time. And with TSA being part of that layered security, my hope and goal is to make sure that intelligence will help inform those decisions and judgments as to what that right technology is—going back to Christmas Day, that concealment method and—that we discussed.

But, clearly, I believe that technology has to inform and enable those functions. I had the opportunity to meet with Dr. Tara O'Toole from DHS S&T, the Science and Technology directorate, last week to have some of these discussions about what is the technology that the Department, the agency, is looking at. I had a opportunity to have a demonstration out at the integration facility, just south of Reagan Airport, the TSA has to do some of the testing of the equipment, the enhanced imaging technology, before it's deployed, and then had the opportunity to have that demonstration.

But, again, with all the great work that, for example, the Israelis do, in terms of the behavior detection, obviously TSA does that as part of that layered security. If there is technology that helps enable that, in terms of information—obviously, in the FBI we have behavioral analysis experts who focus on those type things. Again, all enabled by, not encumbered by, technology. So, I look forward to working with you on that.

Senator LEMIEUX. I appreciate that. And I know that you have a focus on it.

And it's very important, Mr. Chairman, because we have so many millions of people traveling through this country every month, and we have to do what Senator Warner said, which is—these folks have to be involved in customer service, too.

I appreciate the fact, now, that it seems like the TSA folks are trying to be more friendly. I appreciate the fact that, when you're traveling with a family, like I did back down to Florida this week, with four kids, that there was a separate line for families that are traveling with a baby, and all those kinds of things. I appreciate that.

And, you know, the balance you have is to keep us safe—

Mr. PISTOLE. Right.

Senator LEMIEUX.—but to not burden our civil liberties, and to try to get us through the airports as quickly as possible. So—

Mr. PISTOLE. Agreed.

Senator LEMIEUX.—if you can continue to focus on the customer service aspect, on the one hand, and then going after the actual people who threaten us, on the other, I think that would be a great focus for you.

Mr. PISTOLE. Thank you, Senator LeMieux.

Senator LEMIEUX. OK.

Mr. PISTOLE. Look forward to it, if confirmed.

Senator LEMIEUX. Yes, sir.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator LeMieux.

Mr. Pistole, I'm going to ask the next question. I have to then do something.

Mr. PISTOLE. Yes.

The CHAIRMAN. Senator Dorgan, will be the chairman, which he probably ought to be anyway—

[Laughter.]

The CHAIRMAN.—and will carry the hearing.

I want to just go on with what Senator LeMieux was saying, because the tradeoff, really, with the American people is that we're going to put you to a certain amount of inconvenience, and that inconvenience is usually related to the last incident—

Mr. PISTOLE. That's right.

The CHAIRMAN.—as opposed to forward-looking. The tradeoff is that in return, we're going to give you good service, and friendly service, and fast service—and especially fast service—but thorough. The technology helps on that.

Mr. PISTOLE. Right.

The CHAIRMAN. I've been through a lot of airports where there have been thumbprints and other things that simply aren't being used.

I want to go to what Senator Warner said about Dulles Airport. It's one of the most frustrating experiences I've ever been through. When you walk a half a mile, then take a train for half a mile to go up and down and all over, then you're really confronted with, like, 15 or 20 different stations for people to go through, and only two of them are manned, and it takes 45 minutes. That's not carrying out the bargain that you do for security. And, in fact, it probably rushes security. It may have the opposite effect.

So, for my first question of you, is that a solvable problem? I mean, I don't do a great deal of travel. I can't talk about Los Angeles Airport or San Francisco Airport and all the rest of them. I normally deal, as does Senator Dorgan and Senator Begich, with small airports, and everything is fine. But, there has got to be a solution to that. I mean, we can't have that Dulles syndrome. And I'm assuming, if it's there, that it's in other places.

The deal is, you get tougher security—

Mr. PISTOLE. Right.

The CHAIRMAN.—and you get tougher technology. In return for that, you get better service and friendly service, and that's a fair deal. We're not upholding—at least at those airports that I can think of—that deal.

How do you do that with the budget cuts that may come your way that Senator Thune mentioned? I mean, do you have enough money to sufficiently staff other stations. I can't tell you the anger of, not just your Chairman here, but of all the people in both lines, muttering as they looked in both directions, seeing all kinds of unopened lines.

Mr. PISTOLE. Thank you, Mr. Chairman. You've obviously touched on a very significant issue. And, in the course of this process, I've had the opportunity to hear some personal—both—positive stories, but some very frustrating times, including one of a certain

Senator who had a 2-hour wait recently. Very frustrating. Just in terms of the economic impact and the inefficiencies of that.

So, I think the staffing issue, again, has to be informed by the intelligence, because we have to make sure that the people who are doing it—making those staffing decisions are informed by the intelligence, and then have a good business model for what they're doing.

So, if confirmed, what I pledge to do is work with the Committee in making sure there are metrics in place, because I believe that what gets measured gets done. And if we're not paying attention to those type of things, such—what's the throughput rate—and I believe those things are—but, I just don't have enough information at this point, other than to say it is one of my top priorities to look at, because the customer service has to be positive to keep the American public engaged while keeping the security at the forefront.

The CHAIRMAN. I understand that.

I'm going to ask one more question, which you can answer, and one more that you can think about.

You go to another part of Dulles Airport, which is where general aviation lands—Senator Thune brought this up—and there's nothing. There are no waiting lines. Nobody is checking identity. You just carry whatever you have. You walk out. You walk on. There are no scanners that you walk through. That is the majority of airplanes in the air at any given time.

I'm not talking about crop dusters, I'm talking about, some kinds of King Airs, and certainly jets. And they are the majority of the flights that are using our antiquated, air traffic control system as we try to build a new one. They don't participate in this. They've done little things, but, they're a very tight group, and it's very easy for them to make phone calls to the Finance Committee and to this committee and shut down any effort to make them spend more money. Now, they're doing a little bit more this year, but not much. Are you ready to take that on, because nobody else has been?

Mr. PISTOLE. Well, thank you, Mr. Chairman. Obviously, if confirmed, I would look forward to engaging the general aviation community, in terms of what they see as the best approach, in terms of risk management, recognizing that they have a vested interest in a certain process, but also recognizing that threats can come from general aviation aircraft, such as we saw in February, with the IRS building in Austin, Texas. We know of other, well, terrorist groups who have expressed interest, as you mentioned, in crop dusters, different things. So, if it's a vulnerability that's not being addressed, that's what I want to make a determination of and then look forward to working with you and the Committee to find ways forward to address those issues.

The CHAIRMAN. So, that is a strong yes—

Mr. PISTOLE. That is—

The CHAIRMAN.—answer?

Mr. PISTOLE.—a yes.

The CHAIRMAN. You will not, years from now, have failed to address that and change the behavior of general aviation?

Mr. PISTOLE. Yes—

The CHAIRMAN. Remember they can make phone calls. And, boy, when they make phone calls, everybody just bows down, except me and a few others here. And it's unfair, it's an unjust matter.

I'll leave my other question and turn the chair over to Senator Dorgan.

And I thank you. I will certainly be voting for you. And I'd, incidentally, say, out of turn perhaps, that we'll be having an off-the-floor markup on your nomination, next week.

Mr. PISTOLE. Thank you very much, Mr. Chairman.

**STATEMENT OF HON. BYRON L. DORGAN,
U.S. SENATOR FROM NORTH DAKOTA**

Senator DORGAN [presiding]. Mr. Chairman, thank you very much.

And, Mr. Pistole, I'm going to be supporting your nomination. I think you have a——

Mr. PISTOLE. Thank you, Senator.

Senator DORGAN.—set of credentials that is sorely needed at TSA. And I think all of us on this committee would believe that that has been vacant far too long, for a number of circumstances. But, it is a critically important position.

You know, decades ago, you used to just go to the airport and walk onto an airplane when they told you it was time. A lot of younger Americans have never experienced that. But, you just boarded an airplane. And then they began to hijack airplanes, particularly to Cuba, but some other locations, as well. And pretty soon they started screening passengers to make sure they didn't have a weapon when they got on. And the screening has become more intensive and more intrusive.

And nowadays, of course, the challenges of screening are pretty substantial. All of us have watched a 6-year-old child be wanded at an airport someplace, or a Catholic nun being intensively screened. You know, and so you watch those things, and you just shake your head.

On the other hand, we understand we want to get on an airplane that is free of weapons——

Mr. PISTOLE. Right.

Senator DORGAN.—and that is not likely to be commandeered or hijacked or threatened.

So, there is this issue of inconvenience. Screening is an inconvenience.

Mr. PISTOLE. Right.

Senator DORGAN. The question is how much. And can we do the job that's necessary for screening, while—and protect the American people and protect the traveling public—while reducing the inconvenience to the extent possible?

And, as Senator Rockefeller indicated, we traditionally protect against the last attack and the last mode of attack. You know, we found out that you could put a bomb in a shoe, and so we start taking off our shoes. Not until then did we start taking off our shoes, but then we did. We found that they can put a bomb in underwear; that has not resulted in specific actions. But, you know, we're continuing to—I wasn't trying to be funny there——

[Laughter.]

Senator DORGAN.—I was—as I was thinking about it. We’re——

Mr. PISTOLE. I think minds were wondering somewhere——

Senator DORGAN. Yes.

Mr. PISTOLE. Yes.

[Laughter.]

Senator DORGAN. And bottles of—3 ounces of——

Mr. PISTOLE. Right.

Senator DORGAN.—liquid. And we’re——

Mr. PISTOLE. That’s right.

Senator DORGAN.—continuing to try to address the things we now see can happen.

So, I want to ask you a series of questions.

Mr. PISTOLE. Yes, sir.

Senator DORGAN. Number one, you said that you were involved in the investigation of Northwest 253, which occurred at Christmastime, with a man that boarded an airplane destined for the United States with a bomb in his underwear. And I want to ask you, as you looked at that, tell me what you think the failings were. I have a notion of a fair number of failings. But, what did you sense—as someone who was involved in the investigations, what were the failings?

Mr. PISTOLE. Well, Senator, I think there were—there was a lot of information that was out there, in terms of the intelligence-community collection. Unfortunately, none of it was dispositive or specific enough to say, “This individual is currently posing a threat.” And so, the challenge that—which I think has been reviewed and discussed at some length—is, How do we ensure, as a U.S. Government, that all those holdings of information—even including, perhaps, the misspelling of a name, as has happened with AbdulMutallab, or the timely sharing of information to the decisionmakers who have to ensure—for example, should a visa be revoked, on the one hand, should the person be on a No Fly or Selectee list, on the other hand? What is the other intelligence about their—about the origin? Is there any intelligence about the type of device?

So, those are three key areas that I think that the U.S. Government identified and is working at addressing.

Senator DORGAN. Well, let me just ask more specifically. This is a potential terrorist whose father went to American authorities and pointed at his son——

Mr. PISTOLE. Right.

Senator DORGAN.—and said, “This guy is potentially troublesome”——

Mr. PISTOLE. Right.

Senator DORGAN.—“hanging around with people that are difficult, probably terrorists.”

Mr. PISTOLE. He’s concerned about him, right.

Senator DORGAN. So—that’s right. A father points to his son——

Mr. PISTOLE. Right.

Senator DORGAN.—and tells American authorities, “Watch this.”

Mr. PISTOLE. Right.

Senator DORGAN. As a result of that, he is not put on a No Fly List. He does not have an open visa that is revoked. So, those are two major failures, it——

Mr. PISTOLE. Right.

Senator DORGAN.—seems to me. And it might have been spelling, it might have been something else, it might have been people asleep at the desks, up and down the line. But then, in addition to that, in addition to somebody saying, “Here’s the guy. Watch him,” and we don’t watch him, then he gets to an airport with a bomb in his underwear. So, how does he get through a screening at an airport with a bomb in underwear?

Mr. PISTOLE. As we know, Senator, from going back over all of the information we have, and through the debriefings of Mr. Abdulmutallab, of course, who has cooperated since that time, he was able to get through the screening in Amsterdam, Schiphol Airport. He went through a screening, but, because of the concealment technique that was used, where he had never touched it, so explosive trace detection equipment, even if they’d done it on his hands, would not have picked up any explosives, because he had not touched it, and there were no metallic parts, obviously—this was a chemical TAP—TATP/PETN combination—

Senator DORGAN. Tell us what those letters mean.

Mr. PISTOLE. Yes. Triacetone triperoxide is the initiator. And when the passengers on the plane heard what they described as firecrackers, that was actually—there’s actually a precursor, glycol—it’s a—KMnO₄ is the chemical composition—initiator that goes into the TAPT. That was what—when people described firecrackers, that’s what the—it was the TAPT initiating. And then the main charge is a PETN—and I don’t recall what all that stands for—but, it’s a common explosive device, not dissimilar to C4, for example, for—

Senator DORGAN. Right.

Mr. PISTOLE.—military use. So, it was—we were very, very fortunate that the main charge of PETN, which was nearly double the amount that Richard Reid had in his shoe, that you mentioned, shoe bomb from December of 2001. We did some testing, afterwards, of Richard Reid, and—on an unpressurized fuselage of a plane, would have blown a hole about this big in the side of the fuselage, unpressurized. And, of course, you know, pressurized—Abdulmutallab had nearly twice that amount. And so, obviously, the damage would have been much more significant, probably causing catastrophic failure to that aircraft.

So, that is the challenge of, How do we work with our international partners to make sure that they have the latest technology, techniques, and training, that, if flights are going to come into the U.S., that they apply the same standards that we have? And I know Secretary Napolitano and the Deputy Secretary Jane Lute have been engaged in a worldwide effort in that regard, to engage our foreign partners, to ensure that those standards are similar, if not better than the U.S. standards for anybody coming in. And so, that’s been one of the challenges since Christmas Day. And, if confirmed, I look forward to working with our international partners, both in the security and law enforcement services, but, obviously, the aviation industry, to make sure those screening standards are up to the U.S. standards.

Senator DORGAN. All right. I have additional questions, but I’ll wait and ask in another round.

Senator Hutchison.

Senator HUTCHISON. No further questions.

Senator DORGAN. Senator Begich, do you have additional questions?

Senator BEGICH. No further questions.

Senator DORGAN. Well, then let me continue on this issue of the screen. Because, again, a father says, "Here's the guy."

Mr. PISTOLE. Yes. Yes.

Senator DORGAN. And we miss a bunch of opportunities to revoke a visa and put on a No Fly List this person that's been identified, reasonably so, for us. And then he gets through a screen because he's done whatever he has done with this concealed bomb to mask its image on a screen and to not have metal parts to it.

Let me ask about the prevalence of the capability of the screening devices at most airports, both here and abroad, to detect exactly what went through a screen undetected at Christmastime.

Mr. PISTOLE. Sure, Senator. Obviously, the X-ray machines, the typical ones that you see at most airports, would not pick up the type of device he used, because there are no metal parts to it. The new advanced imaging technology machines would give a much better opportunity, because there would be an anomaly identified in—hopefully—that's one of the things that—need to make sure that the training is up to speed, so if an anomaly is detected, then a further patdown or other additional screening would be appropriate. It—again, it's a—

Senator DORGAN. But, those are not in use, largely, at this point.

Mr. PISTOLE. There are—have been a number of the enhanced—the AIT machines deployed through U.S. airports. There's a plan for, I believe, 450 by the end of the year. But—I have to check my numbers on that—but, it's something that—there is a plan to do that, all the while addressing whether that it is focusing on yesterday's threat, and they've now developed a new threat. And so, we have to make sure the intelligence is helping inform the latest R&D, research and development, for the best technology to defeat other types of threats.

Senator DORGAN. But, some of the 9/11 conspirators, terrorists, they went to a small airport in Maine to board an airplane, never again then to have to go through a screening process.

Mr. PISTOLE. Right.

Senator DORGAN. And when you talk about deploying 400, the question is, Will the entrance into the system, from a small airport in a remote area, detect or catch that circumstance?

Mr. PISTOLE. You're absolutely right, Senator. Obviously, Muhammad Atta and his three coconspirators, who flew from Portland, Maine, to Boston Logan the morning of 9/11, had considered, we believe, the greater possibility, not necessarily from a screening perspective, but from the suspicious-activity-behavior perspective. As opposed to having a larger group flying from Boston Logan on two flights, they decided to have four go from Portland, Maine, to look less suspicious. But screening's a key part of this, Senator.

Senator DORGAN. And let me ask you about screening, and especially the issue of body imaging.

Mr. PISTOLE. Yes.

Senator DORGAN. Have you seen the examples of the most sophisticated body imaging? And give me your evaluation of that, in the context of being a husband, a father, a citizen——

Mr. PISTOLE. Sure.

Senator DORGAN.—and then also in the context of being someone who wants to see everything about anybody that goes on an airplane, in order to keep a weapon off that plane.

Mr. PISTOLE. Well, that's right. I mean—and you've hit on that tension, that dynamic that we—that TSA and the government is dealing with.

Yes, I have had a demonstration of the screening equipment and the privacy steps that are currently employed. Obviously, having screener, who never sees a person, reviewing the image in a separate room; the person who is physically engaging the passenger never sees that image; and that image is deleted immediately after that person is cleared. So, there are privacy issue—or privacy safeguards built in. That being said, some people are concerned about—you know, they're modest and would not want that. At this point, that type of an enhanced—or the AIT screening, the enhanced imaging technology, is optional. So, people, if they don't want to go through that, they can go through the traditional metal detector, wand, patdown, as appropriate.

So, I think it's the best technology available, for right now, trying to balance the security with the privacy issues. But, if confirmed, I look—would look forward to working with the Committee, in terms of, Are we using the best approach?—again, both from a training, techniques, and technology perspective.

Senator DORGAN. You're going to be confronted with that issue a lot, I think, as we try to determine, What is it we implement that further strengthens our ability to detect a weapon?

Let me ask the issue of trying to move frequent flyers through these lines. As you know, there was a company that was called Clear that started up and was established. Are you familiar with that at all?

Mr. PISTOLE. I've had some briefings on it.

Senator DORGAN. Yes.

Mr. PISTOLE. I have a little bit of information about it.

Senator DORGAN. That company took applications from people, measured their—they got their background, and measured their—the iris of their eyes, took their fingerprints, and so on, and that way, when that person who signed up paid a fee, went through the screening line, with their fingerprints and so on, immediately they determined, “All right. We know that person. That person is in the system. That person's a Presbyterian minister from Herreid, South Dakota, or whatever. We know this person.”

Mr. PISTOLE. Yes,

Senator DORGAN. Fingerprints, iris, and so on.

Mr. PISTOLE. Right.

Senator DORGAN. That company, however, I believe, went bankrupt. And do you know whether there are other efforts in the private sector or public sector to try to address the question of someone who flies twice every week, that's their job, as a——

Mr. PISTOLE. Right.

Senator DORGAN.—salesperson or representative, and who perhaps we can know much better and move through much more quickly? I'm not talking about——

Mr. PISTOLE. Sure.

Senator DORGAN.—Members of Congress, here. I'm talking about——

Mr. PISTOLE. No. No. Understood.

Senator DORGAN.—people who are salesmen and others that fly all the time.

Mr. PISTOLE. Right. Yes. I understand there are some efforts underway in the private sector to replicate that business model and to make sure that the messaging is accurate so it's—people realize that they're still going to through screening——

Senator DORGAN. Right.

Mr. PISTOLE.—it more a concierge service, if you will, of being able to go—with that trusted ID and identification system to expedite that process. So, if confirmed, I would obviously look into that and see if there are viable ways of doing that—again, ensuring the safety of the traveling public.

Senator DORGAN. One last question, if I might. Let's assume that you are confirmed, in a matter of days, and you, at long, long last, assume this role, because it has been vacant far too long. What is your most immediate and urgent concern as you turn your attention to running this agency?

Mr. PISTOLE. Thank you, Senator. So, one of the first things I did when I was nominated was to meet at TSA headquarters and get a threat briefing, an intelligence briefing. So, my top priority is making sure that TSA has the latest intelligence, threat information, and is making informed judgments as to how to allocate their resources. So, that's the top priority, followed very closely by addressing workforce development issues, as I mentioned; and then, third, engaging all stakeholders in the business of TSA to make sure that they know that their voice can be heard and that all the issues that they are dealing with will be addressed by TSA.

Senator DORGAN. And I said one last question. Let me ask one more, if I might. Could you submit to us—I'll submit a question in——

Mr. PISTOLE. Sure.

Senator DORGAN.—writing on the issue of soft targets. Terrorists, obviously——

Mr. PISTOLE. Right.

Senator DORGAN.—take a look at the target opportunities to commit an act of terrorism in our country, and they see what we would consider hard targets—that is, the targets we are now protecting very substantially—and then they see soft targets, where our attention is not there, because we've not experienced the same threat there. And I'd like to ask if you might—from the standpoint of transportation——

Mr. PISTOLE. Sure.

Senator DORGAN.—give us your estimate of, What are the lists of soft targets that concern you, and that are going to require your attention? I think—I won't ask that publicly here. I think I'll ask that you submit that to us——

Mr. PISTOLE. Right.

Senator DORGAN.—in writing, if you would.

Mr. PISTOLE. Be glad to do that, Senator. I've seen a number of classified reports, as you indicate, both by the DHS and the Intelligence Analysis Group, also by—within the FBI and the National Counterterrorism Center—have all done collaborative work in that regard. And, as you know, there are a number of soft targets out there.

Senator DORGAN. All right. Well, let me join others who have thanked your family for lending you for some public service here for a while.

Mr. PISTOLE. Thank you, Senator. Much appreciated.

Senator DORGAN. And I—as I said, I will be a strong supporter of your nomination. Hope that we can move this with great speed, because it is long overdue.

The deadlines for questions to be submitted for the record for this nomination will be 6 p.m. on Friday.

And—anything, finally, Senator Hutchison?

Senator HUTCHISON. Thank you very much, Mr. Pistole.

Senator DORGAN. If not, we thank you, Mr. Pistole, for being with us today.

This hearing is——

Mr. PISTOLE. Thank you very much, Senator. Appreciate your support.

Senator DORGAN. This hearing's adjourned.

[Whereupon, at 11:28 a.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. INOUE TO
JOHN S. PISTOLE

Question 1. As you are aware, almost everyone who flies has experienced, or knows someone who has experienced, an unpleasant encounter with TSA employees. Yet, while security should be TSA's top priority, it may not be necessary to treat any and every traveler as a security threat. What quality measures do you propose to take to insure higher vigilance of TSA inspection teams, in order to curtail these often-recounted "horror stories"?

Answer. While security will always remain our top priority, if confirmed, I am fully committed to ensuring that TSA takes into account the needs of travelers and businesses on all modes of transportation. If confirmed, I will make it clear throughout the agency that all TSA employees must ensure the respectful treatment of the traveling public while fulfilling their critical duties of protecting the Nation's aviation system. I will also work with TSA's human capital leadership to assess ways in which TSA can improve its customer service—through enhanced training, drills, and strengthened oversight, among other strategies.

Question 2. Hawaii has the distinction of being the most isolated group of islands in the world. It is 6 hours behind us here on the East Coast, and 3 hours behind the West Coast. Given its distance from other states and the high volume of travelers from diverse countries we welcome every day, how do you propose maintaining the service TSA provides for Hawaii in the event that a threat occurs?

Answer. I understand that the Department of Homeland Security (DHS) recently issued its Quadrennial Homeland Security Review, which identified ensuring the Nation's resilience to terrorist attacks, natural disasters and other threats, as a critical mission of the agency. If confirmed, I will work with DHS, TSA's program offices and stakeholders to incorporate resilience and protection throughout the Nation's transportation networks, including in Hawaii.

Question 3. If given the opportunity, how would you propose expanding TSA's focus from reactionary (in response to the threat of a shoe bomb, we are now asked to send our shoes through TSA's X-ray machines; similarly, in response to the threat of liquid bombs, we are asked to limit our carry-on liquids to under three ounces), to proactive? Is such a thing possible within the limits of TSA's scope and duties?

Answer. I understand that the technology experts at TSA, the Department of Homeland Security's Science and Technology Directorate, and their counterparts at the Department of Energy and its National Laboratories are currently working together to ensure that we have the best technology available to respond to new and emerging threats. If confirmed, I will work with these and other officials within TSA, DHS, the Department of Energy, and other Federal Government agencies to evaluate our existing systems to ensure we remain ahead of our adversaries in anticipating potential future vulnerabilities.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BILL NELSON TO
JOHN S. PISTOLE

Question 1. How do you feel about registered traveler programs? If you support them, will you work with the industry to facilitate a safe, thorough, expedited way for pre-screened travelers to go through airport security going forward, and for their personal information to be protected?

Answer. At this point, I have not yet had the opportunity to fully evaluate the registered traveler programs. However, if confirmed, I will review these programs in depth. My goal is to ensure that intelligence informs decisions, so we can enhance our focus on the threat, while protecting the privacy of the American public.

Question 2. When implementing safety and security rules and policies for general aviation, will you continue to work with the GA community to ensure that those rules are appropriate and feasible?

Answer. Yes. If confirmed, I look forward to working closely and continuing TSA's collaboration with the general aviation community regarding security requirements.

Question 3. I would also like to echo Sen. Warner's and Sen. Begich's concerns about airports that have still not been reimbursed appropriately for in-line EDS systems. I look forward to working with you, Sen. Warner, Sen. Begich and others to rectify this situation.

Answer. If confirmed, I will review the issue and would welcome the opportunity to work with you, Senator Warner, and Senator Begich on this matter.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. FRANK R. LAUTENBERG TO
JOHN S. PISTOLE

Question 1. Worldwide, mass transit and passenger rail have been frequent targets of terrorist attacks. Compared with aviation, the 9/11 Commission stated that, "opportunities to do harm are as great or greater in surface transportation." Yet our transportation security efforts—both resources and personnel—have largely focused on aviation. As TSA Administrator, how will you better protect the millions of Americans who travel by mass transit and passenger rail?

Answer. Rail security is of vital importance to our economy, and identifying and implementing capabilities to further reduce the risk of terrorism to mass transit and passenger rail is a key goal of the TSA. From my experience with the FBI, I believe that training and information sharing are important components of a robust security system. I was closely involved in the disruption of the plot by Najibullah Zazi and others to detonate bombs in the New York City subway system, and I fully understand the challenges involved in protecting the mass transit system. If confirmed, I would conduct an in-depth review of mass transit security needs. I understand that significant efforts are already underway, such as the Surface Transportation Security Priority Assessment and the continued distribution of grant funds for surface transportation security to transit providers.

Question 2. The TSA has missed many of the deadlines outlined in the 9/11 Act for securing our surface transportation. For example, TSA has only completed a portion of the risk assessment and national security strategy for our Nation's rail system that was due in 2008. What specific steps will you take to promptly complete overdue items and meet all future Congressional deadlines for surface transportation security?

Answer. If confirmed, I will make it a Transportation Security Administration (TSA) priority to continue working as expeditiously as possible toward completion of any 9/11 Act requirements that are not yet met.

Question 3. In January, a man intentionally breached a secure airport exit lane at Newark Airport, shutting down a busy terminal for over 6 hours and forcing sixteen thousand passengers to be re-screened. No matter how much money we spend on technology to screen passengers, it's useless if someone can just slip through the back door. What changes will you make to secure exit lanes, especially at our busiest airports?

Answer. I understand that ensuring the security of sterile areas of airports through exit lane control is an important responsibility of the Transportation Security Administration and its airport partners. If confirmed, I will conduct a thorough review of existing protocols and explore appropriate methods through staffing and technology to ensure that proper exit lane controls exist and are enforced.

Question 4. In the Newark Airport breach, the security of a busy, heavily traveled exit was left to just one TSA guard. A man was able to sneak in when that lone guard was distracted. Will you examine TSA staffing levels at Newark Airport so that critical homeland security responsibilities are not left to just one individual?

Answer. If confirmed, I will review the level of staffing at exit lanes at Newark International Airport (EWR) and I will take steps to ensure that those Transportation Security Officers who are assigned to exit lanes are appropriately trained and focused on their responsibilities. I will also work to ensure that the exit lane design provides the proper control to best protect sterile areas of airports.

Question 5. The GAO recently found that the TSA's behavioral detection program resulted in over one thousand arrests in our Nation's airports, but none of these arrests were for terrorism. However, sixteen individuals later identified as terrorists were able to pass through airport security, including one at Newark International Airport. As Administrator, what actions will you take to reform this program?

Answer. As a career FBI officer with extensive experience in counterterrorism and counterintelligence, I believe behavior analysis can add a critical layer to transportation security. If confirmed, I intend to work with TSA and the leadership of the Department of Homeland Security to ensure that TSA's behavioral detection program is an effective, science-based program that enhances transportation security.

Question 6. After the Moscow subway attack that killed forty people and injured dozens more, a number of transit agencies across the country visibly increased their security presence. However, we heard very little from the TSA. After a major terrorist attack on a mass transit system, what role should the TSA play in communicating with the public?

Answer. One of the best ways to promote transportation security awareness among the public is to engage both industry and the public in developing and implementing security initiatives. Homeland security is a shared responsibility for all Americans. The traveling public and individual citizens are critical partners in our security efforts, as demonstrated by the effectiveness of the "See Something, Say Something" efforts that proved so critical to averting the attempted bombing in Times Square. If confirmed, I would conduct an in-depth review of information sharing with our transportation security partners and the general public. From my 26 years of experience with the FBI, including my current position as Deputy Director, I appreciate the necessity of proactively communicating appropriate information to stakeholders, including the general public. If confirmed, I will bring that experience to my position at the Transportation Security Administration.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AMY KLOBUCHAR TO
JOHN S. PISTOLE

Question 1. During your testimony, you mentioned that TSA intends to deploy 450 full-body scanners over the course of this year. What is your understanding of the effectiveness of the new full-body scanning technology?

Answer. I believe Advanced Imaging Technology (AIT) is an effective technology that provides important detection capabilities—serving as one of TSA's many layers of security. If confirmed, I will further review the technology and the deployment plans to ensure threat-based intelligence continues to inform the agency's efforts to defeat existing and future threats to aviation security.

Question 2. How will you work to ensure that TSA operators use these scanners to their maximum efficiency?

Answer. If confirmed, I will work to ensure that TSA personnel receive the training and resources necessary to maximize AIT's capabilities to effectively screen and detect threats to aviation security. I will also review TSA's use of the industry recognized Staffing Allocation Model to effectively allocate staffing levels to meet traffic volumes.

Question 3. How will you work to ensure that we continue to evaluate and improve upon this screening technology to meet evolving threats?

Answer. If confirmed, I will work with TSA's technology and operational experts in evaluating AIT, in both laboratory and operational settings, to improve the technology itself processes for utilizing it, and training for those operating it to maximize screening capabilities. Moreover, I intend to work very closely with the Department of Homeland Security's Science and Technology Directorate to maximize research and development capabilities.

Question 4. Since 2008, TSA has been conducting a procurement process for an information technology (IT) contract to maintain a secure, nationwide network linking TSA headquarters, regional offices and airport locations and provide IT and communication equipment. During this time period, the process has been subject to three protests. The first two of these protests were upheld by the GAO and the third is currently pending with the GAO. During the course of the protests, the GAO has found that there were irregularities in the acquisition process. Do you have plans to undertake a fresh review of this procurement to assess whether the contract has been fairly awarded?

Answer. While I am not aware of the specifics of this particular procurement, it is my understanding that this acquisition has been conducted utilizing best value procurement techniques under which technical performance is measured against cost in order to ensure the government obtains the best value for required supplies or services.

If confirmed, I will work to ensure that TSA's procurement policies reflect current security requirements while prioritizing fiscal responsibility.

Question 5. If confirmed, will you conduct a review of TSA's procurement process to ensure that taxpayer dollars are being wisely invested?

Answer. Yes.

Question 6. Under current TSA policy, luggage checked at appropriately cleared Canadian airport facilities must be rescreened before it is transferred to a U.S.-based connecting flight. This requirement frequently causes delayed-connections for passengers as well as significant logistical problems for U.S. airlines and airport operators, particularly the Minneapolis-St. Paul Airport. It is my understanding that TSA has been working with stakeholders and Canadian authorities for well over a year to reach an agreement on this issue. When do you think an agreement might be reached that would negate the need for such rescreening of baggage while ensuring that aviation security standards are fully met?

Answer. If confirmed, I will continue to work with Canada on ways to minimize delays and logistical difficulties, while ensuring we uphold U.S. laws for screening all checked bags on international flights entering the United States that are subsequently transferred to domestic connecting flights.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO
JOHN S. PISTOLE

Question 1. Members of the general aviation community have expressed concerns about TSA's Large Aircraft Security Program (LASP) proposed rulemaking. My understanding is that TSA plans to respond by issuing a supplemental Notice of Proposed Rulemaking (NPRM) to address some of these concerns. Could you share how TSA under your leadership will engage and work with the general aviation community when developing and promulgating aviation security requirements?

Answer. I understand that TSA has been involved in extensive work to strengthen general aviation security while also recognizing the importance that general aviation serves in our economy. I also understand that TSA is moving forward with a Supplemental Notice of Proposed Rulemaking and is working diligently to release a rulemaking that is reasonable and feasible for industry to implement, while at the same time maintaining an effective level of security. If confirmed, I look forward to working closely with the general aviation community regarding security requirements.

Question 2. To enhance aviation security, the TSA began initial testing in October 2003 of its Screening of Passengers by Observation Techniques (SPOT) program. Behavior Detection Officers (BDO) carry out SPOT's mission to identify persons who pose a risk to aviation security by focusing on behavioral and appearance indicators. GAO was asked to review the SPOT program and issued a report in May on its lack of effectiveness.

The SPOT program costs \$200 million per year. However, the GAO study shows that at least 16 known terrorists travelled through 8 different U.S. airports 23 times, where the program was implemented. If confirmed, do you plan to continue the SPOT program, and if so, what changes will you make?

Answer. As a career FBI officer with extensive experience in counterterrorism and counterintelligence, I believe behavior analysis can add a critical layer to transportation security. If confirmed, I intend to work with TSA and the leadership of the Department of Homeland Security to ensure that TSA's behavioral detection program is an effective, science-based program that enhances transportation security.

Question 3. On December 25, 2009, a passenger on Flight 253 en route to Detroit attempted to detonate a small explosive device shortly before landing. The flight had 278 passengers and eleven crewmembers on board. In March 2010, TSA began deploying 450 advanced imaging technology (AIT) units, which were purchased with American Recovery and Reinvestment Act (ARRA) funds. The machines cost about \$175,000 each. What is the likelihood that an AIT unit would have detected the bomb on the Christmas Day suspect?

Answer. While there is no silver bullet technology, based on my knowledge of the type of device used and the information I have received on AIT capabilities, I believe AIT can be an effective tool against the type of threat used on Northwest Flight 253. If confirmed, I will ensure that TSA continues to develop, evaluate and deploy technology, processes, and training to maximize the probability of detecting threats such as the one seen on Christmas Day.

Question 4. When using AIT units, how will TSA protect passengers' privacy rights while also ensuring that passengers are properly screened?

Answer. Based on the initial briefings I have received on AIT and a demonstration of AIT at Reagan National Airport, I understand that TSA employs strict guide-

lines to protect passenger's privacy rights and to ensure proper screening. The TSA officer who views the image of a passenger being screened is located remotely from the passenger and never interacts directly with the passenger to preserve anonymity. No cell phones, cameras, or other recording devices are permitted in the room where the TSA officer views the image. AIT also employs privacy filters on the images themselves to conceal the identity of passengers. Additionally, AIT units cannot store images, as the image storage functions are disabled by the manufacturer before the AIT equipment is placed in an airport.

Moreover, passengers may opt out of AIT screening and undergo alternative screening—TSA has placed signs at screening checkpoints advising passengers of this option. I understand that these privacy protections are reflected in the publicly available Privacy Impact Assessment (PIA). If confirmed, I look forward to working with the Committee to ensure we are using the best possible approach to securing the traveling public while respecting their privacy.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. KAY BAILEY HUTCHISON TO
JOHN S. PISTOLE

Question 1. When taking on new positions and challenges, people often rely heavily on their past experience. In your case, that would be law enforcement and counterintelligence matters, both critical areas. However, TSA was created to make our transportation system secure, while also ensuring the free movement of people and commerce. Maintaining a balance between these two directives will be a difficult task. If confirmed, how do you intend to approach this challenge?

Protecting the traveling public from threats is and will continue to be TSA's top priority. Implementing effective security procedures and facilitating the flow of people and commerce are not mutually exclusive. It is my firm belief that the best security programs take into account the needs of travelers and businesses on all modes of transportation. If confirmed, I am committed to engaging industry leaders and the public to hear their views and concerns on the best ways to both secure our transportation systems and streamline the movement of people and commerce.

Question 2. According to your questionnaire, in 2009, you indicate you were briefly stopped in Frankfurt, Germany, prior to boarding an aircraft, for inadvertently having a spare bullet in your briefcase. While the German screening system did catch the stray bullet, the security process in the U.S. failed to detect the bullet when you departed. While you obviously pose no threat, does it concern you that you easily passed through U.S. security with the bullet and, if confirmed, what improvements to our detection capabilities will you focus on?

Yes, it concerns me. If confirmed, I'll focus efforts on improving training, developing more advanced techniques, and deploying the latest technologies to further increase our Nation's security and bolster our abilities to detect threats.

Question 3. The Government Accountability Office (GAO) recently issued a report on TSA's "Screening Passengers By Observation Techniques" or "SPOT" program, in which the GAO highlighted that TSA failed to detect at least 16 terrorists, who had passed through eight different airports where TSA screeners are trained in behavior detection. In fairness, it is unclear whether the behavior detection officers encountered any of these terrorists. Nevertheless, GAO expressed concern that TSA does not have sufficient metrics to validate SPOT's effectiveness, or a strategic plan for the program, upon which it has spent hundreds of millions of dollars, with only tenuous results. While aspects of a similar program may work in Israel, the U.S. aviation system is much different; therefore, would you discuss your thoughts on such an inexact science, and how it might be used from a law enforcement perspective?

As a career FBI officer with extensive experience in counterterrorism and counterintelligence, I believe behavior analysis can add a critical layer to transportation security. If confirmed, I intend to work with TSA and the leadership of the Department of Homeland Security to ensure that TSA's behavioral detection program is an effective, science-based program that enhances transportation security.

Question 4. Following the attempted Christmas Day bombing, TSA announced that it planned to purchase over 1,000 whole-body imaging machines, also known as AIT. Although the GAO and other investigative entities have expressed concern about the ability of the technology to detect strategically placed explosives, the agency seems intent on moving forward with implementation. Therefore, if confirmed, will you plan to review this technology and modify its deployment, if necessary?

If confirmed, I will review the effectiveness of TSA's advanced imaging technology's detection capabilities and work to ensure that the agency's deployment plans are consistent with strategic transportation security objectives.

Question 4a. Will you consider deferring implementation until the next generation of machines is ready, with automated software to detect suspicious items, rather than using the very labor intensive system that is currently required?

I have received preliminary briefings on Advanced Imaging Technology (A17). If confirmed, I will further evaluate AIT to ensure that the technology employed by TSA provides effective detection capabilities and that its continued deployment will be in the best interests of aviation security.

Question 4b. Will you evaluate TSA's implementation plan, which has already encountered cost issues and space constraints at airports, resulting in the installation of only about 17 percent of this year's targeted number of machines?

If confirmed, I will review TSA's deployment plans for AIT and ensure that TSA works closely with airport stakeholders to design configurations that meet local needs. I will also support the continuation of ongoing dialogue with stakeholders on the national deployment of AIT.

Question 5. As Chair of the FBI's Personnel Board, you have been responsible for making countless personnel decisions; however, in the past 4 years, you have been the subject of six Equal Employment Opportunity (EEO) complaints, including gender and race discrimination complaints. Have these cases been resolved?

In each of these cases and in all my work throughout my career at the FBI, I acted in good faith and without bias. My understanding is that several of these cases are pending resolution, while the others are closed. There has been no adverse finding against me.

Question 5a. Would you care to elaborate on any of these complaints?

As I stated, I acted in good faith and without bias in each of these matters, which comprise a small percentage of the hundreds of personnel matters I have been involved with in my role as a senior manager at the FBI and the chair of the SES board.

Question 6. Mr. Pistole, over the past several months, you have been involved in the investigations of at least two transportation security incidents, the Christmas Day attempted bombing and the Time Square attempted bombing. In both cases, the accused perpetrators were read their legal rights. In your view, why should suspected terrorists, especially non-U.S. citizens, like the accused Christmas Day bomber, be Mirandized?

The first priority in any terrorism investigation is the protection of the American public. In both cases, prior to the issuance of Miranda warnings, agents first engaged in vigorous questioning of the suspects under the public safety exception to Miranda, as recognized in the Quarles decision. If confirmed, I will continue to work on ways to utilize all lawful means to protect the American public.

Question 7. After the passage of the USA PATRIOT Act, the FBI's use of National Security Letters (NSLs) to demand records in terrorism cases greatly increased. More concerning, as revealed in a series of reports by the DOJ Office of Inspector General, the FBI also began using so-called "exigent letters" to request information from telecommunications carriers on the basis of claimed emergencies, with a promise that a NSL or subpoena would soon follow. In some cases, however, there was no emergency and the follow-up legal process did not materialize. While you were not accused of any wrongdoing, the Inspector General named you as one of the senior officials who should have been more aware of the conduct of your subordinates. Would you please inform the Committee of your involvement with NSLs and "exigent letters" and what changes you made to the FBI's policy following the Inspector General's report on this matter in 2008?

I never signed or approved an NSL or "exigent letter." I learned of their misuse after the DIG informed me and other senior leaders following its first audit. Once advised, I, along with the FBI Director and General Counsel, led the efforts to address these problems by issuing several directives: (1) we eliminated the use of exigent letters altogether; (2) we instituted a rigorous review and approval protocol for the issuance of NSLs, coupled with an extensive audit and evaluation follow-up; and (3) we directed our Inspection Division to conduct follow-up audits to ensure compliance.

Question 8. TSA has spent many years and billions of dollars developing name-based vetting programs, such as Secure Flight and the Transportation Worker Identification Credential (TWIC); however, the disturbing trend of so-called "home-grown terrorists," who may have clean backgrounds but who have become inspired by radical organizations or individuals such as the cleric Anwar al-Awlaki, seems to expose

vulnerabilities in the government's systems. Given your intelligence background, what suggestions would you offer for mitigating any unintended loopholes in these programs which constitute the Nation's last lines of defense?

Secure Flight and TWIC are two of the multiple, layered security tools employed by the U.S. Government in our fight against terrorism—ranging from personnel to technology to information sharing efforts. If confirmed, I look forward to working with the Committee to ensure any loopholes in these two important programs are addressed expeditiously.

Question 9. TSA's mandate is to ensure the security of all modes of transportation, including pipelines and aspects of the maritime sector that are critical to my home state of Texas. The Port of Houston, for example, contains valuable energy and commodity facilities, which are vital to the state's and the Nation's economies, and which merit greater security protection. As Deputy Director of the FBI, you have much experience in prioritizing agency needs, yet at TSA, you may be faced with too many priorities and limited resources. How do you intend to improve the working partnership between TSA and the U.S. Coast Guard in the maritime security arena and assure Federal efficiency?

I understand that TSA currently enjoys a strong working relationship with the U.S. Coast Guard. Both agencies have worked closely on strengthening the security of the Nation's maritime ports through a number of cooperative efforts, including: the Port Security Grant Program, which is administered in close cooperation with FEMA; a joint TWIC pilot program designed to deploy biometric readers; and a joint program designed to secure passenger ferries and cruise ships. If confirmed, I look forward to working with Commandant Papp and the Coast Guard team to further explore ways to collaboratively improve maritime security.

Question 10. After an FBI sting operation, last week a Texas man was arraigned on charges that he tried to aid al-Qaeda. As part of the operation, the FBI reportedly gave the suspect a falsified TWIC, a TSA security card for transportation workers in the maritime sector. The suspect allegedly intended to use this card to board a ship bound for the Middle East. While this card was invalid, it highlights the disturbing situation created by TSA and the U.S. Coast Guard, whereby TWIC cards are currently used as flash passes, with no card reader system in place to verify whether the cardholder merited access to secure areas of our Nation's ports. If confirmed, will fixing TWIC be a top priority for you?

If confirmed, continuing to refine and improve the TWIC program, including the completion of the reader pilot program, will be a priority for me. I understand that the U.S. Coast Guard is a key partner in the TWIC program, and as I noted above, if confirmed, I intend to work closely with the Coast Guard to further improve port security.

Question 11. U.S. Army Major Nidal Hasan is accused of shooting 13 people and injuring 32 others at Fort Hood, Texas, on November 5, 2009. Reportedly, prior to the incident, the FBI had monitored e-mail communications between Major Hasan and an Islamic radical cleric, known to be an al-Qaeda sympathizer. Following the shooting, the FBI determined that Major Hasan was not part of a larger terrorist plot. In the aftermath of the incident, it appears that there may have been a communications breakdown between the FBI and the Army, and had this not happened, this tragic event might not have occurred. While FBI Director Robert Mueller has ordered an independent review of the case, what lessons learned, about sharing intelligence and other matters, could you highlight for the Committee?

While an independent review is currently ongoing, I previously led an internal review which identified several areas of improvement, which Director Mueller and I later implemented. These included:

- *Information Sharing with the Department of Defense.* The FBI has formalized a process for notifying the Department of Defense of FBI investigations involving military personnel in order to streamline the process for information sharing and coordination between our agencies.
- *Supplemental Review in Significant Cases.* We established a supplemental Headquarters-level review process in significant national security cases to limit the risk of human error in analysis and to broaden the perspective of analysis in these cases, all based on "high-risk" targets identified by NCTC.
- *Technology Improvements.* We are making specific technology improvements in handling sensitive information to strengthen the ability of our Agents and analysts to automatically detect intelligence connections that are critical to understanding and uncovering threats. (Details are classified.)
- *Training for Joint Terrorism Task Force Members.* We expanded and strengthened training for members of our Joint Terrorism Task Forces on the use of

data bases and legal dissemination of sensitive information to maximize access to all available information to all relevant partners across the Federal Government.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. OLYMPIA J. SNOWE TO
JOHN S. PISTOLE

Question 1. As you well know, both the no-fly and selectee lists have their own minimum derogatory criteria requirements which are considerably more stringent than the Terrorist Watchlist's "reasonable suspicion" standard. In order to be placed on the no-fly list, "a known or suspected terrorist must present a threat to civil aviation or national security." Consequently, the no-fly list is a very small subset of the Terrorist Watchlist which, according to DHS, contained approximately 4,000 people on September 30, 2009, of those approximately 170 were U.S. persons. In your opinion, are the current requirements for placement on the selectee list and no-fly list too stringent?

Answer. The President has ordered a review of the entire watchlist system. I fully support that review, and if confirmed, will work closely with TSA and Federal Government leadership to implement any changes suggested from that review.

Question 1a. What changes would you make to the existing requirements to prevent incidents like Christmas Day from occurring again?

Answer. It is my understanding that the criteria for inclusion on the terrorism watch lists is the product of a government-wide process. If confirmed, I will work with my counterparts to review the existing watch list system, offer recommendations based on my best judgment and experience, and support the implementation of any changes based on that review.

Question 1b. Why didn't the Watch Lists have the names of individuals like Shahzad and Farouk, which could have prevented the former from purchasing a ticket and boarding an aircraft, or stopped Farouk from boarding the aircraft in Amsterdam on its way to the U.S.?

Answer. It is my understanding that in the case of Umar Farouk Abdulmutallab, insufficient information was presented under the procedures then in existence to place him on the No Fly or Selectee lists. Furthermore, Faisal Shahzad had in fact been placed on the watchlist—which resulted in his apprehension by U.S. Customs and Border Protection.

Question 1c. Is the threshold for requiring a foreign visitor to undergo special scrutiny upon arrival in the United States considerably lower than the criteria for preventing that individual from boarding an aircraft overseas? If so, why? How often does the Transportation Security Administration audit international airports to ensure that the security apparatuses in place are compliant with U.S. security standards?

Answer. TSA does not conduct passenger screening overseas. With respect to international airport inspections, it is my understanding that TSA applies a risk-based prioritization to its Foreign Airport Assessment Program, inspecting international airports to ensure they meet international standards for aviation security.

Question 2. With the implementation, at least domestically, of the Secure Flight program this August, what impacts do you believe that program would have had on the recent incidents on Christmas Day and in Times Square? Had that program been in place, would it have stifled those potential attacks before they got underway? Or prevented Shahzad from ever passing through security at Kennedy Airport?

Answer. It is my understanding that Secure Flight is now fully implemented for 100 percent of domestic flights, and will be implemented for all direct international flights to the U.S. by the end of 2010. I also understand that issues of comparison of passenger information to the most current version of the watchlist can be mitigated through cutover to the Secure Flight program.

Question 3. Deputy Director Pistole, one of the issues I discussed with Secretary Napolitano in her appearance late last year before this Committee, was screening of air cargo on passenger aircraft. I have long advocated for a much more intense screening regimen for commercial airline cargo. This concern has only been reinforced by the number of foiled terrorist plots to attack transatlantic airliners in the last 2 years—most recently efforts made on Christmas Day. It is obvious terrorist elements still seek to use commercial aviation as their primary weapon for attacking Western interests. With the passage of the 9/11 Recommendations in late 2007, Congress mandated this loophole be closed. And considerable progress has been made toward achieving one hundred percent screening, both under the previous adminis-

tration's watch and your own. Yet, concerns remain, evidenced by the recent Government Accountability Office's report released at the end of March.

It is my understanding that the Transportation Security Administration (TSA) recently published an interim final rule intending to make the Certified Cargo Screening Program (CCSP) mandatory for all shippers. Yet the Inspector General's report indicates there is a lack of personnel necessary to meet the 100 percent screening requirement. How would you plan on certifying all aspects of CCSP-approved facilities, if the Inspector General's report is correct?

Answer. I understand that TSA has the ability to certify all entities who have currently applied to the Certified Cargo Screening Program (CCSP). TSA has 450 Transportation Security Inspectors-Cargo (TSI-C) currently on board with an additional 50 expected later this year. If confirmed, I will review the CCSP program and the IG report to ensure that appropriate oversight procedures are in place.

Question 3a. According to the Inspector General's report, the TSA is "ineffective" in ensuring both compliance, and by extension, the security, of that cargo screened by private entities. While the Department has "agreed" with the Inspector General's assessment, I am concerned that will the extent of the action taken. What changes to the oversight process, either for Known Shippers or for CCSP participants, do you envision to ensure these facilities are complying with TSA requirements?

Answer. If confirmed, I will review the CCSP and the Inspector General's report and take appropriate measures to ensure compliance with the program and the effective screening of air cargo on passenger aircraft.

Question 4. In order to achieve the 100 percent screening threshold by next summer, it seems to me that the network of approved CCSP facilities capable of scanning cargo must be enlarged to meet the obvious need, given that 12 million pounds of cargo travel in commercial aircraft every day. Last fall, this Committee discussed a report by the Homeland Security Inspector General suggesting the dearth of available screeners would make what Congress has mandated in the 9/11 Recommendation legislation—that is, the 100 percent screening requirement—unattainable. Last week's GAO report echoed those same concerns. Do you know the current total of TSA personnel dedicated to monitoring air cargo screening protocols? Do you believe that figure is robust enough to guarantee the entirety of this cargo is being screened?

Answer. I understand that TSA is confident that industry is capable of attaining the 100 percent mandate in the U.S. on August 1, 2010. I am told that industry has already achieved over 75 percent, well in advance of the deadline. The Certified Cargo Screening Program (CCSP) locations are screening over 45 percent of the total cargo, and recent surveys have indicated that sufficient capacity exists at carriers, Indirect Air Carriers (IAC), and Independent Cargo Screening Facilities (ICSF) to meet the overall mandate.

As noted above, TSA currently has 450 Transportation Security Inspectors-Cargo (TSI-C) on board with an additional 50 expected later this year. I understand that there are over 730 CCSP participant locations and almost 500 of them are already regulated IACs, who are currently inspected by Transportation Security Inspectors-Cargo (TSI-C).

Question 5. That 9/11 Recommendations law included a term that would make air cargo inspections commensurate with screening levels that luggage receives. I believe that even in the broadest of legal interpretations, I think we can all agree the Known Shipper Program and the CCSP Program are not "commensurate" with the kind screening luggage is subject to. It is not even clear to me that this so-called pre-cleared material is subject to random screening or explosive detection. Do you envision a program that will require at least random screening of material, even if it is being shipped from an entity on the Known Shipper list or a participant in the CCSP Program?

Answer. I understand that TSA requires that all cargo screened through the Certified Cargo Screening Program (CCSP) undergo screening commensurate with screening levels that luggage receives. A strict chain of custody process for transfer is also enforced, and all cargo screened is subject to random inspection by TSA, including TSA and Law Enforcement canine teams. If confirmed, I look forward to participating in further reviews of the CCSP and air cargo security measures.

Question 6. We have heard numerous estimates of the cost of implementing a comprehensive screening regime for air cargo. My understanding is that an internal study conducted by the Department indicates such a screening regime could cost as much as \$100 billion. That is an absolutely stunning figure. Does the Department have a current estimate in terms of dollars as to how much such a massive and widespread technology deployment would cost?

Answer. From what I understand, the expected costs to industry are significantly less than the amount you mention. If confirmed, I look forward to participating in further reviews of this program leading to the issuance of a final rule that will include a full economic analysis of the cost of complying with the requirements of the 9/11 Commission Act.

Question 7. I'm certain that, given your background, you are familiar with certain cargo screening technologies such as explosive trace detection and X-ray portals that TSA is advocating for use by its partners to meet the 100 percent mandate. However, according to GAO, the effectiveness of those technologies has not been tested in an operational environment, but are already being used by industry to screen cargo to seem to be "in compliance" with the 100 percent screening requirement. If these technologies are not effective, why are they being used to fulfill the Congressional mandate on screening?

Answer. I have only had preliminary briefings on TSA's air cargo security program and the technology that is used to screen cargo. If confirmed, I will ensure that TSA and the Department's Science and Technology Directorate continue to collaborate on identifying and testing the effectiveness of cargo screening technologies to be used to secure our Nation's ports.

Question 8. Of course, one of the most hotly-debated issues concerning the TSA today is the claim that, in the very near future, Whole Body Imaging (WBI) devices will become the first line of defense when airline passengers are seeking access to secure areas. The TSA Director at O'Hare, one of America's busiest airports, was recently quoted as saying she believes WBI devices will be mandatory in the very near future. As the Administration has proposed, 450 new scanners will be distributed to an indeterminate number of airports by the end of 2010. To what extent do you believe this increase in deployment will secure the aviation network?

Answer. I support the use of advanced imaging technology (AIT) equipment as an important tool to protect the traveling public from evolving threats. If confirmed, I will further review the technology and deployment plans to ensure that threat-based intelligence continues to inform the agency's efforts to defeat existing and future threats to aviation security.

Question 8a. Being from a state with no major hub airports, I am concerned that this effort will simply encourage potentially dangerous passengers to avoid larger airports that possess the WBI technology, instead choosing smaller facilities like those in Bangor, Maine by which to enter our domestic aviation network. Can we expect all commercial airports to have this technology in the very near future?

Answer. I appreciate your concerns about the potential for terrorists to target smaller airports to avoid detection; however, AIT is just one of TSA's many layers of security—including Federal Air Marshals and other trained aviation security personnel; canine teams; information sharing with our international and private sector partners; and many among other aviation security tools.

From the briefings I have had thus far, I understand TSA's nationwide plan to deploy 1,000 AIT units through FY11 will include a range of airports.

Question 9. The GAO recently indicated that staffing and training costs for the deployment of the additional 450 WBI scanners could add an additional \$2.5 billion to the costs associated with the rollout of these newly purchased scanning devices. Is that cost-effective when very apparent gaps will remain at smaller, less traveled airports even if all of the new scanners are deployed?

Answer. If confirmed, I will review and evaluate TSA's staffing models and deployment and operational procedures to ensure that risk-based and cost-effective screening measures are implemented nationwide.

Question 9a. Do you believe that the WBI devices procured by the Department of Homeland Security would have been triggered by the explosives carried on the aircraft by Mr. Farouk on Christmas Day this past year?

Answer. While there is no silver bullet technology, based on my knowledge of the type of device used and the information I have received on AIT capabilities, I believe MT can be an effective tool against the type of threat used on Northwest Flight 253. If confirmed, I will ensure that TSA continues to develop, evaluate and deploy technology, processes, and training to maximize the probability of detecting threats such as the one seen on Christmas Day.

Question 10. With the enormous national debt in mind, do you believe there is another, more effective way we can employ the increasingly scarce resources we have to improve our aviation security regime?

Answer. Based on a preliminary briefing and demonstration of AIT capabilities, I believe AIT is an effective technology that provides important detection capabili-

ties. If confirmed, I will review TSA's technology and operations to optimize use of scarce resources while maximizing security effectiveness.

Question 11. Late last year, the GAO published a report included some very pertinent information regarding TSA's inability to secure sensitive areas at our transportation facilities. One program cited as failing was the lethargic pace of deploying the Transportation Worker Identification Credential (TWIC) Card—now, the roll-out of the program, which was intended to be completed at the beginning of this year, remains unfinished. While the TWIC Card has taken considerable steps forward in the last 6 months, having enrolled nearly all of the 1.5 million port workers across the country, right now the biometric card is little more than a glorified identification. To fulfill its purpose, it must be employed in conjunction with a card reader.

TSA spokesmen have cited "technical difficulties" as the reason behind past delays in the deployment of the card readers; I think you'll agree that without these devices, the whole point of the biometric identifier cards is rendered moot. Now we have begun a series of pilot programs at seven ports across the country, which is intended to culminate in a new final rule for use of the card readers. Can you elaborate further on what technical difficulties this crucial element of the program is facing? Have the failings of card readers been the result of poorly designed specifications at the Department of Homeland Security, or mistakes by the vendors?

Answer. If confirmed, I will assess this issue in detail. I also will work closely with the U.S. Coast Guard and all key stakeholders, including port security directors, to fully identify and resolve issues affecting the full deployment and operational performance of the TWIC card reader program.

Question 11a. It is my understanding that during previous testing, the TWIC Card Readers were unable to withstand water, as well as temperature extremes, among other problems that suggest it is unworkable in the maritime environment. This would seem to be a major failing if the Card is initially intended to be distributed to port workers. Have these problems been resolved to the satisfaction of the TSA, given that we have begun the pilot programs utilizing the card readers?

Answer. If confirmed, I will work closely with the U.S. Coast Guard and all key stakeholders, including port security directors, to fully identify and resolve all technical issues to ensure adequate environmental operating performance of TWIC Card readers.

Question 11b. Given that the program is already costing well over \$100 million and has been plagued by delays and missteps, when can we assume these readers ready to be deployed?

Answer. If confirmed, I will undertake a full assessment of the TWIC reader pilot program to ensure its effective completion.

Question 12. Throughout its various incarnations, the prescreening program now known as Secure Flight has been plagued with delays, privacy concerns, and worries about opportunities for appeals by incorrectly detained passengers. Now, as the program is on the cusp of being implemented system-wide, there is growing consternation among the traveling public as to what is required by the TSA and the commercial carriers in order to travel without fear of being detained.

My constituents, and individuals across the country, are confused as to exactly what TSA is requiring for travelers as to what they have to provide in order to travel. For example, one individual who spoke to the *New York Times* sought to disclose his full name as it appears on his driver's license, which is what he believed was required, but when booking his plane ticket, that particular carrier did not offer either a field for his middle name, nor the fact that he was a "Junior," which places the name on his boarding pass in direct conflict with his identification. Such conflict could result in significant uncertainty for passengers, as, according to the article, "travelers may or may not incur significant delays." That ambiguity epitomizes the problems with this program's implementation. If the airlines are not complying with the requirements laid out by the Homeland Security Department, what assurances can you offer them that they will not be detained or prevented from getting aboard their aircraft? What exactly is expected of travelers by the Department and the TSA?

Answer. If confirmed, I will review the Secure Flight program, giving careful consideration to the important issues you have raised to ensure that passenger data is accurately collected and that TSA clearly and effectively communicates what is expected from passengers under the program.

Question 13. To switch gears for a moment, I am certain you are aware of November's report out of Chicago that a number of TSA screening checkpoints were compromised at both O'Hare and Midway Airports. Astonishingly, individuals posing as passengers were able to enter secure areas of O'Hare and Midway with just a credit card—which a number of security experts are claiming is one of the easiest forms

of identification to falsify. This particular problem was specifically identified by the 9/11 Commission in their report to Congress. Can you explain to the Committee what steps are being taken, if any, to prevent these sorts of security failures—particularly at one of America’s busiest airports?

Answer. I understand that TSA has a specific list of acceptable identification documents, posted to TSA’s public website, that can be used to access the sterile area and are checked by TSA Travel Document Checkers. A single credit card is not an acceptable form of identification. TSA has implemented the Identification Verification Call Center (IVCC) process to further verify the identity of an individual and ensure their names are properly vetted if the person does not have an acceptable form of identification. If the IVCC process cannot confirm a person’s identity, he or she will be denied access to the sterile area. If confirmed, I will ensure TSA continues to focus on enhancing airport security by effectively verifying the identities of individuals prior to granting them access to the sterile area.

Question 14. The concept of pushing our borders out has been the primary thematic aspect of our port security plan, and it is one that I wholeheartedly support. My interest is the advancement of the Secure Freight pilot program and the willingness or even capability of our trading partners to meet the kind of standards we are imposing on the global supply chain. With over 700 ports that ship to the U.S., meeting those standards is a tall order for nearly all of our trading partners. According to the GAO, one of the failings in the implementation of Secure Freight program, and really, in the entire litany of port security programs, has been an inability of CBP and their partners to define methods of assessing any increases in security, and efficiently collecting and examining that data if it is collected. In short, we have resources and manpower dedicated to a host of programs that we suspect are enhancing our security, but we have no certainty in terms of data that our ports are any more secure.

The Administration at one point indicated that it hoped to reduce the number of ports shipping to America from over 700 to 100. This minimizes the potential areas of risk, which is admirable conceptually. But is it practicable?

Does restraining the number of ports available to foreign shippers engaging in trade with the U.S. at the same time restrain movement in the supply chain? How can we be assured that, by eliminating more than 75 percent of the available ports to minimize risk, we are not inadvertently creating choke points for cargo shipments?

The Belgian government, for example, has suggested that configuring the port of Antwerp, a massive international facility, to meet the requirements of our 100 percent screening regime could cost the port over a billion Euros! If one of our trading partners determines that it is not worth it to meet the criteria and end that aspect of their relationship with the U.S., what affect does that on our global economy? On the American economy? What alternatives can the U.S. offer these nations to sustain a high level of security while permitting certain trading relationships to continue?

Some of our European trading partners believe a complete deployment and operation of total scanning technology could only occur if a new international agreement is reached. Do you agree with this assessment, and if so, would protecting the global supply chain and ensuring that the program is improving security require new agreements with the entire host of nations who ship to American ports? How long could such a process take?

Do we have, either in development or in testing phases, scanning portals capable of handling transshipment cargo? If not, do we fall back to a more risk-based screening approach in dealing with transshipment traffic?

Answer. I understand that the Secure Freight Program and the screening of maritime cargo is the responsibility of U.S. Customs and Border Protection (CBP).

Question 15. Since the attacks of 9/11, the General Aviation community appears to have been a partner in the enhancement of security by developing and implementing a large number of workable and effective security measures. These include an Airport Watch program, the monitoring of aircraft financing transactions, a new requirement for government issued, tamper-proof photo-IDs for pilots, and guidelines for security at general aviation airports. As you probably know, the Large Aircraft Security Program (LASP) proposed late last year by TSA raises several concerns for the General Aviation community in my state. It appears to “cut-and-paste” security measures specifically designed for commercial operations on to general aviation operations. This fails to recognize the vast differences between commercial and GA operations. The proposal also would apply to smaller, personal aircraft, not just large ones as the title implies.

I've been told that TSA is making changes to the original proposal, and will have Supplementary Proposal of Rulemaking released sometime this year. What requirements do you envision will be placed on general aviation as a result of this new rulemaking effort?

Answer. I understand that TSA has been involved in extensive work to strengthen general aviation security while also recognizing the importance that general aviation serves in our economy. I also understand that TSA is moving forward with a Supplemental Notice of Proposed Rulemaking and is working diligently to release a rulemaking that is reasonable and feasible for industry to implement, while at the same time maintaining an effective level of security. If confirmed, I look forward to working closely with the general aviation community regarding security requirements.

Question 15a. Do you expect that taxes will rise dramatically to pay for this new program—which in its previous incarnation included all manner of new requirements, most overseen by TSA-approved contractors paid for by general aviation, particularly taxes on general aviation airports, owners and operators?

Answer. I have not been involved in a review of the economic analysis of any new proposed regulation addressed security for general aviation. If confirmed, I look forward to participating in a review of the draft rule and ensuring that this and all rulemaking efforts provide effective increases in security and are reasonable for regulated parties to implement.

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. JIM DEMINT TO
JOHN S. PISTOLE

Question. Mr. Pistole, you indicated during your confirmation hearing that you would have to consult with the Secretary to see whether you will be able to provide the Committee with a copy of your review and recommendation regarding whether collective bargaining will be allowed at the TSA. Have you been able to discuss the matter with the Secretary and will you be able to provide the Committee with a copy of your analysis and recommendation?

Answer. While I have not yet discussed post-assessment procedures with the Secretary, I understand that the Department will share information from the review with the Committee.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO
JOHN S. PISTOLE

Question 1. Mr. Pistole: As you know, on Tuesday the White House issued a directive to all agency heads to trim at least 5 percent from their budgets. The TSA recently awarded an IT services contract that was \$52 million more expensive than a lower bid from a contractor with almost the same technical solution ratings. Given the fiscal crisis facing our Nation, does this make sense for taxpayers?

Furthermore, the procurement for this contract appears to have been poorly handled. It has been going on for more than 2 years and has been the subject of at least two successful protests and a third is pending with GAO. During the course of those protests, the GAO found that there were irregularities in the acquisition process. In addition, due to the length of time that has passed since the proposal for IT services was first issued, it is my understanding that the scope of work sought by TSA may not accurately reflect its current needs.

It seems to me that given the excess cost for the current contract award and the flaws in the solicitation process, TSA should undertake a fresh, independent review of this procurement and report back to Congress on plans to address concerns about this procurement and plans to improve TSA's acquisition process. Given the Federal Government's budget crisis, we certainly want to ensure that TSA is procuring only those services that accurately reflect its needs at the most advantageous price.

Answer. While I am not aware of the specifics of this particular procurement, it is my understanding that this acquisition has been conducted utilizing best value procurement techniques under which technical performance is measured against cost in order to ensure the government obtains the best value for required supplies or services.

If confirmed, I will work to ensure that TSA's procurement policies reflect current security requirements while prioritizing fiscal responsibility.

Question 2. While you don't have extensive background when it comes to aviation, I would like to know more about what you see as TSA's role when it comes to general aviation—including smaller airports in South Dakota and across the country?

Answer. I understand that TSA has been involved in extensive work to strengthen general aviation security while also recognizing the importance that general aviation serves in our economy. I also understand that TSA is moving forward with a Supplemental Notice of Proposed Rulemaking and is working diligently to release a rulemaking that is reasonable and feasible for industry to implement, while at the same time maintaining an effective level of security. If confirmed, I look forward to working closely with the general aviation community regarding security requirements.

Question 3. I pose this question because a number of general aviation users in South Dakota have inquired about recent actions by TSA when it comes to what they believe are controversial Security Directives that mandate commercial airports conduct security threat assessments on all general aviation users that have access to the airport. While I can understand the need to conduct threat assessments to improve security at commercial airports, what balance would you strive for to ensure that general aviation users aren't impeded when it comes to the freedom they currently enjoy when traveling from one airport to another?

Answer. As I noted above, I understand that, after extensive coordination with the general aviation community, TSA is moving forward with a revised rulemaking that recognizes the issues you highlighted. If confirmed, I look forward to actively participating in this process.

Question 4. What do you see when it comes to the future of Security Directives, especially as it relates to the manner in which they are issued and whether or not you believe that such measures should be subject to public comment and review?

Answer. I believe that security directives should continue to be used to address security threats that require an expedited response, but should only be issued where warranted. If confirmed, I will work to balance the need for prompt and effective response with public comment and review.

Question 5. Should airports be reimbursed for costs related to implementation of security directives?

Answer. While the Federal Government has a significant role in aviation security, I believe that there are shared responsibilities with regulated parties.

Question 6. Seeing that only 17 percent or approximately 80 out of 450 Advanced Imaging Technology screening machines have been installed across the country from funding provided under the stimulus bill, are you comfortable with this pace of deployment?

Answer. From briefings I have had, I understand that TSA expects to deploy all 450 units by the end of this calendar year.

Question 7. In a February 2009 report to Congress on the effectiveness of TSA's surface transportation security inspectors (STSIs), the DHS Inspector General noted that TSA reorganized its inspector force to have surface-focused inspectors report to aviation-focused supervisors, rather than surface-focused supervisors. Two-thirds of the inspectors hired after the reorganization had no rail or mass transit experience.

The IG concluded that, "The current TSI command structure inhibits TSI effectiveness" and recommended—3 times—that TSA place surface inspectors under the authority of a TSA headquarters official responsible for surface transportation. TSA rejected the recommendation each time, and the IG's office ultimately backed off the proposal. If confirmed, can you assure us you will reassess this policy?

Answer. If confirmed, I will review TSA's organizational structure and processes to ensure the agency can effectively respond to current and future security threats in all modes of transportation.

Question 8. Aviation aside, what do you think are the greatest security threats to the Nation's transportation systems?

Answer. The U.S. faces an ever-evolving terrorist threat aimed at exploiting perceived vulnerabilities in each of our transportation systems. If confirmed, I will ensure that TSA continues to work with the intelligence community, our Federal, state, local and international partners and industry to detect and disrupt current threats and further strengthen security across all modes.

Question 9. If confirmed, what strategies and actions will you implement to enhance the security of our rail, highway, and pipeline networks?

Answer. I understand that TSA just completed a Freight Railroad Security Risk Assessment. If confirmed, I will conduct an in-depth review of surface transportation security needs that will employ risk assessments and utilize current intelligence. From my experience with the FBI, I believe that training, information-sharing with state, local, tribal, international and private sector partners, and extensive use of drills and exercises are important components of a robust security system.

Question 10. There are over 2 million miles of pipeline across the country, including over 6,000 miles in South Dakota, carrying oil, natural gas, and other products. Given that a threat to our Nation's pipelines could have grave economic consequences, how should TSA use risk management to recalibrate its attention to critical threats to the Nation's pipelines (and energy supply)?

Answer. Although I have not had an opportunity to receive in-depth briefings on the methods the Transportation Security Administration (TSA) has employed to reduce risk to our pipeline system, I support a risk-based approach. I do understand that TSA's primary focus has been on those pipeline systems that have the highest energy throughput and potentially the highest impact in the event of a disruption. If confirmed, I will review the progress made to date and assess the strategy for future efforts.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. SAM BROWNBACK TO
JOHN S. PISTOLE

Question 1. The Large Aircraft Security Program (LASP) Notice of Proposed Rulemaking (NPRM) was introduced by the TSA at the end of the last Administration and elicited more than 7,000 negative public comments because it did not address security issues in an effective, practical manner. Since then, the staff at the TSA has worked toward a new Supplemental NPRM which would take into consideration the comments filed to the original proposal as well as through direct TSA engagement with industry. Unfortunately, TSA missed a self imposed deadline to issue the Supplemental NPRM by the end of last year, and it's not clear when it will be released.

Are you committed to moving forward on this Supplemental NPRM and issuing it as soon as possible? Can you also discuss the general approach that you would take with respect to engaging constructively with industry on new security requirements? Would you ensure these proposals are targeted toward specific risks and fully consider the practical implementation of these proposals?

Answer. I understand that TSA is moving forward with a Supplemental Notice of Proposed Rulemaking for the Large Aircraft Security Program (LASP). If confirmed, I look forward to working closely with the general aviation community to ensure that the rulemaking effort reflects reasonable and feasible standards for industry to implement, while ensuring an effective level of security.

Question 2. The 2003 FAA reauthorization bill required the TSA to conduct security audits of all FAA certificated foreign repair stations. However, the TSA never fulfilled this requirement, and as a result Congress again required an audit in the 9/11 Recommendations bill and prohibited the FAA from certifying any new stations until the rule was finalized. TSA missed a 2008 deadline for completing the rule and as a result maintenance providers have been unable to open any new foreign repair stations. TSA is now in the process of finalizing a notice of proposed rulemaking (NPRM) on the foreign repair station security rule, having sent it to OMB for review.

Are you familiar with this issue? Will you work to get this NPRM through OMB as quickly as possible when you are confirmed? Will this be a priority for you? Will you allow for adequate stakeholder input and FAA coordination to ensure effective implementation of the final rule?

Answer. I understand that TSA issued a Notice of Proposed Rulemaking regarding Aircraft Repair Station Security in December 1009 and that industry comments have been received and are under review. Recognizing the value of partnership and coordination, I can assure you that if confirmed, I will ensure that TSA will continue its efforts to seek input from its government and industry partners as the agency works toward completion of the Final Rule.

Question 3. We have seen the TSA repeatedly use Security Directives (SD) to vastly expand existing requirements without a compelling emergency security threat. TSA needs to do a better job of identifying immediate threats that require emergency action, and whether those actions should be implemented through rulemaking. The most recent example involves the expansion of security credentialing requirements to tens-of-thousands of pilots and employees at airports and aviation manufacturers without due consideration and process of the Administrative Procedures Act. This resulted in SD-1542-8F (followed by -8G) which was developed last summer. When should TSA use Security Directives instead of rulemaking under the APA? What criteria would you use to make these decisions?

Answer. I believe that security directives should be used to address security threats that require an expedited response, but only where warranted. If confirmed,

I will work to balance the need for prompt and effective response with public comment and review.

Question 4. Under President Obama, OMB has issued guidance outlining agency and department heads' duty to carefully consider contractor policies to ensure the government does not "spend more than it should to get the job done" and that in this economic climate the government has "a responsibility to make sure every dollar collected from taxpayers is spent wisely." The Office of Federal Procurement Policy has called on agencies to fully consider the agency's actual needs in order "to minimize risk and maximize the value of Government contracts."

As you know, on Tuesday the White House issued a directive to all agency heads to trim at least 5 percent from their budgets. The TSA recently awarded an IT services contract that was \$52 million more expensive than a lower bid from a contractor with almost the same technical solution ratings. Given the fiscal crisis facing our nation, does this make sense for taxpayers?

Furthermore, the procurement for this contract appears to have been poorly handled. It's been going on for more than 2 years and has been the subject of at least two successful protests and a third is pending with GAO. During the course of those protests, the GAO found that there were irregularities in the acquisition process. In addition, due to the length of time that has passed since the proposal for IT services was first issued, it is my understanding that the scope of work sought by TSA may not accurately reflect its current needs.

It seems to me that given the excess cost for the current contract award and the flaws in the solicitation process, TSA should undertake a fresh, independent review of this procurement and report back to Congress on plans to address concerns about this procurement and plans to improve TSA's acquisition process. Given the Federal Government's budget crisis, we certainly want to ensure that TSA is procuring only those services that accurately reflect its needs at the most advantageous price.

Answer. While I am not aware of the specifics of this particular procurement, it is my understanding that this acquisition has been conducted utilizing best value procurement techniques under which technical performance is measured against cost in order to ensure the government obtains the best value for required supplies or services.

If confirmed, I will work to ensure that TSA's procurement policies reflect current security requirements while prioritizing fiscal responsibility.

Question 5. I've heard multiple stories about the ability of first responders to communicate efficiently and effectively with other first responders. Whether it is TSA officers working with local law enforcement, fire or other Federal agencies, having the technical capability to talk to each other is critical.

Throughout the various TSA security programs and DHS funding streams, we see an immediate need to address and solve the problem of interoperability with security technologies that are currently deployed. We would like to see TSA and DHS apply interoperability requirements to all funding streams from direct grants to agency procurements. If you are confirmed, will you please provide this committee, in the first 30 days, a procurement action plan and issue specific guidance to the TSA's procurement officers and program leaders that requires an interoperability standard or criteria be included in all future and, possibly, ongoing procurement activities?

Answer. I agree that communications interoperability between first responders is a key requirement for the effective management of security incidents. If confirmed, I will work with Transportation Security Administration leadership and our security partners across the country to further the development and application of interoperable communications standards in the transportation security environment and I will be certain to keep both you and the Committee updated.

Question 6. One of the serious issues with airport security is the fact that there are several systems used to secure the facility which are managed by different organizations or agencies within the airport. What are your plans to unify the multiple security systems and leverage them more effectively within an airport to provide better situational awareness, thus improving passenger safety and airport efficiency?

Answer. Although I have not had an opportunity to engage in an in-depth discussion on this issue, I understand that each airport operates under an Airport Security Program that details the specific roles and responsibilities of each entity involved in the security of that airport's unique operating environment and describes how these entities work together. If confirmed, I will review the systems and procedures currently used to secure airport facilities to determine if there are opportunities to implement security improvements and efficiencies that could be applied nationwide.

Question 7. What was the total dollar amount paid to Transportation Security Officers (TSOs) in overtime salary in FY 2009?

Answer. I understand that TSA paid its Officers \$61.4 million in overtime in FY 2009.

Question 8. What systems are currently in place to track overtime payments to TSOs?

Answer. I am told that the National Finance Center (NFC) Payroll system is the official system of record for pay information, including overtime. The NFC is supported by Time and Attendance data recorded and certified in the WebTA system by supervisors.

I further understand that TSA is able to extract reports on pay, hours worked and other information from the NFC system and uses this information to manage pay activity.

Question 9. Does the TSA have an authorized budget for overtime for TSOs?

Answer. From my initial briefings, I understand that TSA has the authority to incur overtime and budgets for it accordingly.

Question 10. What is the nominee's view on sole source contracting for projects over \$5 million?

Answer. While sole source contracting may be necessary in some instances, it is my view that these acquisitions, regardless of value, should be limited, adequately justified, approved by senior acquisition officials, and transparent to industry and the public.

Question 11. How often are sole source contracts reviewed to ensure satisfactory delivery of products and services?

Answer. While I do not have specific knowledge of TSA's current procedures for reviewing sole source contracts, I understand that *all* TSA contracts are reviewed on a continual basis based upon overall size and risk to ensure satisfactory delivery of products and services.

Question 12. What systems does the TSA have in place to protect against identity theft of TSOs personal information, such as ID cards? Are biometric systems being used on the work sites?

Answer. While I do not have specific information on current steps that TSA has taken to protect its employees from identity theft, I take this issue very seriously. Identity theft is not only a financial crime but can be a major security issue when it comes to identification documents of those who serve in critical security positions. If confirmed, I will take appropriate steps to protect the personal information of all TSA employees including its Officers to ensure our aviation systems remain safe.

Question 13. The Federal Aviation Administration (FAA) has noted that standard dry-chemical fire extinguishers pose a threat to airplanes if they are discharged on the plane and therefore bars them on commercial aircraft. The Transportation Security Administration (TSA) recognizes this threat and therefore, prohibits passengers from carrying them through the security checkpoint. A basic fire extinguisher can cause tremendous damage if discharged on an airplane because it is corrosive to electronic equipment and can cause tremendous visual and respiratory impairment to the pilots. However, once through security, airport concourses are lined with unsecured and unmonitored dry chemical fire extinguishers that can be removed without any central detection and carried onto an airplane and deployed into the cockpit. Are you aware of the danger posed by unsecured fire extinguishers in airport concourses?

Answer. I am not specifically familiar with this issue. If confirmed, I will review this matter.

Question 14. What measures would you take as Administrator to ensure that fire extinguishers are not carried onto airplanes?

Answer. I am not specifically familiar with this issue. If confirmed, I will review this matter.

Question 15. Do you plan to require airports to address how they are dealing with the concourse fire extinguisher threat?

Answer. I am not specifically familiar with this issue. If confirmed, I will review this matter.

Question 16. The benefits of the DCA Access Standard Security Program (DASSP) in terms of numbers of General Aviation aircraft operating in/out of DCA continue to be limited due to the relatively few airports approved as DASSP gateways. Many key airports for general aviation operations lack airline service and therefore a local TSA presence and are unable to gain DASSP gateway approval due to insufficient TSA resources. For these airports, a third party screener, funded by the airport and its tenants could be used to mitigate the impact on TSA staffing, however this is

not currently allowed under the DASSP. If confirmed as TSA Administrator, would you support the inclusion of third party screeners as part of the DASSP and overall growth in the number of airports approved as DASSP gateways?

Answer. If confirmed, I will look into the accessibility of general aviation flights into Ronald Reagan Washington National Airport to ensure that the program operates effectively for potential users while maintaining the necessary level of security.

Question 17. Under what circumstances should sole source contracting be used?

Answer. While sole source contracting may be necessary in some instances, it is my view that these acquisitions, regardless of value, should be limited, adequately justified, approved by senior acquisition officials, and transparent to industry and the public.

