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FRUSTRATED TRAVELERS: RETHINKING TSA OPERATIONS TO IMPROVE PASSENGER SCREENING AND ADDRESS THREATS TO AVIATION

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

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TUESDAY, JUNE 7, 2016

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:14 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Ron Johnson, Chairman of the Committee, presiding.

Present: Senators Johnson, Portman, Lankford, Enzi, Ayotte, Ernst, Sasse, Carper, McCaskill, Tester, Baldwin, Heitkamp, Booker, and Peters.

OPENING STATEMENT OF CHAIRMAN JOHNSON

Chairman JOHNSON. Good morning. This hearing will come to order. I apologize for my tardiness. What should have taken 10 minutes took an hour. But, I want to welcome the witnesses and try and catch my breath. I appreciate your testimonies. Obviously, there is a fair amount of interest in this hearing.

I think, at the heart of what is currently ailing the Transportation Security Administration (TSA), is the fact that we really have two completely contradictory goals. On the one hand, we want efficient throughput, so we can get passengers to their flights on time. And, at the same time, we need to be 100 percent secure.

All of this is being driven—we have to understand that the root cause of the problem here is Islamic terrorism. Since the inception of the TSA, we have spent about $95 billion just on TSA alone. The cost of Islamic terror to the world—to the civilized world—is enormous. So, if you really want to talk about addressing the root cause of the problem, we have to defeat Islamic terrorists where they reside.

But, again, I appreciate all of the witnesses' testimonies. The fact that we consciously made the decision to decrease the number of TSA workers—obviously, it did not work out very well. I appreciate the fact that we are beefing up training—a "Unity of Effort initiative." All of these things are positive signs. I appreciate the fact that, Admiral Neffenger, you are working very cooperatively with both the Department of Homeland Security's (DHS's) Office of the Inspector General (OIG) and the Government Accountability Office (GAO). It comes through very clear in testimony.

So, again, I just apologize for being late. I do ask unanimous consent that my written statement be included in the record.[1]

With that, I will turn it over to Senator Carper and I will catch my breath.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Mr. Chairman, we are glad you are here. There were a couple of trains that were shot out from under me coming down from Delaware, so I know the feeling.

Thank you all for joining us this morning. We are delighted that you are here. This is going to be a good hearing. This is going to be a really good hearing. It is a very timely hearing.

As we all know, the Transportation Security Administration was created in the wake of the attacks on September 11, 2001 (9/11). And, we understand well the terrorist threat to our aviation system, which the Agency was created to combat. Having said that, though, we oftentimes fail to acknowledge an undeniable tension that exists—as alluded to by the Chairman—an undeniable tension that exists at the core of TSA's mission.

On the one hand, we ask TSA to screen millions of passengers and their luggage carefully every day to prevent explosives, weapons, and other dangerous items from finding their way on board our aircrafts.

On the other hand, millions of passengers—we have been among them—we have all been there—want to get on board our airplanes on time and without the aggravation that security screening oftentimes can bring.

Given the long wait times we have recently witnessed—at security checkpoints at a number of airports across America—we know that it can be difficult to strike the right balance between security and convenience. Some might even be tempted to say that we cannot have both—that effective security measures invariably bring with them inconvenience, lines, and even missed flights. I disagree. In fact, I believe that many of the problems we have witnessed at some of our airports are eminently solvable. But, first, we need to better understand the scope of the challenge and its genesis.

After the DHS OIG produced a very troubling report last year, revealing vulnerabilities at TSA checkpoints, Admiral Neffenger took several steps to tighten security. And, while the steps that he and his team have taken have contributed to longer waits for some, there are other reasons why TSA has struggled lately. And, I want to talk about a couple of them.

Resource constraints and increased air travel have played a significant role. TSA is being asked, literally, to do more with less. While inept management and ineffective leadership at some airports has been a major factor, the truth is that staffing at TSA has dropped by more than 10 percent since 2011. At the same time that staffing has gone down, passenger volume at our airports has increased by more than 10 percent. TSA must be nimble enough to handle this growth in air travelers, especially the surges that occur during the busy summer travel season—like we are seeing now—and at other times during the year.

[1] The prepared statement of Senator Johnson appears in the Appendix on page 39.

The good news is that Admiral Neffenger and Homeland Security Secretary Jeh Johnson have moved quickly to reduce wait times and to do so without compromising security. Is there more that we can do? Sure there is—and I am going to talk about a couple of those things.

But, based on the reports that we have seen, these efforts are already beginning to bear fruit. They helped to keep passengers moving during the busy Memorial Day weekend. But, let me just say this: Security on our airplanes and security in our airports—these are shared responsibilities. It cannot all be on TSA. It cannot all be on Admiral Neffenger and his leadership team. This is a shared responsibility.

Congress must work with the Administration to ensure that the Agency has the resources it needs to effectively carry out their mission. Funding levels in appropriations bills awaiting action—we have some appropriators here. I just want to say that you folks are doing a good job, with respect to funding levels for TSA. And, the bills that are awaiting action in the Senate move us—and I think they move TSA—in the right direction. We need to enact those bills.

But, airports and air carriers have an important responsibility to help reduce wait times as well. I have been very encouraged by the willingness of private sector stakeholders to step up and contribute their own resources and ideas to solving this problem. A longer-term solution is being demonstrated—we just talked about it back in the anteroom with Admiral Neffenger. It is being demonstrated, in real time, today, at London's Heathrow Airport. In the spirit of my saying, "Find out what works and do more of that," TSA launched a similar initiative last month. It is called an "Innovation Lane"—there are a couple of them down in Hartsfield-Jackson Atlanta International Airport—and I am sure we will hear more about them, today—and the partnership, between TSA and Delta Air Lines, to improve passenger throughput by, I am told, as much as 30 percent.

While that concept shows great promise over the long haul, airlines have already taken a number of other steps that can make a difference, now, such as reassigning their own employees to help TSA in some places. Perhaps, the most important step we can take, though, is to continue to dramatically grow participation in trusted traveler programs, like TSA PreCheck, that speed screening for vetted passengers and shorten wait times for those not in TSA PreCheck lines, too. And, I am encouraged by the steps that TSA has taken so far to increase TSA PreCheck enrollments. We are told that enrollments have soared, from 3,500 people, per day, getting into TSA PreCheck a year ago, to, roughly, 16,000 a day at the end of last month. We look forward to learning more today about the additional ways that we can encourage enrollment in this program.

In closing, it is important to keep in mind that there are still very real security threats to our aviation system. They are not going away. These guys are not stupid. They are trying to come up with new formularies in order to create bombs that are even harder for dogs to detect.

Today's solution may not work tomorrow. Those seeking to wreak havoc are always changing their tactics and these evolving threats require that we constantly adjust what we do at our airport security checkpoints and on our airplanes.

Finally, we need to stay on top of the growth in air travel and the changing travel patterns, so that TSA and its partners are not caught, like they were, recently, dealing with logistical challenges that they are not prepared for. This is why strong leadership is so critical in order to see us through these very challenging times.

Leadership is a lot like integrity. Senator Alan Simpson used to say, "Integrity—if you have it, nothing else matters. Integrity—if you do not have it, nothing else matters." The same is true of leadership. And, I think we are blessed with enlightened leadership and we are grateful to you, Admiral Neffenger, for your willingness to serve. This burden is not just for you and your team to bear. This is a shared responsibility. Each of us needs to do our part and, if we do, we will be much safer as a Nation. Let us roll.

Thank you.

Chairman JOHNSON. Thank you, Senator Carper.

It is the tradition of this Committee to swear in witnesses, so if you will all rise and raise your right hand. Do you swear that the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Admiral NEFFENGER. I do.

Mr. ROTH. I do.

Ms. GROVER. I do.

Chairman JOHNSON. Please be seated.

Our first witness is Admiral Peter Neffenger. Admiral Neffenger is the Administrator of the Transportation Security Administration. Administrator Neffenger manages a workforce of nearly 60,000 employees and is responsible for security operations at, approximately, 440 airports throughout the United States. Prior to joining TSA, he served as the 29th Vice Commandant of the U.S. Coast Guard (USCG). Admiral Neffenger.

TESTIMONY OF THE HONORABLE PETER V. NEFFENGER,[1] ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

Admiral NEFFENGER. Thank you, Chairman. Good morning, Chairman Johnson, Ranking Member Carper, and distinguished Members of the Committee. Thank you for the opportunity to appear before you today. I sincerely appreciate the Committee's oversight of and support for TSA and of our important counterterrorism mission.

Since taking office on July 4 last year, I have traveled, extensively, to observe our operations and to meet with our employees—and they are truly impressive. Their patriotism, their sense of duty, and their commitment to our national security mission is exemplary. And, when I appeared before the Committee nearly one year ago, I committed to addressing the immediate challenges we faced in our security mission, while positioning TSA for the future. And, to that end, over the past 11 months, we have undertaken a

[1] The prepared statement of Mr. Neffenger appears in the Appendix on page 43.

systematic and deliberate transformation of TSA. Our strategy has included three complementary elements:

First, focusing on security effectiveness. In the wake of the Inspector General's finding, that was our fundamental mission—and that is our most important mission.

Second, resourcing to meet demand.

And, third, transforming the system.

We are holding ourselves accountable to high standards of effectiveness and we are supporting our front-line officers in their critical counterterrorism mission.

We have renewed our focus on security. We have revised alarm resolution procedures. We have ceased engaging in risky practices. We have retrained the entire workforce. And, we have retooled our performance measures to ensure we stay focused on our critical security mission.

With Congress' help, we overhauled our approach to training at all levels of the Agency, including leadership training. And, we established the first ever TSA Academy on January 1 of this year, with initial course offerings focused on training front-line Transportation Security Officers (TSOs). This intensive training enables TSA to achieve consistency, develop a common culture, instill core values, and raise performance across the entire workforce.

Second, we are resourcing to meet demand. With help from Congress, we halted the reduction of our screening workforce this past year. We are making investments in new technology, converting part-time officers to full-time, and shifting screeners and K–9 resources to high-volume airports. We have begun hiring into the Federal Air Marshal Service (FAMS) remaining consistent with our new concept of operations. And, we are conducting our operations more effectively.

We completed a review of personnel policies and practices, which led to a number of significant changes. And, we are designing a Human Capital Management (HCM) system to address recruitment, development, promotion, assignment, and retention.

Third, we are transforming TSA in fundamental ways to ensure a mature, enterprise-wide approach needed to have an Agency prepared to address the very real and sustained terrorist threat. We have reinvigorated partnerships with the airlines, airport operators, and the trade and travel industries. We are working closely with Congress to address the ongoing demands of our security mission.

We are overhauling management practices across the Agency. We conducted an independent review of our acquisition program. We are building a new planning, programming, budgeting, and execution process. We are modernizing. Among other initiatives, our innovation team is taking advantage of existing technology to establish automated lanes at selected checkpoints. And, as noted, through a public-private partnership with Delta Air Lines, we have, recently, installed two new automated lanes. These were done in just 9 weeks and they became operational last month, in Atlanta. Initial results show dramatic improvements. We have similar projects planned with other major airlines and airports in the coming months.

This year, TSA is projected to screen some 742 million people. By comparison, in 2013, TSA screened 643 million people. So, our approach to screening requires a similar transformation and we are meeting that challenge head on. With the support of Congress, for our recent reprogramming request, we have brought on board 768 new TSA officers. Our Federal Security Directors (FSDs) have redeployed Behavior Detection Officers (BDOs), as needed, to screening functions. We placed additional K–9 teams at our highest-volume airports and activated our volunteer National Deployment Force to surge to airports of greatest need—and we are beginning to see positive results.

For example, nationwide, over Memorial Day, 99 percent of passengers waited less than 30 minutes in standard security lines; 93 percent of passengers waited less than 15 minutes; and, in TSA PreCheck lines, 93 percent of passengers waited less than 5 minutes.

Over that 6-day period, over this last Memorial Day, we screened 10.3 million passengers. That is a 3-percent increase over the same period last year—and we did so effectively—and we did so in a way that protected the system.

Four factors, in my opinion, have contributed to our ability to move people more efficiently and effectively through checkpoints.

First, the new resources that we received from Congress, through the reprogramming and other proactive efforts, have allowed us to effectively open more checkpoint lanes at peak periods to manage the volume.

Second, we placed a strategic focus on the seven largest airports in the system, because, if you can prevent problems from happening there, then you do not have problems that cascade throughout the system.

Third, we established a National Incident Command Center (NICC). This allows us to focus, daily, on screening operations, hour by hour, at the seven largest airports, to look to see what the challenges are, as they develop—and to move resources, in nearly real time, to address those challenges. We have now expanded that to the top 20 largest airports—and this is a full-time command center, which will stay in operation.

And, finally, we are conducting daily operational calls from that command center, airport-by-airport, with the airports, the airlines, and the Federal Security Directors, in order to ensure collaboration, information sharing, and the real-time movement of necessary resources.

None of this would have been possible without the tremendous efforts of our front-line officers. They have performed admirably and they always deserve our thanks. But, we are not celebrating and we are not letting up. Passenger volume will remain high throughout the summer and we will need to continue to manage resources aggressively.

In the short term, TSA, airlines, airports, Congress, and travelers, working together, can improve the passenger experience while maintaining security. I would like to thank the airlines and the airports, in particular, for hiring staff to support non-security duties in the airports. But, longer term, we know we have to continue to right-size TSA to ensure we meet the demands being

placed upon us. We look forward to working with Congress to get it right, both in terms of staffing and in developing new approaches to aviation security.

Our front-line officers are focused on their security mission. It is up to us to ensure that they have what they need.

Thank you for the opportunity to appear today, thanks for the Committee's support, and I look forward to your questions.

Chairman JOHNSON. Thank you, Admiral Neffenger.

Our next witness is John Roth. Mr. Roth is the Inspector General of the Department of Homeland Security. Before joining the Office of the Inspector General, he served as the Director of the Office of Criminal Investigations (OCI) at the Food and Drug Administration (FDA) . Mr. Roth.

TESTIMONY OF THE HONORABLE JOHN ROTH,[1] INSPECTOR GENERAL, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. ROTH. Thank you. Chairman Johnson, Ranking Member Carper, and Members of the Committee, thank you for inviting me here to testify this morning.

About a year ago, I testified before this Committee at a hearing about TSA. During that hearing, I testified that we remain deeply concerned about TSA's ability to execute its important mission. At the time, I testified that TSA's reaction to the vulnerabilities that our audits uncovered reflected TSA's failure to understand the gravity of the situation.

Since that time, we have conducted more audits and released more reports that challenge TSA's management of its programs and operations.

However, I believe that we are in a different place than we were last June. As a result of our audit reports and a vigorous response by DHS, TSA is now, for the first time in memory, critically assessing its deficiencies in an honest and objective light. TSA's leadership has embraced the OIG's oversight role and appears to be addressing vulnerabilities.

However, we should not minimize the significance of the challenges that TSA faces and the risk that failure brings. The stakes are enormous. Nowhere is the asymmetric threat of terrorism more evident than in the area of aviation security. TSA cannot afford to miss a single, genuine threat without catastrophic consequences—and yet, a terrorist only needs to get it right once.

Fortunately, TSA's response to our most recent testing has been significant. DHS and TSA instituted a series of changes well before our audit was even final. As part of that effort, TSA initiated a "tiger team" program that resulted in a list of 22 major corrective actions that TSA either has taken or is planning to take. We are, generally, satisfied with the response we have seen at TSA. These efforts have resulted in significant changes to TSA leadership, operations, training, and policy.

We will continue to monitor TSA's efforts to increase the effectiveness of checkpoint operations and we will continue to conduct covert testing. In fact, we have a round of covert testing scheduled for this summer and are presently developing the testing protocols.

[1] The prepared statement of Mr. Roth appears in the Appendix on page 56.

Consistent with our obligations under the Inspector General Act of 1978, we will report our results to this Committee as well as to other Committees of jurisdiction.

We applaud TSA's efforts to use risk-based passenger screening, such as TSA PreCheck, because it allows TSA to focus on high-risk or unknown passengers, instead of known, vetted passengers, who pose less risk to aviation security.

However, while reliance on intelligence is necessary, we believe that TSA, in the past, has overstated the effect of a reliance on intelligence and a risk-based approach.

The hard truth is that, the vast majority of the time, the identities of those who commit terrorist acts are, simply, unknown to or misjudged by the intelligence community (IC). What this means is that there is no easy substitute for the checkpoint. The checkpoint must, necessarily, be intelligence driven, but the nature of terrorism, today, means that each and every passenger must be screened in some way.

Unfortunately, TSA made incorrect budget assumptions in 2014 and 2015 about the impact that risk-based security would have on its operations. For the Administration's 2016 budget, for example, TSA believed that it could reduce the screener workforce by more than 1,600 screeners—full-time employees—stating that risk-based security requires fewer resources and would allow TSA to transition to a smaller workforce.

Likewise, in the Administration's Fiscal Year (FY) 2015 request, TSA asked for a reduction of over 1,400 full-time screeners, based on claimed deficiencies and risk-based security.

However, our testing and audits found that TSA had been incurring unacceptable risks in its approach. And, TSA has now eliminated some of the more dangerous practices that we identified. Moreover, we believe that, even if TSA had not changed its approach to screening, the planned decline in the screener workforce was far too optimistic. As a result, the long lines that we are seeing this summer are not mysterious: TSA, because of the decisions it made in 2014, has fewer screeners, but is facing more passenger volume than ever before.

We will continue to examine TSA's programs and operations and to report our results. In addition to the new round of penetration testing, we are in the process of conducting a number of audits and inspections, including a look at the Federal Air Marshal Service, their use of Behavior Detection Officers, and TSA's oversight of the badges that are used to get access to secure parts of the airport.

Mr. Chairman, this concludes my testimony. I welcome any questions that you or other Members of the Committee may have.

Chairman JOHNSON. Thank you, Inspector General Roth.

Our next witness is Jennifer Grover. Ms. Grover is the Director of the Homeland Security and Justice (HSJ) team at the Government Accountability Office. In this position, she oversees GAO's reviews of TSA programs and operations. Ms. Grover.

TESTIMONY OF JENNIFER GROVER,[1] DIRECTOR, HOMELAND SECURITY AND JUSTICE, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Ms. GROVER. Good morning, Chairman Johnson, Ranking Member Carper, other Senators, and staff. In recent weeks, travelers, Members of Congress, and others have raised concerns about long airport security lines. As you have both noted this morning, one of the challenges inherent in TSA's mission is the tension between taking the time to do the job right and moving passengers through as efficiently as possible. But, first and foremost, TSA is responsible for ensuring transportation security.

My statement today will focus on two points. First, changes that TSA made to improve the security effectiveness of its expedited screening programs, which likely contribute to today's long lines. And, second, new information showing that TSA should improve its oversight of screener performance to ensure that screeners are carrying out their tasks accurately.

First, regarding expedited screening, as we have heard already this morning, TSA has made recent changes to tighten security, which likely contribute to the long screening lines. In November 2015, TSA modified its risk assessment rules, which reduced the number of passengers that were automatically designated as low risk. At the same time, TSA cut back, significantly, on its use of "Managed Inclusion," which is used to divert non-TSA PreCheck passengers into the TSA PreCheck lanes when they would otherwise be underused. TSA still uses this program at airports where passenger screening canines are available, but has discontinued its use otherwise.

According to TSA, these changes were necessary to improve the security of their expedited screening programs and resulted in a 20-percent decrease in the number of passengers receiving expedited screening. Despite the changes that TSA has made, GAO continues to be concerned about the effectiveness of the remaining "Managed Inclusion" program. We await the results of tests, which TSA is planning, to evaluate the security effectiveness of the program, as we recommended in December 2014.

My second point is about TSA's oversight of its screener performance. Our recent review of screener training and testing showed that TSA could improve its oversight of the screeners' ability to identify prohibited items. TSA conducts tests to monitor screener performance. However, we found that much of the testing data was missing over multiple years. For example, screeners are regularly tested on their ability to identify images of threat items hidden in carry-on baggage and TSA policy requires FSDs, who are the local TSA officials, to submit the data to headquarters.

In every year from 2009 through 2014, TSA headquarters did not receive any of this data from a substantial percentage of airports. We recommend that TSA ensures that FSDs submit complete image testing results to headquarters, as required, for airports across the country. This is needed to confirm that the screener image testing is being carried out as intended and to allow for a

[1] The prepared statement of Ms. Grover appears in the Appendix on page 68.

future national analysis of the data for trends that could inform screener training.

We also found that TSA's covert test results are not reliable. FSDs conduct covert testing at airports on a regular basis. But, when TSA headquarters brought in a contractor last year to independently perform the same tests, the contractor obtained noticeably different results. Specifically, screeners performed more poorly on the tests conducted by the contractor. TSA is in the process of determining the root cause of the differences, but initial results suggest that FSDs may have trouble obtaining anonymous role players to keep the tests covert. TSA has briefed its FSDs on the results and continues to work with the contractor to examine this issue.

In conclusion, TSA has taken positive steps to improve the security effectiveness of its expedited screening programs, though these changes likely contribute to today's long screening lines. Yet, more work remains for TSA to ensure that screeners are carrying out their tasks accurately. TSA should improve its oversight of screener performance by more effectively collecting and monitoring screener testing data and by ensuring the reliability of its covert testing data.

Chairman Johnson and Ranking Member Carper, this concludes my statement. I look forward to your questions.

Chairman JOHNSON. Thank you, Ms. Grover.

By the way, I appreciate the attendance. But, because we have pretty strong attendance, we will limit questioning rounds to 5 minutes. And, I will start.

Admiral Neffenger, we are putting an awful lot of weight on the expedited screening procedures—TSA PreCheck—that type of thing. What metric do you use or what do we know about how—how much faster is the throughput of that program?

Admiral NEFFENGER. So, the difference between an expedited lane and a standard lane, roughly—at peak, if you have an efficient team working it, you can move about 250 people, per hour, through a TSA PreCheck lane. It is about 150, per hour, through a standard screening lane.

Chairman JOHNSON. So, it is about 75 percent faster—and that is just off of the top of my head.

Admiral NEFFENGER. It is a significant improvement. That is right.

Chairman JOHNSON. What percent—because we know the number of people that signed up for TSA PreCheck, but I do not know how often they travel. What percent of passengers, currently, are in TSA PreCheck?

Admiral NEFFENGER. Well, on a daily basis, we move about 30 percent of the traveling population through TSA PreCheck lanes. So, that is the combination of people who have signed up for TSA PreCheck, people who are in cleared populations, like Department of Defense (DOD) individuals, who hold security clearances and the like, and then, a very small piece, based upon rules.

Chairman JOHNSON. And, we are all concerned a little bit about that algorithm, correct?

Admiral NEFFENGER. Yes, sir.

Chairman JOHNSON. This is what the Inspector General and GAO were a little concerned about that, I guess, they call that "Managed Inclusion."

Admiral NEFFENGER. Well, I would not call that "Managed Inclusion." "Managed Inclusion" was the practice of taking truly unknown people and randomly assigning——

Chairman JOHNSON. OK.

Admiral NEFFENGER. We do not do that anymore. So, these are people who are looked at—they are looked at through a rules-based calculation and assigned a risk value. Again, it is a very small population.

Chairman JOHNSON. But, you are looking at that because we are a little concerned about that, correct?

Admiral NEFFENGER. Yes, sir.

Chairman JOHNSON. I do know that there are about 200 adjudicators that are waiting to be approved by TSA. I know, in Milwaukee, people cannot sign up and get their application—they cannot apply. There is, I think, about a 45-day waiting period. Where are you, in terms of approving those adjudicators, so more people can sign up for TSA PreCheck?

Admiral NEFFENGER. Well, we have been working very closely with the vendor. We, actually, have all of the capacity we need to approve it. As long as we get a completed application—they have to fill out the standard form that we all fill out for security clearances. If we get a completed application, then we can process that application inside of 7 days—and that is the turnaround that we have right now.

Chairman JOHNSON. I do know they are waiting at the Milwaukee airport. That application office is clogged. So, if you would check on that——

Admiral NEFFENGER. I will check on that.

Chairman JOHNSON. I would appreciate that.

Admiral NEFFENGER. Yes, sir.

Chairman JOHNSON. Where are we, in terms of new technology? You talked about two new automated lanes in Atlanta. Can you describe those in greater detail?

Admiral NEFFENGER. I will. So, these are two lanes—this is existing equipment. This is equipment that I first saw when I visited London's Heathrow Airport last year. Essentially, if you just think of the current system—it is a fully manual system. You have to push your bag along a table. You have to engage the conveyor belt at the X-radiation (X-ray) machine. Then, you have to pull your bag out on the other side. And, it is a single-file system. You are in line behind whoever is in front of you and until their stuff moves through.

So, first, it is an automated conveyor belt—so it is an automated roller system—an automatic bin return. There are five stations where individuals can stand, so you can move five people at a time up to the checkpoint.

As you put things in your bin and push it onto the conveyor belt, you can cycle right in. So, there is no waiting for the person in front of you.

And then, on the other end, it has an automatic divert. The bins have radio frequency identification (RFID) technology on them, so

they are tracked to the individual. It makes it much easier to divert a bag if there is an image of concern. And, it pulls the person whose bag has been diverted out of the line.

The bottom line is we are seeing, just in the initial phase of operating these two lanes, about a 30-percent increase in throughput—at the same level of effectiveness. It also allows us to be much more effective on our end. To GAO's point, one of the problems that we have is giving real-time, right-now feedback to an officer on their performance. This does that. It allows us to do real-time performance monitoring.

Chairman JOHNSON. Are you looking at just better detection technology—better than the Advanced Imaging Technology (AIT) machines?

Admiral NEFFENGER. Yes, sir.

Chairman JOHNSON. Are you really exploring that?

Admiral NEFFENGER. Yes, sir. In fact, what we are looking at—the next phase would be to incorporate computer tomography (CT) technology at the checkpoint. So, we now have a couple of approved systems that we can put in. We are looking to pilot one of those this summer. That gives us a much more defined ability to see what we are looking—it is a system we use in checked baggage and it is a substantial improvement over the X-ray.

Chairman JOHNSON. We held a hearing on the "Dogs of DHS." From what I have learned, I am incredibly impressed by, again, the ability—the nose of a dog. There is no technology that can beat it.

Where are you, in terms of trying to beef up the number of K–9 units we have?

Admiral NEFFENGER. Well, as you know, TSA, itself, operates a little over 300 K–9 teams—of which 148 have been trained to do passenger screening. My goal is to get the rest of those trained for passenger screening. That will take about another 8 or 9 months or so. But, I would like to see a total of about 500 dog teams. That would allow me to really address the highest-volume airports in a very efficient way.

Chairman JOHNSON. OK. I want to be very supportive of those efforts. Senator Carper.

Senator CARPER. Thank you, Mr. Chairman.

Admiral Neffenger, I want to go back to a conversation you and I had several weeks ago. There had been long waits and a lot of frustration at Chicago O'Hare International Airport. I urged you to go there and to see for yourself what had happened—what had gone wrong. And, I want to thank you for going. Tell us what you found. Tell us what has been done and what lessons you learned that you have been able to take away and to spread to other airports—to other security stations across America.

Admiral NEFFENGER. Well, thank you for that—and thank you for the opportunity to talk about that, earlier. There are a couple of pieces to that answer.

The first is: What happened in Chicago? That was truly—in my opinion—and in my investigation—just a failure to get enough lanes opened in advance of what was anticipated to be a significant increase in volume for that day. It was sort of the first day of the volume season. We saw about a 13-percent increase in volume from

the previous week and we did not have enough lanes open. And, once you are behind, it is very challenging to catch up.

So, the first thing we did was to look at what caused that and to make some immediate operational changes—opening a checkpoint earlier and making sure that the lanes are fully staffed when you do. We put a new, temporary management team in place, which, I am pleased to say, within 24 hours had really turned that situation around—and we have not seen a repeat of that.

What we learned from that, though, is that you really do need to pay attention to these large hub airports. And, out of that really came the development of a daily National Command Center focused, specifically, on screening operations. We have always focused on our daily operations, but you need to really look at screening, checkpoint by checkpoint, at the major airports across the country. And, in this case, we decided to focus, for the Memorial Day weekend, on the seven largest airports. These are the big, multi-hub airports where all of the traffic originates, essentially. And, if you start to have problems in one, you are going to cascade it across the system. And so, by doing that—by taking the resources that we were able to put into place as a result of the reprogramming—overtime hours, new hires, as well as converting people from part-time to full-time—we dramatically increased the staffing available. And then, we watch it very carefully, on a daily basis, to make sure it is applied to the right locations.

So, the lesson we learned out of that was that you have to be laser-focused on the actual operations, airport by airport, at the largest airports. And, you cannot let yourself get behind, because, once you are behind, it is like a traffic jam. It is very challenging to clear it out.

Senator CARPER. Alright. Thank you so much. I talked earlier about leadership—the importance of leadership. I think we are blessed with the leadership that you provide. Talk to us about your ability to put in place around you the kind of leadership team that you need in order to lead TSA. And, also talk about the flexibility you have to put in place, whether it is at Chicago O'Hare or at other airports—the kind of leadership teams that will better ensure that we do not see the kind of jam-ups and confusion that we witnessed at Chicago O'Hare.

Admiral NEFFENGER. Well, I have made a number of leadership changes over the course of the past year—some just in the past few months. It is critical that you get the right leaders in the right places. For the first time ever, we now have a Chief of Operations for TSA. Before that, we had a series of operational programs that, in my opinion, were not fully integrated. And, as a result, you can have a problem that arises without a vision for how to deal with that. So, we have a Chief of Operations, now. I have a new Deputy Administrator, I have a new Chief of Staff, and I have a new head of my Screening Operations section. Those have made a substantial difference. And, we have made some field changes, where necessary, to ensure that you have the right people in the right place.

Senator CARPER. Good. Thank you.

The Chairman asked about the issue of TSA PreCheck contractor and staffing backlogs. I have heard some reports that there was a backlog. And, the folks that, actually, vet the TSA PreCheck appli-

cants, there were not enough of them. And, there was a delay—as much as 40 days—in doing that vetting process. And, I think I just heard you say earlier, in response to the Chairman's question, that that is really a 7-day wait—and that is not extraordinary. Is that correct?

Admiral NEFFENGER. Yes, I think we have fixed the problem, with respect to clearing the contractor's employees, who do the vetting work. So, we have a process in place. We can handle anybody they give us—and we can turn it around very quickly.

What we are now working with the contractor on, is expanding the number of mobile enrollment centers ensuring that we balance their staffing workload, so that they provide staffing to the highest-volume locations.

Senator CARPER. Good. Very briefly, tell us, what do we need to do? We are all about doing our jobs. We want you to do your job. We want your folks to do their jobs. What do we need to do, in our jobs, to enable all of you to be more effective?

Admiral NEFFENGER. That is a great open-ended question. Well, Congress has been extremely supportive this past year. You have helped us to grow back some of the staff that we needed. I do believe that TSA is smaller than it needs to be in order to meet the demands of the system. It was extremely helpful to get those 1,600 people, who we were slated to lose, back on the books. The TSA Academy has been a cultural game changer for us. And, more importantly, this recent reprogramming—we have another reprogramming that is pending. It has been approved by the Senate. It is pending before the House right now, which would allow us to bring on additional staff and, more importantly, allow us to continue to convert more part-time workers to full-time. Those are very important, because that helps us to address the challenge of just getting lanes manned at peak periods.

The second piece is this very real need to transform the system. I mentioned those two automated lanes. That is an example of the ways in which we need to modernize and bring TSA into the 21st Century. And, this is not technology that does not exist. This is just using existing technology. I have technology—information technology (IT) backbone systems that have to be upgraded. I need to connect my systems in a way that they are not currently connected. I cannot, currently, see the health of the system, because I have independently operating entities out there that cannot be networked together for cybersecurity reasons. And, I need to do a better job of getting real-time performance data on my workforce, which I currently cannot get. It is a very manual system right now.

So, those are the kinds of things that I intend to bring forward to Congress, over the coming weeks, in order to show we have a good—I think we have a good plan moving forward and a good strategy for addressing that. It will help us to address a lot of the concerns that the Inspector General and GAO have raised, with respect to performance. Their work has been critical, in terms of informing how we go forward with this.

Senator CARPER. In closing, continue to let us know how we can help.

Admiral NEFFENGER. Yes, sir.

Senator CARPER. Thank you.

Chairman JOHNSON. We are going to do questioning in order of arrival. Senator Tester.

OPENING STATEMENT OF SENATOR TESTER

Senator TESTER. Thank you, Mr. Chairman. And, thank you for your service, Administrator Neffenger. And, I want to thank you for your employees, too. As I have told you before, I do a lot of flying and, maybe, with one exception, these folks have been very professional—and that is over the last 10 years. So, thank you very much—not only for what you do, but for what the people who serve under you do.

I want to talk about advanced imaging technology for a second. We have talked about it before—and the need to get it deployed throughout the country. Could you talk about—and I know you are under budget constraints—and that might be something we can do, as it applies to full-body scanners. But, could you talk about your progress on getting full-body scanners to the airports that do not have them, currently? How is that progressing?

Admiral NEFFENGER. Yes, sir. Well, we have now identified the number that we need in order to do that—and let me preface it by saying that I agree with you. I think that it is important that we get that capability everywhere that we need it, because we know that the terrorist groups are focused on their ability to get into the system.

Senator TESTER. The weakest link.

Admiral NEFFENGER. So, we are working through the Administration, right now—the Department of Homeland Security and the Administration—to put forward what we hope will be a request that will allow us to purchase the additional equipment that we need. Not every place can actually accept one, but, wherever we can put one, that is the goal.

Senator TESTER. OK. Good. Thank you.

For GAO and the IG, have you guys done any research into the effectiveness of magnetometers as opposed to full-body scanners and whether we should be concerned, on this side of the dais, with airports that only have magnetometers?

Mr. ROTH. During our covert testing, we sort of saw both types of machinery. Without getting into the details, there is cause for concern, in terms of not having an AIT in a specific facility.

Senator TESTER. Did you find the same, Jennifer?

Ms. GROVER. Yes, they do different jobs. They are also looking for different things and have different purposes. So, there is a cost when you do not have an AIT.

Senator TESTER. OK. And, Administrator Neffenger, you talked about new scanners that you are working on now, which will be more effective—which is good for you. I always worry about scanners—to know if I am getting radiated or not. Do you guys have protections? Are there parameters that you work under for health situations?

Admiral NEFFENGER. Yes, sir. So, the scanners that I was referring to are really the ones that are checking the carry-on baggage.

Senator TESTER. Yes, but you said there would be similar technology applied to us.

Admiral NEFFENGER. Oh, no. If I did, then I misspoke. No, the technology that we are currently using is non-penetrating. It is just radio waves bouncing off——

Senator TESTER. Super.

Admiral NEFFENGER. We have no intention of using anything else.

Senator TESTER. OK. When I get on an airplane, I look out and the passengers have gone through the magnetometer or the full-body scanner, whichever it may be—but there are people that work for the airlines—there are people who work for the airport. Can you tell me—do they go through the same procedure as the passengers?

Admiral NEFFENGER. Very few go through the same procedures as passengers. So, this is a population that has already been vetted against criminal databases and terrorist databases—and they are recurrently vetted. Some airports do screening—in the form of magnetometers and what might be called a "stadium check" of the bags—and then, they are subject to random screening throughout the day. But, the passenger screening environment is unique to the passengers.

Senator TESTER. It is more intense than the screening environment for the people who work there, would you say?

Admiral NEFFENGER. I think, for passengers—remember, we know something about these individuals that are badged—that have badged access—so, you are doing continuous vetting of those individuals against terrorist databases and recurrent vetting against criminal databases.

Senator TESTER. So, Administrator, tell me what recurring vetting means. What does that mean? Are you vetting them monthly? Weekly?

Admiral NEFFENGER. Daily.

Senator TESTER. Daily.

Admiral NEFFENGER. Every single day, if you hold a badge, you are continuously vetted against the terrorist screening database and the extended categories that feed that database.

Senator TESTER. So, you are comfortable with it? I mean, as the Administrator of the TSA, you are comfortable with the state of our screening procedures for those employees and the folks who work for the airlines and the airports. That is all I want to know. If you are not comfortable, then——

Admiral NEFFENGER. Well, I think there is more work to be done. I think we need to keep our eye on the insider population. If you have a trusted population, you need to continuously verify that trust—and you need to do it in a way that is designed to deter, detect, and, ideally, disrupt——

Senator TESTER. So, when you find contraband items with those employees, do you keep a record of that?

Admiral NEFFENGER. We do. If we find it, we keep a record. And, for contraband items, we work with local law enforcement to deal with whatever consequences might result from that.

Senator TESTER. OK. And so, do you have the ability—if you find somebody that has contraband items—to get them terminated?

Admiral NEFFENGER. Yes, sir, we do.

Senator TESTER. Thank you.

Chairman JOHNSON. Senator Enzi.

OPENING STATEMENT OF SENATOR ENZI

Senator ENZI. Thank you, Mr. Chairman. And, I thank you all for the testimonies that you have provided.

I go home pretty much every weekend—to Wyoming, which means flying—and I tried to get into some businesses there, but I found out that any business that I am not familiar with looks pretty simple until I take a look at it. So, that is probably what we are seeing as we go through airports, too. But, I am worried about the management at the security points, themselves—not about whether they are stopping the bad stuff or not—but about whether they are getting people through the lines. Several times, I have found a manager at one of these checkpoints and asked him some questions—like why they had three people training one person on how to look at a driver's license, instead of having two of those people helping somewhere else.

I also find two podiums for one line to be able to get through the screening. So, they are continually holding up the line, because, if they let more people through, they get stacked up and cannot get through the X-ray machine to begin with. And yet, there will be another line over there that is not being used with X-rays. So, I am always wondering why the management does not say, "Just open one podium if we can only open one line through there or, otherwise, take that second person from the podium and help to staff a second line over there." I am just not seeing any—and I am seeing the lines growing and growing behind me—and my result, when I have called in about some of these things, has been a call later saying, "When you are coming through the airport, if you will just let us know in advance, we will make sure you get through security." I want you to know that is not the point. The point is I want my constituents to be able to get through the line just as easily—and I want to be able to do that.

I have also seen one screener who took three times as long to look at the screen for the item coming through and called for somebody to do a bag check on almost everything that came through. And, nobody checked to see if that person was just extra careful or if they were actually finding those kinds of things.

Also, at Dulles, I really like the little sign that they have that says how many minutes you have to wait in the different lines. One of the things that fascinates me here, in D.C., is that almost everybody is TSA PreCheck. So, the regular line is usually one minute. The TSA PreCheck line is 20 minutes.

Now, in Casper, Wyoming, when you go through, they do not have a TSA PreCheck line and a regular line. But, if you have TSA PreCheck on your ticket, they hand you this orange card that you can take through with you. And then, you have the same thing—except for having to remove your computer—you have the same thing as if you were in a regular TSA PreCheck line. And, it kind of expedites things. So, instead of taking regular people and putting them in TSA PreCheck lines, sometimes, maybe, we ought to be taking TSA PreCheck people and putting them in a regular line—giving them an orange card, so that they can be expedited.

Another thing that I hear frequently is, "Why are there so many people that do not appear to have anything to do at the checkpoint?" And, my suggestion on that is the same as—it is that, if they do not have anything to do, is there some kind of a collection point where they can be out of sight at the moment, so that people are not counting how many people are just standing around? And then, there is a pool to draw from when there is another use for them.

So, I guess, my question is—besides the observations that I have made—is there some kind of an incentive system for people to suggest improvements—for people that work for TSA to suggest improvements? And, how does that incentive system work?

Admiral NEFFENGER. There is. And, as to your observations, one of the things that I have found—that we have found—is that, by focusing, as I said, daily, on screening operations, you start to identify some of those challenges that, maybe, you have seen.

I suspect that those are problems here and there, because we are not seeing that widely across the system, but, what we can do, is rapidly identify those kinds of problems and then get the best practices out there.

So, it is about front-line leadership. It is about supervisory leadership. And, it is the—measuring performance and then moving those measures of good performance to other places. So, that has been very helpful.

I happen to believe that front-line people are, probably, some of your best sources of information for how to improve a process, because they see it. They live with it every day. And, in fact, when the people who are now operating those new automated lanes, down in Atlanta, first took a look at it, our TSOs, immediately, found even more efficient ways to operate it, because they, instantly, saw how much they could do differently as a result of that. So, we do have a program. I am happy to give you, for the record, kind of the details on how it works, how we collect information, the kinds of information that have come in, and then, how we put it to use back through the system.

Senator ENZI. I appreciate that. My time has expired, but I will be submitting some questions about rural airports, where they have very few passengers, and some things that could be done there.

Thank you.

Chairman JOHNSON. Thank you, Senator Enzi. Senator Ernst.

OPENING STATEMENT OF SENATOR ERNST

Senator ERNST. Thank you, Mr. Chairman. And, thank you to Senator Ayotte for allowing me to jump ahead here in the questioning. And, thank you to all of our witnesses. You all have very important jobs. We want to make sure that our constituents are not only traveling comfortably, but we also want to make sure that they are traveling safely. So, thank you for taking on the roles that you have.

Administrator Neffenger, it seems as though a lot of the issues that we are seeing—a lot of the underlying problems at TSA—come from a simple mismanagement of resources. We have heard a number of them, today. And so, I do think that is something that we

need to really hone in on. In Inspector General Roth's written testimony, he noted that recent audits reflect issues with TSA's stewardship of taxpayer dollars. And, as a straightforward example—and this is pretty blatant—but recent media reports revealed that TSA spent tens of thousands of dollars on a mobile application—and, maybe, you know where I am going with the "Randomizer." It is a mobile application called the "Randomizer." And, it is an arrow on the screen of an iPad that, randomly, tells passengers to go to the left line or to the right line. And, this is government spending here. This is the epitome of wasteful Washington spending.

What we would like to hear is how you will assure us—and the American people—that TSA will take those taxpayer dollars and be responsible stewards of those dollars.

Admiral NEFFENGER. Well, Senator, thank you for that question. I found that pretty outrageous, too. As you know, that application was purchased, I think, in the 2013 timeframe—and we do not use it anymore, because we have stopped that process of randomly including people.

I am very concerned about that. One of the things I did, when I was in the Coast Guard, was work on reforming our entire acquisition process—really setting clear requirements for why we do what we do and ensuring that those requirements lead to capability as well as ensuring that you do not buy capability that you do not need at a higher price than you should be paying for it.

And so, when I first got here—within the first month—I brought in the Defense Acquisition University (DAU), which, as you know, is a semi-independent arm of DOD that looks at how we execute government procurement. And, they conducted a pretty in-depth review, over about a 3-month period, of our acquisition program. They have made a number of substantive recommendations, which we are beginning to put into place now. And, we are working with the Department and our other overseers to do that.

I do not want to see us spend that kind of money. The money that we have is so critically important to the mission of security that I do not want to see any of it wasted as we go forward. And, I have committed to being as open and transparent as I need to be with, not only our current expenditures, but also the things that we have carried forward from the past, to ensure that we do not do that—and have invited oversight entities in to take a hard look at that.

So, I am fully in your camp on that score. I cannot justify some of the actions that were taken in the past, but I can assure you that, at least under my watch, I will keep them from happening, again.

Senator ERNST. Yes, we certainly cannot blame you for previous years' Administration, but the thoughtful approach that you are taking is very much appreciated by many of us—and we hope that we can see that at all levels of TSA—and we hope to see continuous improvement. So, thank you very much. I appreciate it.

Admiral NEFFENGER. Thank you.

Senator ERNST. Thank you, Mr. Chairman.

Chairman JOHNSON. Thank you, Senator Ernst. Senator Ayotte.

OPENING STATEMENT OF SENATOR AYOTTE

Senator AYOTTE. Thank you, Chairman. I want to thank all of you for being here, today.

I wanted to ask Admiral Neffenger—there were some pieces of the Federal Aviation Administration (FAA) reauthorization bill that recently passed the Senate, including an amendment that I was a part of, addressing insider security threats, as well as an amendment focusing on the TSA PreCheck Enhancement Act—to ensure that you are able to expand that program.

Are both of those pieces important to get passed?

Admiral NEFFENGER. We are supportive of both of those pieces of legislation. They codify some things that we are already doing. I think that is important, because you want to ensure that you put good institutional practices in place for the future. So, both of those are positive for TSA.

Senator AYOTTE. Good. Well, I hope that the House will take up the FAA reauthorization.

I wanted to ask about—Admiral, as you state, they are concentrating on improving TSA protocols, retraining and refocusing the workforce, and driving technological improvements. One thing that you have not really mentioned, as an existing tool that could do that, is the Screening Partnership Program (SPP), where TSA acts as the oversight entity, but not the security operator—contracting with security companies. And so, what I have heard is that there are long waiting lines to get applications approved and that TSA does not seem to be that supportive of this program.

Particularly, as we look at this program—just to use an example, in Portsmouth, New Hampshire, at Portsmouth International Airport at Pease—that is a SPP airport—and one of 22 airports, nationally, in the SPP. Unfortunately, what I have heard, from my local airport, is that TSA has imposed contracting limitations on Pease and the security contractor, which limit the flexibility of the staff at the airport to respond to dynamic needs. So, I guess I would like to know—it seems to me, when we have seen, for example, the implementation of the SPP partnership at San Francisco International Airport—are you interested in also looking at a vibrant Screening Partnership Program? And, does the Agency see SPP as a way to consider reducing lines? So, what is your view of this program?

And, I do have a follow-up comment, because, having looked at what the Inspector General and also GAO has looked at, in this program, I know there is an outstanding issue, where TSA has not shared with the Congress—or with those who are conducting oversight—the cost estimates, so that we can, as policymakers, really compare the SPP programs to the fully TSA-run programs and decide what is the most efficient, effective way to operate security at the airports.

Admiral NEFFENGER. Thank you, Senator. When I came into this job, I was very interested in understanding the SPP program better. As you know, that is a program where an airport can request to bring in a private, contract screening workforce. That workforce is contracted to the Federal Government through TSA.

Senator AYOTTE. Right.

Admiral NEFFENGER. But, they can choose to do so if they like. And, I have been committed to making that as straightforward a process as possible. In fact, we have streamlined, significantly, the application process over the course of this past year, so that they do not have long waits. It is governed, certainly, by the Federal Acquisition Rules (FAR), so there is a certain amount of waiting that is required just for the announcement, the bid process, and so forth. But, we have streamlined that significantly.

I do not know the problem in Portsmouth and I will look into that for you, because I am not aware of the specifics of that case.

Senator AYOTTE. OK. Well, I appreciate it.

Admiral NEFFENGER. So, I will check into that. I would hope that it is not the case that there is anybody making it more difficult. We are officially neutral. If an airport wants to use a private screening contractor, we will work with them to ensure that they——

Senator AYOTTE. So, one thing I wanted to follow up with Ms. Grover on—as I understand, even though Congress has made this request, TSA has not yet reported cost comparisons, between the Federal and the private screening at SPP airports, to us, as policymakers. Is that true?

Ms. GROVER. At the time of our report, which was in November 2015, that is what we found. I do not know if TSA has taken actions over this past winter, but we did recommend that they should provide regular information to you about the relative costs.

Senator AYOTTE. To my knowledge, it has not been produced. Has it been, Admiral?

Admiral NEFFENGER. Well, we have a deadline at the end of this month to provide to GAO those costs, so we have done that. It, now, includes the so-called "imputed costs." The issue was that we were using just the costs to TSA, but it did not include retirement costs and so forth, which the rest of the Federal Government would pick up. So, now, the "imputed costs" are those things that are outside of the TSA budget, but that are still costs to the taxpayer for an employee at TSA. That is the piece that needed to be added in to give the full burden cost of——

Senator AYOTTE. Are we doing any comparisons on wait lines between the different programs and on this issue of management, in terms of efficiency, between the two programs? Are we going to get that information?

Admiral NEFFENGER. We have, actually, done that. And, what we are seeing is comparable across the system, whether you are a private screening workforce or a Federal workforce. It has to do with making sure that the staffing is in place and that the staffing allocations are correct. But, right now, we are seeing, roughly, comparable wait times across the whole system—and, as I said, by really focusing on the biggest-volume airports, there has been a dramatic improvement in our ability to manage the lines effectively.

Senator AYOTTE. Well, I hope that, with the information being transmitted to GAO, we will have an opportunity to see that analysis as well. Thank you.

Chairman JOHNSON. Thank you, Senator Ayotte.

I tell you, the one thing I love about this Committee is that the Members ask great questions. And, I want to quickly follow up on the SPP program. We talked about costs. We talked about the metrics. Is it the exact same process? Are those partners able to do it a different way or do they do it the exact same way that TSA does it?

Admiral NEFFENGER. They train with TSA. They train at the TSA Academy. They are trained to the same standards. And, you have a Federal Security Director, a TSA employee, who manages the contract of that workforce or works with the contractor to manage the workforce. So, they should be performing to the same standards across the system. And, that is how——

Chairman JOHNSON. So, there would not be innovation on the part of those partners, in terms of screening. It is really done the exact same way.

Admiral NEFFENGER. Well, it currently is.

Chairman JOHNSON. That process—I do not want to say "impose," but, basically, they are required to do it the same way.

Admiral NEFFENGER. There is, currently, a set of standards provided. You are right, yes, sir.

Chairman JOHNSON. Let us see here. Senator Peters?

OPENING STATEMENT OF SENATOR PETERS

Senator PETERS. Thank you, Mr. Chairman. I would like to thank our panelists for being here today and for your work. This is, obviously, tough work—the fact that you have to find a needle in a haystack, based on the numbers that are going through—but if that needle gets through, obviously, the impact could be catastrophic. So, we appreciate your efforts to keep us safe, but also to move us through very efficiently, as people are getting on those airplanes—and it is going to take the concerted effort of everybody to make that happen.

We have, certainly, heard the horror story of what happened in Chicago—the delays that occurred there—and that have happened on, I think, a few occasions. But, I want to get a sense of what is happening around the country. Admiral, you talked about your focus on some of the major airports, but, obviously, we have many airports people are going through. Where are we, in terms of the overall system of airports? Are there a number of airports that you are concerned about? How would you break that down—the places where we have problems—as a percentage of the whole system?

Admiral NEFFENGER. Well, I think that the positive side of this is that we are not seeing problems—if you take the top 20 airports, which represent about 58 percent of the daily travel volume—these are the big hub airports and then the lesser hub airports associated with them. The remaining 430 or so are really doing pretty well. It is a pretty healthy system. And, I look at this across—I see the results of every airport every day. And, we are, generally, moving people very effectively through the smaller airports. Every now and then you get a spot problem, because you will have an unexpected surge of people coming through, but, for the most part, they are moving very well.

Where we have seen the problems, consistently, have been in those top 20 airports. When you get stories of long wait times, it

is there, which is why I really wanted to retool our approach to this, focusing, specifically, on those airports and making sure that you get the resources in there to get ahead of the expected surge of people coming. We get good data from reservation systems and the airlines on who to expect—make sure that you get your lanes manned at the time. So, I think that the positive side is, if you can work on those 20 airports, you can really, for the most part, solve the problems in the whole system.

Senator PETERS. Well, speaking of one of those airports, the Detroit Metropolitan Airport, which is one that I hear about regularly—I travel through there as well. I will say, from my personal experience, when I have traveled—at least at the times that I have traveled—the volumes have been similar to what I have experienced over the last few years—although we still get complaints from my constituents, particularly, in the morning hours. Could you address a little bit of what is happening in Detroit—the good, the bad, and the lessons learned that would be helpful in Detroit as well as at other airports?

Admiral NEFFENGER. Actually, Detroit is a very good example. One, you have an exceptionally strong workforce there—a good workforce and a very stable workforce. We have been able to convert more of those employees to full-time positions. That is very helpful, because that immediately reduces attrition. A lot of people want full-time jobs. When they cannot get them, then they leave for a full-time job. You have a good management staff in place there and they have strong relations with the airport and the airlines that service it. I was, recently, in Detroit and had a chance to meet with the various partners in the airport environment. And, they all had—I believe, honestly so—good things to say about our folks there.

What we have seen there is that it really is a matter of, first, ensuring that you get a checkpoint opened well in advance of the time that you expect the surge of passengers to come in. Second, that you work closely with the airlines and the airports to manage that surge, as it is moving from curb to ticket counter, to checkpoint. And then, more importantly, that you have fully staffed lanes. So, that is the absolute key to doing that. If you can do that, then you can, very efficiently, move those people through a line while doing the job the way we should—and moving them through.

So, the lesson we learned from Detroit is, when they really got ahead of that—and, if you noticed, over Memorial Day weekend, they had exceptionally good numbers going through there. People moved through very efficiently. We did not have any extended wait times at all there.

Senator PETERS. Great. And, in the remaining time here, Admiral, I appreciate your efforts on acquisition and procurement reform—and changing those systems. Certainly, it was very disturbing to Members of this Committee—and others—to see some of the media reports that occurred last year about equipment that was not performing the way it was advertised—and that people were able to get through items, in some of the tests, that were done for the IG and others. To what extent, going forward, are we going to hold the contractors that design and build these machines to much higher standards than they have been held to in the past?

And, they must be held accountable, because we simply cannot accept the types of failures that we have seen in the past.

Admiral NEFFENGER. Well, I spent a lot of time with our major equipment contractors when I first came on board. And, we have had a lot of lengthy discussions about performance standards—performance of the equipment, maintenance of the equipment, and so forth—going forward.

I am also very interested in seeing more participation by the private sector in the types of things that we are looking—the types of capabilities that we need. I think that we need more open architecture—we need the ability for some of the really talented, innovative minds out there to participate by increasing our ability to do the job more effectively.

Senator PETERS. Thank you, Admiral.

Chairman JOHNSON. Thank you, Senator Peters.

By the way, when I am connecting in Detroit, it is really great for my FitBit challenges with my wife. A lot of long walks.

Let us see here. Senator Lankford.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. Not as much as Charlotte Douglas International Airport is a help for that, but that is a whole different issue.

Thank you all. I have been here for your testimony, today. I think everyone has reiterated the same thing and we want to make sure that you hear, loud and clear, from all of us: Safety is the primary consideration. We never want there to be a situation where you just say, "Let us speed everything up." In fact, that was part of our conversation even, a year ago, when you were going through the confirmation process. And, the concern with the TSA PreCheck line is that TSA PreCheck had become a TSA PreCheck line plus another randomized—and we had so many people going through it—it was all about speed and there was a sense, from us, to say, "We are losing a sense on safety." And, obviously, from the IG's report as well, to come back and say, "OK, we are also overly optimistic on staffing. So, we have a drop in staff and we have an increase in passengers and it is not rocket science to try to figure out why we have long lines to go through." So, I just want to make sure everyone hears, loud and clear, we are still focused on safety. It is not just about speed, but there are also plenty of people, myself included, that, as we travel through airports, see TSA workers standing around or not in a hurry, when people are waiting in very long lines. And so, I think people understand the safety, but they also want to see some efficiency in the process.

With that, let me just highlight a couple of things that I want to be able to bring up—one we have already briefly discussed. That is the innovation that happened in Atlanta. I would like to be able to talk more about how that could be multiplied.

My understanding is that Delta Air Lines spent about $1 million researching a better way to do the TSA screening in their home airport, in Atlanta. They developed a system, partnered with TSA, and implemented the system. It has proven to be much faster. And, for $1 million, at that airport, their check-in is now much faster.

The concern I have is: Where can we have more opportunities for the private sector to be able to engage with TSA to help innovate in other areas and to be able to—not only put private sector folks in places that are non-security, but to allow for better innovation in the process as well?

Admiral NEFFENGER. Well, thank you for that question. This is where I see the greatest promise going forward. Originally, the whole idea came about as a result of seeing some of the work that had been done, in Europe, to create more efficient, more automated systems, as you move through. In discussions with a number of airports and airlines, shortly after I came in, I said that I was looking for opportunities to partner on some innovation pilots. Originally, it was just, "Hey, can we do a couple of pilot projects?" Delta Air Lines offered to jump in and purchase a couple of these automated systems. This happens to be one that is currently in use at Heathrow Airport—and they move very quickly. And, you are absolutely right. Just these first two lanes, alone, have shown tremendous promise, in terms of improving efficiency—about a 30-percent improvement, by their own count, in what we go through. So, I think that that is, certainly, a critical element of transforming the system.

Other airlines and airports have come forward and said that they want to do the same thing. So, I put together an innovation project team, which is focused, specifically, on these public-private partnerships—managing it so you do not create a hodgepodge of systems out there. You really want to do something that makes sense and that takes advantage of existing technology—not just to automate the lane, but to look at the technology that can be added to that automation and that could, eventually, lead to electronic gates to let you into a checkpoint or that could move the identification (ID) check out to a kiosk—and then, you keep the person sterile as they come through—really building that true curb-to-gate security environment, as opposed to just focusing it all around the checkpoint.

I am very excited we have a pretty good plan going forward. It is mapped out. We are building the architecture for that now with various airlines and airports that have expressed interest. We have about a dozen airports that have come forward—along with the airlines that service them—to talk about doing some of this transformation. And, this is happening over the course of the next 6 months.

So, I am happy to provide you with a more detailed brief on that, but I think you would find it promising.

Senator LANKFORD. I think you would find plenty of people that are willing to help you innovate in the areas that are the pinch points—like the bags, which have been noted—to try to find ways to be able to evaluate how we, actually, move people faster through this spot and still get the innovation we have.

With the innovation and the technology piece of it, that would still be the expectation, I think, of everyone on this dais as well. Early on in TSA's history, there were a lot of overpromises made by some manufacturers. We overpurchased in some areas and ended up having, in warehouses, lots of equipment sitting there, unused. We, obviously, do not want to see that, nor do we want to

have equipment put in place that says one thing and actually cannot fulfill what it is stated to, actually, do.

So, we want to make sure that that process stays in place and that all of our equipment—so, not only purchasing the right amount, but also having the equipment that, actually, can fulfill what it is being asked to do. So, thank you for that. And, I would ask for your continued attention on things like the TSA PreCheck. In Oklahoma, we had a computer glitch for a while, where, suddenly, you could not sign up for TSA PreCheck for a period of time. There are lots of other ways to be able to, not only show innovation in getting people through the line, but also in getting people registered for TSA PreCheck. And so, we can get that background, so TSA PreCheck is really TSA PreCheck and more people are able to actually go through that process and be able to be checked off.

So, I would appreciate continued attention to that as well from all of those contractors, around the country, that are doing that.

Admiral NEFFENGER. Yes, sir.

Senator LANKFORD. Thank you. I yield back.

Chairman JOHNSON. Senator Portman.

OPENING STATEMENT OF SENATOR PORTMAN

Senator PORTMAN. Thank you, Mr. Chairman. And, Admiral, it is great to have you here before us. You are talking to a pretty tough audience here, because we are all frequent flyers. And, I go back and forth from Ohio, every week, a couple of times, I guess. We are also, though, all TSA PreCheck, I would think, and so, when I am in the TSA PreCheck line in airports in Cincinnati, Columbus, or Cleveland, it is a lot shorter. It is not like Dulles International Airport or Ronald Reagan Washington National Airport, where a lot of people are in the TSA PreCheck program. And so, a lot of the questions we are asking you are not about TSA PreCheck, but about, how we can be sure and expedite everybody.

And, by the way, the TSA folks who I deal with every week are courteous—they are professional—the vast majority of them. I remember being here at a hearing, recently, where Senator Carper said that he thanks them as he goes through—as I try to do. And, I say, "Thank you for keeping us safe." They look at you kind of funny, like, "No one has ever said that to me before." And, I think that was your experience, too.

On the other hand, as taxpayers, they do all work for us. And, that customer service side of——

Senator CARPER. When I say that, people say to me, "Are you Rob Portman?" [Laughter.]

Senator PORTMAN. I go incognito through there.

But, you talked a little about the training and performance measurement—and, again, I appreciate your leadership and I am glad you are there. We talked a second ago about what you have done, with regard to Mr. Roth's report that came out just before you were confirmed, in June of last year. But, in terms of the training, just quickly, on the customer service side, what are you doing, in terms of measuring performance and training?

Admiral NEFFENGER. Well, that was one of my big concerns when I came in. In fact, I extend it beyond customer service. This is what true public service is all about: providing an important service to

the public in a way that treats them with respect and dignity and that recognizes the inherent inconvenience of what you are doing. So, that is an important thing to do.

So, we built that into our new TSA Academy training. So, for all of our new hires now, there is an entire component on what it means to be a public servant and who that public is that you serve. These are people who are your fellow citizens. And, there is a part of it where they say, "Think of these as your family members"—assuming you like your family members. But, they say, "Think of these people as your family members, as they are coming through."

So, I hope people are seeing—and, anecdotally, we are getting reports that people are seeing a difference among the workforce, as they come through—and we have done that back through the entire workforce. It takes front-line leadership to make it work, so we are also working on that first-line supervisory leadership training. That is critical. We need to do more of that in TSA. It just had not been done consistently.

Senator PORTMAN. I appreciate that attitude and that approach—and I know that is your personal approach. And, I do think, actually, it expedites the process as well. There is a safety aspect to this also—in addition to the fact that it is a matter of customer service for the taxpayers that are inconvenienced.

This report from last June was incredibly troubling. Mr. Roth has not gotten to answer many questions—and I may not give you a chance here, either, but I am going to tell you about your report. Ninety-five percent of the time, TSA was not finding dangerous items. Security screeners failed to detect weapons, mock explosives, and other prohibited items 95 percent of the time. Shocking. This is before your time.

We also found that there were 73 individuals employed by the aviation industry who were on terrorist "watchlists." And, at the time, I asked some questions to you as a part of your confirmation. You indicated you were going to, immediately, put in place some things that Homeland Security Secretary Jeh Johnson was talking about, to address both of those issues—and that you were going to look at the more systemic problems.

Can you give us a quick report—where are we on that 95 percent? Mr. Roth said that you are continuing to do testing and audits, but you did not tell us what the percentage was. So, either of you, if you could answer that.

Admiral NEFFENGER. I cannot talk about the percentage of what we are finding in open session, but, what I will tell you is that, we are better. As you know, one of the biggest concerns I had was to, first of all, find out why we had a failure rate of that magnitude. And, as it turns out, it was really that we were asking the front-line workforce to do something directly in opposition to what their job was. If their job is to ensure something does not get past a checkpoint, well, then you cannot ride them about moving people faster through a checkpoint. And so, if I put myself in the shoes of the front-line officers, they are torn, thinking, "I am told I cannot hold things up, but I have something to look at."

So, we have gotten better at that. We retrained the whole workforce—and I think that we are significantly better. I am hoping

that the Inspector General's testing bears that out, as we go forward.

Senator PORTMAN. Mr. Roth, do you have anything to say on that?

Mr. ROTH. As I indicated in my testimony, we are going to do some covert testing this summer. I will be candid in saying that we have taken a look at some of the red team testing that TSA has done. We think that our testing will be more objective and I think those results will be more accurate. So, we will wait and see what happens.

Senator PORTMAN. This Committee will be very interested in the results of that test. And, in terms of the employees on terrorist "watchlists," I assume you are comfortable that that has been addressed?

Mr. ROTH. Yes. Just so we understand, there are two lists. One is the "Terrorist Watchlist," itself. And, the other is the Terrorist Identities Datamart Environment (TIDE) database, which is the larger list that supports the smaller list. They did not have access to the larger list. It was, largely, bureaucratic inertia—not on TSA's part, but on DHS's part—as well as on the intelligence community's part. That has been fixed and we think that TSA now has all of the information it needs to be able to adjudicate those things.

Senator PORTMAN. My time has expired, but I am going to ask a question for the record, with regards to Cuba. I am very concerned about the agreement the Administration has made with Cuba. I am concerned about reports I hear of TSA opening—not eight, but another additional two airports without any of the kind of screening that we would consider acceptable. And, these are all going to be, as I understand it, points of departure to the United States. I know there has been travel, for instance, from Afghanistan to Cuba, and so on. So, I will ask questions for the record (QFRs) on that issue. But, I want to express my concern, right now. We need to be sure that those airports are fully vetted and have the proper security screenings in place.

Chairman JOHNSON. Senator Heitkamp.

OPENING STATEMENT OF SENATOR HEITKAMP

Senator HEITKAMP. Thank you, Mr. Chairman. And, thank you for stepping up and serving your country once again, Admiral. We really appreciate this and we were very glad to confirm you. And, I can tell you, from this testimony and our dialogue, our trust has been well served.

But, we have some business that needs to get taken care of. I tell people, occasionally, that, if you have ever been to a penitentiary and have the warden bring out a box, they have a box of handmade weapons—from toothbrushes that have been shaved off to just simply plastic knives that have been used to kill other people. And so, we have to be really careful that we do not overstate the risk that there is because, even though we are looking for traditional weapons, we let people on with knitting needles. So, we sometimes frustrate the public because they look at this through a lens of common sense.

One of the things I want to ask is whether, when you look at the metrics—and it is for anybody here—and we look at this transition

now to bag fees that has resulted in more people taking carry-ons, I believe. Has that been a problem? And, is there a way to pre-screen carry-on baggage that would help the line move quicker—and also would provide greater security, in terms of determining what is in the bags?

Admiral NEFFENGER. I will start the answers on that. The first thing is, we have been working really closely with the airlines—to the extent possible—to enforce the "one-plus-one" rule. It is the case that there is more stuff coming through a checkpoint—more carry-on baggage, by definition, is going to slow things down.

The other thing is to encourage people to really double-check their bag—pack wisely. A prohibited item in a bag of any type causes something to stop for a moment while it is being checked. So, we encourage people to double-check their bags and make sure that they have not put anything in there that should not go. There is very clear information on the website now, explaining what should not go in there. If they have any question at all, they can always ask somebody as they come into the airport.

So, I think, trying to keep the number of bags coming through to a minimum—so the "one-plus-one" rule is very important—and many of the airlines are working very hard to enforce that. And then, ensuring that passengers just double-check before they come through, because it will—one, it is an inconvenience to the individual that forgot that they left something in there.

It is true that we find a lot of contraband items coming through. We had a phenomenal number of loaded weapons at checkpoints last year. It always astonishes me that people forget that they have a weapon in their bag when they come through. So, that, from my perspective, is one of the most important things we can do.

We are looking at whether there are ways to do something different with carry-on baggage before you get to a checkpoint. But, again, that is a part of the technology improvements that we are considering.

Senator HEITKAMP. I would really encourage you to think outside of the box on what could happen with carry-on luggage, because—more time to screen that—we are all standing in line with our carry-ons, right? Those carry-ons could, with a couple of extra lines, be screened ahead of time, as we are moving through the line. And, I think that would give you more time to actually check the carry-on luggage.

I can tell you, it is incredibly frustrating when you see someone bring something through that they should not have. Just a couple of weeks ago, I had a bottle of water in my backpack. How often do I fly? And, I have made that mistake. And so, you do not always know.

I want to ask, finally, about the 2013 GAO report that noted that TSA could not provide evidence to justify its Screening of Passengers by Observation Techniques (SPOT) Program. GAO recommended that Congress should consider the absence of scientifically validated evidence for using behavioral indicators to identify threats to aviation security, while assessing the potential benefits and costs to making future funding decisions for aviation security. Obviously, DHS did not concur with GAO's recommendation.

My question is: Have you reviewed that report? And, since you have been there, have you come to the same conclusion as DHS did, when they did the review initially?

Admiral NEFFENGER. Well, I have reviewed that report and there are a couple of elements to this that I think are important.

The first thing I did was figure out whether anybody else is doing behavioral detection of some sort. And so, quite a few law enforcement agencies around the world use it. There are other security agencies that do it. So, I think that there is some value in continuing to look at whether behavioral detection is a valid element to add in. It is never going to be a perfect system.

That said, we are looking at how we can more effectively use the people that we have assigned as behavioral detection officers. As I said in my opening statement, we are pushing a lot of those people back into security screening duties this summer. We are having them work with K–9 teams, because I do think that there is some work to be done on the validation of the indicators—on the way in which we do behavioral detection. There may be some modifications that we will have to make in order to make it more scientifically valid.

Senator HEITKAMP. I do not want to belabor the point, but it is—and can be—a very effective tool at checkpoints—at border crossings. There is a science to this. The question is: Are you applying the right science?

Mr. Chairman, thank you so much for the time.

Chairman JOHNSON. Thank you, Senator Heitkamp.

Just to pick up, that is really what Israel does, correct?

Admiral NEFFENGER. They do. In fact, a lot of what the Israelis are doing has informed what we are doing—and we have trained with the Israelis on behavioral detection.

Chairman JOHNSON. But, that is a far more intensive process, correct?

Admiral NEFFENGER. It has more elements to it than we are currently using. That is correct.

Chairman JOHNSON. There are a number of people proposing to force airlines to drop the baggage fees to allow more people to check bags. Do we really gain anything from that? We still have to run those bags through the detection system, correct?

Admiral NEFFENGER. It is hard to know whether it would dramatically change the way things are. I think there is more to be gained by reminding people to minimize their carry-on baggage to the "one-plus-one" rule that the airlines require. That makes things a lot smoother at the checkpoint. I have concerns about the baggage system's ability to handle checked bags without some modifications to the way we are currently doing it, in some airports. So, what I have committed to doing, with the airlines and airports, is to work on minimizing the amount of carry-ons, because a lot of that stuff gets gate-checked anyhow. I would just as soon prefer it does not come through the checkpoint if it going to be gate-checked on the plane—and then ensuring that we have the appropriate staff there to handle it.

Chairman JOHNSON. So, again, you are kind of confirming my suspicion that we do not gain a whole lot from that—and I, basically, agree with that. I think there is an awful lot to be said for

having the passenger stay with their bag, just in terms of security as well.

Without getting into the details of the failure of the AIT machines, has there been any thought given to having an AIT machine followed by a metal detector?

Admiral NEFFENGER. We have looked at that. And, in fact, as we look at what I call "transformation"—but really changing the thinking behind screening—I want to get away from what is, essentially, a static system. We are looking at systems that integrate that technology. The challenge is that you have to be careful, because then metal detectors go off on people with artificial hips. So, there may be a way to do it. But, we are looking at ways to integrate more of the technology—and that is why I really want to activate the private sector more effectively than we have, because I think that there are ways to do this that are smarter.

Chairman JOHNSON. Generally, the people who know they are going to set off a metal detector can talk about something, but that would really——

Admiral NEFFENGER. Yes, sir.

Chairman JOHNSON [continuing]. Improve security, dramatically, would it not—if people went through both?

Admiral NEFFENGER. Go ahead.

Chairman JOHNSON. General Roth.

Mr. ROTH. Again, the two different machines look for two different kinds of things.

Chairman JOHNSON. Correct.

Mr. ROTH. And, my understanding, as far as the TSA's protocols now, when there is an alarm on the AIT that is, for example, suspicious, they have the ability then to run people through——

Chairman JOHNSON. But, again, the failure—and I do not want to go into detail, but I have seen videos. There is a real problem, in terms of what one machine detects and what the other one does not.

Mr. ROTH. Correct.

Chairman JOHNSON. So, if you would go through both, I would think that you would dramatically increase the level of security.

Mr. ROTH. I will defer to TSA on that. Our testing has not shown that.

Chairman JOHNSON. Admiral.

Admiral NEFFENGER. What I would say is, it gets challenging to talk about this in open session. And, I would be happy to sit down with you, in closed session, to do so. But, we are looking at those kinds of capabilities. I am concerned about what one can do and what the other cannot do. I think the canines play a role, here and if I could sit down with you——

Chairman JOHNSON. So do I. OK. Well, we will talk about that in a closed session.

Admiral NEFFENGER. OK.

Chairman JOHNSON. And, again, listen, I truly appreciate reading the testimony. It came across very clear. As General Roth talked about, you are doing a great job at really looking at this honestly, admitting you have a problem and critically assessing what has happened in the Agency. So, I just want to ask the In-

spector General, on a scale of 1 to 10, in terms of critical assessment, we have gone from what to what, in terms of improvement?

Mr. ROTH. I mean, we have gone from night to day. I cannot put a number on it, but we went from a cultural situation, where we were fought at every turn, to one in which they now embrace oversight in a way that, I think, is a very sort of positive method.

Chairman JOHNSON. So, Admiral, that is to your credit and thank you for your service in doing that.

Now, let me ask you the harder question. So, that is the first step in solving the problem. How about the actual implementation of the solutions? Where are we? Let us say we were at one. Where are we now, on a scale of 1 to 10?

Mr. ROTH. I mean, we have a number of challenges—I will not underestimate it. With regard to the checkpoint and the covert testing, there is a 23-point plan that TSA has put into place. We are, generally, satisfied with the progress they are making. It is by no means complete. But, there are issues, not just at the checkpoint. There are issues with regard to TSA as a contract administrator, for example. There are issues as far as TSA as a regulator with local airports—how well they are regulating the local airports. We have considerable concerns about insider threat and the fact that there is a—while the Administrator talked about the recurrent vetting that occurs—the criminal vetting, it is a very static process. You are either convicted of certain offenses—enumerated offenses—or you are not. But, there is not a holistic look at an airport worker, who has unrestricted access to aircraft—unescorted and unrestricted access to aircraft. They are either sort of convicted or not convicted. And, if they are not convicted, there is no holistic vetting that would occur, for example, that I am familiar with—with Federal employees—where we look at a whole range of things before we determine whether they are trustworthy.

Chairman JOHNSON. So, I hate putting words in people's mouths, but, from the standpoint of taking the first step in solving a problem—it is admitting we have one. We have really taken that step.

But, in terms of, actually, solving the problem, you would say that we have a long way to go?

Mr. ROTH. That is correct. We did not get into this overnight and we are not going to——

Chairman JOHNSON. Admiral, you would probably agree with that, correct?

Admiral NEFFENGER. I would agree with that. I think that we have made some substantial progress in really enumerating what some of these issues are. But, these are issues that will take some time to correct.

Chairman JOHNSON. Trust me. I do not envy your task. Again, God bless you for your service. Senator McCaskill.

OPENING STATEMENT OF SENATOR MCCASKILL

Senator MCCASKILL. Thank you very much, Mr. Chairman.

I would like to talk a little bit about the Senior Executive Service (SES). I understand, Mr. Neffenger, that the bonuses that were paid to the former Assistant Administrator happened before your time, but there was $90,000 in bonuses paid to the Assistant Administrator of the Office of Security Operations at the same time

that all of those tests were failing—where the IG was conducting the tests and showing that 67 out of 70 weapons got through. And, those bonuses were paid in a way to hide them. They were paid over time, obviously—clearly exceeding a 20-percent cap.

I know that you have made changes to make sure that does not happen again, but this is really a symptom of this Senior Executive Service, I think, and the lack of reform that has occurred with the SES.

I like to point out every time I get a chance, on the record, how the Senior Executive Service began. And, it began, frankly, as an idea that I think the Chairman would agree with—that you need to get talent in management and government. So, the idea is that you would hire competitively with the private sector and these managers would go from Agency to Aagency and gain expertise.

Well, that has long since been abandoned. These are people who burrowed in one agency, that hang out long enough to figure out how to get an SES position, and then they get paid a lot more—and this is where we have seen a lot of abuse, in terms of bonuses.

So, let me ask you this: With your reforms, is there any connection between bonuses paid and whether the Agency is succeeding? In the private sector, the bonus pool changes based on how the company did. And, it has not been that way in government. I do not think anybody, looking objectively at TSA over the last couple of years, would say that the bonus pool should be really big.

So, are you now tying bonuses to the performance of the Agency and not just the performance of the individual?

Admiral NEFFENGER. It is a combination of both, now—and I want to just also preface it—or add—that I have severely limited both the type and the number of bonuses that can be handed out in the Agency. And, I have put controls on it above me. My concern was that the Agency had the ability to independently assign bonuses. I now require Department oversight for that—and I have asked the Department to do that.

So, I am a strong believer in controls. I believe that there is a need to have the ability to get bonuses when people have done good work. You want to keep good people in government. So, the notion and the practice of bonuses is not, necessarily, a bad one, but it has to be managed carefully—it has to be controlled and it has to be appropriate.

Senator MCCASKILL. Because, if you look at the data, no one could, objectively, look at the data and say that TSA has high marks, in terms of the things you look at for management, in terms of morale and turnover—on all of the measurements out there. So, I think you are trying to do better, in that regard. I think we need to look at SES reform in a larger capacity—not just at TSA. But, I think there are just a lot of issues with the Senior Executive Service.

I also have some serious concerns, related to this, about whistleblower retaliation. I read, with interest, the article that was published, in April, about the high level of whistleblower retaliation at TSA. The case that really struck me was the man who took his case all of the way to the Supreme Court and won on whistleblower retaliation—that had been wrongfully fired and he lost 10 years—it took him 10 years to win. He lost 10 years of promotions and

TSA said, "Well, we cannot speculate how much he would have been promoted in 10 years." They put him back in his other job, and, frankly, he is still getting passed over to this day.

I would ask you, Mr. Roth, how does TSA compare to other DHS components, as far as the number of whistleblower complaints and the number of whistleblower retaliation complaints?

Mr. ROTH. We have not done a study on that. That is something, certainly, that would be interesting to know, so I can take that back.

Senator MCCASKILL. Yes. And, what can we do about the lost years of salary, compensation, and promotion for the time period that someone litigates them for being treated unfairly?

Admiral NEFFENGER. Well, the individual you are speaking of did get full back pay for that full 10-year period—along with all of the associated cost-of-living (COL) increases that would have occurred during that time—in addition to other things. So, he got a sizable payment for back pay—and it included the cost-of-living increases.

I understand that he has ongoing litigation, so it would be inappropriate for me to comment any more on that, because I want to make sure that he gets the appropriate due process. I am committed to supporting people who bring forward complaints. I am committed to them being treated fairly and I absolutely will not stand for retaliation inside the Agency.

I understand that there have been allegations of that and, in one case, proof of that, in the past. My position is, I do not want to inadvertently bias any action going forward, so if you have pending litigation, we will support that going forward. We will work with the Office of Special Counsel (OSC), as necessary and, more importantly, I will take swift action against people if they do something, on my watch, that indicates that they have retaliated.

Senator MCCASKILL. I would love to get a response to the people whose stories are laid out in the New York Times article, as to the Agency's position on these people, what occurred, and how this has been made whole. The woman who was forced to leave her assignment after she complained—there are a number of them in here, as you know. It is pretty damning. And, it says it is much higher than, for example, the Internal Revenue Service (IRS), which has many more employees, in terms of the rate of complaints. It went up significantly—the number of complaints. So, I want to take a look at that.

My time is up. I would say, on the record, that I hope you are thinking about every airport—you have a group of frequent flyers up here. Everyone flies home every weekend. No one uses TSA more than all of us, because we are flying twice a week coming back and forth to work. And so, we see an awful lot in airports. I am bombarded with kiosks wanting to sell me everything from sunglasses and pillows to cases for my iPhone. I would love to see a kiosk for TSA PreCheck. I mean, how simple would it be to put up a kiosk, in the airport, for someone to sign up for TSA PreCheck. It would not be that expensive and, frankly, you could probably staff it, especially in the non-peak hours, with people who are waiting for surges of people coming for flights. I bet you could do it pretty cost-effectively at $85 a pop. That is a hell of a lot more than a lot of cell phone covers.

Admiral NEFFENGER. Well, I think the vendor is looking at dramatically increasing the number of mobile sites just for that reason.

Senator MCCASKILL. Kiosks. Not an office somewhere that you have to go——

Admiral NEFFENGER. No, no. These are——

Senator MCCASKILL [continuing]. Down into the bowels of the airport, back by the lost luggage, to find it. I am talking about right there, neon letters, with a big smiley face. Maybe we could even sell cell phone covers at the same place. Thank you.

Thank you, Mr. Chairman.

Chairman JOHNSON. Senator Carper.

Senator CARPER. Just to follow up on that, E–ZPass is not the same. We have a much different vetting process with E–ZPass, as opposed to TSA PreCheck. But, when you come into Delaware, we collect tolls on I–95. There is a fairly easy place—very visible, right on the road—to stop off and, if you want to get an E–ZPass, you can. The same thing with our "north-south" highway that goes down to our beaches. It is easy to just pull off and get yourself an E–ZPass. So, I think that is a good idea.

I am going to ask a series of questions and I will ask for very brief responses, if you will, Admiral. I apologize to General Roth and I apologize to Jennifer for not asking more questions, but my colleagues have asked several that I wanted to, so thank you very much for the good work that you and your teams are doing to make TSA better. Make them better.

Admiral, I was struck by the apparent success of TSA's efforts to reduce wait times ahead of the Memorial Day holiday. According to the news reports that we talked about here today, security checkpoint wait times were mostly average—I think 99 percent of passengers waited fewer than 30 minutes to pass through screening—with 93 percent waiting under 15 minutes. Just take a minute and tell us how you and your team were able to cut wait times in such short order.

Admiral NEFFENGER. Really, four things.

First, we got new resources through the reprogramming: thousands of overtime hours, we were able to convert people from part-time to full-time, and we moved additional K–9 units into the largest airports. So, that was number one.

Second, the standing up of a national—focusing on the top 7 airports, primarily—looking across at the top 20 in addition to that. That allows us to address problems at the places where they begin.

Third, having the National Incident Command Center to manage that on a daily basis—to look specifically at the checkpoint screening operations. And then, the daily phone call with each airport, Federal security director, and the airline partners in that airport, airport by airport, across the top airports.

Senator CARPER. Alright. I mentioned in my opening statement that we have included, in the appropriations legislation reported out of Committee, by the Senate Appropriations Committee, some additional monies for human resources, for personnel resources, for dogs—canines—and, maybe, for some infrastructure improvements and technology improvements. Do you still believe that is going to be needed?

Admiral NEFFENGER. Absolutely, yes, sir.

Senator CARPER. That is all I need. Thank you very much.

Talk to us about the role that your employees have played, in terms of—they are on the front lines. They see this stuff every day and talk to people every day. How do you ask them for their ideas and make sure that their input is gathered and actually acted on?

Admiral NEFFENGER. Well, I think we still need to become better at that, but what I have tried to do is to—both anecdotally and more formally—solicit information on how best to do the job that we are doing. So, we bring them in on short-term details to our technology office. They work in our test facility. They give us ideas as to how to improve what we are doing. When we were looking at these automated lanes, for example, we brought some front-line TSOs up and said, "How would you run this thing?"

So, there is a lot of just great tactical knowledge that they have in their head on how to do this job better, from day to day. And, we are trying to capture that in a much more systematic way.

Senator CARPER. One of the ways I have always found to improve employee morale—whether it is in the Federal Government, the State, or some other regard—is training. Folks on my staff, particularly, folks in Delaware, love to come to D.C., where we have specialized training for them, regardless of what their jobs might be. Not only does it allow for folks to do a better job, but their sense of self-worth is enhanced as well. So, I want to encourage you to continue to do the training that is going on down in Glynco, Georgia at the Federal Law Enforcement Training Centers (FLETC).

The other thing I want to ask is, you talked a little bit about the range of weapons that we find—that your folks find on passengers trying to get onto a plane. And, I think you actually have an Instagram feed to display some of those. Can you just take a minute and tell us, if you will—speak about some of the dangerous items that TSA screeners discover in carry-on baggage and at the checkpoint—and the importance of careful and effective security screening in order to identify some of the overt threats.

Admiral NEFFENGER. Well, we have seen a lot of loaded handguns come through checkpoints. Last year, I believe it was somewhere around 2,700 handguns were confiscated at checkpoints. Many of these are not just loaded, but they have rounds in the chambers—so these are weapons that are dangerous.

Two weeks ago, we had two smoke grenades—live smoke grenades—found in carry-on luggage coming through.

You get a lot of inert items coming through—things that look like grenades, but those are of concern, too, because, you cannot tell from a distance. Quite a few knives, concealed weapons, and canes with knives—with swords embedded in them. You name it. And, somebody is trying to bring it through a checkpoint. Throwing stars, brass knuckles, and all sorts of stuff that you just do not want on an aircraft—in an aircraft environment—given what we know to be the way some people have been acting lately.

Senator CARPER. Good. The last thing I will say is that I was elected Governor in November 1992. Along with other newly elected Governors, in November 1992, we went to "New Governors School" 2 weeks after the election. It was hosted by Roy Romer, who was then the Chairman of the National Governors Association

(NGA), the Governor of Colorado. I learned a lot. It was like 3 days and the faculty was existing governors and their spouses—the "grizzled veterans," I called them. And then, there were the newbies—those who had just been elected—Governors-elect and their spouses. And, one of the best lessons I learned during those 3 days was from one of the Governors, who said, "When you have a problem—when you face a problem in your State as Governor—do not make a 1-day problem a 1-week problem or a 1-month problem or a 1-year problem. Own the problem. Take responsibility for the problem." Say, "This is what we are going to do. We are going to fix this problem. Apologize and then do it."

And, the way I watch you perform in your role as the head of TSA, I am reminded of that advice. And, I do not know that you will ever be a Governor, but you are, certainly, prepared with the training you have gone through as well.

I am going to close with the Preamble to the Constitution. We are very proud of the Constitution. Delaware was the first State that ratified the Constitution. For 1 whole week, we were the entire United States of America—a pretty good week. And, the Preamble to the Constitution begins with these words: "We the people of the United States, in order to form a more perfect union . . ." It does not say to form a perfect union. We did not. We continued to amend the Constitution over time. And, the idea is to always get better. How do we get better? And, clearly, TSA is doing a better job. We are grateful for that. We are anxious to know how we can help to make that happen even more expeditiously.

We want to thank our friends at GAO and the IG's office for the good work that they are doing to help, if you will, the wind beneath your wings—and to say, "Let us keep up the good work."

The last thing is, we were in Africa about a year ago with our family on a family vacation. I heard this old African saying: "If you want to go fast, travel alone. If you want to go far, travel together." And, in this instance, this is a team sport. We are going to travel together. And, I think, to the extent we do, we are going to go a long ways toward where we need to go. Thank you—so that other people can get where they need to go.

Thank you.

Chairman JOHNSON. Thank you, Senator Carper.

Again, I want to thank our witnesses. Admiral Neffenger, really, we do appreciate the enormity of your task—the significant challenge—but I think you have really shown that you have taken some pretty great strides. And, that first step is admitting we have the problem. And then, starting to work in a very methodical and very military fashion, quite honestly, which I think we all appreciate.

Inspector General Roth and Ms. Grover, thank you for your contribution to this effort as well. Again, thank you for your time, your testimonies, and your answers to our questions.

With that, the hearing record will remain open for 15 days until June 22 at 5 p.m. for the submission of statements and questions for the record. This hearing is adjourned.

[Whereupon, at 11:57 a.m., the Committee was adjourned.]

APPENDIX

Chairman Johnson Opening Statement
"Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation"

Tuesday, June 07, 2016

As submitted for the record:

We have convened this hearing to examine the actions of the Transportation Security Administration (TSA) to address wait times at United States airports and prevent terrorist activity threatening our nation's aviation system.

The TSA's mission is to protect the air transportation system to ensure freedom of movement and commerce. In fiscal year 2015, the TSA screened approximately 695 million passengers and 2 billion carry-on and checked bags.

Since February, numerous media reports have highlighted the growing frustration with lengthy wait times at TSA security checkpoints. On May 15, 2016, 450 travelers at Chicago's O'Hare International Airport missed their flights due to a three-hour wait in the TSA line. As delays have become pervasive, many airport officials have expressed interest in privatizing security operations.

Today we will discuss possible solutions to reduce wait times while still considering security standards. First, the TSA can optimize passenger screening by increasing the number of explosive detection canine units at airports. At a March hearing, experts told this committee that dogs are more effective and efficient than technology because dogs can process multiple passengers and bags simultaneously. In recent testimony before the committee, Department of Homeland Security Deputy Secretary Alejandro Mayorkas stated that canine units "are in fact an extraordinarily effective tool, both from a security perspective and critically for a throughput perspective."

Second, the TSA can utilize the Screening Partnership Program (SPP), which permits airport officials to apply to have passenger and baggage screening performed by private contractors. Currently, there are 22 airports participating in the SPP, including San Francisco International and Orlando's Sanford International.

Third, expanding the TSA's trusted traveler program, TSA Precheck, can help expedite the screening process at more than 167 airports. On Jan. 13, 2016, the TSA achieved a milestone, announcing that 2 million passengers had enrolled in TSA Precheck.

However, the TSA still needs to improve the program. In my state, travelers have expressed frustration with enrollment and adjudication delays. Wisconsin is one of two states in the country where enrollment centers are fully booked, forcing Wisconsinites to wait 45 days for an appointment. This delay is entirely avoidable, as 200 additional enrollment adjudicators stand ready to work, but are awaiting final TSA approval. If the TSA would act on these applications, wait times for Precheck would likely immediately go down.

Finally, the March 22 coordinated bombings at the Brussels airport and the May 19 crash involving Egypt Air flight MS 804 serve as two clear examples of terrorist organizations continuing to target commercial aircraft. Given the threats we face to aviation security, we must also ensure that the TSA is adapting to the evolving threat environment.

I thank the witnesses for being here today to discuss these important issues, and I look forward to your testimony.

Statement of Ranking Member Tom Carper
"Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation"

Tuesday, June 7, 2016

As prepared for delivery:

Thank you, Mr. Chairman, for calling this important and timely hearing. As we all know, the Transportation Security Administration was created in the wake of the attacks on September 11th. We understand well the terrorist threat to our aviation system that the agency was created to combat. Having said that, though, we oftentimes fail to acknowledge an undeniable tension that exists at the core of TSA's mission. On the one hand, we ask TSA to screen millions of passengers and their luggage carefully each day to prevent explosives, weapons and other dangerous items from finding their way onboard an aircraft. On the other hand, millions of passengers want to get on board their airplanes on time and without the aggravation that security screening can often bring.

Given the long wait times we have recently witnessed at security checkpoints at a number of airports across America, we know that it can be difficult to strike the right balance between security and convenience. Some might even be tempted to say that we can't have both, that effective security measures invariably bring with them inconvenience, lines, and even missed flights. I disagree. In fact, I believe that many of the problems we've witnessed at some of our airports are eminently solvable. But first we need to better understand the scope of the challenge and its genesis.

After the Department of Homeland Security's Office of Inspector General produced a very troubling report last year revealing vulnerabilities at TSA checkpoints, Admiral Neffenger took several steps to tighten security. And while the steps he and his team have taken have contributed to longer waits for some, there are other reasons why TSA has struggled lately. Resource constraints and increased air travel have played a significant role. TSA is being asked to do more with less. While inept management and leadership at some airports has been a major factor, the truth is that staffing at TSA has dropped by more than 10 percent since 2011. At the same time, passenger volume at our airports has increased by more than 10 percent. TSA must be nimble enough to handle this growth in air travelers, especially the surges that occur during the busy summer travel season and at other times during the year.

The good news is that Admiral Neffenger and Secretary Johnson have moved quickly to reduce wait times and to do so without compromising security. Based on reports I've seen, these efforts are already beginning to bear fruit and helped keep passengers moving during the busy Memorial Day weekend. Is there room for improvement? You bet there is. But security is a shared responsibility, and we each have a role to play. Congress must work with the Administration to ensure that the agency has the resources it needs to effectively carry out its mission. Funding levels in appropriations bills awaiting action in the Senate move us – and TSA – in the right direction. We need to enact them.

But airports and air carriers have an important responsibility to help reduce wait times, too. I have been very encouraged by the willingness of private-sector stakeholders to step up and contribute their own resources and ideas to solving this problem. A longer-term solution is being demonstrated in real time today at London's Heathrow Airport. In the spirit of 'find out what works and do more of that,' TSA launched a similar initiative last month. It's called an 'Innovation Lane,' and I'm sure we'll hear more today about how this partnership with Delta Air Lines in Atlanta will improve passenger throughput by 30 percent.

While that concept shows great promise over the long haul, airlines have already taken a number of other steps that can make a difference now, such as reassigning their own employees to help TSA. Perhaps the most important step we can take is to continue to dramatically grow participation in trusted traveler programs, like Pre-Check, that speed screening for vetted passengers and shorten wait times for those not in Pre-Check lines, too. I'm encouraged by steps TSA has taken so far to increase Pre-Check enrollment. We're told that enrollments have soared from about 3,500 per day a year ago to roughly 16,000 a day in May. I look forward to learning today about additional ways we can encourage enrollment in this program.

In closing, it's important to keep in mind that there are still very real security threats to our aviation system. Today's solution may not work tomorrow. Those seeking to wreak havoc are always changing their tactics, and these evolving threats require that we constantly adjust what we do at our airport security checkpoints and on our airplanes. We also need to stay on top of growth in air travel and changing travel patterns so that TSA and its partners are not caught like they were recently dealing with logistical challenges they aren't prepared for. This is why strong leadership is so critical to seeing us through these very challenging times.

I would like to thank Admiral Neffenger for providing that leadership at a very challenging time for his agency, and for all the work he and his team have done to keep our skies safe. You and the team you lead have a hard job. We ask much of all of you. Too rarely do we say thank you. This burden is not just for all of you to bear. This is a shared responsibility. Each of us needs to do our part. If we do, we'll be much safer as a nation. Let's roll.

Statement of Peter Neffenger

Administrator

Transportation Security Administration

U.S. Department of Homeland Security

before the

U.S. Senate

Committee on Homeland Security and Governmental Affairs

June 7, 2016

Good morning, Chairman Johnson, Ranking Member Carper, and distinguished Members of the Committee. Thank you for the opportunity to appear before you today to discuss my vision for the Transportation Security Administration (TSA), and our role in securing transportation systems through the deployment of a dedicated, well trained, professional, and effective counterterrorism workforce. I appreciate the Committee's support of TSA's mission to protect the nation's transportation systems to ensure freedom of movement for people and commerce.

TSA screens over 2 million passengers every day. That number is increasing rapidly, even as the terrorist threat we face grows increasingly complex and diffuse. Our Agency faces a determined enemy and a persistently evolving threat from terrorist groups around the world, exacerbated by homegrown violent extremists inspired by messages of hatred to do harm to the American people. Terrorists have long viewed the transportation sector, particularly aviation, as a leading target for attack or exploitation. That focus has not abated, as displayed by recent events including: the destruction of Metrojet Flight 9268 above the northern Sinai in October

2015, the detonation of explosives on Daallo Airlines 159 during its ascent from Adde International Airport in Mogadishu in February 2016, and the attacks at Brussels International Airport and subway system in March 2016. I was at the Brussels airport the day of the attacks and witnessed firsthand the destruction, chaos, and loss of life that came as a result of those attacks. This challenging threat environment frames all of TSA's operations. We must address issues such as increased passenger volume, and ensure efficient screening of travelers, while maintaining focus for effective security.

When I was confirmed on July 4, 2015, TSA was still working to understand the causes of the security failures identified by Department of Homeland Security (DHS) Office of Inspector General (OIG) covert testing. In my tenure as Administrator, I have concentrated on improving our security operations through enhanced protocols, a retrained and refocused workforce, and efforts to drive technological improvements. Today, I look forward to discussing with you the changes we have made to enhance security.

My overarching priority is to fulfill the core mission of TSA; to secure the Nation's transportation systems. To this end, my priorities are grounded in strategy and are shaped by my Administrator's Intent, which I published in January of this year. We will focus on mission, invest in people and commit to excellence as we conduct counterterrorism operations and simultaneously mature the TSA enterprise. My Administrator's Intent, which I have shared with every Member of TSA's Congressional oversight committees, instills unity of effort and purpose in every member of TSA.

In just eleven months, we have undertaken a range of transformational efforts to fulfill vital agency priorities. As I have stated in previous hearings, my immediate priority was to pursue solutions to failures in our primary security mission discovered last spring, and we are

making significant progress in doing so. We have renewed our focus on security, revised alarm resolution procedures, made new investments in technology, and retrained the entire workforce on mission essentials. We are striking a new balance between effectiveness and efficiency, continuously testing the system to identify gaps, measuring system readiness and performance, holding ourselves accountable to high standards of people performance, and most important, we are supporting our frontline officers.

Some of these efforts, including steps to limit the number of non-vetted passengers provided expedited screening, have contributed to slower checkpoint processing speeds. The combination of those enhanced protocols with increased passenger volume and decreases to TSA staffing levels in recent years has led to delays at many of our security checkpoints. I find those delays unacceptable, primarily because the convergence of large crowds in public spaces can create a security risk.

Passenger Volume Mitigation Efforts

TSA has worked diligently to address passenger volume growth, and the delays at some security checkpoints. We are grateful for Congress' support of our efforts, including through the recently approved reallocation of $34 million to address passenger growth, improve checkpoint performance, and mitigate vulnerabilities across the aviation system. Specifically, the reallocation allowed TSA to spend $26 million to triple the amount of overtime available to our officers at high volume airports. We added approximately 780,000 screening hours through increased overtime and additional hours for part-time officers. These extra screening hours allowed TSA to staff more than 100 additional lanes per day. TSA also is spending $8 million to hire 768 officers to deploy to high-volume airport security checkpoints by June 15. The addition

of these officers will add approximately 220,000 screening hours and allow TSA to open more than 60 additional lanes. The combined impact of the nearly one million additional officer work hours is the daily staffing of more than 160 additional lanes per day, which will have a substantial effect on our operations across the system.

We are redeploying TSA officers from the National Deployment Force (NDF) and airports not in their peak timeframes, and shifting Passenger Screening Canines to locations where their detection capability can be employed to the maximum effect; particularly in reducing crowd size outside the secure area. I have also established a National Incident Command Center (NICC) at TSA Headquarters. Using nationally-accepted incident management concepts, the NICC is closely tracking daily screening operations as well as shifting officers, canine resources, the NDF, and other resources to meet mission demands in advance of predicted passenger volume. These efforts have improved our ability to deploy the resources we have in the most efficient and effective manner possible to screen the record numbers of passengers transiting through our Nation's airports.

We also deployed a team of experts to the largest 21 airports for optimization insights. During these visits, TSA reviewed airline schedules, passenger loads, and queue design; as well as checkpoint and baggage areas for improvement opportunities. These visits produced an action plan for the airport's Federal Security Director (FSD) to identify, and implement improvement to the summer travel season. The last of these 21 optimization visits was completed in late May.

We are also supporting our FSDs and ensuring that they have full flexibility to manage daily operations at the airport level, including the staffing and scheduling of their available resources. It is a primary function of the FSDs to evaluate staffing levels and determine where staffing resources may be effectively moved from one location in the airport to

another. Additionally, FSDs manage overtime and adjust schedules to meet operational needs. Flexibility to manage local operations is necessary due to factors such as passenger volume and risk. This approach allows TSA to distribute staffing where it is needed most.

Investing in the Workforce

TSA's greatest asset is its people. TSA recruits and employs a diverse workforce with a range of talents tailored to our operating environments. I have committed to investing in our people as a guiding principle of my leadership, as TSA must ensure our workforce remains ready to execute our counterterrorism mission. I am committed to ensuring our employees are expertly trained, deliberately developed, and led by value-based leaders. Every TSA employee plays an important role in executing TSA's security mission. In order to address the security failures highlighted by the DHS OIG, I have worked to set up our frontline officers for success through improved training, enhanced protocols, and advancing technology.

Ensuring world-class training for employees throughout TSA is integral to developing an organizational culture focused on security effectiveness, and unifying our approach to counterterrorism and security operations. Last year, as a result of the lessons learned from studying the root causes of the problems leading to checkpoint failures, TSA provided the entire frontline workforce with Mission Essential training to ensure officers understand revised procedures as well as the capabilities and limitations of technology and equipment. This training stressed the importance of resolving every alarm at the checkpoint, and emphasized that the critical thinking skills of our workforce are integral to security effectiveness. The retraining of the entire frontline workforce in a short timeframe was an unprecedented undertaking for TSA. We built upon that success to plan and execute a series of Mission Essential trainings for the

screening workforce. We recently completed the second block of classes in the series, and have just begun the third block of Mission Essentials training, with more to follow as part of our recurrent training regime.

In January 2016, TSA began sending newly hired officers to basic training at the TSA Academy, located at the Federal Law Enforcement Training Center in Glynco, Georgia. The shared experience of training alongside fellow officers from around the country will build morale and ensure a collective understanding of TSA's mission and operations.

These training efforts will ensure new security protocols are implemented appropriately. We have updated Standard Operating Procedures to include using TSA supervisors to help resolve situations at security checkpoints, and augmenting protocols for passengers designated for enhanced screening. We have emphasized to the workforce the need to resolve every alarm at the checkpoint, and provided information on common social engineering tools. These changes have improved our security posture and renewed our focus on executing our security mission. We are seeing marked improvement in performance as a result of these actions.

We have also worked with our partners in the private sector to enhance the screening technology equipment available. We are driving vendors to develop new software, new operating concepts, and technology upgrades to meet the needs of a complex threat environment. We have informed industry of our updated detection capability standards for future Advanced Imaging Technology machines, and we are working with partners to develop innovative solutions that will drive future operations.

I am confident the actions TSA has taken under my leadership have improved our ability to secure the Nation's transportation systems. I will continue to drive security advancements across all levels of the agency, even as we work to address increased passenger volume.

Maturing the Enterprise

My experience tells me that when there are failures in the primary mission of the nature we witnessed in screening tests, there are likely other challenges that require close examination and correction. So while we refocused the Agency on our primary mission, we simultaneously undertook broad, parallel assessments of the entire TSA enterprise, and are fielding major solutions across the Agency.

My first action was to immediately focus on leadership. Again, my experience tells me that leaders must focus on inspiring and standard setting as a first principle. In my first two months, I hosted a leadership summit with every senior executive in the Agency. We spent two days confronting the uncomfortable truths of our mission failure, and committed to a principled approach to field solutions. I made it clear that we would be mission-focused and ethical. Next, I began a leadership speaker series, inviting prominent leaders to mandatory mentoring sessions with my headquarters leadership team. Our first two-hour session was on leadership ethics, taught by scholars on the subject. I have established the first executive education development program in the history of TSA. Every executive will attend the National Preparedness Leadership Institute, a national education program specifically designed for developing government leaders who must be prepared to lead in complexity and respond to crisis.

Next, I focused on training. Training is a powerful tool in galvanizing and leading change, particularly because it is a direct investment in people. The TSA Academy will serve as our Center of Training excellence, and will enable us to achieve consistency, develop a common culture, instill our core values and raise performance standards across the screening workforce. My intent is to develop a more capable and professional front-line TSA workforce through a

greater investment in training, and that will include every new employee, including those assigned to the headquarters.

We have invested heavily in the Federal Air Marshals, with extensive and sustained training, investment in leadership education, and providing resiliency tools to every officer in our workforce. Director Roderick Allison has set high standards and has crisscrossed the country to reinforce our expectations. In April, we fielded a new Air Marshal concept of operations, further incorporating risk management into domestic and international missions. These efforts have garnered widespread support, and we have gained the support of Congress to begin hiring new officers for the first time in five years.

As we responded to the aviation attacks in Egypt and Somalia, I recognized the need to integrate operations across the Agency. As such, in February, I created a Chief of Operations and brought in an experienced SES operator to further translate my understanding of mission to reality on the ground. It is critically important that we have a leader whose daily focus is to integrate and deliver mission excellence across the full range of our counterterrorism and security capabilities. My intent is to further intensify our agency-wide operational focus to ensure we are able to rapidly and effectively evolve to emerging threats. I have also brought in a new Deputy Administrator, new Chief of Staff, and new Chief of Intelligence and other key leadership positions.

We have addressed one my highest concerns, the insider threat. In February, in addition to strong action taken to screen employees, reduce access points, and vet airport workers more frequently, I directed a nationwide vulnerability assessment of airports in collaboration with airport operators and local employers. Those assessments were completed in April and we are now further enhancing security with localized mitigation plans designed to address local

vulnerabilities. This collaborative approach has been embraced by our stakeholders and is delivering enhanced security nationwide.

This operational focus must be supported by a mature enterprise approach. As such, I have simultaneously ordered a review of numerous aspects of management at TSA. At my direction, we have implemented a Planning, Program, Budgeting and Execution system to link long-term mission needs to our budget priorities. Our reprogramming submissions this year, and the budget we expect to present next year are a direct outcome of this new process. I have also been intensely focused on fielding fundamental changes to enhance program management. At my request, in November the Defense Acquisition University began an independent analysis of our acquisition processes and organization. Their recommendations, which we are considering now, identified reforms that will provide sound governance and constrain program slippage, cost overruns, and requirements evolution. These efforts have the potential to save millions of dollars through effective requirements generation and acquisition discipline. Directly related to this effort, I recently contracted RAND to complete an additional assessment of the effective integration of our leadership team and the maturity of TSA enterprise. I have also directed that we commence a comprehensive effort to build a Human Capital Management Strategy for TSA to address fundamental recruitment, development, promotion, assignment, and retention issues. These efforts will be essential to achieving unity of purpose across TSA.

National Canine Explosive Detection Program

TSA currently deploys 997 canines, 322 of which are led by TSA handlers, and the remaining 675 are used by local law enforcement in transportation environments, including airports and mass transit. Approximately one half of TSA's 322 teams are already certified and

operational in passenger screening. In order to address the expected summer passenger volume, TSA has deployed these Passenger Screening Canines to prioritize the 20 largest airports in the United States. The cargo canines are being retrained, so that they will also be able to screen passengers and we expect them all to be certified to do so by the end of the calendar year. The remaining 24 multi-modal teams will be trained for passenger screening in 2017, ensuring that all 322 TSA teams can operate in all transportation environments.

Working Collaboratively with Industry Stakeholders

TSA has also received great support from our industry partners in our efforts to address large passenger volumes. Airlines and airports across the country are assisting TSA by carrying out functions such as: enforcing 1+1 carry-on baggage regulations, providing staffing support to conduct non-security related duties, providing volume projections to inform staffing, promoting TSA Pre✓®, and reminding passengers to arrive early.

We appreciate the efforts and resources our industry partners are investing in these activities and look forward to continued engagement as we address short-term and long-term challenges.

Increasing TSA Pre✓® Enrollment

Increasing the number of passengers eligible for expedited screening will better enable TSA to utilize resources. TSA currently operates more than 370 TSA Pre✓® enrollment sites nationwide. During May 2016, the pace of enrollments has nearly doubled, with more than 16,000 passengers enrolling in a single day. We are currently undertaking a number of outreach

and advertising activities to increase awareness of the program, as well as enrollments. These actions include:

- Partnering with the travel industry to reach their customers through various communications, such as in-flight videos, newsletters, websites, and client events.
- A letter, from Homeland Security Secretary Jeh Johnson and Commerce Secretary Penny Pritzker to the Chief Executive Officers of the 100 largest companies in the U.S., requesting their assistance in marketing and promoting DHS Trusted Traveler Programs.
- A new marketing campaign, targeted at the 20 largest airports in the U.S. that will run from May through the fall.
- TSA's current enrollment contractor is also marketing, at its own cost.

Additionally, TSA posted a Request for Proposals (RFP) late last year to seek additional vendors to expand our enrollment capabilities. We are in the process of reviewing the submissions to this RFP and expect to award in late 2016.

Innovation Task Force

In order to ensure that TSA evolves, and is able to accommodate and respond to future circumstances, I have established an Innovation Task Force. The Task Force provides industry partners, including airlines, airports and technology manufacturers with a platform to develop innovation lanes at local airports. Innovation lanes will allow us to partner with industry to demonstrate emerging technologies in an operational environment giving them the ability to better understand the screening challenges and TSA requirements.

Solutions may cover a breadth of types, from aesthetic solutions to new detection technologies, all with the goal of enhancing security effectiveness, and improving efficiency and

the passenger experience. Currently, TSA is exploring opportunities at three airports, with initial demonstrations at Atlanta. The findings developed from these sites will be used to inform processes and technologies implemented at other airports.

Additionally, in conjunction with our partners at the DHS Science and Technology Directorate, we recently posted a Broad Agency Announcement for Innovation Lanes, which provides a formalized entry point for interested parties to present new security ideas and approaches.

Personnel Practices

Finally Mr. Chairman, let me assure this committee, the Congress, and the American people that TSA will ensure fair and equitable treatment of its employees; that personnel practices at all levels of the agency are appropriate, justifiable, and linked to mission essential purposes; that employees will be afforded every legal and available means to exercise their legitimate and due process rights to seek redress and raise concerns without retribution or retaliation; that management controls are regularly reviewed, revised when needed, and diligently followed; and that misconduct at every level is fully investigated, fairly adjudicated, and that we hold appropriately accountable those who engage in misconduct.

I can assure you that as issues are raised to my attention, when policies are identified that cannot be justified, when I discover policies that have been abused, I have and will continue to make needed changes. Under my direction, we have placed new controls on directed reassignments. We have capped Special Act awards and implemented tight controls on the approval and submission process. We have established new standards for reimbursing

reassignment costs. We will keep listening, investigating, and assessing areas for further improvement. I welcome that feedback and will act to drive essential change.

Conclusion

Since taking my oath of office, I have focused on mission, invested in people, and committed to achieving excellence. My goal is to ensure TSA delivers a highly effective, intelligence-driven counterterrorism and security capability that fulfills our important mission. And that we do so with mission-ready, highly-motivated, and professional employees who are supported by mature and efficient enterprise-wide processes, and who subscribe to a common set of values and principles. We are pursuing these objectives every day. And as long as I am Administrator, we will continue to do so until we achieve and sustain success in every aspect of this Agency, in every mission, in every office and location where we operate, and with every single employee.

Thank you for the opportunity to appear before you today and for the Committee's support of TSA's important mission. I look forward to your questions.

OFFICE OF INSPECTOR GENERAL

Testimony of Inspector General John Roth

Before the Committee on Homeland Security and Governmental Affairs

United States Senate

"Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation"

Homeland Security

June 7, 2016
10:00 AM

DHS OIG HIGHLIGHTS

Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation

June 7, 2016

Why We Did This

The audits and inspections discussed in this testimony are part of our ongoing efforts to ensure the efficiency and effectiveness of TSA's operations.

What We Recommend

We made numerous recommendations to TSA in our audit and inspection reports. Our recommendations are aimed at helping TSA improve its ability to execute its important mission.

For Further Information:
Contact our Office of Legislative Affairs at (202) 254-4100, or email us at DHS-OIG.OfficeLegislativeAffairs@oig.dhs.gov

What We Found

This testimony highlights a number of our recent reviews:

- Since 2004, we have conducted eight covert penetration testing audits on passenger and baggage screening operations. Last summer, the results of our covert testing of TSA's Automated Target Recognition Software and checkpoint screener performance was troubling and disappointing.

- Recent audits reflect issues with TSA's stewardship of taxpayer dollars, including inadequate oversight of its equipment maintenance contracts; failure to develop a comprehensive deployment strategy for AIT machines; issues with TSA's administration of its contracts; and Office of Inspection's failure to use its staff and resources efficiently.

- In June of 2015, we found TSA lacked assurance that it properly vetted aviation workers possessing or applying for credentials that allow unescorted access to secure areas.

DHS Response

TSA concurred with most recommendations made in these audits and inspections.

Chairman Johnson, Ranking Member Carper, and members of the Committee, thank you for inviting me to testify on TSA and threats to aviation.

Almost a year ago, I testified before this Committee at a hearing on TSA's programs and operations. During that hearing, I testified that "we remain deeply concerned about its ability to execute its important mission." I noted that TSA had challenges in almost every area of TSA's operations: its problematic implementation of risk assessment rules, including its management of TSA Precheck; failures in passenger and baggage screening operations, discovered in part through our covert testing program; TSA's controls over access to secure areas, including management of its access badge program; its management of the workforce integrity program; TSA's oversight over its acquisition and maintenance of screening equipment; and other issues we have discovered in the course of over 115 audit and inspection reports. At the time, I testified that TSA's reaction to the vulnerabilities that our audits uncovered reflected "TSA's failure to understand the gravity of the situation."

Since that time, we have conducted more audits and released more reports that challenge TSA's management of its programs and operations.

However, I believe we are in a different place than we were last June. As a result of our audit reports, and a vigorous response by DHS, TSA is now, for the first time in memory, critically assessing its deficiencies in an honest and objective light. TSA's leadership has embraced the OIG's oversight role and appears to be addressing vulnerabilities.

However, we should not minimize the significance of the challenges TSA faces, and the risk that failure brings. The task is difficult and will take time. In the meantime, my office will continue to conduct audits, inspections and investigations, and bring a professional skepticism to our review, as we are required to do.

The Nature of the Threat

The stakes are enormous. Nowhere is the asymmetric threat of terrorism more evident than in the area of aviation security. TSA cannot afford to miss a single, genuine threat without potentially catastrophic consequences, and yet a terrorist only needs to get it right once. Securing the civil aviation transportation system remains a formidable task – with TSA responsible for screening travelers and baggage for about 2 million passengers a day at 450 of our Nation's airports. Complicating this responsibility is the constantly evolving threat by adversaries willing to use any means at their disposal to incite terror.

The dangers TSA must contend with are complex and not within its control. Recent media reports have indicated that some in the U.S. intelligence

community warn terrorist groups like the Islamic State (ISIS) may be working to build the capability to carry out mass casualty attacks, a significant departure from simply encouraging lone wolf attacks – and posing a different type of threat. According to these media reports, a mass casualty attack has become more likely in part because of a fierce competition with other terrorist networks – being able to kill opponents on a large scale would allow terrorist groups such as ISIS to make a powerful showing. We believe such an act of terrorism would ideally be carried out in areas where people are concentrated and vulnerable, such as the Nation's commercial aviation system.

Checkpoint Performance

Detection of dangerous items on people and in baggage requires reliable equipment with effective technology, as well as well-trained and alert Transportation Security Officers (TSO) who understand and consistently follow established procedures and exercise good judgment.

We have identified vulnerabilities in TSA's screening operations, caused by a combination of technology failures and human error. Since 2004, we have conducted eight covert penetration testing audits on passenger and baggage screening operations. Because these audits involved covert testing and contain classified or Sensitive Security Information, we can only discuss the results in general terms at this hearing.

The most recent of these tests, conducted last summer, was designed to evaluate the effectiveness of TSA's Automated Target Recognition software[1] and checkpoint screener performance in identifying and resolving potential security threats at airport checkpoints. The specific results of our covert testing, like the testing we have done in the past, are classified at the Secret level. However, we were able to describe the results as troubling and disappointing. (*Covert Testing of TSA's Passenger Screening Technologies and Processes at Airport Security Checkpoints* (Unclassified Summary), OIG-15-150)

In contrast to previous covert testing reports, however, TSA's response to our most recent testing has been significant. DHS and TSA instituted a series of changes well before our audit was final. As part of that effort, TSA initiated a "tiger team" program to conduct a focused analysis on issues that the OIG had uncovered, as well as other matters. The result was a list of 22 major corrective actions that TSA has taken or planned to take. While 21 of 22 of the recommendations remain open, we are satisfied with the response we have

[1] Automated Target Recognition software is designed to enhance passenger privacy by eliminating passenger-specific images and instead auto-detecting potential threats and highlighting their location on a generic outline that is identical for all passengers.

seen at TSA. These efforts have resulted in significant changes to TSA leadership, operations, training, and policy.

We will be monitoring TSA's efforts to increase the effectiveness of checkpoint operations and will continue to conduct covert testing. In fact, we have a round of covert testing scheduled for this summer, and are presently developing the testing protocols. Consistent with our obligations under the *Inspector General Act*, we will report our results to this Committee as well as other committees of jurisdiction.

Risk Assessment

We applaud TSA's efforts to use risk-based passenger screening because it allows TSA to focus on high-risk or unknown passengers instead of known, vetted passengers who pose less risk to aviation security.

However, we have had deep concerns about some of TSA's previous decisions about this risk. For example, we recently assessed the Precheck initiative, which is used at about 125 airports to identify low-risk passengers for expedited airport checkpoint screening. Starting in 2012, TSA massively increased the use of Precheck. Some of the expansion, for example allowing Precheck to other Federal Government-vetted or known flying populations, such as those in the CBP Trusted Traveler Program, made sense. In addition, TSA continues to promote participation in Precheck by passengers who apply, pay a fee, and undergo individualized security threat assessment vetting.

However, we believe that TSA's use of risk assessment rules, which granted expedited screening to broad categories of individuals unrelated to an individual assessment of risk, but rather on some questionable assumptions about relative risk based on other factors, created an unacceptable risk to aviation security.

Additionally, TSA used "managed inclusion" for the general public, allowing random passengers access to Precheck lanes with no assessment of risk. Additional layers of security TSA intended to provide, which were meant to compensate for the lack of risk assessment, were often simply not present.

We made a number of recommendations as a result of several audits and inspections. Disappointingly, when the report was issued, TSA did not concur with the majority of our 17 recommendations. At the time, I testified that I believed this represented TSA's failure to understand the gravity of the risk that it was assuming. I am pleased to report, however, that we have recently made significant progress in getting concurrence and compliance with these recommendations.

For example, I am pleased to report that TSA has stopped using one form of

Managed Inclusion and has deactivated certain risk assessment rules that granted expedited screening through Precheck lanes. However, TSA continues to use other broad risk assessment rules that we recommended it discontinue. We believe that expedited screening that is based on anything but an individualized assessment of the passenger presents an unacceptable risk to transportation safety. We have been communicating with TSA officials about this, and TSA has provided us a plan by which they will decrease reliance on this process. However, we remain concerned about the pace of progress in this area and will continue to monitor the situation.

The Limits of Risk Assessment and its Implications on Budget and Passenger Wait Times

In the past, officials from TSA, in testimony to Congress, in speeches to think tanks, and elsewhere, have described TSA as a risk-based, intelligence-driven organization. According to TSA, it continually assesses intelligence to develop countermeasures in order to enhance these multiple layers of security at airports and onboard aircraft. Reliance on intelligence is a necessary thing, but we believe that TSA in the past has overstated the effect of reliance on intelligence and a risk-based approach.

The hard truth is that in the vast majority of the instances, the identities of those who commit terrorist acts were simply unknown to or misjudged by the intelligence community. Terrorism, especially suicide terrorism, depends on a cadre of newly-converted individuals with no previous experience in this area. Moreover, the threat of ISIS or Al Qaeda inspired actors — those who have no formal ties to the larger organizations but who simply take inspiration from them — increases the possibilities of a terrorist actor being unknown to the intelligence community. The majority US terrorist attacks were committed by individuals largely unknown to the intelligence community.

What this means is that there is no easy substitute for the checkpoint. The checkpoint must necessarily be intelligence driven, but the nature of terrorism today means that each and every passenger must be screened in some way.

Unfortunately, TSA made incorrect budget assumptions in 2014 and 2015 about the impact that risk-based security would have on its operations. For the Administration's FY 2016 budget, for example, TSA believed that it could reduce the screener workforce by 1,666 full time employees:

> RBS [risk-based security] methods have proven more efficient in moving people through the checkpoint than regular screening lanes and require fewer resources than a traditional screening

> lane. This reduction reflects TSA's goal to continue transitioning to a smaller, more skilled, professional workforce capable of meeting the evolving requirements of RBS operations while ensuring the efficient movement of the travelling public.[2]

Likewise, in the Administration's FY 2015 request, TSA asked for a reduction of 1,441 full time screeners based on claimed efficiencies in risk-based security.[3]

However, our testing and audits found that TSA had been incurring unacceptable risks to transportation safety in its approach, and TSA eliminated some of the more dangerous practices that we identified. Moreover, we believe that even if TSA had not changed its approach to screening, the planned decline in the screener workforce was far too optimistic. As a result, the long lines we are seeing this summer are not mysterious: TSA, because of the decisions it made in 2014 and 2015, has fewer screeners but is facing more passenger volume than ever before.

TSA Operations and Management Oversight

Our audits reflect continuing concerns with TSA's stewardship of taxpayer dollars spent on aviation security.

Acquiring and Maintaining Equipment

Over the years, TSA has made significant investments in acquiring and maintaining equipment, including Explosives Detection System machines, Explosives Trace Detection machines, Advanced Imaging Technology (AIT) machines, information technology, Bottled Liquid Scanners, x-ray machines, and walkthrough metal detectors, yet a series of our audits found issues with TSA's acquisition management.

- Last month, we issued a report on TSA's Security Technology Integrated Program (STIP), a data management system that connects airport transportation security equipment, such as Explosive Trace Detectors, Explosive Detection Systems, Advanced Technology X-ray, AIT, and Credential Authentication Technology. This program enables the remote management of this equipment by connecting it to a centralized server

[2] DHS Budget in Brief, FY 2016, page 62.
https://www.dhs.gov/sites/default/files/publications/FY_2016_DHS_Budget_in_Brief.pdf

[3] DHS Budget in Brief, FY 2015, page 73.
https://www.dhs.gov/sites/default/files/publications/FY15BIB.pdf

that supports data management, aids threat response, and facilitates equipment maintenance, including automated deployment of software and configuration changes.

However, we found that, while progress has been made, numerous deficiencies continue in STIP information technology security controls, including unpatched software and inadequate contractor oversight. This occurred because TSA typically has not managed STIP equipment in compliance with DHS guidelines regarding sensitive IT systems. Failure to comply with these guidelines increases the risk that baggage screening equipment will not operate as intended, resulting in potential loss of confidentiality, integrity, and availability of TSA's automated explosive, passenger, and baggage screening programs.

TSA also has not effectively managed STIP servers as IT investments. Based on senior-level TSA guidance, TSA officials did not designate these assets as IT equipment. As such, TSA did not ensure that IT security requirements were included in STIP procurement contracts. This promoted the use of unsupported operating systems that created security concerns and forced TSA to disconnect STIP servers from the network. TSA also did not report all STIP IT costs in its annual budgets, hindering the agency from effectively managing and evaluating the benefits and costs of STIP. (*IT Management Challenges Continue in TSA's Security Technology Integrated Program*, OIG-16-87)

- Another recent audit revealed that the safety of airline passengers and aircraft could be compromised by TSA's inadequate oversight of its equipment maintenance contracts. TSA has four maintenance contracts valued at about $1.2 billion, which cover both preventive and corrective maintenance for airport screening equipment. Because TSA does not adequately oversee equipment maintenance, it cannot be assured that routine preventive maintenance is performed on thousands of screening units or that this equipment is repaired as needed, ready for operational use, and operating at its full capacity. In response to our recommendations, TSA agreed to develop, implement, and enforce policies and procedures to ensure its screening equipment is maintained as required and is fully operational while in service. (*The Transportation Security Administration Does Not Properly Manage Its Airport Screening Equipment Maintenance Program*, OIG-15-86)

- In 2013, we conducted an audit of TSA's methods for planning, deploying, and using AIT machines at airports. We found that the component did not develop a comprehensive deployment strategy for this

equipment. TSA also did not require program offices to prepare strategic acquisition or deployment plans for new technology that aligned with the overall needs and goals of its passenger screening program. As a result, despite spending approximately $150 million on AIT units, TSA continued to screen the majority of passengers with walkthrough metal detectors. Without documented, approved, comprehensive plans and accurate data on the use of AIT, TSA was unable to effectively deploy this new technology where it was needed and, instead, relied on walkthrough metal detectors to screen the majority of passengers. By doing so, TSA potentially reduced the technology's security benefits and may have inefficiently used resources to purchase and deploy the units. (*Transportation Security Administration's Deployment and Use of Advanced Imaging Technology*, OIG-13-120)

- Also in 2013, we conducted an audit to determine TSA's progress in establishing key information technology management capabilities to support mission needs. We found that not all information technology procurements had gone through the information technology acquisition review process because they were not categorized as information technology procurements. As a result, there was little assurance that all information technology investments were aligned with the Chief Information Officer's strategy or TSA's future information technology mission needs.

  Additionally, we found that TSA's information technology systems did not provide the full functionality needed to support its mission due to challenges with TSA's requirements gathering process. The staff created manual workarounds or developed local systems to accomplish their mission. In addition, information technology support roles were not well defined or communicated, and the number of information technology support staff was not sufficient at certain field sites. Some field sites detailed employees from operational areas to fill in gaps in information technology support, which reduced the number of staff available to serve at security checkpoints and may hinder TSA's ability to carry out its mission. (*Transportation Security Administration Information Technology Management Progress and Challenges*, OIG-13-101)

Use of Criminal Investigators

Our report on TSA's Office of Inspection provides another example of TSA's lack of stewardship of taxpayer dollars. In September 2013, we reported that the Office of Inspection did not use its staff and resources efficiently to conduct cost-effective inspections, internal reviews, and covert testing. The office employed personnel classified as "criminal investigators," who received

premium pay and other costly benefits, even though other employees were able to perform the same work at a substantially lower cost. Additionally, the office's quality controls were not sufficient to ensure that its work complied with accepted standards, that staff members were properly trained, and that its work was adequately reviewed. Finally, the office could not always ensure that other TSA components took action on its recommendations to improve TSA's operations. We estimated that TSA could save as much as $17.5 million in premium pay over 5 years by reclassifying criminal investigator positions to noncriminal investigator positions. (*Transportation Security Administration Office of Inspection's Efforts To Enhance Transportation Security*, OIG-13-123)

Airport Employee Screening

In June of last year, we issued a report that looked at TSA's controls over the vetting of aviation workers possessing or applying for credentials that allow unescorted access to secured areas of commercial airports. We found that TSA had less effective controls in place for ensuring that aviation workers (1) had not committed crimes that would disqualify them from having unescorted access to secure airports areas, and (2) had lawful status and were authorized to work in the United States. In general, TSA relied on airport operators to perform criminal history and work authorization checks, but had limited oversight over these commercial entities. Thus, TSA lacked assurance that it properly vetted all credential applicants.

Further, thousands of records used for vetting workers contained potentially incomplete or inaccurate data, such as an initial for a first name and missing social security numbers. TSA did not have appropriate edit checks in place to reject such records from vetting. Without complete and accurate information, TSA risks credentialing and providing unescorted access to secure airport areas for workers with potential to harm the nation's air transportation system.

Finally, we noted that TSA did not have access to a complete set of records because TSA was not authorized to receive all terrorism-related information under current interagency watchlisting policy. I am pleased to report that that situation has now been remedied. (*TSA Can Improve Aviation Worker Vetting*, OIG-15-98)

Management of Contracts

Our audits have identified issues in the method by which TSA administers its contracts as well. This year, we released a report on TSA's management of its human capital contract, valued at about $1.2 billion over eight and a half years. We found that TSA's oversight of the HR Access contract needs improvement. Specifically, TSA has limited options for holding the contractor accountable for performance deficiencies. There were instances in which TSA

did not hold the contractor monetarily accountable for personally identifiable information (PII) violations. Had TSA consistently applied the terms and conditions of the contract, the agency could have saved approximately $4.2 million. TSA also did not hold the contractor monetarily liable for noncompliance with statement of work requirements relating to veterans' preference.

Additionally, TSA needs to improve its assessment and monitoring of contractor performance. Performance metrics are not comprehensive. TSA inflates performance evaluation scores, and those scores are not consistently affected by poor performance. Had TSA not inflated performance scores and given the contractor positive scores for work that was not completed, the agency could have saved approximately $350,000 in performance awards paid. Furthermore, TSA does not consistently conduct day-to-day independent monitoring of contractor performance. TSA's lack of contract oversight resulted in performance awards that do not accurately reflect performance. In addition, award fees, totaling $4.5 million, may not be justified, and TSA has no assurance it received the best value for its money. (*TSA's Human Capital Services Contract Terms and Oversight Need Strengthening*, OIG-16-32)

Future Work

We will continue to examine TSA's programs and operations and report our results. In addition to the new round of penetration testing we will be conducting this summer, we are in the process of conducting the following audits and inspections:

- An audit to determine whether TSA has policies and procedures in place to identify and address employee misconduct and misuse of Government resources in the Federal Air Marshals Service.

- An audit to determine the extent to which TSA's intelligence-driven, risk-based strategy informs security and resource decisions to protect the traveling public and the Nation's transportation systems.

- A verification review to determine whether TSA implemented recommendations from our May 2013 report, *Transportation Security Administration's Screening of Passengers by Observation Techniques*, OIG-13-91, to improve the program's effectiveness.

- Auditing whether the Federal Air Marshal Service adequately manages its resources to detect, deter, and defeat threats to the civil aviation system.

- An inspection identifying and testing selected controls over SIDA access badges issued by airport operators.

- Synthesize the results of our airport information technology security evaluations into a capping report that groups and summarizes identified weaknesses and root causes and recommends how TSA can systematically and proactively address these issues at airports nationwide.

Mr. Chairman, this concludes my testimony. I welcome any questions you or other members of the Committee may have.

United States Government Accountability Office

GAO

Testimony
Before the Committee on Homeland Security and Governmental Affairs, U.S. Senate

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AVIATION SECURITY

TSA Is Taking Steps to Improve Expedited Screening Effectiveness, but Improvements in Screener Oversight Are Needed

Jennifer A. Grover, Director, Homeland Security and Justice

GAO-16-707T

GAO Highlights

Highlights of GAO-16-707T, a testimony before the Committee on Homeland Security and Governmental Affairs, U.S. Senate

June 2016

AVIATION SECURITY

TSA Is Taking Steps to Improve Expedited Screening Effectiveness, but Improvements in Screener Oversight Are Needed

Why GAO Did This Study

In 2015, TSA screened or oversaw the screening of more than 708 million passengers at more than 450 U.S airports. In carrying out the screening process, TSA is responsible for ensuring the security of civil aviation while also managing the efficient flow of passengers. TSA employs screening personnel, called TSOs, to carry out passenger and baggage screening operations. Each year, TSA tests TSO performance as part of its efforts to monitor the effectiveness of aviation security screening. In 2011, TSA began providing expedited screening procedures to selected passengers, intended to strengthen security and improve the passenger experience by shortening lines and wait times.

This testimony addresses the extent to which TSA (1) has taken steps to improve the security effectiveness of expedited screening and (2) uses TSO performance testing data to enhance TSO performance in screening for prohibited items. This statement is based on reports GAO issued in May 2016 and December 2014, and selected updates. Among other things, GAO analyzed TSA documentation on expedited screening and TSO testing data.

What GAO Recommends

In its May 2016 report, GAO recommended that TSA ensure that (1) airports submit complete TSO performance data, (2) the data are analyzed nationally, and (3) implementation of covert testing recommendations are tracked. DHS concurred and is taking actions to address the recommendations.

View GAO-16-707T. For more information, contact Jennifer A. Grover at (202) 512-7141 or groverj@gao.gov.

What GAO Found

The Transportation Security Administration (TSA) has taken steps intended to improve the security effectiveness of expedited passenger screening since GAO reported on it in December 2014. These steps include

- Adjusting the TSA Pre ✓® Risk Assessment program algorithm used to assign passengers scores and identify low risk passengers;
- Limiting the use of Managed Inclusion to airports that employ canine teams to detect explosives; and,
- Developing plans to test the security effectiveness of the Managed Inclusion process as an overall system–ensuring that the testing adheres to established design practices.

According to a TSA memorandum dated November 2015, TSA made changes to TSA Pre ✓® Risk Assessment program and Managed Inclusion process as a result of the findings and recommendations included in three prior Department of Homeland Security Office of Inspector General audit reports. According to TSA, these changes were necessary to ensure security and resulted in a 20 percent decrease in the number of individuals receiving expedited screening. Previously, in December 2014, GAO found that TSA had not tested the overall effectiveness of the Managed Inclusion process, and recommended that TSA ensure that its planned testing adhere to established evaluation design practices to yield reliable test results. DHS concurred with the recommendation and plans to begin testing the effectiveness of the Managed Inclusion process as a system during fiscal year 2016.

TSA uses data on Transportation Security Officer (TSO) performance obtained from its various testing programs to ensure that individual TSOs are (1) demonstrating through annual proficiency reviews and resulting recertification that they are qualified to continue conducting passenger and checked baggage screening, and (2) demonstrating proficiency during live screening operations in adhering to screening procedures. However, in a report containing sensitive security information completed in May 2016, GAO found that TSA's ability to fully evaluate TSO performance in screening passengers and baggage for prohibited items is constrained by incomplete and unreliable testing data and a lack of data analysis. For example, some airports did not report testing data on TSOs' ability to identify prohibited items over fiscal years 2009 through 2014 as required by TSA policy. TSA officials also stated they do not systematically analyze test results to determine any national trends for informing future TSO training. In addition, TSA determined that pass rate data for one of its covert testing programs that uses role players at airports to assess TSO performance was unreliable. Specifically, testing by an independent contractor indicated that TSA's covert testing data likely overstated TSO performance. TSA is taking action to determine the root cause of the variance in the testing results and is implementing corrective actions. Further, GAO found that TSA does not track the implementation, where appropriate, of recommendations made based on the covert testing results. DHS concurred with GAO's recommendations made in its May 2016 report and is planning actions to address them.

Chairman Johnson, Ranking Member Carper and Members of the Committee:

I am pleased to be here today to discuss our past work on the Transportation Security Administration's (TSA) expedited screening process and its use of Transportation Security Officer (TSO) performance data to improve screening operations. TSA, an agency within the Department of Homeland Security (DHS), is the primary federal agency responsible for the security of the nation's aviation system. As part of this responsibility, TSA screened or oversaw the screening of more than 708 million passengers and more than 1.6 billion carry-on bags at about 450 U.S. airports in 2015. TSA-employed screening personnel (i.e., TSOs) carry out passenger and checked baggage screening operations to identify prohibited items that could pose a threat to the aircraft and passengers.[1] These screening operations may include pat downs, search of property, and operating metal detectors and explosives detection equipment, among other things. While TSA's primary aviation responsibility is to ensure security, it also strives to balance the safety and security of the traveling public with the efficient flow of passengers through the screening process. In an effort to strengthen and improve these screening operations, TSA began providing expedited screening to selected passengers through its TSA Pre✓® program in October 2011. The TSA Pre✓® program uses risk-based, intelligence-driven screening concepts and technology to determine passenger risk prior to travel.[2] The use of expedited screening procedures is intended to allow TSA to devote more time and resources at the airport to screening the passengers TSA

[1]TSOs are screening personnel employed by TSA. References in this statement to TSOs do not include screening personnel employed by qualified private-sector companies under contract with TSA to perform screening operations at airports participating in TSA's Screening Partnership Program (SPP) and who were not included in the scope of this review. TSA oversees the performance of screening operations at SPP airports, and the screening personnel at SPP airports must adhere to the same screening requirements applicable to TSOs.

[2]The Aviation and Transportation Security Act established TSA as the agency responsible for security in all modes of transportation, including civil aviation, and authorized it to establish requirements to implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to enhanced screening. See Pub. L. No. 107-71, §§ 101, 109(a)(3), 115 Stat. 597, 597-604, 613 (2001).

determines to be of higher risk or unknown risk while providing expedited screening to those passengers determined to pose a lower risk. To further expedite passenger travel for selected passengers not approved through TSA Pre✓®, TSA implemented the Managed Inclusion process in 2012. Managed Inclusion assesses passenger risk in real time at the airport using randomization procedures, behavior detection officers (BDOs), and passenger screening canine teams.[3]

Each year, TSA also conducts certification testing of its TSOs, and in an effort to measure the performance of aviation security screening, both TSA and the Department of Homeland Security Office of Inspector General (DHS-OIG) conduct regular covert testing of TSA screening operations. In response to the failure rates stemming from recent covert testing conducted by the DHS-OIG, the Secretary of the Department of Homeland Security (DHS) directed TSA in June 2015 to take a number of actions to address the vulnerabilities identified in the testing. Specifically, the Secretary directed TSA to revise its standard operating procedures (SOP) for screening, brief all Federal Security Directors (FSD) across the country on the Inspector General's findings, and to conduct further training for all screening personnel and supervisors, among other things. In October 2015, the TSA Administrator testified before Congress on the steps TSA was taking to respond to the Secretary's directive, including delivering further training to every TSO and supervisor across the country.

My testimony today addresses the extent to which TSA (1) has taken steps to improve the security effectiveness of expedited screening and (2) uses TSO performance testing data to enhance TSO performance in screening for prohibited items. This statement is based on reports we issued in May 2016 and December 2014, and selected updates.[4] Specifically, for our past work we analyzed TSA documentation including

[3]Prior to November 2015, TSA also used explosive trace detection (ETD) devices to assess passenger risk in real time at the airport. In November 2015, TSA discontinued using ETD devices as a layer of security in the Managed Inclusion process.

[4]GAO, *Aviation Security: TSA Should Ensure Testing Data Are Complete and Fully Used to Improve Screener Training and Operations*, GAO-16-415SU (Washington, D.C.: May 2016) and *Aviation Security: Rapid Growth in Expedited Passenger Screening Highlights Need to Plan Effective Security Assessments*, GAO-15-150 (Washington, D.C: Dec. 12, 2014).

expedited screening and Managed Inclusion procedures, memorandums of agreement, and decision memorandums, TSA's risk assessment methodologies, and TSA's security assessment of the Managed Inclusion process, among other documents, to gain an understanding of how expedited screening and Managed Inclusion operate. Moreover, we reviewed data (ranging from 2009 to 2015) on TSA's performance evaluation testing programs, compared the results by airport security category, and also assessed the reliability of the data.[5] We found that some testing programs had incomplete or unreliable data for the years we analyzed and therefore were not sufficiently reliable for describing national trends. We also reviewed TSA's processes and actions for using screener performance testing results to inform its operations and future TSO training, and assessed these processes against standards in *Standards for Internal Control in the Federal Government*.[6] Further, we interviewed program officials at TSA headquarters and at select airports about how they analyze performance test data and how, if at all, they use the results to adjust training or take other actions.[7] Further details on the scope and methodology for the previously issued reports are available within each of the published products. We conducted this work in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that

[5]TSA classifies commercial airports in the United States into one of five security risk categories (X, I, II, III, and IV) based on various factors, such as the total number of takeoffs and landings annually, the extent to which passengers are screened at the airport, and other security considerations. In general, category X airports have the largest number of passenger boardings and category IV airports have the smallest.

[6]GAO, *Internal Control: Standards for Internal Control in the Federal Government*, GAO/AIMD-00.21.3.1 (Washington, D.C.: Nov. 1, 1999). GAO recently revised and reissued *Standards for Internal Control in the Federal Government*, with the new revision effective beginning with fiscal year 2016. See GAO-14-704G (Washington, D.C.: Sept. 2014).

[7]We conducted site visits to 6 airports of different sizes, including 3 airports in category X, and one airport each in categories I, II, and III. Further, we conducted phone interviews with officials at 1 airport each in categories I, II, III, and IV to obtain additional perspectives—particularly at airports with smaller numbers of flights and passenger boardings. We based our airport selection on factors such as airport risk category, geographic proximity to one another, and our analysis of the airports' TSO performance on annual screening certification tests from 2009 through 2014.

the evidence obtained provides a reasonable basis for our findings and conclusions, based on our audit objectives.

Background

Expedited Screening

In 2011, TSA began developing new expedited security procedures intended to strengthen security and improve the passenger experience by shortening lines and wait times, and in October 2011, implemented its expedited screening program—known as TSA Pre✓®. According to TSA, expedited screening involves a relatively more efficient and convenient screening process for individuals from whom TSA has obtained sufficient information to determine them to be lower risk, compared with the standard screening process for a traveler for whom TSA does not have such information. For example, passengers eligible for expedited screening may no longer have to remove their shoes; may leave their permitted liquids, gels, and laptops in carry-on baggage; and are not required to divest light outerwear, jackets, or belts when passing through screening checkpoints unless the screening technology alarms, in which case these items must be removed.

TSA uses the following methods to assess whether a passenger is low risk and therefore eligible for expedited screening.

- **Approved TSA Pre ✓® lists of known travelers**—These lists are comprised of individuals whom TSA has determined to be low risk by virtue of their membership in a specific group, such as active duty military members, or based on group vetting requirements, or if approved through the TSA Pre✓® Application Program.
- **Automated TSA Pre ✓® risk assessments of all passengers**—Using these assessments, TSA assigns passengers scores based upon information available to TSA to identify low risk passengers eligible for expedited screening for a specific flight prior to the passengers' arrival at the airport.
- **Real-time threat assessments through Managed Inclusion**—These assessments use several layers of security, including procedures that randomly select passengers for expedited screening, behavior detection officers who observe passengers to identify high-risk behaviors, and passenger screening canine teams to help ensure that passengers selected for expedited screening have not handled explosive material. TSA developed Managed Inclusion as a tool to improve the efficiency of dedicated TSA Pre ✓® screening lanes.

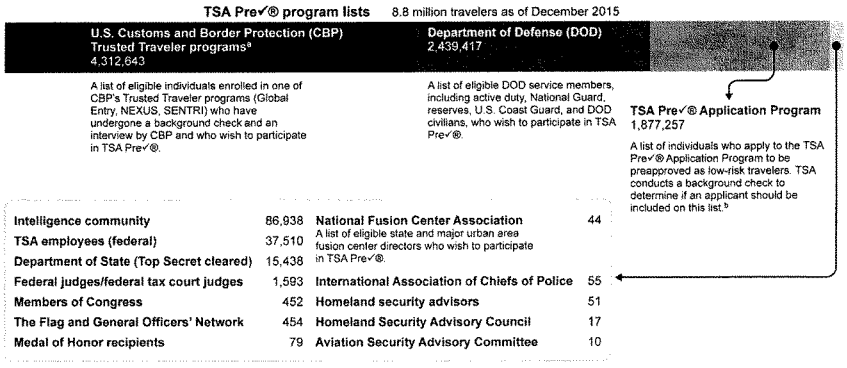
When TSA began offering expedited screening at airports in the summer of 2011, TSOs initially provided such screenings in standard lanes to passengers aged 12 and younger, and subsequently extended expedited screening to certain flight crew members and then to passengers aged 75 and older. However, in October 2011, TSA began to expand the concept of expedited airport screening to more of the flying public by piloting the TSA Pre ✓® program. This pilot program allowed certain frequent fliers of two air carriers to experience expedited screening at four airports. These frequent fliers became eligible for screening in dedicated expedited screening lanes, called TSA Pre ✓® lanes, because they had opted into the TSA Pre ✓® program through the air carrier with which they had attained frequent flier status.

Since October 2011, TSA has further expanded the known traveler populations eligible for expedited screening. TSA established separate TSA Pre ✓® lists for additional low-risk passenger populations, including members of the U.S. armed forces, Congressional Medal of Honor Society Members, members of the Homeland Security Advisory Council, and Members of Congress, among others. In March 2015, TSA officials stated that the Army, Navy, Marine Corps, Air Force, and Coast Guard branches of the U.S. armed forces, as well as Reserve and National Guard personnel, were eligible to participate. TSA also created its own TSA Pre ✓® list composed of individuals who apply to be preapproved as low-risk travelers through the TSA Pre ✓® Application Program, an initiative launched in December 2013.[8] To apply, individuals must visit an enrollment center where they provide biographic information (i.e., name, date of birth, and address), valid identity and citizenship documentation, and fingerprints to undergo a TSA Security Threat Assessment. Applicants must be U.S. citizens, U.S. nationals, or lawful permanent residents, and cannot have been convicted of certain crimes. As of December 2015, about 8.8 million individuals were eligible, through TSA Pre ✓® lists, for expedited screening. Figure 1 shows the populations for each TSA Pre ✓® list.[9]

[8]See 78 Fed. Reg. 72,922 (Dec. 4, 2013).

[9]Foreign citizens enrolled in Global Entry may participate in TSA Pre✓®.

Figure 1: Transportation Security Administration (TSA) Pre✓® Lists



Source: GAO analysis of TSA information | GAO-16-707T

[a]Foreign citizens participating in a CBP trusted traveler program may be eligible for inclusion on a TSA Pre ✓® List.

[b]For some populations, a security threat assessment includes a federal background check. A typical federal background check includes checks against law enforcement, immigration, and intelligence databases, including a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation. The results are used by TSA to decide if an individual poses a sufficiently low risk to transportation or national security to be issued a known traveler number.

Assessing TSO Performance

To carry out passenger and checked baggage screening operations, TSA employs TSOs at the vast majority of the nation's commercial airports. TSOs must complete the New Hire Training Program (NHTP), which includes at least 40 hours of classroom training focused on their duties as a screener, a minimum of 60 hours of on-the-job training, and certification tests for the functions they will be performing. In addition, TSOs are required to take recurrent training throughout the year to maintain proficiency with skills learned during the NHTP, and to remain up-to-date with changes in screening standard operating procedures (SOP), as well as emerging threats. Also, TSOs who are absent from their screening duties for a period of time must undergo some level of "return-to-duty" training based on the amount of time they were absent. Lastly, if TSOs fail an operational test, they are required to take remedial training customized to fit the specific screener's performance improvement

needs.[10] Furthermore, each year, TSA conducts certification testing for its airport security screeners, and in an effort to measure the performance of aviation security screening, both TSA and the DHS-OIG conduct regular covert testing of TSA screening operations.

Recent covert tests conducted by the DHS-OIG highlighted the following areas of concern: (1) the effectiveness of the passenger screening process, (2) TSA's Advanced Imaging Technology (AIT) screening equipment, (3) related automated target recognition software used by the AIT systems, and (4) checkpoint screener performance in identifying and resolving potential security threats at airport checkpoints. In response to the results of the covert testing, TSA updated its screening SOPs, retrained TSOs to address the Inspector General's findings, and provided additional classroom training nationwide to all TSOs. In addition, TSA developed new measures of effectiveness that it expects will better emphasize the agency's goals for improving security effectiveness by focusing the measures on both the screening system and workforce in the areas of readiness and performance.

To measure TSO performance, TSA uses the following performance measurement tests:

- **Annual Proficiency Reviews (APR)** evaluate TSOs' ability to identify prohibited items on an X-ray machine, ability to resolve explosives detection system machine alarms using the appropriate tools, and whether TSOs can perform various practical skills such as pat downs, bag searches, and use of explosive trace detection technology. If a screener does not pass one of the components of the APR after two;

[10]TSOs who fail an operational test must be immediately removed from the duty in which they failed to detect a prohibited item, and must successfully complete remedial training in that area before returning to duty to perform that particular operation. Remedial training can also be prompted if a TSO fails an annual proficiency review assessment, identifies less than a targeted percentage of Threat Image Projection images on the X-ray machine in a given month, or if a supervisor determines that a TSO needs additional training in a particular area. Remedial training is customized to fit the specific screener's performance improvement needs. See 49 U.S.C. § 44935(f)(4), (6).

or, in some cases, three attempts, they are subject to removal from their position.[11]

- **Threat Image Projection (TIP)** monitors TSOs' ability to identify prohibited items in x-ray images of carry-on baggage at the passenger checkpoint by projecting fictional threat items onto the bags. TIP also aides in keeping TSOs focused and attentive, and in keeping their skills sharp in identifying items they do not routinely see. According to TSA policy, FSDs must monitor TIP results monthly and, if one of their TSOs identifies less than a target percentage of TIP images accurately in a month, then the TSO is required to attend remedial training.[12]
- **Aviation Screening Assessment Program (ASAP)** is a form of covert testing to measure, at a national level, TSO screening performance against screening SOPs. TSA's Office of Security Operations utilizes local role players to take prohibited items such as knives, guns, or simulated improvised explosive devices, through the screening checkpoints to test TSOs performance in accurately identifying those items. ASAP tests are conducted by TSA at both screening checkpoints and checked baggage screening areas. The tests are designed to assess the operational effectiveness of screeners. TSA implemented a series of improvements to ASAP in 2010 and 2012 that introduced (1) specific testing scenarios to improve the level of standardization, (2) a formalized debriefing process, (3) training scenarios by which airports can tailor lessons learned to their operations, and (4) a strategy for allowing the reporting of comparable testing results, over time, from the airports. After these improvements, TSA renamed the program ASAP Advantage. TSA implements ASAP Advantage according to a 6-

[11]TSA prohibits individuals from carrying onto aircraft items that it determines to be a threat. TSA maintains a public list of such items, known as the Prohibited Items List, which identifies for the traveling public those items that may not be carried through an airport security checkpoint or on board an aircraft. Such items include, but are not limited to, flammable items, sharp objects, explosive material, guns and firearms, and martial arts and self-defense items.

[12]Because the target percentage for TIP scores is sensitive security information it is not included in this testimony.

month testing schedule, and at the completion of each 6-month cycle, generates a report identifying trends in screening performance.[13]

TSA Is Taking Steps to Improve the Security Effectiveness of Expedited Screening

TSA has taken steps to improve the security effectiveness of expedited screening since we issued our December 2014 report. Specifically, TSA has begun planning for the testing of the security effectiveness of the Managed Inclusion process as an overall system–ensuring that the testing adheres to established design practices. In addition, TSA has adjusted the TSA Pre ✓® Risk Assessment program algorithm used to assign passengers scores and identify low risk passengers because the DHS-OIG found that the algorithm allowed a high-risk individual access to expedited screening. Also, according to TSA documentation, TSA reduced the number of passengers screened by the Managed Inclusion process by limiting its use to airports that have canine teams to detect explosives.

Our December 2014 report found that TSA has tested the effectiveness of the individual Managed Inclusion security layers, but that TSA had not yet tested the Managed Inclusion process as an overall system. We stated that our previous work identified challenges in several of the layers used in the Managed Inclusion process, raising concerns regarding their overall effectiveness. For example, in November 2013, we found that TSA had not demonstrated that behavioral indicators can be used to reliably and effectively identify passengers who may pose a threat to aviation security.[14] While TSA is taking steps to revise and test the behavior detection program, such as working to provide scientifically validated evidence that demonstrates that behavioral indicators can be used to identify passengers who may pose a risk to aviation security, the issue

[13]In addition to the ASAP covert testing, TSA also regularly conducts independent covert "red team" testing to measure the effectiveness of TSA security systems and identify vulnerabilities in transportation security as a whole. TSA develops and deploys red team tests based upon current intelligence of threats against transportation systems. Unlike ASAP tests, red team tests are not standardized across airports. For example, while the number of red team tests conducted at one airport may be equal to the number at another airport, the type of tests conducted at those airports may be entirely different, which makes it difficult to compare performance across airports. As such, we did not include red team testing in the scope of our review.

[14]See GAO, *Aviation Security: TSA Should Limit Future Funding for Behavior Detection* Activities, GAO-14-159 (Washington D.C.: Nov. 8, 2013).

remains open. As of May 2016, TSA told us that it is taking actions to optimize the effectiveness of its behavior detection program and plans to begin an operational test of these efforts in September 2016. In our December 2014 report, we noted that TSA has previously faced challenges designing studies to test the security effectiveness of programs in accordance with established methodological practices such as ensuring an adequate sample size or randomly selecting items in a study to ensure the results can be generalizable—key features of established evaluation design practices.[15] As a result, we recommended that TSA take steps to ensure and document that its planned testing of the Managed Inclusion process as a system adheres to established evaluation design practices. DHS concurred with our recommendation, and according to TSA officials, TSA has developed a data collection and analysis plan to be used for the testing of the Managed Inclusion system. As of May 2016, TSA is reviewing and finalizing the plan and intends to test it at ten airports in late summer or early fall 2016 according to TSA officials. We will continue to monitor TSA's progress in addressing this recommendation.

In addition, according to a TSA memorandum dated November 2015, TSA made changes to the TSA Pre ✓® Risk Assessment program and Managed Inclusion process to enhance aviation security as a result of the findings and recommendations included in three prior DHS-OIG audit reports.[16] Specifically, TSA made changes to the TSA Pre ✓® Risk Assessment program algorithm used to assign passenger scores because the DHS-OIG found that the program created a potential aviation security vulnerability in at least one instance by identifying a convicted felon as low risk and eligible for expedited screening. As a result, TSA recognized the increased level of uncertainty surrounding a potential threat posed by individuals who obtain expediting screening eligibility

[15]GAO-14-159 and GAO, *Advanced Imaging Technology: TSA Needs Additional Information before Procuring Next-Generation Systems*, GAO-14-357 (Washington D.C.: Mar. 31, 2014).

[16]DHS Office of Inspector General, *Allegations of Granting Expedited Screening through TSA Pre ✓® Improperly*, OIG-15-45 (Washington, D.C.: Mar.16, 2015); *Security Enhancements Needed to the TSA Pre ✓® Initiative*, (OIG-15-29 (Washington, D.C.: Jan. 28, 2015); and *Covert Testing of TSA's Passenger Screening Technologies and Processes at Airport Security Checkpoints*, OIG-15-150 (Washington D.C.: Sept. 22, 2015).

through the Risk Assessment program as compared to individuals who have been vetted and are included on one of the TSA Pre ✓® lists. Following the public release of the DHS-OIG's covert testing results, TSA officials stated that TSA began a thorough review of checkpoint operations, and as a part of that review, evaluated all methods in which individuals without background checks became eligible for expedited screening. As a result of this evaluation and based on a recommendation from another DHS-OIG audit, TSA documentation shows that TSA discontinued the use of Explosives Trace Detection (ETD) devices as a method used to conduct real time threat assessments and is now limiting the use of Managed Inclusion to airports that employed canine team to detect explosives. According to the TSA administrator, these changes have resulted in a 20 percent decrease in the number of individuals who receive expedited screening.

To address this decrease in expedited screening and its likely effect on passenger wait times, TSA plans to undertake efforts to increase the number of individuals included on the TSA Pre ✓® lists of known travelers from the nearly 8.8 million individuals currently enrolled to 25 million individuals. In order to achieve this increase, TSA plans to change the enrollment process, increase marketing and communication efforts, and expand the number of contractors that provide enrollment services. TSA estimates that the TSA Pre ✓® lists of known travelers will total 25 million individuals in 3 to 4 years.

While TSA Uses TSO Screening Performance Data, It Is Constrained by Incomplete and Unreliable Data and a Lack of Data Analysis and Assessment Follow-Up

TSA utilizes data on TSO performance obtained from its various testing programs to help to ensure that individual TSOs are (1) qualified to conduct passenger and checked baggage screening based on Annual Proficiency Reviews and resulting recertifications, and (2) demonstrate proficiency, during live screening operations, in their adherence to screening standard operating procedures and other TSA guidance for detecting prohibited items. However, incomplete and unreliable data and limited analysis constrains TSA's ability to determine the true level of TSO performance in screening passengers and baggage for prohibited items. Without this knowledge, TSA cannot fully identify and make necessary improvements to screening operations.

TSA Uses TSO Performance Data to Inform TSO Training

TSA has several programs in place to yield data for oversight and analysis of TSO screening performance. As noted previously, TSA relies on Annual Proficiency Reviews (APR) to recertify TSOs. TSA's Office of Training and Workforce Engagement examined the results of specific APR component tests administered in 2013 to inform their development of related courses for the annual training curriculum for TSOs, known as the National Training Plan (NTP). Specifically, TSA officials stated they reviewed the results of these component tests—screening of individuals with disabilities, bag searches, and standard pat downs—and added training to the fiscal year 2015 NTP to specifically address the deficiencies they identified.

In addition, during live screening operations, TSA also monitors individual TSO performance through (1) Threat Image Projection (TIP) testing by local TSA officials which assesses the TSOs' proficiency at identifying prohibited items in X-ray images of passengers' carry-on baggage, and (2) Aviation Screening Assessment Program (ASAP) covert tests which assess the TSOs' ability to properly adhere to screening standard operating procedures and prevent the passage of prohibited items through passenger and baggage checkpoints.[17] TSA monitors the results of these testing programs to determine whether individual TSOs need remedial training based on the results.

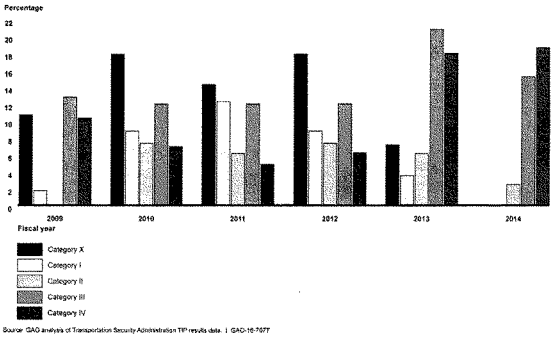
[17]The scope of our review resulting in our May 2016 report encompassed how TSA tests the extent to which TSOs adhere to the standard operating procedures for screening, which is the primary focus of the ASAP and the other testing programs detailed in that report. Our report did not examine "red team" testing where covert operatives test the limits of the security system by not only testing TSOs' adherence to screening SOPs, but also the screening technology and processes in place at the security checkpoint.

Incomplete and Unreliable Data and A Lack of National Analysis Limit TSA's Ability To Assess TSO Performance

Incomplete Data

TSA policy requires airport personnel to manually download TIP testing results from their individual X-ray machines and upload the monthly data into TSA's national database repository for TSA results. According to TSA headquarters personnel responsible for overseeing the TIP program, they use these uploaded results to determine if any adjustments are needed to the quality or usefulness of the library of images maintained in the TIP system nationwide. However, as we found in May 2016, some airports had failed to submit TIP data as required. As shown in figure 2, some airports in all five airport risk categories did not report any TIP results nationally over the course of a year from fiscal year 2010 through fiscal year 2013. During the fiscal year 2009 through 2014 time frame, fiscal year 2013 had the highest percentage of airports failing to report any TIP data at nearly 14 percent. For category X and I airports, these results had generally improved by fiscal year 2014 with all of these airports reporting TIP data that year. However, the percentage of category III and IV airports that did not report TIP data generally increased during fiscal years 2013 and 2014 compared to prior years.

Figure 2: Percentage of Airports Not Reporting Threat Image Projection (TIP) Data for Fiscal Years 2009 through 2014 by Airport Category



Source: GAO analysis of Transportation Security Administration TIP results data. | GAO-16-707T

TSA officials attributed the missing TIP data to a transition to new X-ray screening equipment at certain airports from fiscal year 2009 through fiscal year 2012. Officials stated that, due to software compatibility issues with the new machines, TIP image capability was turned off for an extended period of time, meaning that TIP testing was not occurring on these machines and, therefore, TIP data were neither collected nor reported for these airports. TSA officials also told us that their older X-ray machines do not have the capability to automatically upload TIP data results to headquarters. As a result, some airports relying on these older X-ray machines were not able to submit TIP data automatically by electronic means and did not submit it manually. TSA officials reported that they do not have a process for determining whether TIP data have been submitted by all airports, on a regular basis, as required. TSA officials told us they are making efforts to install automatic uploading capabilities to all new machines that they expect will help ensure that TIP data reporting is complete and timely. However, TSA has placed these efforts on hold pending security concerns that must first be addressed stemming from the recent cybersecurity breaches at the Office of Personnel Management that have led to TSA reviewing its own cybersecurity efforts before moving forward with installation of automatic uploading capabilities on its X-ray machines.

TSA officials also acknowledged that, in addition to the airports discussed above that did not report any TIP data for a year or more at a time, other airports may have reported only partial TIP results data during this same time frame. TSA officials stated that, in the nationwide results data provided to GAO, it would be difficult to ascertain how much data might be missing from individual airports (during the time period covered by our data) since the number and type of machines in use at those airports at any particular point in time could vary.[18]

Based on our observation of the incomplete TIP data, we recommended in May 2016 that DHS ensure that TSA officials at individual airports submit complete TIP results to the national database as required by TSA policy. In addition, we noted that *Standards for Internal Control in the Federal Government* states that the information requirements needed to achieve the agency's objectives should be identified and communicated to management in a timely manner in order that they may carry out their internal control and other responsibilities.[19] Further, we stated that, unless TSA takes steps to ensure that all airports submit complete, nationwide TIP data, TSA lacks assurance that (1) the decisions it makes on the content of the TIP image library are fully informed, and (2) TSOs are receiving remedial training from the TIP program which has been developed to aid their ability to identify prohibited items. In addition, we noted that, by not ensuring the collection of available TIP data as required, the effectiveness of any potential further use of TIP testing results to inform TSO training or testing (as described below) programs would be limited.

DHS concurred with our recommendation on ensuring the completeness of TIP data and is taking steps to address it. Specifically, DHS reported in April 2016 that TSA is working to establish a tracking system that will automatically identify and highlight specific airports that may be missing

[18]TSA officials added that missing TIP data for some of the airports is attributable to the fact that they are either (1) seasonal airports that only have commercial flights for a portion of the year or (2) have ended commercial flights entirely. Therefore, when commercial flights are not occurring at these airports, no federal screening—or associated TIP reporting—will occur. However, TSA officials were unable to provide detail on how many of the airports were missing TIP data because of these circumstances and acknowledged that these reasons did not apply to all the instances of missing airport data.

[19]GAO/AIMD00.21.3.1 and GAO-14-704G.

from the database, which will allow TSA managers to follow up with the FSDs responsible for those airports. TSA expects to pilot an information technology tool that is key to this system by May 2017. In the interim, TSA will reinforce the policy for reporting TIP results in weekly conference calls with field staff.

A Lack of National Analysis to Inform Screening Efforts

Once complete TIP data are available, TSA could use those data to more accurately monitor the effectiveness of its TSO training. TSA headquarters officials stated that they had previously not systematically analyzed TIP results data to determine any national trends for the purposes of informing future training programs or changes to screening processes or procedures. TSA officials reported that they had not used TIP data in this manner due to the agency's expectation that TIP is a tool primarily for the benefit of local FSDs to use in monitoring the training needs, and determining areas of focus, for their individual TSOs locally. Specifically, we found that, without this complete picture that would be afforded by analysis of nationwide TIP results, TSA could not use the results to fully inform TSO training for screening passenger carry-on baggage for prohibited items that would help ensure continuous improvement in screening operations.

As a result of our examination of TSA's use of TIP data, we recommended in May 2016 that, after complete TIP data were available, DHS ensure that TSA conduct analysis of national TIP data for trends that could inform training needs and improve future training and TSO performance assessments. We noted that using this trend analysis to inform TSO training and enhance TSO performance would satisfy provisions of the *Standards for Internal Control in the Federal Government* which state that an agency's management should perform ongoing monitoring of its internal control system and associated operations, evaluate the results of those monitoring activities, and take corrective actions when warranted to achieve objectives and address risks.[20] Further, we noted that by not including analyses of TIP results data in nationwide efforts to inform either TSO training or other image-based testing outside of TIP, TSA is missing an opportunity to utilize this extensive, nationwide TSO performance data for enhancing screening operations in addition to lacking assurance that remedial training is

[20]GAO/AIMD-00-21.3.1.

occurring, as required, at all airports. DHS concurred with this recommendation and is taking steps to address it. Specifically, DHS reported in April 2016 that TSA is (1) examining airports with the best TIP scores to develop best practices that can be shared with other airports, (2) examining airports with low TIP scores to better understand challenges and options for improving TIP performance, (3) planning to analyze data nationwide to determine what training best improves TIP scores, and (4) developing a process to examine which categories of images most often present challenges to the screening workforce which will inform training efforts. TSA also plans to assess TIP training and assessments over a one-year period ending in May 2017 to determine if performance improvements have been realized and what contributed to the improvement. TSA's plan for analysis is commendable, but until the TIP data is largely complete, any nationwide review will be limited.

ASAP Covert Test Results are Unreliable

As we also reported in May 2016, TSA determined that ASAP pass rate results data were unreliable, which caused them to question the extent to which ASAP tests accurately measure TSO performance. According to TSA officials, they hired a contractor to perform independent ASAP testing at 40 airports in fiscal year 2015 to verify the reliability of the results of testing previously performed by TSA personnel at those airports.[21] TSA found differences in the test results for most of the 40 airports when compared to the contractor's results. Specifically, TSA officials found that TSOs at these 40 airports performed more poorly in the ASAP tests conducted by the contractor personnel as compared to the prior ASAP testing done by the local TSA personnel—indicating that these prior-year pass rates were likely showing a higher level of TSO performance in screening passengers and baggage for prohibited items than was actually the case. While TSA officials are still in the process of determining root causes for the variances of the testing results between the contractor and TSA personnel at the airports, they acknowledged that initial results from the contractor appeared to confirm their prior concerns that problems existed with maintaining the covert nature of the tests.

[21]According to TSA, the goals of the independent covert testing done by the contractor were to (1) establish a baseline of expected screener performance, (2) assess the ASAP program, (3) validate the accuracy of historical ASAP data, and (4) capture and record sources of officer failure to follow procedures and detect threats and identify the root causes of the failures to follow procedure.

These prior concerns had been based on higher detection rates at some airports when compared to other airports on the same tests performed.

In order to address the concerns stemming from the contractor's test results, TSA initiated the following actions after reviewing results of the contractor's initial round of testing in fiscal year 2015:

- Conducted briefings with FSDs on the contractor's findings and ongoing ASAP testing which included expectations that the FSDs use the information as input in overseeing their local ASAP testing programs. According to TSA officials, they are engaging in more frequent and improved communication with FSDs and staff responsible for the ASAP testing and are including discussions of potential corrective actions when warranted.
- Extended the work of the contractor by 6 months in order to determine if the previously-identified variances in results are continuing.
- Engaged in efforts to better identify root causes of ASAP testing failures, including the development of a data collection tool to facilitate these efforts.
- Added an ASAP headquarters testing program that will supplement the ASAP testing conducted by TSA field personnel. These headquarters testing teams will perform, on a permanent basis, the quality assurance and validation activities for ASAP that are currently being performed by the contract test teams. However, field personnel will continue to conduct the majority of ASAP testing.

TSA officials stated that, through these measures, they believe they are enhancing the accountability of the local FSDs and their staff for ensuring the quality and reliability of the local ASAP testing programs moving forward. The officials added that partial results during the 6-month extension period of contract testing indicated that the previously-identified variances in contractor and local ASAP testing had been reduced.

TSA Does Not Follow Up On Implementation of Recommendations Stemming from ASAP Testing at Airports

As we reported in May 2016, TSA does not track whether recommendations from their summary reports on ASAP results have been implemented or reasons for not implementing them. These recommendations may include, among other things, additional training for certain points in the screening process and further testing in certain areas. TSA officials stated that the various recommendations in the reports are strictly for the consideration of FSDs in the field and implementation is not mandatory. Such tracking would be consistent with

Standards for Internal Control in the Federal Government which requires that internal controls be designed to ensure that ongoing monitoring occurs during the course of normal operations.[22] This tracking would also help ensure that airports nationwide are taking corrective actions to improve TSA performance, which the agency has identified as an area of concern. Moreover, we reported that tracking the implementation of its recommendations, including the extent to which identified corrective actions are improving subsequent TSO performance and test results, will help TSA better determine the extent to which its implemented recommendations are leading to improvements in screening operations and appropriately addressing identified root causes for previous test failures. Further, without the assurance that recommendations for corrective actions based on the root causes identified in ASAP testing will be fully implemented—where appropriate—nationwide, we stated that TSA would be limited in its ability to take full advantage of any findings from the program.

Based on TSA's lack of a tracking mechanism for the implementation of its ASAP-related recommendations to the field, we recommended in May 2016 that DHS direct TSA to track implementation by airports of these recommendations to ensure that corrective actions identified through ASAP testing are being applied. DHS concurred with this recommendation and is taking steps to address it. Specifically, DHS reported that TSA is taking actions to formalize ASAP reporting including the development of a standard format for corrective action plans that will help TSA track corrective actions and their effectiveness in addressing findings from ASAP tests. TSA expected to complete these actions by May 31, 2016.

Chairman Johnson, Ranking Member Carper and Members of the Committee, this completes my prepared statement. I would be pleased to respond to any questions that you may have at this time.

[22]GAO/AIMD-00-21.3.1.

Post-Hearing Questions for the Record
Submitted to the Honorable Peter V. Neffenger
From Chairman Ron Johnson

"Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation"

June 7, 2016

Question#:	1
Topic:	Supplying Security Officers for Other DHS Events
Hearing:	Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: At the June 7 hearing you mentioned that TSA is experiencing manpower shortages at a time when traveler numbers are on the rise. However, your agency has been tasked with supplying security officers for other DHS events.

How have these assignments affected your staffing models to accomplish TSA's core mission?

Response: The Transportation Security Administration (TSA) is sending 75 officers from TSA's National Deployment Force (NDF) to the U.S. Secret Service (USSS) from April 23 through the election on November 8, 2016. By sending NDF Transportation Security Officers (TSOs), there should be fewer disruptions to airport operations because this cadre of officers is reserved and available for short-notice USSS and other deployments during this time. This solution reduces the demand on the airports to provide local screeners for Presidential campaign events at non-airport locations. While supporting USSS, the full-time equivalent (FTE) associated with these 75 TSOs will be charged to USSS. In addition, for the Republican National Convention in Cleveland, OH, and the Democratic National Convention in Philadelphia, PA, TSA supported the USSS with 50 TSOs utilizing four Transportation Security Support Teams. These 50 TSOs supported screening operations at both events.

Question: What effect have these assignments had on agency morale?

Response: These assignments have had a positive effect on agency morale. Officers are eager to volunteer for these short-term, special assignments and travel on behalf of the agency. It offers TSOs a unique opportunity to not only demonstrate their abilities but also contribute to the larger DHS mission. For the Papal visit to the United States,

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officers from more than 70 airports across the nation assisted with screening operations at multiple venues.

Question: Please provide the number of DHS events TSA has had to participate in by year from 2013 to 2016, including the number of TSA officers assigned to each event.

Response:

2013	**Officers**
Event 1	675
Event 2	24
Event 3	44
Event 4	743
2013 Total:	**1486**

2014	**Officers**
Event 1	15
Event 2	30
Event 3	42
2014 Total:	**87**

2015	**Officers**
Event 1	28
Event 2	1532
Event 3	30
Event 4	31
Event 5	14
2015 Total:	**1635**

2016	**Officers**
Event 1	16
Event 2	50
Event 3	50
Event 4	34
Event 5	42
Event 6	75
2016 Total:	**267**

Question#:	2
Topic:	Covert Testing Accuracy
Hearing:	Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: Mr. Roth stated his covert testing is more accurate than previous TSA red team testing. Do you agree with his statement? If not, why not?

Response: The TSA covert testing program (also referred to as TSA Red Team) is effective and has proven useful in assessing vulnerabilities and recommending improvements to our security programs. The Department of Homeland Security (DHS) Office of Inspector General's (OIG) covert testing is a valuable additional tool to assess TSA, which complements TSA's own Red Team testing. There are multiple testing groups within TSA, beyond the Red Team, requiring varying levels of covertness. Each testing program within TSA serves a different, yet complementary, purpose to include measuring stakeholder compliance with regulations, testing adherence to screening procedures and assessing technology in its operational environment. However, TSA Red Team is conducted solely through the Office of Inspection (OOI) Special Operations Division (SOD) and is most closely comparable to OIG covert testing. However, TSA Red Team is conducted solely through the Office of Inspection (OOI) Special Operations Division (SOD) and is most closely comparable to OIG covert testing.

Since the OIG covert testing leak, TSA Red Team has recognized the need to further integrate intelligence-based information as well as scientific research principles into its business model so that the vulnerability-specific context it provides to leadership is more relevant and actionable as TSA strives to increase its security effectiveness.

TSA Red Team continues to identify and understand vulnerabilities associated with real world threats to the Nation's transportation system. In keeping with this mission, the TSA Red Team operates under these principles:

- **Realistic/Relevant:** Attack paths, simulated Improvised Explosive Devices (IEDs), and adversaries emulated by the TSA Red Team are informed by and rooted in current intelligence. To achieve this, the Red Team employs a cadre of experienced Intelligence Analysts, explosive ordinance experts, and scientists.
- **Scientifically Sound:** The TSA Red Team employs experts in data analysis, statistics, experimental design, human factors, psychology, and systems engineering. These capabilities yield highly accurate and reliable data by ensuring that tests are properly designed to minimize bias and sampling error. This level of scientific rigor allows policymakers to be confident in the Red Team results and make informed decisions.

Question#:	2
Topic:	Covert Testing Accuracy
Hearing:	Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

- **Covert:** Red Team Inspectors are highly trained to operate covertly and conduct operations safely in an unpredictable environment. This tradecraft gives the Red Team the capability to prevent compromised tests which reduce the accuracy of data.

Question#:	3
Topic:	Defense Acquisition University Review
Hearing:	Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: The Defense Acquisition University (DAU) has conducted an independent review of TSA acquisition procedures. Regarding said review, please provide the following:

List of the recommendations made by DAU

Response: The findings and recommendations provided by the Defense Acquisition University (DAU) are as follows:

1. Finding: The Component Acquisition Executive (CAE) has the TSA acquisition portfolio responsibility; however does not have the authority to direct programmatic execution.

    - Recommendation: TSA re-organize all acquisition programs to a more centralized structure, including establishing Program Executive Officers (PEO).

2. Finding: TSA lacks a centralized requirements process, it remains unclear what organization owns the various requirements documents, and that most requirements are not centrally prioritized throughout TSA.

    - Recommendation: TSA establish a Centralized Requirements Organization built by leveraging existing assets/billets currently serving in other offices.

3. Finding: TSA does not effectively and efficiently support and leverage technology throughout their acquisition life cycle.

    - Recommendation: TSA form a Chief Technology Officer Division, leveraging existing assets/billets currently serving in existing organizations, in the PEO structure to analyze potential technologies and approaches to meet future requirements. This should be a CAE direct report.

4. Finding: TSA does not have a centralized test organization under the CAE.

    - Recommendation: TSA centralize and expand the Operational Test Authority organization under the CAE to support all of TSA for development, qualification and operational testing.

Question#:	3
Topic:	Defense Acquisition University Review
Hearing:	Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation
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Committee:	HOMELAND SECURITY (SENATE)

5. DAU also identified various recommendations in budgeting, contracting, training, system engineering, science and technology:

   - Align resources/lines of business under the four aspects of the DHS Planning, Programming, Budgeting, and Executive structure to support both current, out-year and long range budget planning; and plan for Research & Development and new 1 year Operations & Support appropriations
   - Develop a process to train program team at critical points of the acquisition process (Request For Proposal, Source Selection, etc.)
   - Develop System Engineering competency, training and resources to inform better requirements and acquisition decision making

Question: Updates on the implementation process of DAU recommendations

Response: TSA senior management has held multiple executive-level meetings to discuss the recommendations and develop an associated implementation strategy. TSA management expects a draft transition team implementation charter in Fiscal Year 2016. To date, draft implementation assumptions and analysis, schedule, team, and communications plan(s) have all been created.

Question: The amount of funding to date which has gone towards implementing DAU recommendations.

Response: To date, TSA has invested $16,000 towards implementing recommendations made by DAU. This investment enabled TSA to receive short-term consulting services to ensure TSA leverages best practices and lessons learned during change execution.

Question#:	4
Topic:	Canine Teams
Hearing:	Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: Canine teams are allocated to airports based on a series of risk factors including passenger throughput and threats to the immediate geographic area of the airport. At the June 7 hearing, you indicated that TSA currently manages approximately 300 canine teams of which only 148 are certified for passengers screening operations.

When do you plan to have the remaining 152 certified to conduct passenger screening?

Response: The National Explosives Detection Canine Team Program (NEDCTP) includes both TSA-led teams (which are trained for traditional canine screening as well as passenger screening) and state and local law enforcement-led teams. Currently, TSA is funded for 322 TSA-led teams and 675 Law Enforcement (LE)-led teams, for a total of 997 teams. TSA's goal is to have all TSA-led canine teams trained and certified for passenger screening capability by the end of calendar year 2017.

Question: You mentioned that you would like to have a total of 500 canine units conducting passenger screening. How did you conclude that 500 is the appropriate number? And would all the additional 200 canine teams be new teams?

Response: With 500 operational canine teams, TSA could expedite approximately 15.5 million passengers a month or 39 percent of the passengers at the 40 airports which currently have certified passenger screening canine teams, assisting in the reduction of wait times at the nation's largest airports. Additional passenger screening canine teams would also enhance TSA's security posture by providing an added layer of explosives detection capability at the security checkpoint. To reach this target of 500 passenger screening canine teams, TSA would require an additional 178 new teams which would be trained and certified in passenger screening capability.

Question#:	5
Topic:	Screening of Passengers by Observation Techniques (SPOT) Program Justification
Hearing:	Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: A 2013 GAO report found that TSA cannot provide evidence to justify its Screening of Passengers by Observation Techniques (SPOT) program. In the report, GAO recommended TSA to limit future funding for behavior detection activities, because the officers cannot identify a person who may pose a risk to aviation security. From FY2007 to FY2012, TSA spent approximately $900 million on the SPOT program. Please provide your justification to continue the SPOT program and evidence to demonstrate that the SPOT program actually contributes to aviation security and TSA's mission.

Response: The TSA disagrees with the Government Accountability Office's (GAO) recommendation to limit future funding and has undertaken several initiatives to improve the Behavior Detection and Analysis (BDA) program.

In fiscal year (FY) 2015 TSA realigned Behavior Detection Officers (BDOs) to larger and higher-risk airports while reducing the full-time BDO footprint from 122 airports to 87 airports using a risk-based staffing model. TSA also delivered to Members of Congress "Fiscal Year 2015 Scientific Substantiation of Behavioral Indicators," in response to a requirement accompanying the FY2015 DHS Appropriations Act (P.L. 114-4); this report provides the scientific substantiation for the use of behavioral indicators as a security capability.

Most recently, TSA established operational requirements requiring BDOs to cover engagement in the queue, travel document checking, and the divestiture officer position. This resource placement is monitored by the National Incident Command Center (ICC) as part of the TSA Administrator's summer mitigation plan and has provided TSA with the ability to conduct behavior detection at multiple positions while augmenting TSO screening.

Additionally, statements that TSA's behavior detection cannot identify a person who may pose a risk to aviation is not accurate. Behavior detection is one transportation security capability, among many, which has helped to deter or detect high risk individuals.

- In Orlando, FL, BDOs observed a passenger behaving suspiciously during the check-in process. When the passenger presented his checked baggage to the airline, the BDOs referred the bags for secondary screening. During the checked baggage screening, TSOs discovered a battery, wires, an end cap pipe with holes in it, lighter fluid, and literature detailing how to build explosive devices. The

Question#:	5
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Federal Bureau of Investigation (FBI) initially charged the individual with attempting to introduce an explosive or incendiary device onboard an aircraft. Charges were later amended to attempting to circumvent an airport security system.

- In New York, NY, BDOs referred a passenger for additional screening due to suspicious behaviors. During additional screening, BDOs discovered suspected fraudulent Drug Enforcement Administration (DEA) and New York Police Department (NYPD) badges, and a police jacket in the passenger's carry-on bag. Port Authority Police responded and interviewed the passenger who stated he was going to Haiti on police business. Law enforcement officers confiscated the badges and arrested the passenger on a state charge of impersonating an officer.

Lastly, in FY2016, the BDA program shifted the behavior detection concept of operations to an active engagement role to better align with international models requiring officers to ask Security Related Questions. Since the implementation, BDOs have identified 18 instances where individuals have attempted to bypass property through required screening.

Question#:	6
Topic:	TSA Precheck Scheduling Appointment Delays
Hearing:	Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: Several TSA Precheck application offices in Wisconsin are experiencing considerable delays in scheduling appointments. The Committee learned that these delays can be resolved if TSA could complete the security screening of approximately 200 contractors.

Please provide the status of the 200 applications, including the locations these contactors will be sent if they are approved by TSA.

Response: The TSA has been rapidly screening the referenced contractors as soon as the required information has been provided and made available to TSA. TSA recently implemented a process that has significantly expedited the personnel security screening process for Universal Enrollment Services MorphoTrust contractors. TSA has been working very closely with the contractor to ensure the contract employees can be cleared as quickly as possible under the new process which has resulted in faster contractor clearance and any new contractor applications to support enrollments. As soon as the contractors are cleared, they receive training and assignments to locations with the most critical need across the nation. TSA and MorphoTrust are increasing hours of operation, adding more appointments to current enrollment centers, and adding new and temporary/mobile enrollment locations. These cleared contractors will be supporting these activities which include staffing the new enrollment center recently opened in Madison, WI, as well as a temporary/mobile enrollment site coordinated with the airport in Madison, scheduled for July 11-29, 2016.

As of August 24, 2016, of the contractors submitted to TSA as part of the personnel security screening in June, only 4 have not completed processing. TSA is awaiting fingerprint results on 3 of these individuals and is awaiting corrected forms for one individual.

Question#:	7
Topic:	Contractor Applications for Review
Hearing:	Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: Please provide the number of applications for review TSA has received from contractors providing enrollment services from FY2013 to FY2016 and indicate how many applications were incomplete, denied, and approved each fiscal year.

Response: Below are the number of applications for contractor personnel security screening that the TSA has received since FY2013:

Contractor Personnel Security Requests/Applications	**FY2013**	**FY2014**	**FY2015**	**FY2016** as of June 24, 2016
Total Contractor Applications	1,230	1,457	917	581
Approved	824	948	609	423
Denied	92	118	38	49
Submitted but not completed or withdrawn*	314	391	270	109

* Incomplete or withdrawn applications may have been submitted by contractors for TSA review but then subsequently cancelled or withdrawn due to changes in recruiting, status of applicant employment, cases timed out due to incomplete information provided in required assessment timeframe.

Question#:	8
Topic:	Average Application Approval Rate
Hearing:	Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: In response to questions at the hearing, you testified, that on average these applications were being approved within 7 days. But the contractor asserted that it takes an average of 53 days to approve these applications. Please explain this discrepancy.

Response: The testimony provided was from the perspective of how long it takes TSA to process the contractor's application after TSA has received all the required information from the contractor necessary to complete the personnel security background check. The process required for all contractors accessing any DHS facility, system or sensitive data (including personally identifying information for enrollment applications) includes credit checks, a Federal Bureau of Investigation (FBI) criminal history records check through the Office of Personnel Management (OPM), and review of employment and residential history as well as terrorism vetting performed by TSA. Historically, the longest portion of the process is enrollment into the personnel security system, which includes receiving fully completed information from applicants, including signed forms, personal history, and fingerprints to conduct the background check process. Once TSA receives the required information and receives responses from the FBI and OPM systems, TSA can complete the review within a week.

TSA recently implemented a process that has significantly expedited the personnel security review process for MorphoTrust contractors. Previously, the typical end-to-end process could take an average of four to six weeks overall, which included three to four weeks for the personnel security review depending on how quickly the information was collected, transmitted, and received. The expedited process should reduce the wait time to approximately one to two weeks. TSA is also working daily with MorphoTrust to ensure the completeness of forms, data quality, and no technical issues as information moves from contractors to the personnel security systems to TSA. TSA and MorphoTrust are also providing clear guidance and instructions to new contractor staff to ensure information is properly submitted to help facilitate the personnel security review process and avoid delays.

Transportation Security Administration

Office of Human Capital

HRAccess

BACK PAY STATEMENT
EMPLOYEE: ROBERT MACLEAN
DATE: 6/18/2015

GROSS	920,241.20
FEDERAL TAX	-11,828.32
MEDICARE TAX	-14,700.29
RETIREMENT	-11,963.37
SOC SEC TAX	-6,588.87
STATE TAX	-1,758.20
TSP	-138,036.18
LUMP SUM ANNUAL LEAVE PAYMENT	-6,258.56
INTEREST	123,624.56
OUTSIDE EARNINGS	-216,525.83
NET	636,206.14

Transportation Security Administration

OFFICE OF HUMAN CAPITAL

TSA MANAGEMENT DIRECTIVE No. 1100.55-10
Back Pay

To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

NOTE: Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S.C. 114 (n)), this directive and all related Handbooks, Attachments, and Appendices, establish Transportation Security Administration (TSA) policy and must be applied accordingly.

REVISION: This revised directive cancels and supersedes TSA MD 1100.55.10, *Back Pay*, dated March 30, 2009.

SUMMARY OF CHANGES: Section 4, Definitions, moved to the Handbook to TSA MD 1100.55-10, *Back Pay*, Section 5, Responsibilities, updated, Section 6, Policy, revised, Section 8, Approval and Effective Date, updated; and various clarifying administrative changes throughout the directive.

1. **PURPOSE:** This directive provides TSA policy and procedures for authorizing the payment of back pay and reasonable attorney fees based on the specific provisions described in this policy.

2. **SCOPE:** This directive applies to current and former TSA employees and applicants for TSA employment who were determined by an appropriate authority to have been subjected to an unjustified or unwarranted personnel action resulting in withdrawal or reduction of all or part of the pay and incentives to which the employee was otherwise due. This directive may also apply to settlement agreements (please see TSA MD 1100.55-9, *Settlement Agreements*, for additional information) between TSA and a current or former employee or applicant for TSA employment. Similarly, this directive may apply to the pay implications of corrections to mistakes or errors, or changes in policy.

3. **AUTHORITY:** The Aviation and Transportation Security Act, Pub. L. 107-71 (ATSA)

4. **DEFINITIONS:** See the Handbook to TSA MD 1100.55-10, *Back Pay*.

5. **RESPONSIBILITIES:**

   A. The Assistant Administrator for Human Capital (AA/OHC) is responsible for:

      (1) Ensuring that provisions of settlement agreements and/or decisions rendered by an appropriate authority, which correct or direct the correction of unjustified or unwarranted personnel actions, are implemented in a timely manner in accordance with this directive;

      (2) Ensuring that advice and guidance is provided to employees concerning back pay and reinstatement of benefits;

      (3) Ensuring that TSA Form 1155-1, *Employee Back Pay Notification and Benefits Option Checklist* is distributed to employees subject to restoration of pay and benefits; and

      (4) Administering this directive and ensuring that it supports the mission of the agency.

B. The Office of Chief Counsel is responsible for:

(1) Providing advice and guidance to affected TSA managers and OHC concerning:

(a) Implementing the terms of settlement agreements, and

(b) Implementing decisions rendered by an appropriate authority, which correct or direct the correction of unjustified or unwarranted personnel actions.

(2) Negotiating and drafting settlement agreements, when appropriate.

C. An affected employee/applicant is responsible for:

(1) Providing information to TSA, such as wages earned during the period the employee/applicant was separated or unable to work due to unjustified or unwarranted personnel actions, to help TSA make appropriate back pay calculations; and

(2) Completing and submitting TSA Form 1155-1, and other applicable Federal forms, within time limits specified by the determination awarding back pay, or by the agency. Failure to provide information requested will delay payment of any back pay due the employee. An employee's failure to provide information needed to properly compute back pay may result in a claim of enforcement being denied by the appropriate authority.

6. POLICY:

A. TSA shall provide appropriate back pay based on a determination made by an appropriate authority that an employee was affected by an unjustified or unwarranted personnel action which resulted in a loss of all or part of the pay or incentives to which the employee was entitled.

B. TSA shall compute, for the period covered by the determination (back pay period), the pay and incentives the employee would have received if the subject personnel action had not occurred. For purposes of computing back pay, the employee should be treated as if they worked their regular tour of duty for the agency during the back pay period.

C. TSA funds may be used to provide back pay to a TSA employee or former employee when an appropriate authority issues a decision as described in Sections 6A and 6B. The employee's program office will identify the funding source for payments.

D. An applicant for TSA employment may be eligible to receive back pay in accordance with an Equal Employment Opportunity Commission (EEOC) determination or a decision by the Secretary, Department of Homeland Security (DHS) or designee. TSA funds may be used to pay an applicant for employment as provided by an EEOC or DHS Secretary determination.

E. The provisions of this directive and the accompanying Handbook may apply in matters for which TSA enters into a settlement agreement with a current or former employee or an applicant for employment with TSA. TSA funds may be used to provide back pay granted under the terms of a settlement agreement. Back pay will be calculated in accordance with the

provisions of this directive unless the settlement agreement contains specific provisions dealing with such calculations.

F. Attorney fees will be paid only if a determination to do so was made in writing by an appropriate authority or specifically called for by the terms of the settlement agreement. The employee's program office will identify the funding source for payment of attorney fees and costs.

G. No employee will be entitled to receive greater pay or incentives than he or she would have been entitled to receive if the unjustified or unwarranted personnel action had not occurred.

H. Determining Entitlement to Back Pay:

(1) Back pay shall be paid when an appropriate authority determines, based on provisions of applicable law, rule, regulation, or TSA policy, that an employee experienced withdrawal, reduction, or denial of pay or incentives because of an unjustified or unwarranted personnel action;

(2) Requirement for a Timely Appeal: The employee or the employee's representative must initiate a claim, as noted below, in a timely manner:

(a) An appeal or grievance in accordance with TSA policies,

(b) A claim against the United States Government, or

(c) A discrimination complaint.

(3) Requirement for a Determination by an Appropriate Authority: The appropriate authority's determination must be in writing and must conclude that the employee's pay or incentives were withdrawn, reduced, or denied due to an unjustified or unwarranted personnel action; and

(4) Requirement for Correction of the Personnel Action: The written determination by the appropriate authority must correct or direct the agency to correct the personnel action which caused the loss of the employee's pay or incentives.

I. Time Limitations Affecting Back Pay:

(1) TSA will not authorize back pay for a period beginning more than six (6) years from the date of the filing of a timely appeal, or, absent such filing, the date of the administrative determination that the employee is entitled to back pay, consistent with this directive;

(2) When a determination that the employee is entitled to back pay is based on a complaint filed by way of the EEO process, the time limitation for the back pay is two (2) years prior to the date the complaint was originally filed; and

(3) Where a claim for back pay is based on an employee's exempt or nonexempt status with regard to premium pay, TSA will apply a two (2)-year time limitation on claims.

A three (3)-year time limitation will apply for willful violations of TSA premium pay provisions. See TSA MD 1100.55-8, *Premium Pay.*

J. Calculating a Back Pay Award:

(1) Where the requirements for entitlement to back pay are met, the amount of back pay will be calculated consistent with the provisions of this directive and the *TSA Handbook to MD 1100.55-10, Back Pay;* and

(2) For decisions involving a removal or any suspension action, the time period covered by the back pay award ends on the date OHC processes the personnel action cancelling the removal action, restoring the employee to TSA's rolls. Alternatively, if the employee fails to follow instructions regarding the timely return of documents necessary to process the back pay award, the back pay award time period will end.

(a) When the employee is returned to TSA's rolls, he or she will be placed on excused absence (administrative leave), pending completion of any required background investigations and/or training needed to return the employee fully to duty;

(b) The employee's earnings while on administrative leave will be based on a straight 40-hour work week for a full time employee (i.e. Monday – Friday, 8:00 a.m. – 4:30 p.m.);

(c) A part-time employee will receive earnings based on the number of hours in the official tour of duty, as documented on the SF50 Personnel Action that is in effect prior to the personnel action that is being corrected; and

(d) While on administrative leave, the employee will receive no premium pay or differential pay.

K. Payment of Reasonable Attorney Fees and Costs:

(1) Attorney fees and costs shall only be allowed for the services of an active member in good standing of the Bar of a state, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States, and for services of law clerks, paralegals, or law students who are assisting members of a Bar. No payment may be made for the services of any TSA employee, other Federal Government employee, or non-attorney union representatives;

(2) If an employee satisfies the requirements for back pay entitlement, reasonable attorney fees and costs may be paid when the appropriate authority determines in writing that their payment is justified and in the interest of justice; and

(3) In accordance with section 706(k) of the Civil Rights Act of 1964, as amended, attorney fees and costs are payable as prescribed when an EEOC finding of prohibited discrimination is the basis for correcting an unjustified or unwarranted personnel action.

7. **PROCEDURES:** Refer to the Handbook to TSA MD 1100.55-10, *Back Pay*.

8. **APPROVAL AND EFFECTIVE DATE:** This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

Karen Shelton Waters
Assistant Administrator for Human Capital

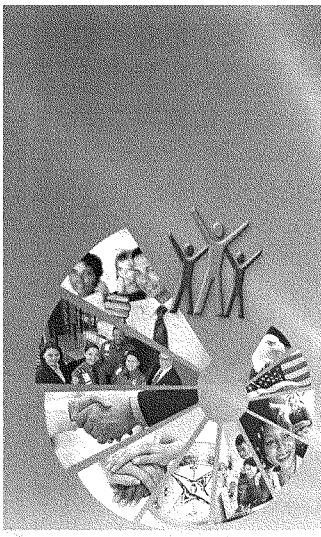
October 29, 2014
Date

EFFECTIVE

Date:

Distribution: Administrator, Deputy Administrator, Assistant Administrators, Regional Directors, Federal Security Directors, Supervisory Air Marshals in Charge, Business Management Division Directors, Administrative Officers, and Human Resources Specialists

Point of Contact: HRAccess Helpdesk: HelpDesk@mailserver-hraccess.tsa.dhs.gov



Transportation Security Administration

Office of Human Capital

TSA MD 1100.55-10, Handbook

Back Pay

Policy Effective:	March 30, 2009
Handbook Published:	March 30, 2009
Handbook Revised:	October 29, 2014

APPROVAL

Signed

Karen Shelton Waters
Assistant Administrator for Human Capital

Transportation Security Administration

This Handbook and all related Appendices and/or Attachments contain stipulations to implement the provisions of TSA MD 1100.55-10, Back Pay. Until such time as TSA MD 1100.55-10 is rescinded, the Management Directive, Handbook, Appendices, and any Attachments are considered TSA policy, and must be applied accordingly.

Summary of Changes:

- Section A, Definitions were added, updated Definition 2.
- Section G, updated language under G.2.

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A. Definitions:

(1) Applicant: An individual who submitted a resume or other similar documentation of work experience and education in anticipation of consideration for selection or placement in a vacant TSA position.

(2) Appropriate Authority: A person or an entity having authority in the case at issue to correct or direct the correction of an unjustified or unwarranted personnel action, or to enter into a settlement agreement on behalf of the agency, including a court, the Merit Systems Protection Board (MSPB), the Equal Employment Opportunity Commission (EEOC), the Secretary of the Department of Homeland Security (DHS) or his designee, the Office of Professional Responsibility Appellate Board (OAB), the Administrator of the TSA, or other TSA component or official to whom such authority is delegated.

(3) Back pay: Payment awarded by an appropriate authority for pay and incentives lost by an employee due to an unwarranted or unjustified personnel action, or to resolve a matter in a settlement agreement.

(4) Employee: An individual who is or has been employed by TSA to perform specific duties and responsibilities assigned to a position.

(5) Pay or incentives: The pay, leave, and other monetary employment benefits an employee is entitled to by statute, regulation, or TSA policy and which are payable by the TSA during periods of TSA employment.

(6) Unjustified or unwarranted personnel action: An act of commission or omission (i.e., failure to take an action or confer a benefit) that an appropriate authority subsequently determines was unjustified or unwarranted under applicable law, rule, regulations or TSA policy. Such actions include personnel actions and pay actions (alone or in combination). No unjustified or unwarranted personnel action is deemed to have occurred where a back pay term is provided in a settlement agreement.

B. General Requirements: When an appropriate authority issues a decision which corrects or orders the correction of an unjustified or unwarranted personnel action, and which finds that the unjustified or unwarranted personnel action resulted in the withdrawal, reduction, or denial of all or part of the pay or incentives due an employee, entitlement to back pay must be determined and calculated.

(1) The employee shall be deemed to have performed services for TSA for which compensation is due during the period covered by the corrective action.

(2) TSA shall compute for the period covered by the corrective action the pay and incentives the employee would have received if the unjustified or unwarranted personnel action had not occurred. To provide information needed by TSA to determine

entitlement to back pay and benefits, an employee must complete and submit TSA Form 1155-1, *Back Pay Notification and Benefits Option Checklist.*

(3) Depending on the situation, an employee may also be required to submit some or all of the following documentation, as applicable:

(a) TSP-1, *Thrift Savings Plan Election Form;*

(b) SF-2809, *Employee Health Benefits Election Form;*

(c) SF-2817, *Life Insurance Election Form; or*

(d) SF-1199A, *Direct Deposit Sign-Up Form*, including a copy of a voided check.

C. Requirement for an Administrative Determination: The requirement for an administrative determination is met when an appropriate authority issues a written determination that an employee has been affected by an unjustified or unwarranted personnel action which resulted in the withdrawal, reduction, or denial of all or part of the pay and incentives otherwise due to the employee.

D. Requirement for Correction of Personnel Action: The requirement for correction of a personnel action is met when an appropriate authority, upon review and consistent with law, Executive Order, rule, regulation, or TSA policy, corrects or directs the correction of an unjustified or unwarranted personnel action which resulted in the withdrawal, reduction, or denial of all or part of the pay and incentives otherwise due to the employee.

E. Time Limitations Affecting Back Payments:

(1) TSA will not authorize pay and incentives in any case for a period beginning more than six years before the date of the filing of a timely appeal, or, absent such filing, the date of the administrative determination that the employee is entitled to back pay.

(2) TSA will apply a two-year limitation for back pay claims dealing with an employee's exempt or non-exempt status (three-year limitation for willful violations). See TSA MD 1100.55-8, *Premium Pay.*

F. Back Pay Limitations:

(1) No employee shall be granted more pay and incentives than he or she would have been entitled to receive if the unjustified or unwarranted personnel action had not occurred.

(2) No back pay shall be awarded for:

(a) Any period during which the employee was not ready, willing, and able to perform his or her duties because of an incapacitating illness or injury. However,

upon written request, an employee may be granted any sick or annual leave available to him or her for a period of incapacitation if the employee can establish that the period of incapacitation was the result of illness or injury.

(b) Any period during which the employee was unavailable to perform his or her duties for reasons other than those related to the unjustified or unwarranted personnel action.

(c) Any time period after failure to submit required checklists and forms.

G. Computing Back Pay Awards: The following amounts shall be included when computing a back pay award:

(1) Any gross pay (i.e., before any deductions) to which the employee would have been entitled including any non-competitive promotion(s) that may have been received by employees occupying similar positions during the period of back pay, such as promotions granted to employees assigned as Transportation Security Officer (TSO) positions from the D band to the E band.

(2) Any Comparability Equivalent Increase, Transportation Success Increase, Transportation Officer Performance System Increase (based on the rating the employee would have received, if supportable; otherwise, based on a presumed rating of Achieved Expectations), and locality-based increase paid to employees occupying similar positions.

(3) Any incentive, such as a retention incentive approved for payment to employees occupying TSO positions at certain airports, as long as the official duty station for the employee was the airport for which the incentive was approved.

(4) The following amounts shall be deducted from any amount of back pay award:

(a) Any amounts earned by an employee from other employment (including self-employment) undertaken during the time the employee was separated or unable to perform duties because of the unjustified or unwarranted personnel action (calculate gross earnings less any associated business losses and ordinary and necessary business expenses);

(b) Any amounts earned by an employee from expansion of a "moonlighting" position the employee held while employed by TSA prior to the unjustified or unwarranted personnel action (only earnings received for expanded hours worked in the "moonlighting" employment which would have exceeded the hours worked prior to the separation);

(c) Any payments received from the Government as a result of the unjustified or unwarranted personnel action which, in the case of payments received from a Federal employee retirement system, shall be returned to the appropriate system.

The following payments shall be recovered from the back pay award prior to payment:

(i) Retirement annuity payments (except health benefits and life insurance premiums);

(ii) Refunds of retirement contributions;

(iii) Severance pay;

(iv) Lump sum payments for unused annual leave;

(v) Mandatory employee retirement contributions to Federal Employees Retirement System (FERS) or Civil Service Retirement System, as appropriate;

(vi) Social Security taxes and Medicare taxes;

(vii) Health benefits and life insurance premiums, if coverage continued during the period of erroneous separation;

(viii) Life insurance premiums if coverage continued during a period of erroneous retirement; coverage was stopped during an erroneous separation and the employee suffered death or accidental dismemberment during that period; or additional premiums are owed due to a retroactive pay increase;

(ix) Federal income tax withholdings; and

(x) Other authorized deductions.

NOTE: In general, there will be no deductions from back pay awards for unemployment benefits. States will generally seek reimbursement directly from the employee for unemployment compensation payments based on the cancellation of the separation action. However, if TSA is billed by the appropriate state for such funds, TSA will in turn bill the employee.

H. Correcting Leave Balances:

(1) Annual Leave

(a) Annual leave restored to an employee in excess of the maximum leave accumulation authorized by law shall be credited to a separate leave account for use by the employee, and must be used in accordance with the following standards:

(i) A full-time employee must schedule and use excess annual leave of 416 hours or less by the end of the leave year in progress two years after the date on which the annual leave is credited to the separate account. TSA shall extend this period by one leave year for each additional 208 hours of excess annual leave or any portion thereof.

(ii) A part-time employee must schedule and use excess annual leave in an amount equal to or less than 20 percent of the employee's scheduled tour of duty over a period of 52 calendar weeks, by the end of the leave year in progress two years after the date on which the annual leave is credited to a separate account. TSA shall extend this period by one leave year for each additional number of hours of excess annual leave, or any portion thereof, equal to 10 percent of the employee's scheduled tour of duty over a period of 52 calendar weeks.

NOTE: The time to schedule and use excess annual leave will be determined based on the date an employee returns to his or her duty station.

(2) Sick Leave

(a) Sick leave shall be restored to the balance held prior to the unjustified or unwarranted personnel action.

(b) The restored sick leave balance shall be increased by the amount of sick leave which would have been earned during the period of separation from TSA.

(c) Any sick leave which may have been used during the period of separation from TSA will be subtracted from the sick leave balance.

I. <u>Correcting Thrift Savings Plan (TSP):</u> Errors that affect an employee's TSP account must be corrected consistent with regulations prescribed by the Federal Retirement Thrift Investment Board.

(1) Employees may choose to make retroactive TSP contributions covering the period of separation due to the unjustified or unwarranted personnel action. (NOTE: For employees covered under FERS, matching contributions will be made by the agency, as appropriate.)

(a) Employees will be given the option to have the contribution election they had on file at the time of the unjustified or unwarranted personnel action reinstated for purposes of retroactive TSP contributions, or to submit a new TSP-1, *Thrift Savings Plan Election Form.*

(b) Any employee retroactive TSP contributions will be deducted from the amount of the back pay award.

(2) Employees may choose to make current TSP contributions by submitting a current TSP-1, *Thrift Savings Plan Election Form.*

J. Health and Life Insurance:

(1) Health Insurance

(a) An employee may elect to have prior enrollment reinstated retroactive to the date it was terminated, with appropriate adjustments made in contributions and claims, to the same extent and effect as though the unjustified or unwarranted personnel action had not taken place; or

(b) An employee may elect to enroll in the same manner as a new employee, by submitting a new SF-2809, *Employee Health Benefits Election Form.*

(c) An employee who converted to an individual health insurance contract during the period of an unjustified or unwarranted personnel action may receive a refund of the premiums paid for that coverage if proof of premiums can be provided to TSA.

NOTE: Item (b) does not apply when an employee was erroneously separated via a retirement personnel action under conditions which entitle him or her to continued enrollment. In such cases, there is no need to restore health benefits coverage; it was transferred to the retirement system and automatically continued.

(2) Life Insurance

(a) An employee who is retroactively restored to duty with pay will have life insurance coverage as though the erroneous action never occurred. However, retroactive salary deductions for life insurance shall not be withheld from any back pay awarded for the period of the unwarranted or unjustified personnel action.

(b) If death or accidental dismemberment occurs during the period between the employee's removal and the finding that the personnel action was unjustified or unwarranted, insurance proceeds will be paid and premiums will be withheld from the back pay award for the period of the unjustified or unwarranted personnel action.

(c) An employee who had no life insurance coverage prior to the unjustified or unwarranted personnel action is allowed to elect life insurance coverage, as permitted during an open season. Additional life insurance coverage may also be elected by the employee if he or she is restored to duty after the life insurance open season has closed. The effective date of the coverage is generally the first day in a pay and duty status on or after the date a SF-2817, *Life Insurance Election Form*, is received by TSA.

(d) An employee who opted to participate in Temporary Continuation of Coverage may request a refund of premiums if appropriate payment statements for the period of the coverage are provided to TSA.

K. Interest Computations: (applies only if interest is awarded by an appropriate authority).

(1) Interest begins to accrue on the date or dates (usually one or more pay dates) on which the employee would have received the pay and incentives if the unwarranted or unjustified personnel action had not occurred.

(2) Interest accrual ends at a time selected by TSA that is no more than 30 days before the date of the back pay interest payment. No interest is payable if a complete back pay payment is made within 30 days after any erroneous withdrawal, reduction, or denial of a payment, and the interest accrual ending date is set to coincide with the interest accrual starting date.

(3) When computing the amount of interest due, TSA will utilize an Office of Personnel Management (OPM) automated interest rate calculator or similar tool.

(4) TSA shall compute interest on the amount of back pay calculated before making any deductions for erroneous payments.

(5) Rate(s) of interest used to compute the interest payment shall be the annual percentage rate or rates established by the Secretary of the Treasury for the period or periods of time for which interest is payable (these rates are published at http://www.OPM.gov).

(6) Interest shall be compounded daily.

(7) TSA shall compute the amount of interest due, and shall issue the interest payment within 30 days of the date on which accrual of interest ends.

(8) To the extent feasible, TSA shall issue payments of back pay and interest simultaneously. If all or part of the payment of back pay is issued on or before the date on which accrual of interest ends, and the interest payment is issued after the payment of back pay is issued, the amount of the back pay paid shall be subtracted from the accrued amount of back pay and interest, effective with the date the payment of back pay was issued. Interest shall continue to accrue on the remaining unpaid amount of back pay (if any) and interest until the date on which accrual of interest ends.

L. Payment of Reasonable Attorney Fees:

(1) An employee or an employee's personal representative may submit a request for payment of reasonable attorney fees and costs to the appropriate authority who decided that an unjustified or unwarranted personnel action was taken which resulted in the withdrawal, reduction, or denial of all or part of the pay and incentives otherwise due the employee.

(a) Such a request may only be presented to the appropriate authority which corrected or directed the correction of the unjustified or unwarranted personnel action.

(b) The appropriate authority to which a request for payment of attorney fees and costs is made usually provides TSA the opportunity to respond to such a request.

NOTE: Attorney fees and costs will not be paid in connection with cases involving TSA's OAB.

(2) When an appropriate authority corrects or directs the correction of an unjustified or unwarranted personnel action that resulted in the withdrawal, reduction or denial of all or part of the pay and incentives otherwise due an employee, the payment of reasonable attorney fees shall be deemed warranted only if:

(a) Such payment is in the interests of justice, as determined by the appropriate authority.

(b) There is a specific finding by the appropriate authority setting forth in writing the reasons such payment is in the interest of justice.

(3) When an appropriate authority determines that such payment is warranted, it shall require payment of attorney fees and costs in an amount determined to be reasonable by the appropriate authority. When an appropriate authority determines that such payment is not warranted, no such payment shall be required.

(4) When an appropriate authority determines that an employee has been affected by an unjustified or unwarranted personnel action that resulted in the withdrawal, reduction, or denial of all or part of the pay and incentives otherwise due the employee based on a finding of discrimination prohibited under law, the payment of attorney fees and costs shall be in accordance with the standards prescribed under section 706(k) of the Civil Rights act of 1964, as amended.

(5) Payment of reasonable attorney fees and costs shall be allowed only for the services of an active member in good standing of the Bar of a state, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States, and for the services of law clerks, paralegals, or law students, when assisting members of a Bar. No fees may be paid for the services of any employee of TSA or the Federal government.

(6) Payment of reasonable attorney fees and costs may be a negotiated term of a settlement agreement and processed accordingly.

Post-Hearing Questions for the Record
Submitted to the Honorable John Roth
From Senator Claire McCaskill

"Frustrated Travelers: Rethinking TSA Operation to Improve Passenger Screening and Address Threats to Aviation"
June 7, 2016

There has been a lot of recent press and a House Oversight and Government Reform hearing focused on whistleblower retaliation problems at TSA.

1) Please provide a breakdown of the number of whistleblower retaliation complaints the DHS IG has received by DHS component over the last 10 years.

Answer: Whistleblowers play a critically important role in ensuring transparent, honest, effective, and accountable government. Department of Homeland Security employees who step forward to disclose fraud, waste, abuse, and other wrongdoing are invaluable to our mission, as are the Federal laws providing them protection. Under these laws, managers are prohibited from retaliating against whistleblowers by taking or threatening to take any adverse personnel actions because they report misconduct. The *Inspector General Act of 1978* also gives Inspectors General the absolute right to protect the identity of our witnesses, who we depend on to expose fraud, waste, and abuse.

Over the last two years, and particularly in the last six months, the Department of Homeland Security Office of Inspector General (DHS OIG) has made significant changes to our Whistleblower Protection Program. These changes are intended to raise our profile within DHS as the entity to which allegations of fraud, waste, and abuse are reported, and to better ensure that whistleblower retaliation concerns are addressed with effective results. Our goal is to have a proactive whistleblower program that is as good as or better than any OIG in the Federal Government.

To accomplish this goal, we have:

- Moved our Whistleblower Protection Office to our Office of Counsel, where it now receives support from 14 attorneys.
- Appointed a DHS OIG senior executive to be the statutorily-mandated DHS Whistleblower Ombudsman. He is spearheading the effort to ensure that all DHS personnel and contractors, in every component, understand their rights to report fraud, waste, and abuse, and to be protected from retaliation for doing so.
- Vastly improved the intake process for allegations of whistleblower retaliation. Now, each claim that appears to raise issues of whistleblower retaliation – whether the complainant identifies themselves as a "whistleblower" or not – is examined by specially-trained investigators within our Whistleblower Protection Office, assisted and supported by our lawyers in the Office of Counsel.

- Obtained, for the first time in our history, official certification from the Office of Special Counsel that our whistleblower protection program meets the whistleblower protection requirements of 5 U.S.C. § 2302(c).
- Started the process of hiring specially-trained investigators who will be exclusively dedicated to whistleblower retaliation investigations.

Prior to the recent changes to our intake process, we did not have a tracking system within our complaint management system that separately tracked whistleblower retaliation complaints. We started tracking those complaints last year, and in Fiscal Year (FY) 2015 our Whistleblower Protection Office reviewed 227 allegations to determine if a *prima facie* case of whistleblower retaliation was alleged. In the first six months of FY 2016, the Whistleblower Protection Office reviewed 195 allegations as potential whistleblower retaliation complaints. We have reported these numbers in our Semiannual Report to Congress (SAR) beginning with our FY 2015 SARs and will continue to do so in the future.

Because we receive well over 15,000 complaints per year, it is not possible for us to go back ten years and provide meaningful estimates of the number of whistleblower retaliation complaints annually by DHS component. Going forward, we will continue to refine and update our procedures so that valuable information such as this can be tracked, analyzed, reviewed for trends, and reported to stakeholders such as Congress and the Office of Special Counsel.

July 22, 2016

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and Governmental Affairs
United State Senate

Aviation Security: Responses to Posthearing Questions for the Record

Dear Mr. Chairman:

On June 7, 2016, I testified before the United States Senate Committee on Homeland Security and Governmental Affairs on the status of the Transportation Security Administration's (TSA) expedited screening and screener oversight efforts. This letter responds to the questions for the record that you posed. The responses are based on work associated with our previously issued products.[1] Your questions and my responses are enclosed.

If you have any questions about this letter or need additional information, please contact me at (202) 512-7141 or groverj@gao.gov.

Sincerely yours,

Jennifer Grover

Jenny Grover
Director, Homeland Security and Justice Team

Enclosure

cc: cc list

[1]GAO, *Screening Partnership Program: TSA Should Issue More Guidance to Airports and Monitor Private versus Federal Screener* Performance, GAO-13-208 (Washington, D.C.: December 6, 2012); *Advanced Imaging Technology: TSA Needs Additional Information before Procuring Next-Generation Systems,* GAO-14-357 (Washington, D.C.: March 31, 2014*; Screening Partnership Program: TSA's Cost and Performance Independent Study,* GAO-15-612R (Washington, D.C.: June 10, 2015); *Screening Partnership Program: TSA Can Benefit from Improved Cost Estimates,* GAO-16-19 (Washington, D.C.: November 16, 2015); *Explosives Detection Canines: TSA Has Enhanced Its Canine Program, but Opportunities May Exist to Reduce Costs*, GAO-16-444T (Washington, D.C.: March 3, 2016); *Aviation Security: TSA Should Ensure Testing Data Are Complete and Fully Used to Improve Screener Training and Operations*, GAO-16-415SU (Washington, D.C.: May 4, 2016).

QFR RESPONSES FOR 6/7/16 TESTIMONY UNDER 100878

1. **Given the IG's Red Team findings last June and GAO's finding that TSA's own covert test results are not reliable, what steps should TSA be taking to improve its screening capabilities? What steps is TSA taking to ensure screeners are accurately identifying prohibited items? Has TSA invited GAO to review its courses at the new TSA academy in Glynco, Georgia? If so, what are your observations and recommendations?**

In a May 2016, GAO reported on the results of its review of TSA's various testing programs for assessing the performance of the agency's screening force.[2] Specifically, GAO found that TSA's efforts to assess the effectiveness of X-ray screening by TSOs through Threat Image Projection (TIP) testing are limited by incomplete test results data. As a result, TSA does not have assurance that (1) its TSOs are receiving remedial training based on the TIP test results, which would aide in their ability to properly identify prohibited items, and (2) its library of images used in the testing are fully informed.[3] GAO also found that TSA is not systematically using TIP results data to analyze national trends to inform training or testing or for other purposes such as changes to screening processes or procedures. Based on these findings, GAO recommended that TSA (1) ensure that their airport personnel submit complete test results data, as required by agency policy, and (2) conduct an analysis of the nationwide X-ray testing data for trends that could inform training needs and improve future training and TSO performance assessments. TSA concurred with these recommendations and stated it is in the process of (1) developing an automated tracking system that will automatically identify airports whose TIP testing results data are missing from the national database in order to facilitate follow-up in these instances, (2) examining both high-scoring and poor-performing airports to develop best practices, and (3) reviewing TIP assessments to determine if improvements are being realized along with what contributed to those improvements.

GAO also reported in May 2016 that TSA does not track whether recommendations stemming from its covert testing under the Aviation Screening Assessment Program (ASAP) have been implemented, or conversely, reasons for not implementing them.[4] GAO recommended that TSA track implementation, by airports, of the ASAP recommendations to ensure that corrective actions are being applied to help improve TSO performance and the extent to which they are doing so. TSA concurred and stated it is taking actions to formalize ASAP reporting which include development of a standard format for Corrective Action Plans, prepared after an ASAP

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[2]GAO, *Aviation Security: TSA Should Ensure Testing Data Are Complete and Fully Used to Improve Screener Training and Operations*, GAO-16-415SU (Washington, D.C.: May 4, 2016).

[3]TSA uses TIP to monitor TSOs' ability to identify prohibited items, aid in keeping them focused and attentive, and keep their skills sharp in identifying items they do not routinely see. The TIP system displays fictional threat items, such as guns or explosives, onto X-ray images of actual passenger bags, and TSOs are expected to identify them. According to TSA policy, Federal Security Directors (FSD) must monitor TIP results monthly and, if one of their TSOs identifies less than 75 percent of TIP images accurately in a month, then the TSO is required to attend remedial training.

[4]ASAP tests are covert tests conducted by TSA at both screening checkpoints and checked baggage screening areas. ASAP tests are to be implemented locally by unrecognizable role players who attempt to pass threat objects, such as knives, guns, or simulated improvised explosive devices, through the screening checkpoints or onto the plane in their checked baggage. The tests are designed to assess the operational effectiveness of screeners.

failure, that will allow TSA to track the corrective actions and their effectiveness in addressing findings from the ASAP tests.

Further, in response to the failure rates stemming from recent covert testing conducted by the Department of Homeland Security Office of Inspector General (DHS-OIG), the Secretary of DHS directed TSA, in June 2015, to take a number of actions to address the vulnerabilities identified in the testing. TSA has responded to the DHS Secretary's direction, in part, by updating its screening standard operating procedures (SOPs) and retraining Transportation Security Officers (TSO) to address the Inspector General's findings.[5]

Regarding its effort to retrain TSOs, TSA provided the additional training nationwide to all TSOs—referred to as "Mission Essentials—Threat Mitigation" training. According to TSA, the purpose of this 8-hour classroom training was to provide the opportunity for the workforce to become familiar with the intelligence and threat information that underlies TSA's use of checkpoint technologies, operational procedures, and the TSO workforce to mitigate threats. TSA officials described the training as covering the "why" behind the equipment and procedures TSA uses to screen passengers and baggage. More specifically, the training included:

- instruction on how social engineering techniques may be used in an attempt to defeat TSA risk mitigation procedures,[6]
- updates on SOP changes for screening certain types of passengers,
- demonstrations on improvised explosive devices (IED) and how pat downs are used to mitigate the threat, and
- an overview of checkpoint equipment capabilities and limitations and the role of using screening SOPs and best practices to mitigate gaps caused by equipment limitations.

In addition to the 8-hour course provided for TSOs, supervisors were provided additional training on their responsibilities for ensuring the correct implementation of the checkpoint SOPs and how to provide on-the-spot corrections and constructive feedback to officers. TSA officials added that, in order to ensure enhanced mission focus, the agency recently began sending all new-hire TSOs to the TSA Academy at the Federal Law Enforcement Training Center in Glynco, Georgia, rather than conducting the classroom portion of the New Hire Training Program (NHTP) at individual airports. The officials stated this would help standardize the new hire training and provide a sense to the new hires that they are part of something larger than just their local airport. TSA officials stated the first new-hire classes started at the TSA Academy in January 2016.[7] Since its inception in January, GAO has not performed any review or examination of the TSA Academy or the coursework provided there to newly-hired TSOs.

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[5]TSA's screening standard operating procedures govern how screening personnel—both TSOs and screening personnel at SPP airports—are supposed to screen passengers, their accessible property, and checked baggage for prohibited and other dangerous items. Also in response to the DHS-OIG findings, TSA has developed new measures of effectiveness that it expects will better emphasize the agency's goals for improving security effectiveness by focusing the measures on both the screening system and workforce in the areas of readiness and performance. For example, improved workforce measures, now being reported monthly, include those to track TSOs' progress against training requirements, absences due to injuries or other reasons, and whether they are meeting performance thresholds on various tests of performance and job proficiency.

[6]According to TSA, social engineering is the art of manipulating people into performing actions or divulging sensitive information. In the context of TSA's screening operations, this pertains to potential concealment techniques employed by passengers being screened.

[7]To date, TSA has trained a total of 3,600 TSOs in separate new hire classes lasting 72 hours each

2. What do we know about using private screeners through the Screening Partnership Program? How do private contractors compare to TSA screeners at identifying prohibited items and screening passengers? What is the difference in cost?

In past work, GAO has examined issues related to the performance of private screeners under the Screening Partnership Program (SPP) in addition to cost comparisons between federal screeners and private screeners in the SPP program. See below for additional information on each of these prior efforts.

In December 2012, GAO reported that TSA had recently improved its screener performance measures, but did not monitor private screener performance under the SPP separately from federal screener performance.[8] Further, GAO reported that a mechanism to consistently monitor SPP versus non-SPP performance would better position TSA to ensure that the level of screening services and protection provided at SPP airports continues to match or exceed the level provided at non-SPP airports, thereby ensuring that SPP airports are operating as intended. TSA concurred with GAO's recommendation that they implement such a mechanism and, in January 2013, TSA issued its first SPP Annual Report which provided an analysis of private versus federal screening performance. In September 2013, TSA provided internal guidance requiring that the report annually verify that the level of screening services and protection provided at SPP airports is equal to or greater than the level that would be provided by federal screeners. Also, in the December 2012 report, GAO examined various TSA screener performance measures testing data and reported that certain SPP airports performed slightly above the airport category and national averages for some measures, while others performed slightly below the category and national averages. In the report, GAO also cautioned that the differences observed in private and federal screener performance could not be entirely attributed to the type of screeners (private or federal) at the airport because many other factors may contribute to any observed differences—such as checkpoint layout, airline schedules, seasonal changes in travel volume, and type of traveler.

In June 2015, GAO reported on an independent study TSA commissioned pursuant to a congressional mandate to examine the performance of screening at federalized airports (i.e., non-SPP airports) in comparison to that at privatized airports under the SPP program.[9] The TSA study included the elements of security effectiveness and cost. The study's performance assessment of available data on security effectiveness, among other things, concluded that SPP airports are generally operating at the same level of performance as non-SPP airports. In addition, the study's cost assessment concluded that, in general, the cost estimates for non-SPP screeners are higher for larger airports, whereas the cost estimates for SPP screeners are generally higher for smaller airports. Also, the study found that wages and benefits are comparable for both sets of screeners. GAO examined the strengths and weaknesses of the independent study and found that the study's performance and costs assessments had some

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[8]GAO, *Screening Partnership Program: TSA Should Issue More Guidance to Airports and Monitor Private versus Federal Screener* Performance, GAO-13-208 (Washington, D.C.: December 6, 2012).

[9]The Explanatory Statement accompanying the Consolidated Appropriations Act of 2014 directed TSA to conduct the independent study. See 160 Cong. Rec. H475, H931 (daily ed. Jan. 15, 2014) (explanatory statement), accompanying Pub. L. No. 113-76, 128 Stat. 5 (2014). See also S. Rep. No. 113-77, at 59-60 (2013). GAO, *Screening Partnership Program: TSA's Cost and Performance Independent Study*, GAO-15-612R (Washington, D.C.: June 10, 2015).

strengths. However, the study had limitations that (1) affected its ability to draw conclusions that are supported by the data analysis on screener performance, and (2) affected its accuracy and credibility with respect to the cost assessment.

In November 2015, GAO reported on its assessment of TSA's cost estimates for providing screening services at SPP airports that are used as a basis of comparison for program and procurement decisions.[10] Specifically, GAO reported that TSA's cost estimating practices have some strengths, including a revised cost estimating methodology that provides sufficient details for TSA staff to develop and document costs estimates. However, TSA's cost estimating practices also have limitations which prevent the estimates from being reliable, such as (1) not including certain costs incurred by the federal government such as retirement benefits and insurance and (2) not regularly updating the estimates to reflect program changes that could affect costs. As a result, GAO recommended that TSA develop a cost estimating methodology that can provide more reliable information by being more closely aligned with best practices for cost estimation. In response, TSA concurred with the recommendation and agreed to revise its 2013 cost estimating methodology to more fully conform to leading best practices. Further, GAO also reported in November 2015 that TSA had not reported cost comparisons between federal and private screening at SPP airports that the agency had been preparing annually since 2013. According to TSA, they had not shared these reports with Congress because they had been developed for internal use and there was no standing requirement to report this information. GAO recommended that TSA provide these cost comparisons to Congress to better position policy makers to assess and understand the effectiveness of the SPP program and its effects on federal costs. In response, TSA concurred with the recommendation and stated that it planned to use the existing SPP Semi-Annual Report for Congress to provide this cost comparison beginning with the June 2016 report.

Lastly, in the November 2015 report, GAO reported that, once it has awarded a contract, TSA does not continually monitor the value of the contract relative to its estimated costs throughout the contract period. The report noted that TSA has determined that it will not consider a contractor's proposal to perform screening at an airport if the proposed cost exceeds TSA's estimated costs. However, TSA does not update its estimated costs to account for changes during the contract period that affect the estimates such as an airport expansion requiring more staff to be hired. Further, GAO reported that continually monitoring how contract values compare to TSA's estimated costs, and ensuring the cost estimates are updated to correspond to major changes in the program or contract, would provide program officials and policymakers with more accurate information about the relative costs of operating airports with federal and private screeners. As a result, GAO recommended that TSA compare and update estimates when major changes to contract values occur. TSA concurred with this recommendation and stated that it will do this comparison on an annual basis, starting with all new estimates after March 31, 2016.

3. How well is TSA doing at understanding and adjudicating Advance Imaging Technology (AIT) false alarm rates and the impact they have on operational costs and screener effectiveness?

In March 2014, we reported that TSA was in the process of networking all AIT systems equipped with automated target recognition (AIT-ATR) that were deployed to airports nationwide

[10]GAO, *Screening Partnership Program: TSA Can Benefit from Improved Cost Estimates,* GAO-16-19 (Washington, D.C.: November 16, 2015).

so that information could be collected at the headquarters level, and when this process is complete, TSA would be able to centrally collect operational data that could provide information on secondary screening outcomes, which provide insight into the operational false alarm rate. We recommended that the TSA Administrator establish protocols that facilitate the capturing of operational data on secondary screening of passengers at the checkpoint to determine the extent to which AIT-ATR system false alarm rates affect operational costs once AIT-ATR systems are networked together. In July 2015, TSA officials stated that the agency had not completed the networking of AIT-ATR systems, and in response to this recommendation, TSA evaluated false alarm rates against existing staffing levels as part of the test and evaluation for the second generation of AIT systems, referred to as AIT-2 systems, to determine the impact of the new AIT systems on staffing. However, evaluating false alarm rates under test conditions for a limited period of time did not address the intent of our recommendation to collect and analyze operational data on an ongoing basis under normal operating conditions. During subsequent updates, TSA requested that we consider alternate proposals to address this recommendation that would not depend on networking the deployed systems. We met with TSA officials in January 2016 and May 2016 to discuss proposals by TSA to leverage existing processes to gather AIT false alarm information to assess the impact of AIT false alarm rates on operational costs using a statistically representative sample of airports. In May 2016, TSA officials provided an update on the status of this effort and noted that they expect to have a process in place that will address this recommendation in fiscal year 2016. We are in process of following up with TSA to determine the extent to which these actions, once finalized, will address the intent of our recommendation

4. **TSA plans to increase the number of individuals enrolled in TSA Pre✓® to 25 million by 2020. With about 9 million people currently enrolled, how realistic is that goal? What effect with 25 million Pre✓® members have on the transportation security system in the United States?**

Our analysis of TSA data from December 2015 shows that TSA would need to sharply increase its current enrollment pace to raise its current level of 8.8 million individuals included on the TSA Pre✓® lists of known travelers to 25 million individuals by the end of calendar year 2020. Specifically, TSA data show that the number of individuals included on one of the TSA Pre✓® lists increased by about 1.1 million individuals over the six month period from June 2015 through December 2015. If the number of individuals included on the TSA Pre✓® lists continues to increase at that pace, the number of new individuals eligible for expedited screening by virtue of their inclusion on a TSA Pre✓® list over the next 5 years would be 11 million, for a total of 19.8 million. TSA would need to increase the number of individuals on its TSA Pre✓® lists by about 50 percent—or 1.6 million new individuals every six months—to reach its 25 million goal by the end of calendar year 2020.

When TSA made changes to its TSA Pre✓® Risk Assessment program and Managed Inclusion process to mitigate security vulnerabilities identified by the Department of Homeland Security Inspector General, the number of individuals eligible for and receiving expedited screening decreased by about 20 percent, according to TSA. TSA officials noted that increasing the number of individuals on the TSA Pre✓® lists to 25 million individuals was intended to serve two purposes. First, TSA hopes to return the expedited screening throughput to the levels in place before the changes to the TSA Pre✓® Risk assessment program and Managed Inclusion process were implemented. Second, moving to an expedited screening program where nearly every passenger has been vetted by TSA or another federal agency provides assurances that these individuals are trusted travelers or part of a low-risk population, and therefore present a low risk to the aviation system.

5. Does GAO believe that the number of canine teams for which TSA has funding is sufficient to secure the transportation system? Are the canine teams deployed as strategically as possible? Has TSA increased its canine team numbers appropriately to meet new passenger screening demands? Has TSA invited GAO to observe its canine training at the new training center in San Antonio? If so, what are your observations and recommendations?

As a result of TSA's ongoing process to transition all agency-led canine teams to passenger screening canine teams (PSC) teams, it is unclear whether TSA has a sufficient number of canine teams and if they are deployed as strategically as possible. As we previously reported,[11] as of February 2016, TSA's National Explosives Detection Canine Team Program (NEDCTP) had funding available in fiscal year 2016 to deploy 997 canine teams across transportation systems.[12] Of the 997 canine teams, 675 teams are state and local law enforcement officer-led teams and the remaining 322 teams are led by TSA Transportation Security Inspectors (i.e., agency-led). The vast majority of teams, 779, are assigned to airports, including 276 PSC teams—conventional canines also trained to detect explosives being carried or worn on a person. The remaining 218 canine teams include: 127 mass transit, 80 multimodal, and 11 maritime. See table 1 below for additional details.

Table 1: Total Number and Roles and Responsibilities of Transportation Security Administration (TSA) Canine Teams for which Funding is Available

[11]GAO, *Explosives Detection Canines: TSA Has Enhanced Its Canine Program, but Opportunities May Exist to Reduce Costs*, GAO-16-444T (Washington, D.C.: March 3, 2016).

[12]As of February 2016, 797 canine teams had been deployed. An additional 149 teams were "in transition" meaning that they were in training, awaiting an operational assessment, or canine replacement, among other things.

Type of canine team	Number of teams for which funding is available	Description of roles and responsibilities
Law enforcement officer (LEO): aviation	503	Patrol airport terminals, including ticket counters, curbside areas, and secured areas; respond to calls to search unattended items, such as vehicles and baggage; screen air cargo; and serve as general deterrents to would-be terrorists or criminals
LEO: mass transit	127	Patrol mass transit terminals; search platforms, railcars, and buses; respond to calls to search unattended items, such as baggage; and serve as general deterrents to would-be terrorists or criminals
LEO: maritime	11	Conduct similar activities as LEO mass transit teams at ferry terminals
LEO: multimodal	34	Patrol and search transportation modes in their geographic area (e.g., aviation, mass transit, and maritime), and screen air cargo
Transportation security inspector (TSI): multimodal	46	Patrol and search transportation modes in their geographic area (e.g., aviation, mass transit, or maritime), and screen air cargo
TSI: Passenger screening canine (PSC)	276	Primarily search for explosives odor on passengers in airport terminals
Total	**997**	

Source: GAO analysis of TSA data. | GAO-16-444T

The 276 PSC teams include 120 canine teams previously dedicated to screening air cargo. In 2015, TSA began training and certifying all air cargo teams as PSC teams. By the end of calendar year 2016, TSA expects that all air cargo teams will be PSC certified, providing the agency greater flexibility in how it can utilize its canine teams. The agency's long-term intent is to have all 322 agency-led teams categorized as multimodal once trained in passenger screening so they can operate across modes to meet mission needs. It is unclear how the increased number of PSC teams, which are to be able to operate in all transportation modes, will ultimately be deployed and how they will work in conjunction with the law enforcement officer-led canine teams deployed in the same locations.

We do not have recent data on the number of PSC teams deployed to each airport to determine whether the increases meet screening demands, but it unlikely TSA has enough PSC teams to provide a constant presence at security checkpoints. In response to recommendations that stemmed from our 2012 review of NEDCTP, TSA redeployed PSC teams from the sterile area to the passenger checkpoint queue to support screening operations and deployed canine teams to the highest-risk airports with the largest number of passenger boardings.[13] Specifically, TSA deployed PSC teams to nearly all category x airports and 14 category I airports.[14] However, since TSA has deployed four PSC teams per

[13]GAO, *TSA Explosives Detection Canine Program: Actions Needed to Analyze Data and Ensure Canine Teams Are Effectively Utilized*, GAO-13-54SU (Washington, D.C.: Dec. 13, 2012).

[14]TSA classifies the nation's approximately 440 TSA-regulated (i.e., commercial) airports in the United States into one of five security risk categories (X, I, II, III, and IV) based on various factors, such as the total number of takeoffs and

airport and airports have multiple screening checkpoints, and canines have limited duration as well as training requirements, it is unlikely TSA has enough PSC teams to provide a constant presence in support of screening operations.

TSA has not invited us, nor have we requested, to visit the Canine Training Center (CTC) located at Joint Base San Antonio-Lackland since TSA opened its new facility. However, during our 2012 review of NEDCTP, we visited CTC.[15] In addition to observing canine training, we met with canine trainers and evaluators. We found that CTC had established training curriculum and had a process for evaluating canines before deploying them to the field. We observed that CTC conducted training in environments that replicated real world operating environments (e.g., actual train cars and aircraft). We also found that CTC trained canines to detect a wide variety of explosives odors.

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landings annually, the extent of passenger screening at the airport, and other security considerations. In general, Category X airports have the largest number of passenger boardings and Category IV airports have the smallest.

[15] GAO-13-54SU.