

# 20 YEARS AFTER 9/11: THE STATE OF THE TRANSPORTATION SECURITY ADMINISTRATION

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## HEARING BEFORE THE COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES ONE HUNDRED SEVENTEENTH CONGRESS FIRST SESSION

SEPTEMBER 29, 2021

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## **20 YEARS AFTER 9/11: THE STATE OF THE TRANSPORTATION SECURITY ADMINISTRATION**

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**Wednesday, September 29, 2021**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
*Washington, DC.*

The committee met, pursuant to notice, at 9:30 a.m., via Webex, Hon. Bennie G. Thompson [Chairman of the committee] presiding.

Present: Representatives Thompson, Jackson Lee, Langevin, Payne, Correa, Cleaver, Green, Clarke, Titus, Watson Coleman, Demings, Barragán, Gottheimer, Katko, Higgins, Guest, Van Drew, Norman, Miller-Meeks, Harshbarger, Clyde, Gimenez, LaTurner, Meijer, Cammack, Pfluger, and Garbarino.

Chairman THOMPSON. The Committee on Homeland Security will come to order. The committee is meeting today to receive testimony on the state of Transportation Security Administration 20 years after 9/11. Without objection, the Chair is authorized to declare the committee in recess at any point.

Good morning. I want to thank TSA Administrator David Pekoske as well as former administrators Peter Neffenger, John Pistole, and James Loy for being with us today and for their leadership in safeguarding our Nation. Let me say that we have never had assembled before this committee such an august group of individuals who have done so much to keep us as a Nation safe 20 years in, so I am looking forward to their testimony.

Twenty years ago, the morning of September 11, the United States suffered the most devastating targeted attack in history. Thousands of lives were lost and many more were changed forever. In the weeks, months, and years that followed, the Federal Government engaged in a massive effort to reshape our security efforts and respond to new global threats.

Most importantly for today's hearing, it was clear that Federal authorities needed to be responsible for safeguarding our Nation's transportation system and so the Transportation Security Administration was born. In its 20-year history TSA has had 7 Senate-confirmed administrators; 4 of them are with us today. Together they represent the majority of the history of TSA and they can speak to the incredible changes and growth the agency has undergone in the past 2 decades.

When TSA began amid an uncertain threat picture, a rapid response required a "one-size-fit-all" approach to security measures, primarily using simple metal detectors and X-ray machines. Over

the years, TSA has responded to evolving threats involving terrorist tactics to advance its approach to screening and vetting. Today, TSA utilizes modern technologies such as advanced imaging technology and computed tomography machines to detect a range of nonmetallic weapons.

TSA has developed a sophisticated, risk-based security approach and leveraged intelligence, passenger vetting, and Trusted Traveler programs to focus limited resources on the most pressing threats. TSA must continue to evolve because we continually face new kinds of threats.

Today threats are arising not just from violent terrorist groups, but from lone wolf actors, cyber criminals, public health emergencies, and unruly passengers. We have also seen threats expand from a focus on passenger aircraft to include other transportation modes and assets such as air cargo, mass transit, freight and passenger rail, and pipelines. Collectively, these threats challenge the limits of TSA's authorities and resources, and Congress must ensure TSA remains prepared to execute its critical security mission. I am eager to hear about the changes TSA has undergone to meet those threats and allow Americans to travel securely throughout the on-going global pandemic.

Unfortunately, even with all the modern improvements TSA has made, some issues have remained stagnant. The agency has struggled throughout its history to create a well-compensated, empowered, and fulfilled work force. I am happy to see the Biden administration taking steps to improve the situation.

On Monday, Administrator Pekoske announced a new Memorandum of Agreement with the Merit Systems Protection Board, or MSPB, under which the MSPB has agreed to review adverse action appeals from front-line officers. This action responds to long-standing calls for a fair third-party disciplinary appeals process for the TSA work force. I commend Administrator Pekoske, Secretary Mayorkas, and the Biden administration for taking this important step. Still, a change in the law and significant funding will be needed to provide TSA workers with the workplace rights and the competitive pay they deserve.

To that end, I look forward to continuing to advance my bill, the Rights for the TSA Workforce Act of 2021, which this committee marked up in July.

Before I close, I would also note, as Chairman I strive to bring diverse witness panels before the committee. Although there has been some diversity among TSA's leadership over the years, only White male administrators have ever been confirmed by the Senate to lead the Transportation Security Administration. I hope TSA will increase the diversity of its leadership both for its work force as well as the American people.

As we look ahead, the successes as well as the missteps of the past 2 decades will help guide our mission to provide Americans with a safe, efficient, and secure transportation system. I look forward to reflecting on those issues today.

Before I recognize the Ranking Member and without objection, I include in the record a statement from the American Federation of Government Employees on the subject of today's hearing.

[The information follows:]

## STATEMENT OF AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

SEPTEMBER 29, 2021

Chairman Thompson, Ranking Member Katko, and Members of the Committee: The American Federation of Government Employees, AFL-CIO (AFGE), which represents 700,000 Federal and District of Columbia employees in 70 agencies, including approximately 45,000 Transportation Security Officers (TSOs) at the Transportation Security Administration (TSA) thanks the committee for holding this important hearing today, “20 Years After 9/11: The State of the Transportation Security Administration.” Indeed, by some measures the agency has experienced tremendous progress in the past 20 years, but when it comes to fair pay and due process, it has left its most crucial resource—the Transportation Security Officer workforce—back in the 20th century.

When this committee held a hearing in May of this year, “Twenty Years of Workforce Challenges: The Need for H.R. 903, the Rights for the TSA Workforce Act of 2021,” AFGE testified that full rights under title 5 of the U.S. Code, as other Federal employees are accorded, would directly improve the ability of TSA to provide the flying public the highest level of aviation security. We also testified to the low morale and toxic work environment that two decades of TSA administrators have allowed to fester and consume the TSA work culture.

AFGE urges the committee to continue to explore the impact of the toxic work culture as it is juxtaposed against the many demands placed on the TSO workforce as TSA has grown and changed over 20 years. Over 2 decades, TSOs have gone from operating hand wands and walk-through metal detectors to utilizing Advanced Imaging Technology machines and pat-downs. As TSA has invested in new technologies, TSOs have taken training on new equipment nearly every year.

It is clear that investment in advanced technology has contributed to 20 years of aviation security. But we ask, where is the investment in the workforce? Where has TSA leadership been as supervisors fostered work cultures that forced many TSOs to resign or endure harassment, humiliation, and undue discipline?

The TSO workforce has been on the job throughout the longest Government shutdown in American history and the COVID-19 Pandemic. Over 10,000 TSA employees, mostly those in the screening workforce, have contracted COVID-19 and 29 have tragically lost their lives. TSA reported earlier this month that with the imposition of checkpoint mask mandates, there have been more than 4,000 “mask-related incidents” and the agency is pursuing penalties in 126 cases.<sup>1</sup> That number is likely higher as many TSOs endure punishing treatment by the flying public they are working to protect rather than report or respond when they sustain abusive behavior at the checkpoint. Even a cross tone toward an unruly passenger could result in a disciplinary action where the TSO has little or no recourse to explain mitigating factors.

Fair treatment of the TSO workforce is a goal that should have been a priority from Day 1 and from the top down, but it was not. In the aftermath of the September 11, 2001 terrorist attacks on American soil, Congress granted the TSA administrator unusually broad authority to develop a separate personnel management system. Congress did not grant this authority to allow mistreatment against the TSO workforce. Now that 20 years have passed, it is time to bring personnel management under regular order and make the rights and compensation of the TSO workforce a priority. This committee has favorably reported the “Rights for the TSA Workforce Act” and AFGE hopes to work with the committee to achieve passage in the full House in the coming weeks.

Turnover in the screening workforce has been a persistent problem. With very low pay and little reward for experience many TSOs go on to other agencies where they work under the more reliable and market-based general schedule (GS) pay scale. Elsewhere in the Federal Government, they are guaranteed due process in disciplinary matters, whistleblower protections and reasonable and consistent agency action when they experience harassment and discrimination. This committee has examined the March, 2019 Office of Inspector General Report, “TSA Needs to Improve Efforts to Retain, Hire, and Train Its Transportation Security Officers” which attributed the high attrition among TSOs to low pay and fairness of pay and found TSOs’ “dissatisfaction with their supervisors included management’s competence, communication, promotion of negative work environment, disrespect, lack of trust, lack of appreciation or recognition, and unfair practices in appraisal, discipline, and ad-

<sup>1</sup> “More than 4,000 face-mask incidents have been reported to the TSA,” *The Washington Post*, September 10, 2021

vancement.”<sup>2</sup> While we do not believe the OIG’s recommendations went far enough to remedy these pay and management failures, it is important they were identified and brought forward. In the context of the 20-year anniversary of TSA, it is time to enact legislation that will address these intrinsic inequities.

We raise our questions and concerns not to chide the administrator or former administrators for personnel management failures, but to ensure that human beings who perform essential homeland security functions are not left behind in the calculation of securing the homeland but are front and center when this agency addresses crises in the future and sets the vision for the TSA the American public deserves 20 years from now. AFGC looks forward to working with the committee and with TSA to achieve a better workplace and a more successful agency.

Chairman THOMPSON. Again, I thank our witnesses for joining us and for their honorable and steadfast service to our Nation.  
[The statement of Chairman Thompson follows:]

STATEMENT OF CHAIRMAN BENNIE G. THOMPSON

SEPTEMBER 29, 2021

Good morning.

I want to thank TSA Administrator David Pekoske, as well as former Administrators Peter Neffenger, John Pistole, and James Loy for being with us today and for their leadership in safeguarding our Nation.

Twenty years ago, on the morning of September 11, the United States suffered the most devastating targeted attack in our history.

Thousands of lives were lost, and many more were changed forever.

In the weeks, months, and years that followed, the Federal Government engaged in a massive effort to reshape our security efforts and respond to new global threats.

Most importantly for today’s hearing, it was clear that Federal authorities needed to be responsible for safeguarding our Nation’s transportation system. And so, the Transportation Security Administration was born.

In its 20-year history, TSA has had seven Senate-confirmed administrators. Four of them are with us today.

Together, they represent the majority of the history of TSA, and they can speak to the incredible changes and growth the agency has undergone in the past two decades.

When TSA began amid an uncertain threat picture, a rapid response required a “one-size-fits-all” approach to security measures, primarily using simple metal detectors and X-ray machines.

Over the years, TSA has responded to evolving terrorist tactics to advance its approach to screening and vetting.

Today, TSA utilizes modern technologies such as Advanced Imaging Technology and Computed Tomography machines to detect a range of non-metallic weapons.

TSA has developed a sophisticated, risk-based security approach leveraging intelligence, passenger vetting, and trusted traveler programs to focus limited resources on the most pressing threats.

TSA must continue to evolve, because we are continually facing new kinds of threats.

Today, threats are arising not just from violent terrorist groups, but from lone-wolf actors, cyber criminals, public health emergencies, and unruly passengers.

We have also seen threats expand from a focus on passenger aircraft to include other transportation modes and assets, such as air cargo, mass transit, freight and passenger rail, and pipelines.

Collectively, these threats challenge the limits of TSA’s authorities and resources, and Congress must ensure TSA remains prepared to execute its critical security mission.

I am eager to hear about the changes TSA has undergone to meet these threats and allow Americans to travel securely throughout the on-going global pandemic.

Unfortunately, even with all the modern improvements TSA has made, some issues have remained stagnant.

The agency has struggled throughout its history to create a well-compensated, empowered, and fulfilled workforce.

I am happy to see the Biden administration taking steps to improve the situation.

<sup>2</sup>Department of Homeland Security Office of Inspector General Report, “TSA Needs to Improve Efforts to Retain, Hire, and Train Its Transportation Security Officers” March 28, 2019, OIG-119-35.



On Monday, Administrator Pekoske announced a new Memorandum of Agreement with the Merit Systems Protection Board, or MSPB, under which the MSPB has agreed to review adverse action appeals from front-line officers.

This action responds to long-standing calls for a fair, third-party disciplinary appeals process for the TSA workforce.

I commend Administrator Pekoske, Secretary Mayorkas, and the Biden administration for taking this important step.

Still, a change in the law and significant funding will be needed to provide TSA workers with the workplace rights and the competitive pay they deserve.

To that end, I look forward to continuing to advance my bill, the Rights for the TSA Workforce Act of 2021, which this committee marked up in July.

Before I close, I also must note that, as Chairman, I strive to bring diverse witnesses panels before the committee.

Although there has been some diversity among TSA leadership over the years, only white, male administrators have ever been confirmed by the Senate to lead the Transportation Security Administration.

I hope TSA will increase the diversity of its leadership, both for its workforce as well as the American people.

As we look ahead, the successes—as well as the missteps—of the past two decades will help guide our mission to provide Americans with a safe, efficient, and secure transportation system.

I look forward to reflecting on those issues today.

Again, I thank our witnesses for joining us and for their honorable and steadfast service to our Nation.

Chairman THOMPSON. With that, I recognize the Ranking Member, the gentleman from New York, Mr. Katko, for an opening statement.

Mr. KATKO. Good morning, Mr. Chairman, and thank you for having this hearing today. I appreciate it. As you well know, I started out as a subcommittee Chair for TSA in Homeland Security, so this is a topic that is always near and dear to my heart.

On September 11, 2001, 19 hijackers proceeded through U.S. airport security and, once on-board, commandeered 4 commercial aircraft, flying them into the World Trade Center in New York, the Pentagon, and a field in Shanksville, Pennsylvania. Two other people that went into the—that were flight attendants on the American Airlines flight that crashed into the World Trade Center were friends of mine.

The Transportation Security Administration was created in the months after this terrorist attack and made dramatic changes to our travel landscape. Gone are the days when you could arrive for a flight minutes before takeoff or meet your arriving family members at the gate, but with the immense help of the private sector, TSA quickly stood up and established a robust aviation screening system, and our Nation is truly grateful.

Over the past 20 years, TSA has continuously adapted their screening procedures based on critical intelligence and risk while also expanding its focus on securing surface transportation. This is exactly the type of elasticity that the Homeland Security Committee in the wake of 9/11 envisioned.

When our committee was in New York recently at the 9/11 Museum, a memorial for the 20th anniversary of that terrible day in our Nation's history, we all reflected on the nearly 3,000 Americans that died on 9/11. We didn't believe it was possible at the time, but TSA and the Department of Homeland Security have been very successful in preventing a significant 9/11-style attack of our transportation system over the last 20 years. That is an amazing feat

and I want to keep it that way for the next 20 years. I know all the Members of the committee feel the same way.

Mr. Chairman, I ask unanimous consent to enter written testimonies from former Secretary Chertoff and former Administrator Hawley into the record. We appreciate their services as well as the service of the esteemed panelists who are here before the committee today.

Chairman THOMPSON. Without objection.  
[The information follows:]

STATEMENT OF HONORABLE MICHAEL CHERTOFF

SEPTEMBER 29, 2021

As we reflect on the twentieth anniversary of the 9/11 attacks and the reasons behind the creation of the Transportation Security Administration (TSA) in 2001, I believe that the underlying case for establishing the agency is as strong as ever. On September 11, 2001, 19 terrorists executed a horrific plan to hijack aircraft and turn them into guided missiles that destroyed the World Trade Center, damaged the Pentagon, and killed approximately 3,000 people. In carrying out their plot, the terrorists exploited vulnerabilities or gaps in several security systems that were intended to protect our borders and our aviation system. Among these weaknesses were the lack of a sufficient program to collect and analyze information about foreign travelers coming to the United States; insecure identification requirements for passengers boarding flights domestically; a largely privatized passenger and baggage screening process at the airports; and no real security on board the aircraft itself.

After the attacks of September 11, 2001, our Nation emerged more united and determined than ever before and worked tirelessly to confront the new reality that our country faced. That determination led to the creation of the TSA and, later, the Department of Homeland Security (DHS). The most noticeable and consequential investments included enhanced screening of people and cargo traveling into the United States by air, sea, rail, and land. We also made successful improvements in our ability to share information across law enforcement agencies. DHS implemented the Law Enforcement Information Sharing Initiative which improved how local, National, and international agencies share information. Proof of the enhancements in our information-sharing capabilities is evident in the 2006 thwarted plot to detonate liquid explosives aboard airliners bound for the United States and Canada from Great Britain. By working closely with our overseas counterparts and the cooperation of U.S. intelligence agencies monitoring the threat, a large-scale attack was foiled, and hundreds of lives were saved.

During the past two decades, the United States remained largely focused on the threat posed to our homeland by global terrorism and the coordination of large-scale attacks by Jihadists. However, in recent years newer threats have emerged that present the challenge of a three-front war on terrorism.

With the degradation of ISIS and al-Qaeda capability, the United States has now focused its budget and operational capabilities on near peer countries. We have witnessed foreign governments, and their sponsored proxies, conduct sophisticated cyber attacks against our critical infrastructure and commercial software supply chains. These countries, and their sponsored proxies, have also undertaken sophisticated information operations against the people of America. They have penetrated social media platforms and have exacerbated partisan issues with the sole intention of polarizing the American people and fomenting discontent in almost every aspect of our lives. These adversarial agents have created an environment where both the far left and far right are convinced of the other's intention to "overthrow" Federal, State, and local governments, as well as undermine their respective affinity groups and institutions, whether that be social justice organizations or law enforcement.

The successful information operations conducted by foreign countries to sow distrust in our Government, and pit American against American, have dramatically increased the on-going risk of domestic terrorism. The events over the last 2 years by both far left and far right organizations demonstrate the violence that can take place around the country and in our Nation's capital, because of this polarized discourse. The country has become more partisan, with extremists on both sides becoming violent. There is no clearer manifestation of this threat than the events that unfolded on January 6. Led by paramilitary groups like the Oath Keepers and Proud

Boys and communicating by way of encrypted messaging, they launched an attack on the U.S. Capitol and the very foundation of our Nation's democracy.

While up to now, the United States has largely been successful in defeating centralized ISIS and al-Qaeda capability, the accelerated withdrawal from Afghanistan provides a possible safe haven for terrorist adversaries to reconstitute and prepare to carry out attacks against the United States. Without a U.S. presence in Afghanistan, America now has little if any on-the-ground visibility into nefarious activities, let alone a local capability to disrupt planning.

Over the last 20 years, the United States has evolved from a united populace focused on the defeat of a single threat to a fractured and often aggressive populace whose divisions are further exacerbated within the context of a global pandemic. The world, and America in particular, is a much more dangerous place now, than it was right after 9/11. Today's security risk landscape requires a multi-faceted, co-ordinated approach that addresses the discrete aspects of our most pressing challenges, which include a persistent threat from the pandemic, foreign-based terrorist threats, cybersecurity threats to both public and private networks, and, increasingly, domestic terrorism threats that pose a significant threat to the core of our democracy.

#### TSA THE NEXT 20 YEARS

Looking ahead to the next 20 years, TSA will need to remain an agile and entrepreneurial agency focused on implementing intelligence-based solutions to counter evolving and increasingly sophisticated range of physical and cybersecurity threats to the Nation's transportation systems and infrastructure from State and non-State actors and domestic violent extremists. TSA will need to continue to protect and empower its workforce with more capable tools and technology, strengthen and expand partnerships, and continue to invest in cybersecurity capabilities to counter increasing threats against the Nation's pipelines and transportation systems.

#### COVID-19 RESPONSE

After the emergence of COVID-19, passenger enplanement dropped as much as 97 percent. TSA implemented measures at security checkpoints across the Nation to make the screening process safer for passengers and its workforce by reducing the potential of exposure to COVID-19. In February 2021, TSA implemented provisions of President Biden's Executive Order on Promoting COVID-19 Safety in Domestic and International Travel by requiring passengers to wear face masks when they are in airports, bus, and rail stations, and while on passenger aircraft, passenger railroads, and public transportation.

These efforts to protect the traveling public helped restore confidence and paved the way for the increased passenger volumes we are now seeing at airports around the country. Throughout the pandemic, the TSA workforce has served professionally adapted to challenging circumstances.

Unfortunately, during this time, the TSA workforce has also experienced a dramatic increase in unruly passengers at TSA checkpoints across the country and on-board aircraft. Since January 1, 2021, TSA has reported more than 4,000 reports of face mask-related incidents since the requirement was implemented this year. Inflight disturbances have risen from 2 incidents per 1 million screened in 2019 to 12 per 1 million in 2021.

In response, TSA Administrator Pekoske recently announced an increase in the range of civil penalties that may be imposed on individuals who violate the Federal mask mandate at airports, on commercial aircraft, and in various modes of surface transportation. The new penalty range will be \$500-\$1,000 for first offenders and \$1,000-\$3,000 for second-time offenders. I support these actions and believe TSA, the Department, and Congress must continue to do everything they can to help protect the TSA workforce and ensure they have the support and tools needed to address the vast array of security and safety challenges they face every day.

#### TSA TECHNOLOGY ADVANCEMENTS

As air travelers returning to airports for the first time since before the pandemic, many of them will see changes to the screening technologies at security checkpoints. New state-of-the-art technology solutions like Credential Authentication Technology (CAT) identity verification systems and Computed Tomography X-ray machines that offer significant advancements for identity verification and screening passenger carry-on items, while reducing physical contact during the screening process and improving the passenger experience.

## EXPANDING TRUSTED TRAVELER PROGRAMS

As air travel continues to rebound and eventually exceeds pre-pandemic levels and with funding sources expected to remain flat, TSA must continue to expand access to TSA PreCheck and other DHS Trusted Traveler programs that allow enrolled individuals to use expedited lanes at airport checkpoints and when crossing international borders. TSA must continue to work with private-sector partners to improve marketing efforts and increase access enrollment opportunities for PreCheck. By increasing the percentage of travelers that have been vetted and are known to be lower risk, TSA will be better-positioned to provide those individuals with an expedited checkpoint experience while also applying a greater portion of its limited resources to those passengers that require a greater level of screening at the checkpoint.

TSA PreCheck also offers an opportunity for introducing new technologies to enhance the effectiveness and efficiency of security screening process. Recent biometric technology pilots have shown the potential to be powerful tools for improving the identity verification of passengers enrolled in TSA PreCheck, which enhances security effectiveness, improves operational efficiency, and enables a more streamlined passenger experience in the post-pandemic travel era. Along with biometrics development, digital credentials, such as mobile driver's licenses and digital passports, will become increasingly common and will enable TSA to support a touchless experience at the checkpoint. TSA must continue to partner actively with private industry, NIST, and State DMV organizations to support the adoption of common standards that will enable the integration of these technologies at the screening checkpoint.

While biometrics have the potential to be a powerful tool in security environments, TSA must continue to prioritize the protection and appropriate use of passenger biometric and biographic data from cybersecurity threats and potential misuses. Passengers who apply for TSA PreCheck or Global Entry must be confident that their personal data is always protected and only used for appropriate purposes.

## PIPELINES AND CYBERSECURITY THREATS

TSA must also be able to confront significant cyber risks, as we saw on May 7, 2021, when the Colonial Pipeline Company announced it halted its pipeline operations due to a ransomware attack, cyber intrusions into pipeline computer networks have the potential to disrupt critical supplies of gasoline and other refined gasoline products and negatively impact our National security, economy, commerce, and well-being.

This attack on the Nation's pipeline systems is a warning about the dangers of connecting critical infrastructure to the wider internet without implementing the appropriate security measures. It also makes clear how activities in cyber space can affect deadly outcomes in the physical world, just as the cutting of fiber optic cables in the physical world can have significant repercussions in cyber space.

The creation of the Cybersecurity and Infrastructure Security Agency (CISA) was important for expanding the Department's cyber capabilities while enhancing its ability to coordinate cybersecurity efforts with TSA and other agencies across the Government. We must continue to ensure that TSA and CISA have the resources and personnel they need to both coordinate the cybersecurity of Government systems and respond to large-scale attacks affecting private and public entities.

In response to this cyber intrusion, TSA exercised its Aviation and Transportation Security Act of 2001 (ATSA) authorities to strengthen the cybersecurity and resilience of pipeline owners and operators by issuing 2 Security Directives that were developed in close consultation with owners and operators of pipeline facilities, CISA, and critical interagency partners. The first Security Directive requires pipeline operators to report cybersecurity incidents, assess their cybersecurity posture, and transmit the results to TSA and CISA. The second Security Directive requires TSA-designated critical pipelines to develop cybersecurity contingency and recovery plans, carry out a cybersecurity architecture design review, and implement specific mitigation measures to protect against ransomware attacks and other known threats to operational technology systems.

As these actions and the close partnership between TSA and CISA highlight, it is a strength, not a weakness, that the Department is responsible for addressing threats in both physical and cyber domains, allowing for a unity of effort that can better address threats spanning the cyber and physical worlds. Today's threats are rarely, if ever, limited to either the physical or cyber worlds. The wide-spread application of smart technologies to every aspect of our lives has brought with them new capabilities and threats. Cyber attacks on critical infrastructure have only served to highlight this sort of threat.

Safeguarding the Nation's pipeline systems is a critical undertaking and partnership for TSA and CISA that requires extensive collaboration with pipeline owners and operators. This was not the first cyber intrusion in our Nation to have a direct impact and cybersecurity incidents affecting surface transportation systems continue to be a growing and evolving threat.

#### DOMESTIC SECURITY THREATS

There is no clearer manifestation of the threat of domestic terrorism than the events that unfolded on January 6. The January 6 assault on the Capitol demonstrated how unprepared we were for domestic terrorism fueled by extreme ideologies and misinformation. The attack offers lessons that are applicable to TSA and across the Department.

The vast majority of domestic terrorists in recent memory have used the internet to consume and post their extremist views and connect with a network that shares their ideology. We must work to ensure that relevant intelligence information is properly shared, that the right resources are in place to allow for rapid incident response, and that lines of communication are effective.

More effective utilization of open-source intelligence will increase our ability to circumvent a planned attack as well as study the on-line behavior of anyone that espouses hateful philosophies. We also need to do a better job of working with social media companies to detect and handle extremist content while also remaining cognizant of foreign actors that further spread disinformation through on-line platforms. We also need to empower the Department to work with fusion centers around the country on how to conduct thorough intelligence analysis. State and local agencies are our first line of defense against domestic extremists.

Finally, as we secure our Nation against domestic extremist violence, we must not ignore the continuing threat of international terrorism. Our departure from Afghanistan may embolden groups like ISIS-K or al-Qaeda. Thus, we must continue to maintain and upgrade our foreign intelligence collection capabilities and our border and infrastructure security. We do not have the luxury of contending with only one threat at a time. As President Biden has made clear, however, we have the will and determination to defend against all these threats.

*Michael Chertoff is the former Secretary of the U.S. Department of Homeland Security (2004–2009) and now co-founder and executive chairman of The Chertoff Group, a security and risk-management firm that has clients and performs services for companies that manufacture biometric and computed tomography X-ray systems.*

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#### STATEMENT OF KIP HAWLEY

SEPTEMBER 29, 2021

Chairman Thompson, Ranking Member Katko, and distinguished Members of the committee, thank you for the opportunity to contribute to this hearing on the 20th anniversary of the creation of the Transportation Security Administration.

It was my honor to participate in the start-up of TSA in 2001–2002 and serve as TSA administrator from 2005 until 2009. TSA's challenges seem like they come at you from a firehose. Nonetheless, several issues run consistently through TSA's existence and will greatly influence TSA's future success. Here are ten.

##### 10. Continued Vigilance & Evolving Threat

In the hectic days during fall 2001 when Congress created TSA, nobody was predicting 20 years of safety from a catastrophic terror attack. Attacks against us were in the planning stages and the prevailing sentiment was that terror attacks were a question of "when" not "if." By any standard, 20 years is a remarkable milestone for TSA. A key success factor in counterterrorism is to fight hard with a sense of urgency every day. Attacks are not beaten, they are postponed. While 20 years is great, we must be mindful that terrorism constantly changes across all its dimensions—people, weapons, targets, ideology, etc. TSA must continue to design and execute layered security measures that are capable of stopping attacks that we know about and ones that may not yet have been conceived. Focused, sustained effort pursued every day can lead to continued future years of safety for the traveling public.

##### 9. Regulatory DNA vs. Dynamic Risk Management

TSA was born out of the FAA and inherited many of its processes and people. As a result, TSA has an institutional instinct to regulate—write rules and then audit their performance. That makes risk management sense if, as in aviation safety, the risk is static. However, terror risk is dynamic and unpredictable. Confronting terror

risk with a checklist is a recipe for disaster. It is not easy to balance the need for auditable accountability with the operational necessity of having dynamic security measures. The VIPR program was a successful example of maintaining accountability and structure in a variety of transportation settings with effective, dynamic security actions. With VIPR, different TSA disciplines came together as temporary teams (Air Marshals, TSO's, Inspectors, K-9's) and popped up in locations dictated by the latest security intelligence. VIPR operations were unpredictable to terrorists and thus an effective deterrent. If TSA operates according to a uniform game plan, then if once a terrorist figures that out, the entire network is vulnerable. TSA has been successful in using multiple layers spread throughout the transportation environment. Like a safe combination, if a burglar figures out one number, there are multiple other problems to crack.

In short, we identify innovative concepts and technology to stay ahead of terrorist threats. It is a collaborative approach, especially with our international partners, because the transportation system is a global network where any weak link could be exploited. Connectedness is an important security measure itself. We know that terrorists are studying airport security around the world, trying to find ways to attack, and we must be united in our commitment to keeping travelers safe.

#### 8. People

We pay for the most advanced technology on earth—the human brain—and have it already deployed at every checkpoint in the country, for that matter, everywhere there is a TSA person. We should get the most out of that brainpower technology. Trained, empowered people are the necessary foundation for a counterterrorism organization. My point above about checklist mentality ties in here. We need to automate that which can be reduced to binary decisions and take advantage of a well-trained and motivated workforce to undertake the essential security work that requires outthinking smart, dedicated terror operators. TSA's workforce needs to be elite. TSA jobs need to be well-paid and professionally demanding. And TSA's security processes need to be designed to take full advantage of that workforce.

Intelligence and technology are critical to effective security, but people were—and still are—TSA's strongest asset. Nothing can adapt quicker to complex threats than the human mind. During my tenure, we implemented pay increases for the front-line Transportation Security Officer (TSO) workforce and developed a career path to increase motivation and retention. Additional pay enhancements have been made since I left TSA, but the starting salary for a TSO is still too low to ensure they stay and grow in the agency. If TSA is to operate as a world-class transportation security organization, the pay for the people on the front lines has to improve to reflect the importance of what they do, day in and day out. I hope Congress will continue to support that.

The need to be elite extends up the leadership chain as well. We need to make it more attractive to serve at TSA, and recruiting should maintain a steady flow of a more diverse leadership team. There is always room for more smart, committed people who want to serve the TSA mission. We were lucky at the beginning of TSA when Secretary Norm Mineta's courage and energy led the stand-up of TSA amid a very tumultuous time. His deputy, Michael Jackson, had the professional management skills needed to maneuver and sometimes bulldoze the way for TSA to stand up on time. They had a rare combination of experience, intelligence, stamina, confidence, and humility. Leaders like them do not grow on trees but, if we look, we will find them.

#### 7. Diversity and Combatting the Failure of Imagination

Diversity is a core foundational element of a sound security system. A Standard Operating Procedure that covers every threat imaginable becomes instantly useless the moment a terrorist devises a threat that was not imagined. How to protect yourself against the unimaginable? The power of diversity is a place to start. TSA needs people of all backgrounds and experiences and those different voices must be heard. TSA can be purposeful in its recruiting at all levels to ensure a vibrant mix of talent. Diversity in people means that their ideas will be diverse and, at TSA, means that security measures can be innovative. The concept extends to technology, information sources, and virtually every aspect of TSA's work. Protecting a huge network such as our transportation system calls for constant innovation and diversity is a necessary ingredient.

#### 6. Federal Air Marshal Service (FAMS) & Flight Crews

The Federal Air Marshal Service is an essential part of TSA's arsenal. We know that they are feared by terrorists and that they can do their anti-hijacking job second to none in the world. Air Marshals are so much more than that. I mentioned earlier the importance of well-trained, highly-trained, and intelligent people. They

are a flexible force that can be used on the ground as with VIPRs, in airports or transit systems undercover, with other agencies like the JTTF's, with other nations as they work daily. That is the FAMS. After 9/11, I remember a conversation with Norm Mineta in which he speculated on how long a robust FAMS would last. There were 32 Air Marshals on 9/11. We must not cut their capability because we don't see all they do for our security.

Like you, I have seen news reports about passengers attacking flight crew members recently. In the aftermath of 9/11, TSA pushed for training for pilots and flight crews so that they could play an active role should an attack happen, and the training was well-received. These dedicated professionals are truly the last line of defense on a plane, in addition to Federal Air Marshals, and they must be prepared for potential attacks. Congress would be wise to continue investing in programs to ensure they can protect the skies.

#### *5. Trust*

TSA must maintain the trust of the American people. Passengers depend on TSA for their safety. Passengers who undergo all kinds of inconvenience need to believe that it is for valid security purpose. This partnership between TSA and the flying public is a vital component of security because an active engaged public increases TSA's effectiveness. TSA should ask only what is required for current security needs. This is easy to say and hard to do. Too much change is confusing and difficult to implement across the huge TSA network. We can take this 20-year milestone as a point to streamline the checkpoint process. I have written before about my concerns about PreCheck's security vulnerabilities as well as its operational inefficiency. These issues remain. Perhaps making the process smooth for everybody would turbocharge the entire system. Yes, this would mean looking at prohibited items like sharp objects and the liquid restrictions. Open discussion with stakeholders like airlines, airports, flight crews, and the public could strengthen the trust—and security effectiveness—among all parties.

Another trust issue is privacy. We implemented Secure Flight in 2009 with a great deal of help from GAO. After some fumbles, we rebuilt Secure Flight from scratch with privacy protections built in. I believe that they are hard-wired. However, in today's world, privacy is more and more difficult to protect and I urge TSA and Congress to keep a close eye on the privacy promises made during Secure Flight's inception. I have no reason to believe this is a problem, it is just that all that data is so tempting to use for other purposes.

#### *4. Technology*

In 20 years we have gone from metal detectors and wands to almost limitless capability. The problem has always been getting the right technology onto the floor. CT is a good example of a technology that is relatively inexpensive, easy to maintain, and very flexible. Software upgrades can result in a step-up in capability that otherwise would require buying an entirely new machine. Terrorists know where specific technology is deployed because terrorists study the system and know where specific technology is deployed. We are better off with a wide deployment of CT than a spotty deployment of more sophisticated technology.

TSA needs to open up its technology identification process. TSA has relied on its own internal process to specify, identify, and procure its technology. All in-house. This stands in the way of innovation. TSA could benefit from the technology innovation processes at DoD, where new technology is supported.

There needs to be some independent review of TSA's technology. During my time at TSA, we required scanner manufacturers to separate the hardware they built from the software they used to process images. This allowed us to reduce purchasing costs and encouraged software innovation. Further, we partnered with the National Science Labs at Sandia, Lawrence Livermore, and Los Alamos to review our requirements for the accuracy of scanners. The results, even from their early stage review, were vital. Both programs were unfortunately discontinued. The point is, with all the money TSA invests in technology, shouldn't there be some independent review somewhere in the process? (See Diversity, above.)

#### *3. Intelligence*

The Intelligence Community (IC) was critical during my time at TSA. The DHS head of Intelligence, Charlie Allen, supported TSA by opening doors within the IC, helped us hire into TSA and made sure we had full independent access to critical information. This allowed TSA to make connections that others had not made and on occasion, a TSA analyst had a nugget published in the President's Daily Brief (PDB). This independent analysis resulted in some friction but it made all of us sharper and have a higher sense of urgency. For instance, TSA implemented a total liquid ban in 4 hours when faced with a plot in 2006. We would not have been able

to act as fast as we needed without the intelligence access that TSA had at the time. There are many examples of how TSA was able to take elements of intelligence reporting and convert them within hours into effective security measures both in the United States and abroad. A strong partnership with the IC and a strong independent intel operation at TSA will help the agency focus both on known and evolving threats.

## *2. Return on Investment.*

Was it worth it? We have all been frustrated by TSA and that constant irritant perhaps makes it difficult to see its big picture value. Going back to my first point about Vigilance, 20 years is a long time to withstand any kind of threat. The attacks on 9/11 and plots like the 2009 Christmas Day bomber and foiled UK liquid explosive attack are not top of mind for many people traveling through airports. During my tenure alone, there were dozens of dangerous attack plans that were broken up by colleagues in law enforcement, the intelligence agencies, armed services, international and other partners working together. I have no reason to believe that the threat has disappeared. TSA's role is impossible to quantify, but it is a major player. What is the value of flying safely in freedom for 20 years? Had there been follow-on 9/11 attacks, would our economy have grown as it has? TSA has cost somewhere around \$100 billion and introduced unwelcome friction to be sure. On balance though, I believe that TSA has carried its fair share and then some.

TSA has made great strides in the past 20 years, thanks to the support of Congress, strong leadership at DHS, and collaboration with Federal agencies, international partners, and the private sector. We have come a long way since 9/11, but there is more work to be done.

It has been the greatest honor of my life to serve alongside the women and men of TSA. My profound thanks and great respect go out to those who serve and continue to serve TSA and its mission. Not a day goes by when I do not reflect on those who lost their lives on 9/11 and those who answer the challenge to protect our country. As time passes, it is ever more important to remember that 9/11 is not just a distant moment in history, it is a charge to all of us to stand up and answer our country's call.

## *1. Never Forget.*

Mr. KATKO. Thank you. It is impressive that we will hear from 4 of the 7 Senate-confirmed TSA administrators. I want to thank all of you for all you have done and continue to do in keeping our country secure. As we approach TSA's 20th anniversary on November 19, it is imperative that we now turn our attention to how TSA should be positioned to counter new and emerging threats, threats we couldn't conceive of in the early days after 9/11.

I am extremely concerned that our withdrawal from Afghanistan will create a new safe haven for terrorists. Our homeland is again at risk with the rise of ISIS and al-Qaeda in that region where they now once again have found a comfortable home.

As terrorist threats continue to evolve, TSA needs to accelerate its deployment of next generation technology and biometrics to the checkpoint. We cannot delay these investments or accept movement at a snail's pace, lest we risk being caught flatfooted once again. These needed technologies include credential authentication technology, computed tomography, advanced imaging technology, stand-off detection, and so much more.

TSA must be agile and ensure that its work force is positioned to counter the evolving threats we will see over the next 20 years. As former Administrator Kip Hawley said in his statement for the record, "Intelligence and technology are critical to effective security, but people were and still are TSA's strongest asset."

I wholeheartedly agree, and I thank the employees of TSA for their service to securing the Nation's transportation systems. Their dedication has shown through as they have continued to perform their critical duties in the midst of a global pandemic.



Over 10,000 TSA employees have tested positive for COVID-19 and 29 have tragically died. I have spoken to Administrator Pekoske, my friend, regularly regarding my concern that the front-line TSA work force is not paid enough, and I know he shares that concern. Transportation security officers have an important job and their pay does not reflect it.

I have heard time and again that the pay issues are going to be fixed, but they never are. I look forward to hearing from Administrator Pekoske today on the details of the compensation that he is providing to the front-line work force and what Congress can do to support these pay initiatives.

As we reflect on the past 20 years of TSA and its 20 years going forward, we must remember one thing, we must never, ever forget.

With that, Mr. Chairman, I yield back.

[The statement of Ranking Member Katko follows:]

STATEMENT OF RANKING MEMBER JOHN KATKO

Thank you, Chairman Thompson, for convening this important hearing today.

On September 11, 2001, 19 hijackers proceeded through U.S. airport security and, once on board, commandeered 4 commercial aircraft, flying them into the World Trade Center in New York, the Pentagon, and a field in Shanksville, Pennsylvania.

The Transportation Security Administration was created in the months after the terrorist attacks and made dramatic changes to our travel landscape.

Gone are the days when you could arrive for a flight minutes before take-off or meet your arriving family members at their gate. But with the immense help of the private sector, TSA quickly stood up and established a robust aviation screening system. Our Nation is grateful.

Over the past 20 years, TSA has continuously adapted their screening procedures based on critical intelligence and risk, while also expanding its focus on securing surface transportation.

When our committee was in New York recently at the 9/11 Museum and Memorial for the 20th anniversary of that terrible day in our Nation's history, we all reflected on the nearly 3,000 Americans that died on 9/11.

We didn't believe it was possible at the time, but TSA—and the Department of Homeland Security—have been successful in preventing a significant 9/11-style attack on our transportation system over the last 20 years.

That's an amazing feat, and I want to keep it that way for the next 20 years. I know all the Members of the committee feel the same.

Mr. Chairman, I ask unanimous consent to enter written testimonies from former Secretary Chertoff and former Administrator Hawley into the record. We appreciate their service, as well as the service of the esteemed panelists who are here before the committee today.

It is impressive that we will hear from 4 of the 7 Senate-confirmed TSA administrators. Thank you for all you have done and continue to do in keeping our country secure.

As we approach TSA's 20th anniversary on November 19, it is imperative that we now turn our attention to how TSA should be positioned to counter new and emerging threats. Threats we couldn't conceive of in the early days after 9/11.

I'm extremely concerned that our withdrawal from Afghanistan will create a new safe haven for terrorists. Our homeland is again at risk with the rise of ISIS and al-Qaeda in that region.

As terrorist threats continue to evolve, TSA needs to accelerate its deployment of next-generation technology and biometrics to the checkpoint. We cannot delay these investments or accept movement at a snail's pace, lest we risk being caught flat-footed once again.

These needed technologies include credential authentication technology, computed tomography, advanced imaging technology, stand-off detection, and more.

TSA must be agile and ensure that its workforce is positioned to counter the evolving threats we will see over the next 20 years.

As former Administrator Kip Hawley said in his statement for the record, "intelligence and technology are critical to effective security, but people were—and still are—TSA's strongest asset." I wholeheartedly agree and I thank the employees of TSA for their service to securing the Nation's transportation systems.

Their dedication has shown through as they have continued to perform their critical duties in the midst of a global pandemic. Over 10,000 TSA employees have tested positive for COVID-19 and 29 have tragically died.

I've spoken to Administrator Pekoske regularly regarding my concern that the front-line TSA workforce is not paid enough and I know he shares that concern. Transportation Security Officers have an important job and their pay does not reflect it.

I've heard time and time again that the pay issues are going to be fixed but they never are. I look forward to hearing from Administrator Pekoske today on the details of the compensation he is providing the front-line workforce and what Congress can do to support these pay initiatives.

As we reflect on the past 20 years of TSA and its next 20 years, we must never forget.

Mr. Chairman, I yield back.

Chairman THOMPSON. Other Members of the committee are reminded that under committee rules, opening statements may be submitted for the record. Members are also reminded that the committee will operate according to the guidelines laid out by the Chairman and Ranking Member in our February 3 colloquy regarding remote proceedings.

I now welcome our panel of witnesses. Our first witness is the Honorable David Pekoske, the current administrator of the Transportation Security Administration, a position he has held since 2017. In his role, he is responsible for overseeing the execution of TSA's mission to secure the Nation's transportation system and lead TSA's work force of more than 60,000 employees.

Prior to his time as TSA administrator, he spent 33 years in the U.S. Coast Guard where he became the service's 26th Vice Commandant in 2009. In addition, Mr. Pekoske was selected earlier this year by President Biden to be the Acting Secretary of Homeland Security ahead of Secretary Alejandro Mayorkas' confirmation. I appreciate his willingness to appear on this panel with former TSA administrators.

Our next witness is the Honorable Peter Neffenger who was TSA administrator from 2015 to 2017 and is a retired vice admiral in the U.S. Coast Guard.

Under his leadership, TSA developed its use of automated screening technology, examined airport public area security, and cultivated TSA's relationship with industry to resolve long check-point delays at airports across the country.

Vice Admiral Neffenger is a 34-year veteran of the U.S. Coast Guard where he served as the 29th vice commandant before being nominated by President Barack Obama to be TSA administrator.

Our third witness is the Honorable John S. Pistole, the TSA administrator from 2010 to 2014. He is the president of Anderson University, his alma mater, in Anderson, Indiana.

During his tenure at TSA, Mr. Pistole oversaw the creation of the PreCheck program and was the first administrator to grant TSA work force limited collective bargaining rights. Prior to his position as administrator, Mr. Pistole spent 26 years with the Federal Bureau of Investigation where he led the Counterterrorism Division following the attacks of 9/11. In October 2004, he arose to the position of deputy director of the FBI.

Our fourth witness, the Honorable James M. Loy, was the second TSA administrator serving from 2002 to 2003. He came to TSA from his position as commandant of the Coast Guard, the role he

was in on the day of the 9/11 attacks. As one of the earliest leaders of TSA, he oversaw the launch of many of TSA's operational activities and the hiring of tens of thousands of newly-minted TSA employees. He later served as the deputy secretary of Homeland Security under President George W. Bush, capping off a career in public service spanning more than 4 decades.

Without objection, the witnesses' full statements will be inserted in the record.

I now ask Administrator Pekoske to summarize his statement for 5 minutes.

**STATEMENT OF DAVID P. PEKOSKE, ADMINISTRATOR,  
TRANSPORTATION SECURITY ADMINISTRATION**

Mr. PEKOSKE. Chairman Thompson, Ranking Member Katko, and distinguished Members of this committee, thank you for holding this morning's hearing and for your comments in your opening statements. I appreciate the opportunity to appear with 3 distinguished former administrators of TSA. They each continue to make substantial contributions to our country and they are all friends and colleagues. It has been my honor to build on the foundation they established during their time leading TSA.

Each year, we remember the 9/11 attacks and the 2,977 people who perished. In our remembrance this year at TSA Headquarters and the airports around the country our theme was "United in Memory, Together in Mission". I, like many of you, remember that day as if it were yesterday, and in addition to witnessing in horror the terrorist attacks carried out on our homeland, I remember the way it felt to watch our country unite behind a shared experience, and together commit to "Never Forget and Never Again".

Our motto in TSA is "Not on my watch". In living this motto, we must ensure that unity of effort and unity of purpose so evident immediately following 9/11 continue to endure.

Approximately 2 months following 9/11, Congress passed the Aviation and Transportation Security Act establishing TSA. In that legislation and in our first major reauthorization just 3 years ago, you have provided us with the authorities needed to protect the Nation's transportation systems.

The theme of this morning's hearing is the state of TSA 20 years after 9/11. In assessing the state of TSA, I would respectfully submit that the state of TSA is very strong. We continue to accomplish our mission in the face of threats to our transportation system, both aviation and surface, and we are achieving our vision to be an agile security agency embodied by a professional work force that engages as partners in the American people to outmatch a dynamic threat.

I would like to briefly highlight 3 elements of this success: Agility, partnerships, and our people that are particularly relevant to this hearing. First agility. The intelligence community's work in assessing threats has allowed us to mitigate risks to aviation and surface transportation. We have rapidly changed our procedures in domestic airports and at last-point-of-departure international airports based on intelligence community assessments ensure this information rapidly as appropriate with our partners.

Thanks to your support, we are in the midst of a major upgrade to the technology in our screening checkpoints at over 400 airports around the country. These upgrades include improved passenger identify verification and screening through the use of credential authentication technology, improved carry-on bag screening using computed tomography, or CT, X-ray technology, and soon improved on-person screening through upgraded advanced imaging technology.

The net result of all these advancements is twofold: Significantly enhanced security effectiveness and an improved passenger experience. I thank you for your support of these technology improvements. They are critical to our continued success.

Additionally, exercising the agility you have provided in law, we have recently issued security directives to improve cybersecurity in our Nation's most critical gas and hazardous liquid pipelines, and we plan to expand this cybersecurity effort to include all critical transportation security infrastructure.

The second key element of success is partnerships. We have outstanding partnerships with other Federal agencies as well as our partners in State, local, Tribal, and territorial governments. Similarly, we have worked very closely with our international partners to ensure global aviation security, especially at last-point-of-departure airports.

I appreciate your support of our one-stop security efforts to enable us the pilot security equivalency at select international locations. This will improve aviation security. I am very proud of the partnerships we have with the aviation and surface transportation owners and operators. This model of engagement has allowed us to improve security at a pace and level of sophistication that would not otherwise be possible.

And with that, the security and convenience benefits to passengers who use these systems every day.

Without question, a key element of our success is our people, and I couldn't be prouder of the people who serve their country in TSA. They professionally ensure secure travel to millions of people every single day. I have worked tirelessly to earn their trust and provide the support and guidance they need to accomplish our critical mission. I continue to strongly support adjustments to pay for all of our people, especially our front-line workers.

Regarding our screening work force in particular, I would add 2 additional comments. We have already transitioned to adverse action appeals to the Merit Systems Protection Board and very shortly I will sign a new directive providing full collective bargaining rights.

In conclusion, we are united in memory, together in mission. I thank each Member of this committee for your support of TSA and the opportunity to testify this morning, and I look forward to your comments and questions. Thank you, Mr. Chairman.

[The prepared statement of Mr. Pekoske follows:]

PREPARED STATEMENT OF DAVID P. PEKOSKE

SEPTEMBER 29, 2021

Good morning Chairman Thompson, Ranking Member Katko, and distinguished Members of the committee. I am honored to appear before you today to recognize

the 20th anniversary of the Transportation Security Administration (TSA) and share our progress and substantial accomplishments over the last 20 years.

September 11, 2001 is one of the darkest days in our Nation's history. Even still, the American people emerged from these horrific events more united than ever. In the aftermath of that dreadful day, TSA was created to safeguard the United States against another 9/11-type attack by strengthening the security of our Nation's transportation systems while also ensuring freedom of movement for people and commerce.

#### FOUNDING AND CONGRESSIONAL SUPPORT

TSA was established by the Aviation and Transportation Security Act (ATSA), which was signed into law on November 19, 2001. With the enactment of ATSA, TSA assumed the significant challenge of protecting our Nation's transportation systems from terrorist threats. There was no blueprint for this urgent and immense task. The early leaders of TSA built the organization 1 day at a time, initiating valuable relationships with international, industry, Governmental, and private-sector partners.

The agency was created to oversee security in all modes of transportation, but aviation security was at the forefront of the Nation's mind after the 9/11 attack. ATSA required TSA to deploy Federal security screeners to inspect airline passengers, their baggage, and air cargo; expanded the Federal Air Marshal Service; and required reinforced cockpit doors among many things designed to enhance transportation security. Additionally, the Implementing Recommendations of the 9/11 Commission Act (9/11 Act) required TSA to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, such as requiring 100 percent air cargo screening on passenger aircraft departing the country. Finally, through the TSA Modernization Act of 2018 (TSA Mod Act), the agency's first comprehensive reauthorization since its inception, TSA was further authorized to expand field operational testing of advanced screening technologies, increase the usage of canine resources, enhance public area security, and improve the security of passengers, cargo, cockpits, cabins, surface transportation, and foreign airports.

This November, TSA will mark 20 years since its formation. TSA's mission and focus began with the urgent task of preventing another 9/11-style attack on the homeland, but its operations have expanded and evolved across the entire transportation landscape, from aviation to surface and the physical and cyber domains. As we approach this milestone, Congress' continued support remains essential to ensure TSA can respond to this dynamic threat landscape, and I am committed to working with you to ensure TSA has the authorities and resources needed to both respond to emerging threats and support its workforce.

#### CHANGING THREAT LANDSCAPE

TSA's mandate is not only to mitigate the threats of today but to preempt evolving threats as our adversaries continue to adapt and evolve their tactics and methods. In the 2000's, we witnessed hijackers using planes as weapons, and we saw unique methods in attempts to conceal explosives in items like shoes, underwear, and soft drinks. In the 2010's, we witnessed explosives hidden in electronics and attacks on the public side of the airport. Now, in the 2020's, we face new and extremely sophisticated threats from state and non-state actors, ranging from cyber attacks to concerns about hostile and non-hostile unmanned aircraft systems (UAS), in addition to traditional threats. From January 2018 through August 2021, there were 2,476 UAS events reported to TSA affecting all modes of transportation. From the beginning of 2021 through the end of August, there has been a 169 percent increase in UAS sightings in the domestic aviation environment, requiring 31 aircraft evasive actions. We are not only focused on elaborate plots and large-scale attacks but also on current threats, which could come from domestic violent extremists as well as insiders. While the threat landscape has grown more complicated over the years, one thing has not changed—we still face ambitious adversaries who are intensely focused on finding a point of attack and waiting for opportunity.

We have also faced another unprecedented and unexpected adversary—a global pandemic. If COVID-19 has taught us anything, it is that we must remain vigilant and adapt quickly, because not all threats look the same. And just like 9/11, the COVID-19 pandemic will have a lasting impact on the future of transportation.

Fortunately, agility is part of our DNA. When TSA was created, it was done with the express purpose of forming an entrepreneurial agency that could remain nimble in its approach to protecting our Nation's transportation systems. From the beginning, our work force has been taught to anticipate and prepare for the unexpected.

When our officers report to the checkpoint each day, the only thing they know for sure is that the upcoming day will be different than the one before. That mentality extends to the top of the organization, where our leaders know that our adversaries are still committed to doing us harm, and we must remain vigilant, innovative, and agile.

Today, TSA relies on intelligence to develop and implement its approach to security and works closely with transportation, law enforcement, and intelligence partners to set the international standard for excellence in transportation security. Since the agency's formation, TSA has implemented a robust series of security procedures, developed a workforce well-trained in threat mitigation, and sought and implemented state-of-the-art technologies to screen passengers, baggage, and air cargo. The agency's security measures are continually evaluated and enhanced by experts to address evolving threats, including those potentially emanating from air cargo, while preserving individual rights and freedoms. TSA is developing an Air Cargo Security Roadmap, which is a strategic plan drafted in collaboration with key industry and other Federal partners with equity in air cargo. The Roadmap will outline TSA's strategic direction toward modernizing, streamlining, and further securing the air cargo ecosystem over the next 5 years.

While TSA is best known for aviation security, it also plays a key role in protecting the Nation's surface transportation networks—mass transit and passenger rail, freight rail, highway and motor carrier, pipeline, and maritime. Following the Colonial Pipeline ransomware incident, TSA helped lead the Department's efforts to improve baseline cybersecurity requirements for the pipeline sector through the issuance of two Security Directives. These directives are complementary to the TSA and CISA efforts in the Pipeline Cybersecurity Initiative. TSA, along with CISA, Coast Guard, and interagency stakeholders, continues to identify opportunities to use existing authorities and private-sector relationships to improve cybersecurity and information sharing across all modes of transportation. We actively work across all surface modes to enhance intelligence information sharing with our partners so we can collaboratively address security issues unique to the mode of transportation, such as the Surface Transportation Security Advisory Committee (STSAC) recommendation to stand up a Surface Information Sharing Cell. The tremendous challenge of protecting our Nation's surface transportation systems and pipeline security infrastructure from physical and cyber-based threats is not new; and it will continue to be one of the most persistent threats in the future. To that end, in September 2020, the TSA Security Training Rule, a 9/11 Act requirement, became effective. This regulation, which had been in the rulemaking process for many years, requires owners/operators of higher-risk freight railroad carriers, public transportation agencies (including rail mass transit and bus systems), passenger railroad carriers and over-the-road bus companies to provide TSA-approved security training to employees who perform security-sensitive functions. Additionally, TSA is currently drafting a Notice of Proposed Rulemaking for the vetting of front-line public transportation and railroad surface transportation employees.

#### OUR WORKFORCE

Over the last 20 years, TSA's workforce has become an extremely professional, highly-skilled, and proactive workforce of approximately 60,000 people. I am appreciative of and remain committed to the TSA workforce, and am proud of everything the agency has accomplished because of their efforts. I consider it a great privilege to serve alongside such a dedicated group of individuals. We continue to see tremendous efforts by our front-line screening officers, Federal Air Marshals, inspectors, canine handlers, vetting personnel, and all of those who support TSA's mission.

While the COVID-19 pandemic has tested our resiliency, TSA has adapted and maintained its security posture while also working to ensure the health and safety of both our employees and the traveling public. This has been accomplished through distributing critical personal protective equipment, adjusting procedures to accommodate social distancing, and integrating of technologies that decrease the need for touch points between officers, passengers, and their property. TSA also issued and subsequently extended mask requirements in U.S. transportation systems until January 18, 2022. Effective Friday, September 10, 2021, TSA increased the range of civil penalties that may be charged against individuals who violate this Federal mask mandate in U.S. transportation systems. The new range of penalties will be \$500–\$1,000 for first offenders and \$1,000–\$3,000 for second offenders.

TSA is also investing in its workforce by working to address long-standing workforce challenges, which were highlighted in the Blue Ribbon Panel of public and private sector human capital experts I commissioned in 2018. Pursuant to its ATSA authorities, TSA has developed 3 initiatives to enhance TSA officer compensation

and make career progression more transparent: Service Pay, Career Progression, and Model Officer Recognition. Service Pay provides a predictable annual salary increase that acknowledges enhanced experience and skill mastery. The next phase of Career Progression, being implemented this year, will provide a one-time pay increase for eligible E-Band officers who successfully complete certain advanced skills training and take on additional responsibilities. Finally, the Model Officer Recognition program identifies and rewards TSA's top officers in all pay bands with monetary and non-monetary awards or pay increases for their on-going contributions to the mission. We are also leveraging funding to launch efforts to recruit new employees in support of screening operations at many of TSA's approximately 430 Federalized airports Nation-wide. We will continue to pursue focused veteran and military recruitment and outreach to help fill these and other important positions. Finally, TSA is committed to workforce protections, expanding collective bargaining at the National level, and ensuring that TSA's standards and processes adhere to the principles applied by the Merit Systems Protection Board. TSA continues to review options within existing authorities to achieve these goals and expand items covered by the collective bargaining agreement.

Historically, TSA employees have received limited pay progression due to budget constraints. Recent initiatives such as Transportation Security Officer (TSO) Service Pay and TSO Career Progression have, however, increased compensation to compensate TSA employees at a level more commensurate with the tremendous responsibility they bear for the security of our transportation system.

TSA is committed to fostering a fair and equitable workplace and fostering diversity and inclusion at all levels of the organization, including within many of our highest-ranking positions. To achieve this, TSA formed an Inclusion Action Committee (IAC) devoted to strengthening our diversity and sustaining an inclusive culture to further empower and engage our employees. Consistent with President Biden's Executive Order on Preventing and Combatting Discrimination on the Basis of Gender Identity or Sexual Orientation, and based on an IAC recommendation, TSA issued a Management Directive and accompanying Handbook in April 2021. This guidance provides policy and procedures for addressing the needs and issues that arise for transitioning and transgender TSA officers, as well as TSA's equal opportunity and nondiscrimination policy as it relates to these employees and applicants for employment. TSA is at its best when all employees feel valued and are fully engaged to outmatch dynamic threats, committed adversaries, and evolving circumstances.

#### EVOLUTION OF AIRPORT SECURITY & SCREENING

TSA's airport screening process is intelligence-driven and applies a risk-based strategy that establishes security practices to expedite screening for known and trusted travelers at security checkpoints while focusing resources on high-risk and unknown passengers. TSA screens more than 1 million passengers daily, on average, and more than 2 million daily before the COVID-19 pandemic through TSA's Secure Flight passenger vetting system, introduced in 2009.

TSA's security strategy also includes other vetting activities. To address risks associated with Insider Threats, TSA vets more than 25 million transportation workers daily against the Terrorist Watchlist, including airport workers, airline flight crewmembers, mariners, commercial drivers who haul hazardous materials, and cargo screeners and handlers. In December 2020, TSA established the TSA Insider Threat Mitigation Hub to mature and expand the capabilities of the Insider Threat Program to enhance the ability to deter, detect, and mitigate insider threats to transportation. TSA also vets students who enroll in training through FAA-certified flight training providers and the entire Airman Registry against changes or updates to the Terrorist Watchlist. To improve the vetting process, TSA has implemented the Federal Bureau of Investigation (FBI) recurrent criminal history vetting service known as "Rap Back" to provide near real-time updates to an aviation worker's criminal history, representing a significant improvement to threat mitigation. With all of our screening and vetting programs, we work to ensure that there are appropriate redress mechanisms in place to ensure the protection of travelers' civil rights and civil liberties.

TSA also works closely with its international partners to share best practices, techniques, and technologies, and to collaborate and facilitate measures to harmonize mutual aviation security goals for the safety of travelers. Air cargo is more secure than it has ever been with 100 percent of cargo on flights departing U.S. airports to international locations screened or secured, consistent with the International Civil Aviation Organization's (ICAO's) updated standards. TSA also established the Third-Party Canine-Cargo (3PK9-C) program to enhance the screening

of air cargo by leveraging the capabilities of third-party explosives detection canine teams.

#### TECHNOLOGY ADVANCEMENTS

Since TSA's inception, we have continuously refined our security approach by examining the procedures and technologies we use to secure our Nation's transportation systems. The introduction of new technologies has played a significant role in how airport security has evolved and been enhanced over the past 20 years as industry develops new methods to help TSA detect threats to the aviation sector. As we look to the future, TSA strives to remain the recognized global leader of transportation security by focusing on capability innovation and threat-informed, information-driven operations. A number of improved technologies and enhancements that TSA has recently introduced provide significant advancements over existing equipment used for identity verification and the screening of individuals and their accessible property while also reducing contact during screening to improve the passenger experience. These key technologies include:

- Computed Tomography, or CT, which produces high-quality 3-D images that can be rotated up to 360 degrees on three axes for a more thorough visual analysis of a carry-on bag's contents. It also reduces the need to touch or manually check bags.
- Credential Authentication Technology, or CAT, machines automatically verify identification documents presented by passengers during the security screening process and confirm a passenger's flight information and vetting status without the need for our officers to see a boarding pass. TSA has worked to modify CAT machines to allow self-service operation, so passengers can scan their own photo ID without our Officers touching the document. Additionally, the Self-Service CAT with camera (CAT-2) upgrade units promote social distancing, reduce the need for a physical ID handoff at the Travel Document Checker (TDC), and make passenger screening more automated.
- Advanced Imaging Technology, or AIT, safely screens passengers for both metallic and non-metallic threats such as weapons and explosives without physical contact. Enhancements have reduced the number of false alarms at the checkpoint by using even more sophisticated millimeter wave technology.

#### BIOMETRICS AND IDENTITY MANAGEMENT

In addition to new and improved screening technologies, we are also investing in biometric technology, which adds an important layer to our security procedures. Biometrics are a powerful tool, such as to improve identity verification performance, but must be used carefully and with the utmost respect and safeguarding of passenger privacy. In our pilots, testing protocols always use a voluntary process for passengers choosing to go through using the biometric technology in addition to conducting passenger surveys about our technologies and their use. TSA's CAT-2 uses facial matching technology that compares the live image of a passenger with the image on the passenger's photo ID, never stores biometric information, and any information captured for one passenger is deleted by the time the next passenger approaches. TSA remains mindful that biometric systems may have error rates and tests such systems to ensure accurate performance across diverse demographic groups. A recently concluded DHS Science and Technology Directorate (DHS S&T) test of the CAT-2 devices for match performance across demographic groups concluded that "no consistent statistically significant differences in performance across gender, race, and skin tone were observed across test conditions for the CAT-2 system." Maintaining passenger equitability and dignity is an agency priority and new technologies, like CAT-2, should enhance both transportation security and the passenger experience.

Along with biometrics development, digital credentials, such as mobile driver's licenses and digital passports, are becoming increasingly common. Mobile driver's license technology can enable a more seamless airport security screening experience for travelers and TSA is working with industry and the public to find innovative ways mobile driver's licenses can facilitate easier and faster transit through TSA checkpoints while complying with REAL ID Act of 2005 requirements, enforcement of which was extended until May 3, 2023, due to the COVID-19 pandemic. Mobile driver's license technology marks a major milestone for TSA to provide an additional level of convenience for the traveler by enabling more opportunities for touchless TSA airport security screening. Moving forward, TSA will continue to pursue innovative solutions that allow us to improve identity management while ensuring privacy and mitigating any potential risks that these new technologies may introduce.



Technology advancements are just one part of TSA's multi-layered approach to ensuring transportation security.

#### PARTNERSHIPS

Protecting our Nation's transportation systems requires robust partnerships and effective security operations across all modes of transportation. Similar to other security efforts, TSA considers engaging public and private partners vital to ensuring the safety and security of our transportation network. Due to our expansive scope of operation and influence, TSA works with: Owners and operators of transportation systems, industry associations, manufacturers, advisory bodies (e.g., Aviation Security Advisory Committee and STSAC), Critical Infrastructure Government and Sector Coordinating Councils under the National Infrastructure Protection Plan, and other Government and quasi-Governmental agencies (e.g., ICAO).

We are also extremely cognizant of the needs of passengers that use the transportation systems. TSA's Disability and Multicultural Coalition alone coordinates with over 450 advocacy and community-based organizations representing diverse communities. Additionally, we continue to expand our cadre of Passenger Support Specialists to provide real-time support in successfully engaging with and screening our diverse traveler populations. The TSA Mod Act also advanced our partnerships in this area. We appreciate Congress' direction as TSA continues to foster a culture that treats all passengers with dignity and respect.

TSA has always welcomed and actively pursued engagement and alignment with our partners, and we have always worked together toward our mutual objectives of keeping passengers, cargo, and goods secure while also ensuring a positive travel experience. We rely on our partnerships to help secure the National transportation system and will continue to develop them in the years ahead to enhance security across the whole of the surface transportation enterprise.

#### CLOSING

Chairman Thompson, Ranking Member Katko, and Members of the committee, I appreciate this opportunity, on the occasion of TSA's 20th anniversary, to share the significant steps the agency has taken to meet the challenges of the ever-evolving security threat landscape. Our homeland is stronger today than it was 20 years ago, and I am extremely proud of the hard work and achievements we have made since our founding. Today, I reaffirm our commitment to transportation security and assure you that we remain steadfast in our mission to protect the Nation's transportation systems and ensure the freedom of movement for people and commerce. Thank you for your continued support of TSA's mission and the chance to appear before you today. I look forward to answering any questions you may have.

## Transportation Security Administration

### Aviation Security: Then and Now



Pre 9/11	Current Day
 <p><b>People</b></p> <ul style="list-style-type: none"> <li>Air Marshals</li> <li>Private contract screeners funded by airline industry</li> <li>Civil Aviation Security Liaison Officers</li> <li>Civil Aviation Security Inspectors</li> </ul>	<ul style="list-style-type: none"> <li>Federalized Transportation Security Officers and Contract Screeners funded by United States Government</li> <li>Transportation Security Explosives Specialists</li> <li>Increased Federal Air Marshal deployments</li> <li>Passenger Screening Canine Teams</li> <li>Regulatory Inspectors</li> <li>Transportation Security Administration Representatives</li> </ul>
 <p><b>Process</b></p> <ul style="list-style-type: none"> <li>All screened individuals allowed into sterile area</li> <li>Small knives and box cutters allowed</li> <li>Aircraft security protocols focused on defeating terrorist tactics</li> </ul>	<ul style="list-style-type: none"> <li>Air carrier/airport worker vetting and screening</li> <li>Intelligence-driven procedural changes including prohibited items list, TSA PreCheck® and other Trusted Traveler Programs</li> <li>Limited sterile area access at airports</li> <li>Secure Flight and watch list matching</li> <li>Enhanced security procedures on aircraft</li> <li>Centralized employee training (TSA Academy, Canine Training and TSA Training Center)</li> </ul>
 <p><b>Technology</b></p> <p>Primary method of screening for passengers:</p> <ul style="list-style-type: none"> <li>Walk through metal detectors</li> <li>Hand Held Metal Detectors</li> <li>Single screen x-ray</li> </ul> <p>Legacy baggage screening technology for selectees</p>	<ul style="list-style-type: none"> <li>Advanced Imaging Technology to detect non-metallic threats for on-person threats</li> <li>Advanced Technology Dual View x-ray for property threats</li> <li>Enhanced Explosive Trace Detection Systems</li> <li>Bottle Liquid Screening Technology</li> <li>Chemical Analysis Devices</li> <li>Colorimetric Screening for powdered explosives</li> <li>Liquid Screening Test Strips for liquid explosives</li> <li>Automated Screening Lanes</li> <li>Computed Tomography 3D x-ray technology for property threats</li> <li>100% checked baggage screened for explosives</li> <li>Enhanced metal detection technology capabilities</li> <li>Credential Authentication Technology</li> <li>Boarding pass scanners</li> </ul>



To learn more about TSA's history and timeline, please visit:  
<https://www.tsa.gov/timeline>

**tsa.gov**

Chairman THOMPSON. Thank you very much. I now ask Admiral Neffenger to summarize his statement for 5 minutes.

**STATEMENT OF PETER V. NEFFENGER, PRIVATE CITIZEN, FORMER ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION**

Mr. NEFFENGER. Thank you, Mr. Chairman, and good morning to you, Ranking Member Katko, and the distinguished Members of this committee. Thank you for inviting me to join my distinguished colleagues and my good friends in recognizing the 20th anniversary of the TSA and to reflect upon what is the unique value and critically important service it provides to our Nation.

Transportation underpins our economic health, is essential to our prosperity and resilience, and is a key component of our National security, and one of the greatest privileges of my career was to have served with the women and men of the TSA. They are among the most dedicated, professional, and selfless public servants I have known, and our Nation is safer and more secure because of their work, and I remain grateful for their service.

TSA's missions encompasses the full spectrum of our Nation's transportation system: Aviation, maritime, mass transit, passenger and freight rail, over-the-road motor carriers, interstate pipelines, and more. It is an extraordinarily dynamic and complex mission set made even more so by a continually evolving and expanding threat environment. Transportation security today is a direct outgrowth, as we have heard, of the tragic attacks of September 11, the 20th anniversary of which we sadly commemorated this month.

Transportation was the weapon of 9/11 and it offered the means and the instruments for terrorists to strike at America. This hearing has recounted the history of our Nation's actions and successes since that tragic event and has already highlighted TSA's many accomplishments. My colleagues will also describe in chilling detail the diversity of new threats we face. Building upon this, I will add some thoughts looking forward.

We are safer and more secure because of the security architecture we have built over the past 20 years. We have developed more capable systems and technologies. We have integrated and shared intelligence among many stakeholders. We have designed processes and procedures for vetting people who access or work in critical areas. We have developed tactics and techniques to prevent large-scale attacks like 9/11 from happening again.

We have become exceptionally adept at instituting countermeasures to the terrorist tactics we have seen and experienced, and such countermeasures are essential. Security is necessarily additive as terrorists and criminals rarely remove a tool from their kit.

However, today's security systems, as good as they are, are not sufficient for tomorrow's threats. Adversaries are agile, adaptive, aggressive, and creative. We have to be even more so. There is no perfect system, no ideal technology, and no we got it right moment. Success demands systems and technologies that are adaptive, innovative, and focused on imagining what might happen in addition to protecting against what has happened, and that imagination is key.

Terrorists and criminals are dangerous entrepreneurs, always seeking advantage and ever poised to exploit vulnerabilities. These include increasingly sophisticated, interdependent cyber systems, the shocking lessons of the global COVID-19 pandemic, vulnerabilities presented by interconnected industrial control systems, and the growing sophistication and deployment of technologies such as unmanned systems and autonomous vehicles.

Moreover, barriers to entry continue to lower, especially with respect to cyber. The Colonial Pipeline ransomware attack and the hacking of a major U.S. maritime port just last week dramatically illustrate the ease with which critical infrastructure can be attacked and disabled by remote cyber actors. Administrator Pekoske

has presented a compelling strategy for investment in the TSA work force, including increasing pay and evolving and modernizing TSA's systems and architecture.

The TSA Innovation Task Force and the Office of Requirements and Capabilities Analysis are working hard to imagine future threats to innovate faster than our adversaries, but their work requires predictable, stable, and reliable funding and support to succeed, and I urge this committee and Congress to fully fund TSA's strategy to ensure they will continue to evolve faster than the threats we envision.

I also urge you to support efforts to mature research and development efforts across DHS to include robust private-sector engagement and open architecture standards; coordinated, on-going, operationally-focused, and integrated R&D is fundamental to counter future threats. Security is a never-ending race and we need to stay in the lead.

I thank this committee for your continued and steadfast support of the TSA over the years and for support of its dedicated work force, and I look forward to your comments and any questions you may have. Thank you again, Mr. Chairman and Ranking Member Katko and distinguished Members.

[The prepared statement of Mr. Neffenger follows:]

PREPARED STATEMENT OF PETER V. NEFFENGER

SEPTEMBER 29, 2021

Chairman Thompson, Ranking Member Katko, and distinguished Members of the committee, thank you for inviting me here today to add my thoughts to those of my former colleagues as we recognize the 20th anniversary of the Transportation Security Administration (TSA) and reflect upon the unique value and critically important service it provides to our Nation.

One of greatest privileges of my career was to have had the honor of serving with the women and men of the TSA. They are among the most dedicated, professional, and selfless public servants I have known, and our Nation is safer and more secure because of their work. I remain grateful for their service.

Most Americans know TSA as the agency responsible for aviation security. But as this committee well knows, TSA's missions are many and encompass the full spectrum of our Nation's transportation system—aviation, maritime, mass transit, passenger and freight rail, over-the-road motor carriers, interstate pipelines, and more. It is a dynamic mission set that is extraordinarily complex, comprehensive, and challenging, made ever more so by a continually evolving and expanding threat environment. And today's threat environment is much more dynamic, diverse, and complex than the one faced when TSA came into being on November 19, 2001.

The transportation network underpins our Nation's economic health. It enables reliable access to materials and markets and the ability to take advantage of economies of scale and production. Transportation is central to our economic prosperity and resilience, and transportation security is a key component of our National security. We've lived through devastating impacts to our lives and economy when transportation systems have been disrupted or compromised. Indeed, as we meet here today, our supply chains face severe challenges in part due to the transportation disruptions of the global COVID pandemic.

Our current approach to transportation security is a direct outgrowth of the tragic attacks of September 11, 2001—the 20th anniversary of which we sadly commemorated by remembering those we lost and honoring the heroes who responded. Transportation provided the weapon of 9/11 and was central to al-Qaeda's strategy that day. Transportation offered the means and the instruments for terrorists to strike at America. Transportation also provided the mechanism for the 19 hijackers to travel and coordinate their plot.

My colleagues on this panel have recounted the history of our collective actions and successes in the 2 decades following that tragic event and have specifically highlighted the many accomplishments of TSA to date and suggested approaches for the future. They have also described in chilling detail the challenging and diverse

array of new threats facing our Nation. Building upon this, I will focus my comments on transportation security looking forward.

The robust and capable security architecture we have built over the past 20 years has arguably made us safer and more secure from terrorist attacks. We have developed more capable systems and technologies, integrated and shared intelligence among stakeholders, designed processes and procedures for vetting people who access or work in critical areas, and developed tactics and techniques to prevent large-scale attacks like 9/11 from happening again. We have become exceptionally adept at instituting countermeasures to the terrorist tactics we have seen and experienced. Such countermeasures are essential. Security is necessarily additive, as terrorists and criminals have not been known to remove a tool from their kit.

However, a security system that is primarily reactive is a security system that can, and will, eventually fail. Adversaries are agile, adaptive, aggressive, and creative. Our approaches to security must be even more so. Effective and capable security systems are dynamic and ever-evolving. There is no perfect system nor ideal technology and no “we got it right” moment. Success demands security systems and technologies that anticipate and predict—systems that are creative, adaptive, and innovative, and that focus on imagining what might happen in addition to protecting against what has happened.

Imagining what might happen is key, as the transportation threat picture presents in a multitude of new and ever-changing configurations and pathways. Terrorists and criminals are dangerous entrepreneurs searching for advantage. In addition to the on-going, persistent threat from direct attacks, we are subject to growing array of new perils and concerns. These include increasingly sinister and sophisticated cyber actors; the shock and lessons of a global pandemic and its impact on global transportation; vulnerabilities presented by our reliance on increasingly interconnected industrial control systems; and the growing sophistication and deployment (and inherent vulnerabilities) of technologies such as unmanned systems and autonomous vehicles.

Moreover, the barriers to entry for those who would attack or harm continue to lower, especially with respect to cyber threats. The Colonial Pipeline ransomware attack and the hacking of a major U.S. maritime port just last week dramatically illustrate the ease with which our critical infrastructure can be attacked and disabled by remote cyber actors.

For these reasons and more, the transportation security systems of today cannot be the transportation security systems of tomorrow. Today’s state-of-the-art systems, as good as they may be, will not be sufficient to meet tomorrow’s threats. We need the resolve and courage to dedicate the resources and build the integrated systems necessary to imagine the next threats and continually refresh and refine our training, technologies, and processes to evolve faster than the threats we foresee.

Administrator Pekoske has presented a compelling strategy and persuasive argument for increasing investment in the TSA workforce and in continually evolving, improving, and modernizing TSA’s systems and architecture. But this strategy requires predictable and reliable funding and support to succeed. For example, the TSA Innovation Task Force and the TSA Office of Requirements and Capabilities are working hard to imagine future threats and innovate faster than our adversaries. They are rapidly developing, testing, and deploying systems and processes to front-line operators to counter the threats of the future. I urge this committee and Congress to fully fund TSA’s strategy road map along with programs such as these that encourage rapid innovation, provide for continuous technology improvements and deployment, and give the workforce the tools and training they need.

I also urge you to support efforts to further mature research and development efforts across the DHS enterprise. Coordinated, on-going, operationally-focused, and integrated research and development across DHS can provide TSA and other agencies with the capabilities they need to counter the complexity and diversity of evolving threats, foreign and domestic. Such work should be linked to intelligence assessments and a detailed requirements and capabilities development process with robust private-sector engagement, input from partners and stakeholders, open architecture standards, and acquisition strategies and processes that promote rapid deployment of new technologies across the full spectrum of the mission set.

Security is a never-ending race, and we need to stay in the lead.

Chairman Thompson, Ranking Member Katko, and Members of the committee, thank you again for this chance to share my thoughts as we mark TSA’s 20th anniversary. Thank you for your continued support of the TSA and its dedicated workforce. I look forward to any questions you may have.

Chairman THOMPSON. Thank you very much. I now ask Mr. Pistole to summarize his statement for 5 minutes.

**STATEMENT OF JOHN S. PISTOLE, PRESIDENT, ANDERSON UNIVERSITY, FORMER ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION**

Mr. PISTOLE. Thank you, Mr. Chairman. It is good to see you, sir, and Ranking Member Katko. Just a personal note, I happened to be in your district on 9/11 20 years ago doing FBI audit and inspection. I was in the Federal courthouse when the planes hit there, so. Also thank you to the rest of the Members of the committee and to the professional staff who make this hearing possible.

I just have 3 points I would like to make, Mr. Chairman and Ranking Member Katko. First, I strongly encourage you and the administration to continue support for the broad authorities for the TSA administrator, which each of the other former administrators and current Administrator Pekoske have exercised judicially.

Just a couple of examples, one from a threat perspective and one from an innovation perspective that I experienced in my 4½ years as the administrator. One, we are all well familiar with the October 2010 AQAP toner cartridge plot out of Yemen where two toner cartridge bombs were being sent from Sana'a, Yemen, to Chicago. That plot was foiled by just great intelligence, so it wasn't because of great screening. That actually came from the White House and Deputy National Security Advisor, at the time, John Brennan, before he went to the CIA, working with the head of the Ministry of Interior of the Kingdom of Saudi Arabia, and then the chief counsel at both TSA and the Department of Homeland Security Office of Security Operations and International Affairs, along with the FBI, CIA, and State Department, and, of course, all of those at DHS Headquarters.

I was able to issue emergency amendments which literally barred any and all cargo from being shipped from Yemen to the United States. There are a number of ramifications and unattended consequences of that action, but it kept future bombs from being shipped to the United States.

Second, on the innovation aspect of the broad authorities, with the terrific senior leadership team that I inherited at TSA and great support from then Secretary of Homeland Security Janet Napolitano and CBP Commissioner Alan Bersin, we envisioned and launched the TSA PreCheck program, which is, of course, now a popular Trusted Traveler program with nearly 11 million people enrolled in addition to those who do dual enrollment from CBP's Global Entry program, a hugely successful Trusted Traveler program for international travelers.

So thank you to Chairman Thompson and other Members of the committee who had the foresight in crafting legislation initially standing up TSA, to provide those authorities because it gave me the opportunity to take immediate action to mitigate, No. 1, a clear and present danger, and then also to implement a risk-based security initiative to facilitate smooth, safe travel for millions of law-abiding citizens and to move, as you said, Mr. Chairman, from a one-size-fits-all to risk-based security approaches.

Second, I would encourage you and the entire committee to support the TSA work force that has been articulated by Administrator Pekoske, especially the front-line TSOs. Better pay is the key issue and there is—I am heartened by some of the efforts being made to

improve the pay whether that means moving the work force to the GS pay system under Title 5 or other initiatives. I think that is an important thing to do.

Let me just make a comment on the collective bargaining since I was the administrator who issued that determination to allow for a modified form of collective bargaining. I think AFGE on the union representing the TSOs has done a good job of representing them in this unique, non-traditional collective bargaining agreement. Both the chief counsel of TSA, Francine Kerner, and the general counsel for AFGE, David Bore, they are the two constants over the last 10 years since I issued the determination who provided great legal advice, context, and clarity as moving forward.

Then third is that I support and encourage what my two successors have done in terms of innovation because we know innovation doesn't happen in a vacuum. It is really just a couple of points there, through investment and key technologies and processes, and then the partnerships, which the current administrator has mentioned; partnerships with the private sector so they are incentivized to do the R&D to deploy NextGen technology today, tomorrow, and for years to come.

So, obviously, partnerships with you, Mr. Chairman, and Ranking Member Katko and OMB, the manufacturers, the airlines, the airports, the associations, including A4A; AAAE; ACI-North America; Global Business Travel Association; Air Cargo, Rail Passengers, and Railway Industry Associations; Pipeline Association; and then the international partners such as IATA. Those are all critical to the success of TSA.

As we saw with the underwear bomber Christmas Day 2009, and his nonmetallic and composite explosive device, and the toner cartridge plot that I mentioned, terrorists are innovative and determined, so must we be. Spiral development is one thing, but breakthrough technology is even better.

I had the opportunity to testify 3 times before the 9/11 Commission and, of course, one of the findings from that was that one of shortcomings of the U.S. Government writ large counterterrorism efforts prior to 9/11 was a "failure of imagination". It is incumbent, I believe, on all of us to ensure that doesn't happen again.

Then my last point, 3.5, is on cybersecurity, which has been mentioned; same points as on innovation through investment, partnership, maximize the partnerships, evaluate and repeat. So thank you, Mr. Chairman. I would like to take questions from you and the committee at this time.

[The prepared statement of Mr. Pistole follows:]

PREPARED STATEMENT OF JOHN S. PISTOLE

SEPTEMBER 29, 2021

Chairman Thompson, Ranking Member Katko, Members of the committee, thank you for the opportunity to testify before you today. I must admit, it's a freeing feeling testifying as a former TSA administrator. I would just like to highlight a few key points as I assess the landscape of transportation security in the United States 20 years after 9/11.

First, as you know Chairman Thompson, when I was confirmed by the Senate in June, 2010 and began my tenure as TSA administrator, I was pleasantly surprised at the broad, almost sweeping authorities Congress had given the position when the Bush administration proposed it after the 9/11 attacks. I'll be glad to cite 1 or 2

examples during my oral testimony. My strong recommendation to you and all of Congress is to maintain these broad authorities which allow TSA, through its administrator and the Secretary of DHS, to act quickly and decisively in time of imminent threat, such as was experienced on Christmas Day 2009 with the "Underwear" bomber, or with the October, 2010, AQAP toner cartridge bombing plot. Under these broad authorities, my leadership team and I were able to effectively address those threats through domestic and global mitigation measures through my issuance of Emergency Amendments and Security Directives. Additionally, under these broad authorities, we were able to envision and implement the popular trusted traveler program TSA PreCheck, now with nearly 11 million members.

Second, I would encourage you and the administration to ensure the administrator has maximum flexibility and authorities for internal personnel matters, such as pay, promotion, and representation. When I issued my Determination to allow TSA employees the right to pursue collective bargaining, it was important in my mind to recognize and support the front-line workforce, especially the Transportation Security Officers (TSOs), while ensuring that security considerations remained outside the purview of the CBA. I could not imagine a situation where TSOs would be allowed to go on strike in a time of crisis, thereby possibly impacting National security.

Third, I believe both of my successors, Adm Peter Neffinger and Adm David Pekoske, have done an outstanding job of encouraging innovation in and among the TSA workforce and with key stakeholders, including providers of security equipment and processes. This type of innovation, such as done through the Innovation Task Force, is critical for ensuring that TSA stays at least one step ahead of the terrorists. And the best innovation I've seen is usually done in partnership with industry. The best way to facilitate meaningful partnerships is through shared investments. So my strong recommendation in this respect is that your committee, working with the Appropriators and OMB, help fund this innovation work to incentivize the private sector, which obviously has to have a positive return on investment. And this security investment needs to be made not only in the screening equipment at airport checkpoints and checked baggage locations, but in the processes and connectivity which enables TSA to seamlessly "deploy next generation technology today" across the 440+ airports with TSA personnel.

Finally, each day we hear about new cyber attacks, especially ransomware, impacting private businesses and governmental agencies globally. This spring's Colonial Pipeline attack caused panic buying across the southeast United States and, frankly, I think most Americans were surprised to learn that TSA has regulatory authority over that critical infrastructure. Congress and the administration must continue investing money, resources, and personnel, to ensure that key transportation systems, whether pipelines or much better known critical systems such as Secure Flight and FAA's Air Traffic Control systems, are secure 24/7.

The women and men of TSA are dedicated to keeping travelers safe. Thanks for doing your part to ensure they have the tools, resources, and support to do this critical job properly. I'll be glad to take any questions you may have.

Chairman THOMPSON. Thank you very much. I now ask Admiral Loy to summarize his statement for 5 minutes.

**STATEMENT OF JAMES M. LOY, PRIVATE CITIZEN, FORMER ADMINISTRATOR, TRANSPORTATION SECURITY ADMINISTRATION**

Mr. LOY. Thank you, Mr. Chairman, Mr. Katko, and Members of the committee. I appreciate being included in your committee's look-back and on-going oversight of TSA. As the commandant of the Coast Guard on 9/11/01, I joined millions of my fellow citizens as we watched the events of that day unfold. The Coast Guard organized and led the maritime boat lift in the New York Harbor that evacuated over half a million people from Manhattan over the water to Staten Island and New Jersey, and that day remains for me and for all Americans sort-of our generation's Pearl Harbor.

I remember well the countless meetings that followed as we came to terms with the reality that the two great oceans no longer were going to provide any guarantee that America cannot be reached by those intent on doing us harm. The resulting legislation created



first the TSA and then the Department of Homeland Security. Those pieces of legislation were announcements to the world that we had awakened to this new terrorism threat. The days that followed included the most significant in Executive branch reorganization since 1947.

Coordination with the Congress produced the TSA Act outlining the establishment and shape of this new Executive agency. Where the FAA had heretofore been responsible for both safety and security of commercial aviation, the new law called for the security elements to be responsibility of the new TSA. Although centered on aviation, for obvious reasons the law mandated that the new agency focus on all modes of transportation.

The legislation provided the road map and we then set about to establish the agency. It was probably the most—it was the most gratifying yet challenging years of my 42 years of public service as we took that on. We recruited applicants for 60,000 positions at airports across the country. Those applicants were vetted, hired, trained, and distributed to over 400 airports in 9 weeks.

We allowed the reality of the stand-up process to shape and evolve the agency, which has continued to-date. We will work with all the major airlines, the trade associations, the appropriate Government agencies, foreign advisors, commercial vendors to design and outfit with thousands of checkpoints that would provide that physical security required by the law.

I will never forget the night of 12/31, December 31, 2003, when I was able to report to then Secretary Norm Mineta that the airport on Guam had “gone green,” which was our vernacular for gaining operational compliance with the law. As in any endeavor of this magnitude, it required contributions from many to be accomplished well and on time. As is also the case with any such endeavor, changes were made in policy and practice as I and my successors in the administrator’s chair led and managed the agency over the years, which you have already heard.

Mr. Chairman, several things stand out to me as being deserving of the committee’s on-going attention. First, and it has been mentioned already, the adequacy of TSA’s link to the intelligence community for threat analysis and for the evolution of what that threat means to the operating days and weeks of the agency itself.

Second, adequate attention to all modes of transportation, not just aviation. It is clearly reasonable that we have focused on aviation over the years, but terrorist incidents, for example in London in subway systems and Spain on rail systems, make those serious issues as well, and I appreciate the committee’s on-going attention to all modes of transportation, not just aviation.

Then a constancy of focus on response and recovery as well as preparedness and prevention planning for dealing with any scenario that would interrupt the transportation system.

Mr. Chairman, we plank-owners at TSA are enormously proud of our time in standing up and leading the agency. We coined the motto, “Never forget,” and just met together for the 20th annual ceremony remembering the events of 9/11/2001. The staff and employees all renewed their oath of commitment to remain vigilant in their quest to keep America secure.

I take no comfort in the fact that 20 years have gone by without another 9/11. We have to remain vigilant and diligent and focus on today and tomorrow, and this hearing is to me a formal statement about how important that relentless diligence is to keeping us safe going into the future.

Thanks very much, Mr. Chairman, and I look forward to your questions.

[The prepared statement of Mr. Loy follows:]

PREPARED STATEMENT OF JAMES M. LOY

SEPTEMBER 29, 2021

Mr. Chairman/Ranking Member, thank you for including me in your committee's look-back and on-going oversight of the Transportation Security Administration (TSA).

As the Commandant of the U.S. Coast Guard on 9/11/2001, I joined the millions of my fellow citizens as we watched the events of that day unfold. The Coast Guard organized and led the maritime boatlift in New York Harbor that evacuated over 500,000 souls from Manhattan over the water to Staten Island and New Jersey. That day remains for me and for all Americans our generation's Pearl Harbor. I remember well the countless meetings that followed as we came to terms with the reality that the two great Oceans no longer provided any guarantee that America could not be reached by those intent on doing us harm. The resultant legislation creating first the TSA and then the Department of Homeland Security were announcements to the world that we had awakened to the new terrorism threats. The days that followed included the most significant Executive branch reorganization since 1947.

Coordination with the Congress produced the Transportation Security Act outlining the establishment and shape of the new TSA. Where the FAA had heretofore been responsible for both the safety and security of commercial aviation, the new law called for the security elements to be the responsibility of the new TSA. Although centered on aviation for obvious reasons, the law mandated that the new agency focus on all modes of transportation. I was scheduled to retire from the Coast Guard in May, 2002, but was asked by Transportation Secretary Norm Mineta and President Bush to lead the stand-up of TSA. The following years at TSA and then DHS became the most challenging and gratifying years of my 42 years of public service. The legislation provided the road map and we set about to establish the agency. We solicited applicants for 60,000 positions at airports across the country. Those applicants were vetted, hired, trained, and distributed to those airports in 9 weeks. We allowed the reality of the stand-up process to shape and evolve the agency. We worked with all the major airlines, the trade organizations, the appropriate Government agencies, foreign advisors, and commercial vendors to design and outfit the thousands of checkpoints that would provide the physical security required by the law. I'll never forget the night of 12/31/2003 when I was able to report to Secretary Mineta that the airport on Guam had "gone green" which was our vernacular for gaining operational compliance with the law.

As in any endeavor of this magnitude, it required contributions from many to be accomplished well and on time. As is also the case in any endeavor, changes were made in policy and practice as I and my successors in the administrator's chair led and managed the agency over the years.

Mr. Chairman, several things stand out to me as being deserving of the committee's on-going attention:

- Adequacy of the TSA's link to the intelligence community for threat analysis and evolution
- Adequate attention to ALL modes of transportation, not just aviation
- Constancy of focus on Response and Recovery as well as Preparedness and Prevention planning for dealing with any scenario that would interrupt transportation service.

Mr. Chairman, we plank-owners at TSA are enormously proud of our time standing up and leading the agency. We coined the motto NEVER FORGET and just met together for the twentieth annual ceremony remembering the events of 9/11/2001. The staff and employees all renewed their oath of commitment to remain vigilant in their quest to keep America secure. I take no comfort in the fact that 20 years have gone by without another 9/11. We have to remain diligent and focus on today

and tomorrow. This hearing is to me, a formal statement about how important that relentless diligence is and must remain. NEVER FORGET!

Chairman THOMPSON. I thank the witnesses for their testimony. Obviously, your unique role within TSA speaks for itself.

So, I remind each Member that he or she will have 5 minutes to question the witnesses. I will now recognize myself for questions.

TSA is a unique agency within Government. No other agency interacts so intermittently with such a broad swath of the public on a daily basis. All of us can remember Admiral Loy when we first started. You know, we were basically trying to put it together because we needed to do it, so the men and women did a wonderful job. We have come a long way as an agency. We have done the threat analysis and the threats have changed from time to time.

But what I would like to do is go from our current administrator back to Admiral Loy to talk about what did you find most challenging during your tenure of leading TSA? If you could point to that issue that you felt that you just had to somehow address, and with our current administrator, I am sure you could start us off with that.

Mr. PEKOSKE. Yes, Mr. Chairman, thank you. I would say, you know, the thing that I found most challenging is something we have already talked about this morning, and that is to ensure that we adequately compensate our work force. I have found no one disagrees with that at all. Everyone agrees. It is just finding the funding to be able to execute on that very important priority for all of us, and that is one of my very top priorities as the administrator.

The other thing that I would mention from my 4 years-plus now in this chair, one of the things that is very exciting about being the administrator of TSA, what really requires an awful lot of focus is there are a lot of things that come up every single day, and there are a lot of priorities that any one of us would look at and say we got to get that one done, we got to get that one done. The challenge, really, and the opportunity, is to establish those clear priorities so that we get a concrete set of actions in place.

The key here, too, and my predecessors have already commented on this, is it is not just TSA acting alone. We have to act with our partners because our partners are part and parcel of a successive security regime in this country. So it is always providing that strategic direction to keep our focus on true north and to get the most important priorities done. But I would say, sir, you know, the most challenging, and I hope to see some positive successes on this over the course of the next several months, is on pay, particularly for our front-line work force. Thank you.

Chairman THOMPSON. Admiral Neffenger.

Mr. NEFFENGER. Thank you, Mr. Chairman. I would certainly echo everything that Administrator Pekoske just said, getting adequate pay to the front line is critical and key. It is a very challenging and demanding job out there, and one of the things that really struck me when I came to TSA was how skilled those front-line TSOs are in that job. You know, I think the average American citizen and the average traveler has no real appreciation for how much work it takes to be good at what they do out there, so let me echo that.

Let me add, you know, a couple of challenges that I saw, as you know I was—during my tenure was the time when we saw a dramatic and significant increase in the number of people traveling on a daily basis. We climbed over 2 million passengers a day on average screening through the TSA checkpoints, and that was in the face of—from staff shortages and some other challenges that we had based upon DHS IG findings that inadvertently were leaked, a Classified report that was leaked to the public, and put TSA into a lot of crisis situation and demoralized the front-line work force. So, I would say one of the greatest challenges I faced was rebuilding confidence in the agency and rebuilding a sense of purpose to the front-line work force that was, unfortunately, the brunt of most of the criticism that came out. As I said during that time, if there is criticism to be had, it is not the front-line work force that deserved it. It was the people who led the agency that failed the front-line work force.

So, I think it was—in my mind, that was—one, it was one of the more gratifying asterisks of my tenure as I watched that front-line work force really regain its confidence and focus on getting good at what they did again. But that was a particularly challenging time I think for TSA and I have been really proud of what they have accomplished since and have continued to accomplish under the current administrator.

Thank you, Mr. Chairman.

Chairman THOMPSON. Thank you. Mr. Pistole.

Mr. PISTOLE. Thank you, Chairman Thompson. I think when I arrived as administrator in the summer of 2010 part of it was to provide the opportunities to go from the one-size-fits-all to a risk-based security using some common-sense things, and then also helping professionalize the work force in a way that they had not been afforded that opportunity previously by creating the TSA Academy down at FLETC and then also creating—expanding on the office work force engagement, and then did the Office of Professional Responsibilities.

So, I had come from the FBI, you know, an agency that had been around more than a hundred years, had time to really build some of that infrastructure to say—systems and processes to say here is how consistent, fair adjudication of misconduct and other things should be. So, I was given that opportunity and with a great support from the Department, from you and others on the Hill, and obviously from the work force to say, yes, let's take these steps to help professionalize and provide that exceptional service that is expected for those 2 million-plus passengers a day. So those were some of the challenges and highlights.

Chairman THOMPSON. Admiral Loy.

Mr. LOY. Thanks, Mr. Chairman. I think my recollection, you know, in the stand-up process was the very simple recognition from those of us who were in the middle of the crucible, so to speak, recognizing that we didn't have a corner on the market of good ideas. We reached out as you have defined partnerships to so many different players, trade associations of commercial aviation, and the land transportation elements of our country.

I remember a personal association with Herb Kelleher, who was then the president of Southwest Airlines, a remarkably visionary

kind of a guy, now passed unfortunately, but it was his willingness as the CEO of a major airline to literally get in the work trenches with us to figure out the best ways to do what we needed to do next. So, I think that notion of American citizens in lots of walks of life standing up and being willing to be counted and being willing to participate in the design of this new agency that was going to impact a large portion of their lives, and that included even international reach.

I remember my colleagues at the Israeli Security Agency, well-known for their already 40 years of focus on aviation security around the globe, they could not have been more deliberative. They allowed me to check very deeply into the way they did business in Israel. Those ideas that we were able to bring back and integrate into the design of the checkpoints, et cetera, were critical to our early stand-up process, and I think establishing standards lower than which we would never go with regard to mandating superior performance out of our new agency.

So, it is that partnership business and recognizing that we needed to open our doors and windows to new ideas, and even established existing ideas, that would help us establish this agency as well as we could possibly do it.

Chairman THOMPSON. Thank you very much. Let me just say all four of you have talked about the work force, how we need to make sure that we pay them adequately for the job that they are doing and give them the support as Government employees they need. A lot of us have pursued that for quite a while, and I look forward to working with the administrator currently to make that a reality and treat our TSOs like all other Government employees are, and if that is giving them Title 5 rights, we should do that.

The Chair recognizes the Ranking Member of the full committee, the gentleman from New York, for 5 minutes.

Mr. KATKO. Thank you, Mr. Chairman, and it is good to see all of the witnesses today. It has been a while since I have seen you, Mr. Neffenger, and the others there, so I am happy to have this moment to chat with you.

I don't have a question on the employee issue, but I do want to make this statement and make it clear, which I think I did at the last hearing. Since I have been in Congress, we have been talking about getting better pay for the front-line workers, and we have made minimal progress in that regard. That is why I broke from my opposition to Title 5 funding and said I was going to support it. So, let that be a warning that if we don't get this issue fixed, I am going to support it going forward.

The reason I was concerned about the funding last time is I think people in the headquarters get paid quite a bit of money and they are doing just fine. I am worried about the front-line workers, and I am worried about their ability to have adequate pay given the very serious job that they have, so let this be a warning shot. I am not backing down from making sure they get the support they need, and that is well past time for us to institutionalize that salary for them.

Admiral Pekoske, I want to stick with you strictly because you are in the job now. I agreed with what Mr. Pistole said about the emerging technologies that the bad guys seem to be quite adept at

creating, and, obviously, we have something the size of my cell phone that can take down a good-sized airplane. So, I think computed tomography is one of the key things that we need to have, and my concerns are that the computed tomography is going to take so long to implement given the budgetary constraints that we have right now that it is going to be rendered obsolete by the time we get them all on-line in 10 years.

So, Admiral Pekoske, very briefly, do you have a number, can you tell us what you need to get a hundred percent CT technology at all the airport checkpoints Nation-wide and how long it will take?

Mr. PEKOSKE. Yes, sir, thanks for your comments, and I couldn't agree more. I mean, CT is one of the most important technologies for us to advance in our checkpoint system. We have done a really good job so far. We have got 300-plus units already in place thanks to your support and the support of this committee back in 2019. We also just awarded an option for 314 more of our brand-new midsized integrated systems. But when I look at the length of time it is going to take us to get to all 2,400-plus X-ray systems currently in the country, that is a very, very long time.

What I asked my team to look at is, hey, given the contract vehicles that we are going to have in place or currently have in place, how much could we spend every year reasonably to be able to accelerate the implementation of this very important technology? The answer is about 350 million a year just for CT. But I say that—

Mr. KATKO. For how many years? How many years, sir?

Mr. PEKOSKE. Probably about 5 years to get it all done. But, you know, this is bounded a bit by practicality. I mean, we just can't buy them all and replace them all at the same time. That needs to be sequenced because there is a lot of airport work that needs to be done, and there is also manufacturing capability. But, you know, it is really critical for us to get this technology in place as soon as we can. I can't even describe, given this venue that we are in, the difference in detectability that that CT technology provides. It is really critical for our security.

Mr. KATKO. Well, thank you, Mr. Chairman. I just think we should really try and prioritize that with the other committees. I think this is a message that is really important for our Nation's security, the aviation security. Now, I want to switch gears and talk about my One-Stop Security pilot legislation, which looks to be voted on by the House this week we hope. It is important bipartisan legislation, Mr. Pekoske, which will raise a global baseline of aviation security and will improve post-pandemic travel. So, Administrator Pekoske, could you explain how One-Stop screening will streamline the international travel while also enhancing global aviation security standards?

Mr. PEKOSKE. Yes, sir, and I will start with how it will enhance global aviation security and it will do that in a number of ways. One, it will improve the technology baseline globally with the airports that we have One-Stop agreements with because we will specify what standards to screening that we require and our partners are going to require for the other direction coming to them.

We will also promote the establishment of common standards for this technology around the globe, particularly in the nations that

have the most advanced aviation systems. We feel that that will drive the technology industry to build to those standards. So, in toto it brings the entire global aviation system up to a much higher level.

Additionally, part of the One-Stop Security initiative is to do covert testing that is integrated. Teams that are integrated with that country's experts and our experts to do covert testing to really assess the effectiveness of the screening regimes that we put in place. So, in toto, it increases the security of flights, you know, bound for the United States. That is a very good thing.

Then from a passenger perspective, what that means for a passenger, and I use a hypothetical, let's say for argument's sake we have a One-Stop agreement with London Heathrow Airport in the United Kingdom. What that will mean is a passenger flying from London Heathrow through JFK and a follow-on flight, let's say to Charlotte, North Carolina, does not need to be rescreened in JFK because that screening will be satisfactorily accomplished to our desires at London Heathrow. So, it greatly facilitates travel and also improves security. Whenever I look at technology investments or policy adjustments, I am looking for that two-type benefit. One, first and foremost, to improve security, and then second, improve the passenger experience and facilitate travel.

Mr. KATKO. Well, thank you very much. Mr. Chairman, before I yield back, I just want to say to Mr. Neffenger and Mr. Pistole, Mr. Pekoske and Mr. Loy, that I think history is going to smile kindly upon all of you because you have taken an impossible situation and you made it very good. So, I am proud of all of you for the work that you have done to keep our airlines safe, and I am very proud of the culture you have created whereby you listen to oversight, you welcome oversight, and you act upon it, and you have made TSA a much better agency because of it. So, please don't stop taking the input from us because we are trying to—we are on the same team here. I appreciate all the front-line workers have done and we got to do more to help them. With that, Mr. Chairman, I yield back.

Chairman THOMPSON. Thank you very much. The Chair will now recognize other Members for questions they may wish to ask the witnesses. I will recognize Members in order of seniority alternating between Majority and Minority. Members are reminded to unmute themselves when recognized for questioning and to then mute themselves once they have finished speaking and to leave their cameras on so they are visible to the Chair. The Chair recognizes for 5 minutes the gentlewoman from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, thank you so very much for yielding. Thank you for your leadership. Thank you to the Ranking Member for us having a common viewpoint of National security.

Let me take a moment to salute the Transportation Security Administration and the TSOs of which every moment I have an opportunity to fly into different airports, small, medium, and large, I take a moment to talk to TSOs, supervisors, managers, and others about both their needs and as well our commitment to their service.

Let me thank you, too, Administrator Pekoske, for committing to collective bargaining. Of course, we all support the Chairman's leg-

isolation on that very important issue of dignity, professionalism, and, of course, service.

Administrator Pekoske, let me go to you immediately and as my time wanes I will be quickly trying to go to others. Tell us in a pictorial oration of the daily protection in stopping various incidences that might—or individuals that might get on planes, knives, guns, and otherwise, that you can see over the landscape that your agency and TSOs are stopping.

Mr. PEKOSKE. Yes, thank you, Congresswoman. I really appreciate that question. I will just give you a sense for what we have detected this calendar year to-date in our checkpoints. If we start with live weapons, these are weapons that either have a round chambered or a magazine inserted into the weapon, we have detected 4,300-plus live weapons in our screening checkpoints. The rate of weapons carriage in our checkpoints now is about 2 times per million passengers what it was in 2019. Generally, when I reference prior activity I go back to 2019 because that was the pre-COVID year.

Other weapons which would be anything from stun guns to replica weapons, almost 3,400 other weapons. Then go on to prohibited items which are things like knives and throwing stars, things of that nature, about 3,250 prohibited items.

Then one of the things that is really important about our system is that we validate the identity of every single passenger as they approach the screening checkpoint. This is designed to ensure that we do provide the right level of screening based on the risk that the passenger may represent.

So, having the right ID is critically important and we have detected over 300 fraudulent IDs already. With the advent of the credential authentication technology, those numbers will continue to go up. I should also mention and I really appreciate your support for our officers and for our Federal air marshals, Federal air marshals perform a really critical function of in-flight security and security in and around the airport. We place our Federal air marshals on flights where we deem there is more risk than others. This is also a job that is not easy to perform. They have to be alert 100 percent of the time and ready to quickly jump into action should the need be. So I join you in recognizing the terrific work of our front-line work force and really all those that support them, that enable them to do the great work that they do. Thank you.

Ms. JACKSON LEE. Thank you so very much. Admiral Neffenger, Pistole, and Loy, please try to get my question in for all of you to get a few seconds in because I value and appreciate your leadership. The Taliban now is in control of Afghanistan. We know what happened 21 years ago or 20 years ago. Just an assessment of how difficult or how important TSOs are, although domestically based, even though we have an infrastructure overseas, in what may be proposed or a new volatility. Admiral, can you do that real quickly? I have seconds, please. Admiral Neffenger.

Mr. NEFFENGER. Yes, Congresswoman Jackson Lee, thank you very much for the question. That is an important question. I think I go back to my opening comments and this is where it takes great imagination to think about what the next level of threats and the next array of threats may be, and in doing so, recognizing that, you



know, one, we hope we never catch a terrorist at the checkpoint. There are a lot of failures that would lead to that event happening, but I will tell you the last line of defense, you know, in the airport is clearly the TSO on the front line.

So for my——

Ms. JACKSON LEE. Can I jump to Pistole? I am so sorry, Admiral.

Mr. NEFFENGER. Yes, that is fine. Thank you.

Mr. PISTOLE. Yes, thank you, Congresswoman. Good to see you, ma'am. I think there is still a number of gaps in the intelligence collection opportunities as it relates to the direct threat posed by the Taliban at this point. So the TSOs and TSA really have been the last line of defense, it is even more incumbent and crucial that they are doing their job in the best professional way they can to make sure that nobody slips through the cracks.

Ms. JACKSON LEE. Mr. Loy.

Mr. LOY. Yes, I would just, you know, endorse exactly what has already been said. The criticality of the link between the intelligence world of TSA and the rest of the intelligence community is absolutely crucial to being able to imagine in advance what the scenario could be that we can then plan to deal with if, in fact, it actually happened. So, I would just highlight the criticality of the positive linkage between TSA's intelligence wing and the rest of the intelligence community.

Ms. JACKSON LEE. Very important. Thank you so very much. I am sorry for the cutting off of the question. Thank you, Mr. Chairman. I appreciate all of these gentlemen and TSA, salute them as I said before. Thank you again.

Chairman THOMPSON. Thank you. The Chair recognizes the gentleman from Louisiana, Mr. Higgins, for 5 minutes.

Mr. HIGGINS. I thank the Chairman and I would like to commend the Chairman and the Ranking Member for holding this hearing today on the state of TSA 20 years after 9/11. We certainly as a body salute our front-line agents there that struggle every day with millions of passengers, very professional and keep America safe.

On 9/11, 9 of the 19 hijackers had been flagged in some manner by Federal aviation as potential terror threats, and yet they were still allowed to get on a plane due to the security protocols at the time. Since then, of course, the Nation has responded with the creation of the Department of Homeland Security and TSA, and over the last 20 years, we have adjusted as American citizens to this new enhanced level of screening and safety and we appreciate the professionalism that we witness every day.

We have evolved, TSA has changed, and American citizens have adapted to those changes. We expect that the intelligence failures prior to 9/11 will not be repeated. The Pentagon is actively warning Congress of the increased likelihood of terrorist attacks on U.S. soil. It is critical that in this time of heightened threat levels that all gaps in our National security are reviewed and sufficiently addressed.

It is with that spirit that I point out the TSA website currently has 16 forms of identification that are accepted to get on an airplane. These documents are not codified in law and is subject to change based on bureaucratic orders and rules. The TSA website states that in coordination with DHS counterparts, TSA has identi-

fied acceptable alternative identification for use in special circumstances at the checkpoint. Now, many would consider this a loophole that has allowed undocumented human beings to access our airplanes across the country through TSA.

So Administrator Pekoske, would you address that, sir, in a brief response? Has Secretary Mayorkas instructed TSA to allow undocumented migrants on a plane without one of the 16 acceptable identification documents?

Mr. PEKOSKE. No, sir. We have worked very hard with undocumented new arrivals into the country that need follow-on air travel to ensure that we are sure who they are, and we work very closely—

Mr. HIGGINS. Excuse me, good sir. You are saying that you are sure who an undocumented immigrant is that is getting on an airplane although the Department of Homeland Security itself and Customs and Border Patrol will readily admit we are not positive who they are. In most cases, we are accepting who they tell us they are, but you are telling me you know who they are. That is what you are saying right now.

Mr. PEKOSKE. What I am saying is we use the very same data that Customs and Border Protection obtains—

Mr. HIGGINS. Exactly, good sir. So. I am just asking, America needs to know. America needs to know. I get it. You are accepting what Customs and Border Protection is sending you, but America needs to know are undocumented illegal immigrants that are being transported to another part of our country, are they getting on airplanes without a picture ID and without the American Government, Customs and Border Protection, TSA, Department of Homeland Security, are they getting on airplanes to travel when we readily admit that we are not sure who they are and they do not have photo ID, that they do not have one of the TSA's own 16 forms of acceptable identification that Americans themselves are subject to? I mean, yes or no, are these people getting on a plane with us?

Mr. PEKOSKE. People are getting on the planes after they are thoroughly screened before they even—

Mr. HIGGINS. Thoroughly screened by who?

Mr. PEKOSKE. By the TSA, sir.

Mr. HIGGINS. It is screened by TSA. You mean going through the checkpoints like we all do?

Mr. PEKOSKE. Yes, sir. So—

Mr. HIGGINS. But they are going—

Mr. PEKOSKE [continuing]. We are sure when they enter the—

Mr. HIGGINS. But just clarify, please, good sir, in the interest of time, are they going through—like I have to have my photo ID to go through TSA checkpoints, but does an illegal immigrant that is being transported somewhere else in the country on an airplane, are they required to have a photo ID, yes or no?

Mr. PEKOSKE. We have processes for people that do not have photo ID.

Mr. HIGGINS. Are they required to have a photo ID? My God, it is hard to get a straight answer out of this administration.

Chairman THOMPSON. The gentleman's time has expired.

Mr. HIGGINS. Well, can the gentleman answer my question, good sir? You have extended that courtesy, Mr. Chairman. Can the gentleman answer my question?

Chairman THOMPSON. The gentleman's time has expired. The Chair recognizes——

Mr. HIGGINS. Can the gentleman answer my question?

Chairman THOMPSON. The gentleman——

Mr. HIGGINS. Mr. Chairman, I object to my colleagues across the aisle——

Chairman THOMPSON. Well, I am going to tell you——

Mr. HIGGINS. [continuing]. Being granted additional time——

Chairman THOMPSON [continuing]. Your time——

Mr. HIGGINS. [continuing]. And yet Republicans are not. Can the——

Chairman THOMPSON. No. No.

Mr. HIGGINS. Can Mr. Pekoske answer my question?

Chairman THOMPSON. No. No. The gentleman's time——

Mr. HIGGINS. It is a yes or no answer.

Chairman THOMPSON [continuing]. Has expired. Now, either you recognize it or I am going to cut your mic off.

Mr. HIGGINS. Well, please do. But the man should answer the question, yes or no. You have allowed my colleagues to answer the question.

Chairman THOMPSON. Look, you can be civil, Mr. Higgins, or you can just——

Mr. HIGGINS. I am trying to be civil, Mr. Chairman. You are stopping——

Chairman THOMPSON. No. No. I am ruling——

Mr. HIGGINS. The man runs the TSA. It is a yes or no question.

Chairman THOMPSON. But look——

Mr. HIGGINS. Will he answer it or not?

Chairman THOMPSON. I am not going put the administrator in this position. Your time has expired.

Mr. HIGGINS. Wow.

Chairman THOMPSON. The Chair recognizes the gentleman——

Mr. HIGGINS. Thank you, Mr. Chairman.

Chairman THOMPSON [continuing]. From New Jersey, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman. Can you hear me, sir?

Chairman THOMPSON. Yes, we hear you. Go ahead.

Mr. PAYNE. Thank you. Let's see. This is for Mr. Pekoske and Neffenger and Pistole. You know, over the years, TSA has rolled out very sophisticated technologies and polices to provide formidable defense against potential terrorist attacks. Unfortunately, TSO pay and benefits have not evolved with the rest of the agency as many long-time employees remain near the bottom of the pay band. Unlike the General Schedule, or the GS, pay system used by most Federal agencies, the TSA pay system has not historically provided for regular salary increases. Salary increases are not built into TSA's baseline budget and identifying funding for fixing the problem of low pay has proven to be difficult for Congress and multiple administrations across party lines.

Do you believe TSA employees should receive regular salary increases at the same level as most other Federal employees? That is a yes and no.

Mr. PEKOSKE. Yes, sir.

Mr. NEFFENGER. Yes, I do.

Mr. PISTOLE. Yes, I do.

Mr. LOY. Absolutely.

Mr. PAYNE. Great. We are all on the same page. But it seems like it has been a 20-year effort to get this enacted. Would having such salary increases required under law make funding increases through the annual budget and appropriations process easier?

Mr. PEKOSKE. Yes. Yes, sir, it would.

Mr. PAYNE. OK, well, I thank you all for the concise answers and I just don't understand why with the legislation that the Chairman has put forth, we cannot get to the end goal of making our TSOs the front line, to the men and women in the field that have kept us safe for 20 years, cannot be compensated in the manner in which they should be. It is just a failure on our part—all of us here in these positions that that has not happened. You know, it really pains me to see this constant situation where the people working the hardest, the people on the front lines, the people that are doing the grunt work at times are never compensated as well as the people sitting in the lofty offices. Just—it is just not right. It harkens back, you know, to history in this country where the people working the hardest are treated the worst. We just have to stop it.

With that, Mr. Chairman, I will yield back.

Chairman THOMPSON. The gentleman yields back.

The Chair recognizes the gentleman from Mississippi for 5 minutes, Mr. Guest.

Mr. GUEST. Thank you, Mr. Chairman.

Mr. Pekoske, I want to thank you for being here. I want to thank you for the hard work that your men and women do every day in keeping the traveling public safe. We know that TSA officers are dedicated and they are hard-working public servants that do a difficult job and we know the importance of that job in protecting our homeland.

I want to follow up very briefly on Congressman Higgins' questioning as it relates to the importance of photo ID in the screening process. We know that that is something that has been required now since 9/11 for members of the traveling public to show some sort of photo ID. We know that that is something that your men and women use during that screening process. I know first-hand from when I was down on the border at McAllen seeing immigrants who were in the airport waiting to board flights but did not have that photo ID.

So my question to you is how can we adequately screen migrants without a photo identification? If we are going to require that of every American who is getting on a plane, how can we adequately screen those who do not have that photo ID available to them?

Mr. PEKOSKE. Yes, sir.

With migrants that may not have a photo ID in their possession, we rely on the biographic and the biometric information the CBP has collected when they cross the border. We have the technology to have that information right in front of us as the person is presenting themselves for screening.

Additionally, our protocols always require different levels of screening based on the level of identity verification that we have.

So if you show up to a security checkpoint and you do not have a photo ID we have processes in place where we do whatever we can to see if we can establish your identity. In this case, the same process happens with migrants with our CBP colleagues. Then we provide enhanced screening to make sure that a person doesn't have anything that would concern us in their carry-on bags, on their person, and in any checked baggage. Migrants typically do not have any checked baggage, though.

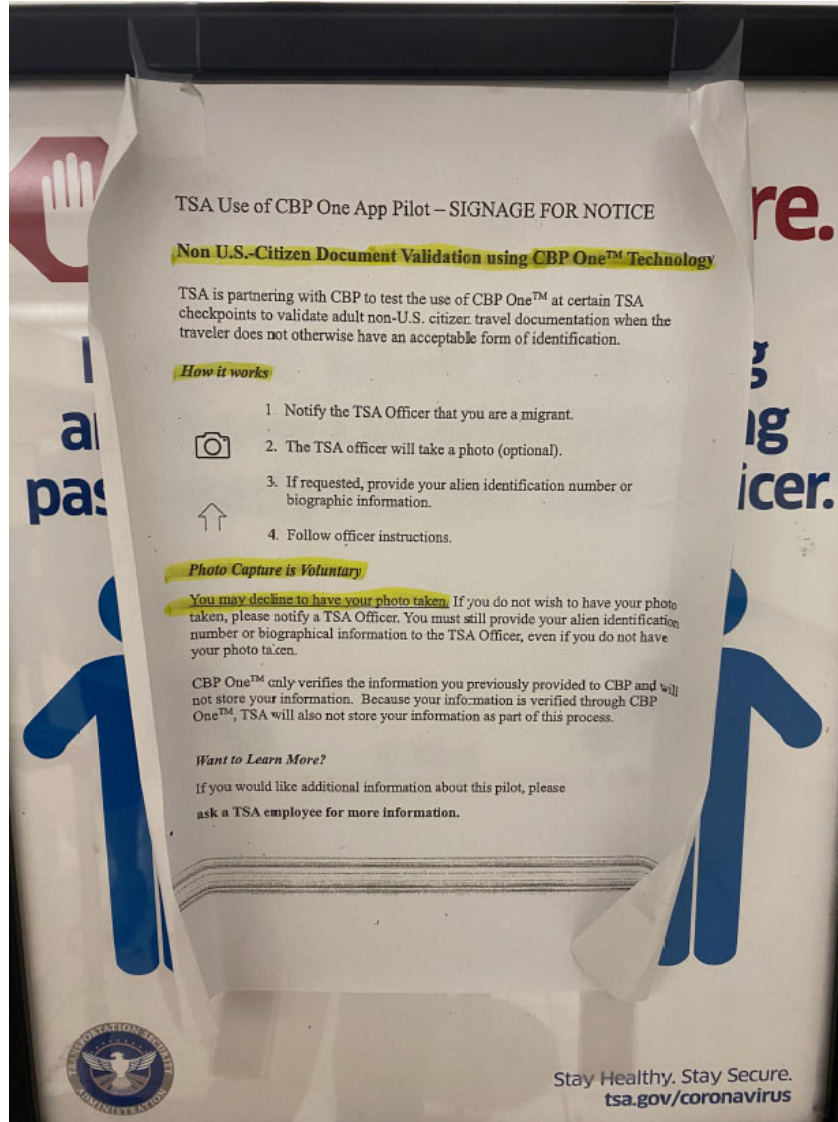
Mr. GUEST. Let me ask you, has TSA ever prohibited any migrant from boarding flights and flying to the interior? Has there been instances where TSA has told Customs and Border Patrol that they—you will not allow those migrants to travel?

Mr. PEKOSKE. I am sure there have—I don't have the exact number, sir, but I am sure there have been instances where we have not been satisfied within the Department and we have gone back and done some additional work. So the person didn't travel at the time they wanted to or they might not have traveled at all. But I don't have the specific numbers in front of me.

Mr. GUEST. Well, and let me ask you about a particular program, the CBP One, an app that is used. I know that it is something that TSA is working with CBP on. At this time I would ask the clerk if she would please put up a photo to accompany my questions. Mr. Chairman, I would like this photograph to be entered into the record as well.

As that is being put up, I will let you know that this was a photograph—

Chairman THOMPSON. Without objection, so ordered.  
[The information follows:]



Mr. GUEST. Thank you, Mr. Chairman.

This is a photograph that was taken at DCA and it says there that photo capture—the particular section of the document that I want to question you to, that the photo capture is optional. As it relates to migrants, that migrants may decline to have their photograph taken as part of this screening process.

So it would seem to me that we have a two-tiered system. That we have a system for United States citizens where we are required by law when TSA requires us to show photo ID before traveling, and then we have a second system for non-citizens in which not

only are they not required to show a photo ID, but they can even decline to have their photograph taken if they decide to do so.

So I would ask, if you could, if at all possible, please talk about the disparity in when U.S. citizens travel versus when migrants travel and why migrants have the ability to decline to have their photograph taken, but yet as a citizen I don't have the ability to decline to present a photo ID.

Mr. PEKOSKE. Yes, sir.

I am unaware of any circumstance where an undocumented individual has declined to have their photo taken.

Mr. GUEST. But they do have that option, do they not? From the document there, clearly the documents state not once but twice that they have the option. Not trying to be argumentative but you—

Mr. PEKOSKE. Right.

Mr. GUEST [continuing]. Would agree with me that that document says on two different occasions that they have the option to decline to have their photograph taken?

Mr. PEKOSKE. Again, I am not aware of any circumstance where that has occurred.

Chairman THOMPSON. The gentleman's time has expired.

The Chair the gentleman from California, Mr. Correa.

Mr. CORREA. Thank you, Mr. Chairman. Can you hear me OK?

Chairman THOMPSON. Yes, I can.

Mr. CORREA. Just wanted to thank you, Mr. Chairman and the Ranking Member, Mr. Katko, for holding this hearing.

I was also in New York to commemorate the solemn remembrance of the 20th anniversary of 9/11.

Mr. Pekoske, you are absolutely right, united in memory, together in mission. I remember 20 years ago watching civilians run from those burning buildings while the first responders were essentially running in, knowing that we are probably facing certain death. That moment that united us in America.

But today the lessons are we also have to be ready. That is what this hearing is all about. We talk today about our TSA front-line workers. I also Chair the Subcommittee on Transportation and Maritime, so this issue is very near and dear to my heart.

But, you know, I look at the issue of equity in pay not as an issue of pay but rather professionalism. Nobody would question what we pay our police officers or FBI agents because they do the job and they put their lives out there. One of you witnesses mentioned that the last line of defense for airlines is essentially those TSA officers. Those people who are looking into the screens or looking at us or really being pains to the passengers for making those passengers open their luggage, look in their places to make sure there is nothing there that should not be going into a plane. So we have to make sure they are professionals. It is not only about pay, it is about to make sure that these folks are there for 30 years. We need their professional expertise to protect us in the air.

So, you know, Mr. Pekoske, I would ask you to continue to think about it as professionalizing the work force and making sure that Americans have the best line of defense, their last line of defense is their best.

I have a question for you similar to Mr. Higgins when it comes to IDs. Remembering 9/11, those folks that got on those airlines had valid IDs. The problem we had was a break in our intelligence system. We knew those folks maybe should have been questioned twice before they got on a flight, but they weren't. We were acting homeland security in silos. No. 2, the issue of IDs I think is secondary to making sure that those people don't have an explosive on them and making sure that they can actually—should be boarding the plane.

We can have an ID, anyone in the world, valid visa, valid passport, and get on a flight. We just have to make sure that we coordinate intel with the rest of the world, with our friends and frenemies so to speak, to make sure somebody doesn't bring down a flight.

So my question in the last few moments that I have, sir, is how are we working to make sure, No. 1, TSA is no longer in silos but sharing that information? No. 2, you are open to folks across the pond, South America, to make sure we have the best intel available.

Thank you.

Mr. PEKOSKE. Yes, sir. Congressman Correa, thank you very much for your comments.

I couldn't agree more and what I would say is that in addition to the comments you made, you know, TSO officers, Transportation Security Officers, they are the last line of defense. They have enormous responsibility on their shoulders. It is our job to give them the discretion, the procedures, and the technology so that they are successful in their very important mission.

The other thing that I would emphasize is, you know, our system is built on layers of security. We don't rely on any single layer to ensure that somebody who gets on a plane shouldn't be on a plane. We have multiple layers. As Mr. Neffenger mentioned at the very beginning, in many ways if a terrorist presents themselves for screening, we have already had some issues in the other layers that should have picked that up before that person even arrived.

Then going back to the migrants for a second, the non-documented individuals with follow-on travel in this country, we have captured their biometrics when they cross the border. The One app does that. Those biometrics are compared to our screening databases in our secure flight system. So there is—given the biometric, there is some surety that that person is not listed on any of our watch lists and has traveled.

Then, as you mentioned, we do do the right screening level based on the information we have and the risks that the individual presents.

The last thing I will mention, sir, very quickly, is one of those layers—and you talk about 9/11—one of those layers now is a very robust Federal Air Marshal Service that are assigned to flights based on the risk of the flight. They are an incredibly professional group of individuals and their mission is to prevent a terrorist attack in flight.

Mr. CORREA. Thank you very much.

Mr. Chairman, how much time do I have? Or is my time out?

Chairman THOMPSON. The gentleman's time has expired.



Mr. CORREA. Thank you, Mr. Chairman. I yield.

Chairman THOMPSON. The Chair recognizes the gentleman from North Carolina, Mr. Norman.

Mr. NORMAN. Thank you, Mr. Chairman.

Administrator Pekoske, are you—did you say that the—when Congressman Guest put up on the TSA website the photo capture is voluntary, are you denying that? Are you saying that doesn't exist?

Mr. PEKOSKE. No, sir, I am not denying it. I am saying I am unaware of any situation where that has occurred. Additionally, their biometric has already been checked with the checks that we would make in our secure flight system as they cross the border.

Mr. NORMAN. OK. Let me ask you this, how do you check biometrics when they cross illegally? When they don't go through the screening process. Walk me through how you get the biometrics if they cross the border illegally.

Mr. PEKOSKE. Right. Well, so if we have somebody present at the screening checkpoint that does not have—

Mr. NORMAN. No, no, no. I am saying if they cross illegally where they don't go through the screening process, walk me through what you do to get the biometrics when there is no screening to them, they are illegal.

Mr. PEKOSKE. Correct. So those individuals would generally not be allowed access to the screening checkpoint. these—the folks that are undocumented—

Mr. NORMAN. No, no, no. But if you cross—you are missing—you are not answering my question. It is a simple question. If you come across, you don't have the biometrics, if they go to the airport you have no documentation, what do you do? Do you turn them away? Or if—they have got the right not to have their picture. These are people who you have no information on. How do you—walk me through the screening process. Americans need to know this. And—

Mr. PEKOSKE. Yes, sir.

Mr. NORMAN. Just walk me through what you do.

Mr. PEKOSKE. I will walk you through quickly.

Whenever somebody presents themselves at a screening checkpoint without identification we have a process we go through to try to verify that identification. Depending on what that process shows us depends on the level of screening we provide that person. Or, if we are not satisfied that the person should continue into the sterile area of an airport, then they are not allowed into the sterile area.

Mr. NORMAN. OK. Let me ask you this, I was at McAllen, Texas. I have been to the border.

Mr. PEKOSKE. Mm-hmm.

Mr. NORMAN. Several times. Out of 120 seats, 100 of them were by those who had cardboard things across their necks saying we don't speak English, show me which airport to get on—which airplane to get on. They were allowed to get on. How do you explain that?

Mr. PEKOSKE. We coordinate all of those very closely, sir, with Customs and Border Protection. So my assumption, based on the

information you provided, is that all of those individuals did cross the border, were registered, their biometrics recorded by CBP.

Mr. NORMAN. Well, I don't know that. You assume that. But this is—

Mr. PEKOSKE. Well, our procedures require that.

Mr. NORMAN. You know, you have to be right 100 percent of the time. The terrorists that made 9/11 happen killed 3,000 people. They, as has been said, had identification. They were just terrorists. We have got suicide bombers who have got sophisticated things that can put in their bodies to blow the whole airplane up, including themselves. How do you screen against that?

Mr. PEKOSKE. We do a very thorough screening of anything an individual is carrying and there on person, including a pat-down. So we are sure that—

Mr. NORMAN. How about if they swallow—

Mr. PEKOSKE. Beg your pardon?

Mr. NORMAN. How about if they swallow it or put up one of their cavities? How does that screen?

Mr. PEKOSKE. Our—we have a very thorough screening process for both on-person detection and for carry-on bags that we are very certain that an individual who comes into the sterile area of an airport will not be carrying anything that could harm anybody on a flight.

Mr. NORMAN. Not be carrying it, but they could put it in one of their body cavities.

Mr. PEKOSKE. We have not seen that occur, sir.

Mr. NORMAN. OK. All right. So I guess what I am saying is we have got an open border where known terrorists are getting across, the ones we catch, but it is the ones we have not caught. Here we are, I have not heard a peep out of TSA objecting to this because we are going to have 1.5–2 million illegals that are coming into the country. Some go through the screening, those that get away, the terrorists, are smart enough not to do it. You are saying you have got a 100 percent proof that you will either deny them access on the airplane to protect Americans and those who go through the process, as Congressman Guest says, or you have got some magic way of finding out who they are when you have no record, you have no knowledge of—you don't have biometrics. But you are telling me now that you have got a foolproof way to make sure that doesn't happen. That they don't get on the airplane and that they—all the sudden make—you are finding out a history that they have not given before because they haven't come through the screening process.

Mr. PEKOSKE. Yes, sir. What I am telling you is that people that board aircraft anywhere in this country, including the Southwest Border are thoroughly screened and we would not permit them on aircraft if we had any concern that they might present a threat to that aircraft or the passengers on board.

Mr. NORMAN. Well, if you don't have any information on them, how does that not present a concern?

Mr. PEKOSKE. We have layers of security, sir, and identity verification is one layer of security.

Chairman THOMPSON. The Chair recognizes the gentleman from Rhode Island, Mr. Langevin, for 5 minutes.

Mr. LANGEVIN. Thank you, Mr. Chairman. I want to thank you for convening this hearing.

Administrator Pekoske, I want to begin by thanking you for your many years of service to our Nation. I want to begin also by thanking you for your work on cybersecurity at TSA, specifically for your release of two pipeline security directives in the wake of the Colonial Pipeline incident.

I am, however, concerned that the second of these directives was not made public. I understand of course the reluctance to publish security directives may be rooted in existing TSA practice, like aviation security. I know you and I had that conversation on the phone yesterday and certainly I understand that part of it. But knowing the specifics of airport screening protocols would be highly useful, you know, to terrorist groups who otherwise would need to physically surveil airports to identify vulnerabilities that could enable terrorist attacks. However, in the cyber realm bad actors don't need physical access to conduct intelligence surveillance and reconnaissance against our critical infrastructure. They can do so from anywhere in the world.

So what is more, other agencies also publish security directives, including CISA, which is specific vulnerabilities and time lines called out in emergency directives TSA is required to follow. So in my view all TSA is doing by shrouding its cybersecurity directives in secrecy is denying itself the benefit and the ability to improve these directives through the feedback of the largest cybersecurity community.

So my question, Administrator Pekoske, would you consider changing your policy and publishing the pipeline directives and any future cybersecurity directives from TSA?

Mr. PEKOSKE. Yes, Congressman Langevin, thank you very much. Thank you for your time yesterday. I enjoyed very much and learned a great deal in talking with you, as always.

As I said yesterday, yes, we will. We will take that back and look at that. You raised some very good points. I mean our goal here is to provide as much information on what the right cybersecurity preventive measures are and to get more and more organizations in my position, owners and operators of transportation systems, in the country to have stronger cybersecurity measures in place. So I take your suggestion very seriously, sir.

Thank you.

Mr. LANGEVIN. Very good. Thank you.

Administrator Pekoske, I want to also ask you now about ensuring compliance with TSA security directives. I understand that pipeline owners and operators must maintain documentation of their compliance with TSA regulations. I also understand that TSA has the ability to verify self-reported security controls through inspections.

During these inspections are TSA inspectors conducting on network testing of systems?

Mr. PEKOSKE. Sir, right now they are not doing on-network testing of systems, penetration testing. That is something that CISA, Cybersecurity Infrastructure Security Agency, and TSA are working on.

Mr. LANGEVIN. OK.

Mr. PEKOSKE. We think that is important as well.

Mr. LANGEVIN. So, you know, having inspectors and auditors conducting on-network testing I believe is crucial for evaluating a covered entity cybersecurity posture. Evaluating the architecture of a network is not enough. Just because a covered entity designs its human resources network, for example, to be segmented from its operational technology network does not automatically make that true. On-network testing I believe is critical to verify those kinds of issues.

So in the absence of this testing TSA relies on self-reporting, which I do not believe is sufficient. In my view, the solution is for TSA to implement third-party auditing of its covered entities and an impartial third-party auditor, such as a critical—certified private sector company or CISA would have both the impartiality and on network testing personnel necessary to ensure covered entities actually adhere to TSA's regulations.

So, Administrator Pekoske, TSA has the authority over pipeline security for nearly 20 years, yet the first directive was issued in May. I realize this is early days, but with that in mind will you commit to working with me and the rest of this committee on implementing third-party auditing to verify compliance with TSA's security directives?

Mr. PEKOSKE. Yes, sir, I commit to working with you and I appreciate your expertise.

Mr. LANGEVIN. Thank you, Administrator.

You know, should you require additional statutory budget or budgetary support to implement third-party auditing, will you work with this committee to obtain that support?

Mr. PEKOSKE. Yes, sir.

Mr. LANGEVIN. Very good. It is all I can ask.

Thank you very much.

Mr. Chairman, I yield back.

Chairman THOMPSON. Thank you very much.

The Chair recognizes the gentlelady from Iowa, Ms. Miller-Meeks.

Ms. MILLER-MEEKS. Thank you, Mr. Chair and Ranking Member as well, and thank you to all of those providing testimony to us today.

Since its inception in 2012, TSA PreCheck and expedited screening has become very popular among members of the traveling public, myself included. Administrator Pekoske, as travel volume continues to recover, what more can TSA do to significantly increase PreCheck enrollment moving forward?

Mr. PEKOSKE. Yes, ma'am, thank you for the question.

Actually, PreCheck enrollment now is almost 11 million passengers. Our enrollment rates are now back at 2019 rates. So there are now more people basically resuming the practice of enrolling in PreCheck as pre-pandemic.

Additionally we are increasing our enrollment services operation by adding two additional vendors to PreCheck enrollment. So that should make PreCheck much more accessible to people and much easier for them to register for that important program. I appreciate your interest in it.

Ms. MILLER-MEEKS. Also one of the things I have noticed when I am flying in and out of various airports, sometimes it is smaller airports, but sometimes it is the very large ones early in the morning or late in the evening that the PreCheck lanes aren't operational. So what specifically is TSA doing to—you know, you are promoting enrollment in PreCheck but you also don't have the lanes open even though oftentimes there seems like there is more than adequate to have the TSA PreCheck lane open. So is there a number of passengers that have to go through for the PreCheck to be open? How is that determined? Why can't I always count on a PreCheck lane being open?

Mr. PEKOSKE. Ma'am, what we look at in terms of processing is how long the wait is for passengers and we measure that at every single lane in the country every hour. Our standard for PreCheck processing is 5 minutes or less. So our protocol would be to open additional lanes if we couldn't achieve that 5 minute wait time standard.

The other thing that we have instituted in the airports that have a very small number of lanes and sometimes it is hard to dedicate a single lane to PreCheck is a process called blended screening, which means that the passenger in front of you might be a non-PreCheck passenger, they will get the level of screening that that requires, the next person, yourself, for example, as a PreCheck passenger would then get PreCheck screening.

So we are using that to provide passengers with the convenience of PreCheck and the speed of PreCheck. But whenever we see the wait time ticking out beyond 5 minutes overall then that is the time to open up an additional lane.

Ms. MILLER-MEEKS. Yes, I think the challenge is that those individuals who have PreCheck clearance or have CLEAR, typically are very efficient in how they package their materials. People that aren't, that blended, you know, screening, takes a lot of time because the person in front of you may not—they have to take their liquids out, they have to take their laptop out, they have to take their belt, their keys, their coins, et cetera. So you understand the dilemma it poses.

But it is good to know that it is a 5-minute waiting period, so I will keep track of that in the future and then let you know.

Then, last, you know, Apple recently announced that it is partnering with the TSA to have its customers use mobile driver's licenses on their, you know, phones or watches as proof of identification at certain airport checkpoints. Now, to me this collaboration seems very exciting. I always worry about losing my driver's license when I put it away to quickly go through the screening process. So, you know, when should we expect to see this technology at airport checkpoints and at which States? Please explain the TSA's approach to incorporating this security and efficiency benefits that digital identity provides at the checkpoint.

Mr. PEKOSKE. Yes, ma'am. The digital identity, or the mobile driver's license, is a very exciting initiative and we have worked with a cooperative research and development agreement with Apple. Had the same opportunity available to non-Apple manufacturers as well. We expect to roll this out at certain airports. Of course that requires the States to also agree that their driver's li-

cense can be uploaded in a digital format. There are several States that have already agreed to that and we anticipate that we will roll out the mobile driver's license capability in select airports beginning at the very end of this calendar year or into early calendar year 2022.

So it is really—it is very—it is right around the corner.

Ms. MILLER-MEEKS. Well, thank you so much for that. As you said, it is really exciting that it will be coming in the forefront. So I hope it gets to my airports and I will check with my State.

So thank you for that.

Thank you, Chair Thompson. I yield back my time.

Chairman THOMPSON. The gentlelady yields back.

The Chair recognizes the gentlelady from New York for 5 minutes, Ms. Clarke.

Ms. CLARKE. Thank you very much, Mr. Chairman. I thank our Ranking Member. I thank our panelist for their expert witness this morning.

My question—my first question is to the entire panel. In the 20 years since TSA's formation the agency has confronted a wide range of threats, which continue to evolve. In your view what has emerged as the most prevalent challenges to TSA's mission, to its work force, and to its resources?

Administrator Pekoske, why don't we just start with you?

Mr. PEKOSKE. OK. Thank you, ma'am. Appreciate that.

With respect to the threat picture, I mean the thing that has emerged over the past several years is the prevalence of a domestic terror threat, which is very different from a foreign-based or foreign-inspired terrorist. It has required us to refocus our effort. We have a very mature risk identification and risk management process in TSA. It impacts both the aviation sector and all the surface modes of transportation. So there is a change in the threat.

Additionally, the threat is not just physical any longer. There is a physical threat and a cyber threat that has developed. We saw that with our directives to the pipeline industry following the Colonial Pipeline ransomware attack.

So, you know, we have, just based on the changes to the threat and the linkages that we have to the intelligence community, to make sure that we are staying ahead of where the threat is going. We change our procedures, we change our technology in that regard.

I hope that is responsive to your question.

Ms. CLARKE. What would you say that threat has presented to the work force? Is there a need for additional training and resources specific to that training?

Mr. PEKOSKE. Well, the threat has presented itself to the work force in a number of ways. The key remedy we have for that is to ensure that the work force has the right tools to do the very, very important job that they have. So some of the technologies that we have talked about this morning, the credential technology, the new X-ray system, the on-person detection systems, are very important to putting the right tools in the hands of our work force.

Additionally, what is important as well is to have a significant and visible presence to deter any potential threat actor from acting out. This is particularly relevant in the case of domestic terrorists.

Ms. CLARKE. Would either of the other panelists care to respond? Administrator Pistole.

Mr. PISTOLE. Yes. Yes, Congresswoman, this is John Pistole.

Unfortunately, in addition to the deaths of TSOs from COVID, it was during my tenure that the murder—the execution of TSO Gerardo Hernandez at LAX occurred by however this—you know, disgruntled, mental health-challenged individual who shot him in the back and then shot 2 other TSOs. So that is always an issue on the minds of TSOs and of concern that what happens when somebody who with that mindset and with a weapon can simply walk into an airport before going through any security and open fire. So that is something that I think is—it is a challenge because working closely with the airport police, the sworn law enforcement, in addition to some other resources, that is one of the things that continues to be an issue.

Mr. NEFFENGER. Congresswoman Clarke, let me just add to what Mr. Pistole said.

You know, I was in Brussels airport on the morning of March 22, 2016 when the Brussels airport attacks—2 suicide bombers detonated their large suitcase bombs in the public area. So I think these—the public areas of the airport are far more challenging now than they used to be and are clearly a potential target area. So we have done a great job of keeping people from getting into sterile areas at the airport, but those public areas are a great concern. As people have—can rapidly radicalize because of the ability to find like-minded ideological individuals on the internet and through social media, it becomes much more challenging to stay ahead of that.

Ms. CLARKE. Then in keeping that, I guess, Administrator Pekoske, TSA has had to work closely with other agencies across Federal Government throughout the COVID-19 pandemic. Has TSA's collaboration with other Federal agencies matured since its founding? Are there areas in which TSA still needs to improve its inter-agency coordination efforts?

Mr. PEKOSKE. Ma'am, I think our inter-agency coordination efforts are quite outstanding. You know, we have very, very strong relationships across the board with all of our inter-agency partners.

I think the continued area of focus for us, and it is not that the relationships need improvement, it is just that the focus is going to be even more so on the surface transportation systems and the modes of surface transportation safety that exists in the Department of Transportation. But the relationships I think are very, very strong and very important to us.

Ms. CLARKE. Thank you.

I yield back, Mr. Chairman.

Thank you, gentlemen.

Chairman THOMPSON. The Chair recognizes the gentleman from Michigan for 5 minutes, Mr. Meijer.

Mr. MEIJER. Thank you, Mr. Chairman, and thank you to our witnesses for joining us here today. I appreciate this timely and important look back on the 20th anniversary, or thereabouts, of the founding of the Transportation Security Administration and of our differing approach to travel, security, and airport security, but not

limited to that. That touches upon my first question for the administrator.

You know, while most of the TSA resources have been focused on commercial aviation your agency also has responsibility for the security of mass transit, for freight rail, elements of highway infrastructure, and other critical transportation sectors. The ransomware attack on the Colonial Pipeline earlier this year was the first opportunity for many of us to learn that TSA also had responsibility for pipeline security.

So I guess my question to you, Mr. Administrator, is how is the TSA ensuring that these missions are receiving adequate attention and resources? Are there any components of the broad mission apart from airport security that have been historically underfunded or neglected, either by Congress or DHS leadership?

Mr. PEKOSKE. Sir, the way we assess resource allocation within the agency, and this affects our allocation within the current budget year, then also our budget request for the future years, is looking at the risks and how the risk is changing. So this is informed by intelligence information, it is informed by information we receive from our Government partners and our private-sector partners across the board. We assess risks. As the risk changes then we put in risk mitigation measures that might require a redirection of funds.

We have also organizationally to make sure, to your point, that surface transportation security is achieving the right priority. Thanks the work of this committee in our 2018 re-authorization we have established a separate assistant administrator position and staff for surface transportation security and have a similar staff in our policy operations. So surface transportation policy has its own organization. Surface transportation operations is also a clearly-identified organization.

Finally, we have established regional networks where we have a leader, a member of the Senior Executive Service in 5 regions around the country, all aligned with the FEMA regions, that oversee surface transportation security in the interaction with those owners and operators on a regional basis and has available for them literally hundreds of inspectors to be able to do the important work we do.

Mr. MEIJER. I appreciate that answer, Mr. Administrator.

I just wanted to quickly follow up. You know, it has been 2 decades since these missions were put under TSA during that—or close to 2 decades during that reorganization in the early 2000's. At this point, looking back on 15 to 20 years of operations, do you think that any of these missions should be reassigned to other components within DHS or within the broader Executive branch?

Mr. PEKOSKE. No, sir, I do not. I think the missions that are assigned to TSA are exactly the right missions and I think we have demonstrated that over the course of 20 years. I would just highlight with respect to the Colonial Pipeline, because of the authorities Congress has provided us in law and reinforced in our re-authorization, we were able to move very, very quickly in putting measures in place to mitigate any future attacks on critical pipeline systems.



So I think that the missions that we have is exactly right for TSA. It is incumbent upon us, of course, to make sure that we coordinate robustly, to the prior question, with our inter-agency partners not just at the Federal level, but also particularly in surface transportation items at the State and local eminence below us.

Mr. MEIJER. On that inter-agency partner point, can you give a better—or a little bit additional description on TSA, how would they collaborate with specifically the intelligence community, but also with the private sector on security, you know, vetting procedures, intelligence sharing? You know, what type of coordination problems persist and what is TSA doing to address those challenges?

Mr. PEKOSKE. Yes, sir. It is probably best that I just briefly describe how we—when we see a threat stream developing, how we change our procedures, how we might change some of the requirements we place on private sector or other public owners and operators of systems. Essentially the way we do that is to bring the chief security officers of those organizations in, provide them an intelligence brief, so that they are looking at the intelligence that we see, and then collaborate closely with them to achieve the security outcomes that we know we have to achieve.

This can happen fast. We have been very successful with doing this. It can happen fast and what it net results in is a private sector or a local government partners who understand the threat and understands the rationale for the measures we put in place. Then for the private-sector operators, they can also offer different ways of accomplishing the security outcome we want to accomplish. Sometimes their measures are actually more effective because they know their systems better than we do at time. Oftentimes they require less cost. From my perspective, as long as we can achieve the desired security outcome, we will generally approve those, what we call alternative measures.

Mr. MEIJER. Thank you.

Thank you, Mr. Chairman. I yield back.

Chairman THOMPSON. The Chair recognizes the gentlelady from Nevada, Ms. Titus, for 5 minutes.

Ms. TITUS. Thank you, Mr. Chairman.

I would like to ask the administrator about the new opening of the international travel markets. I represent Las Vegas, McCarran Airport, and we welcome a lot of international travelers and we expect that number to increase. It was especially good to hear that the administration had lifted the restrictions on a number of places around the world. As the same time these new travelers are going to be coming American travelers are going out again. They have this pent-up need to go out and travel after a year-and-a-half of being locked down. So we are going to see a lot more people in the air.

Now, we have seen that the aviation infrastructure really wasn't prepared to deal with so many at one time. It was kind-of like the problem after 9/11. I am wondering how TSA is preparing to welcome all these new travelers, especially the international ones, and what resources you might need or something we might be able to do to help us accommodate them. We know that travel begins the minute you leave the house. So your airport experience is a part

of how you remember the trip of going and coming. So could you address that for us?

Mr. PEKOSKE. Yes, Congresswoman Titus, happy to address that.

One of the things that is very important for us is that we in working with the carriers project what we think air travel will be for the coming year. I know that is hard to do sometimes the further out you go, but we have been very successful in identifying a window of, you know, the minimum and the maximum number of passengers, except for the COVID years. But certainly we were in fact very, very close to our estimates for this past summer. So what that does is it drives the requirement for the staffing levels at airports around the country. What is important here is that because of the training that is necessary to certify one of our officers in the important jobs that they have at the checkpoints, we really need to hire people a good 4 to 5 months ahead of when the passenger need will be.

So we are in the process now really of looking at next summer's travel projections, ensuring that we bring on an adequate number of transportation security officers to handle that demand.

Finally, we work very closely with the airports, like your airport in Las Vegas, to do whatever we can to make sure that we have the right number of lanes. Whenever an airport wants to add an additional lane to their screen checkpoint, we welcome that every single time and we will staff those lanes so that we can manage the flows during the peak periods. Because, as you know, there are certain times of the day when a lot of flights depart and so those tend to be very challenging for everybody to get through not just screening but to get through ticketing and to get out to the gate.

Ms. TITUS. Like a Monday morning after a Raiders' game, you have got a lot of people going through that airport.

Well, thank you. I am glad to hear that.

Another question related to our international travelers is their ability to read the signs. I know if I am in China in an airport and I can't read the signs, I am going to be lost. So we have a lot of those international travelers, as well as the fact that Las Vegas is an international city in terms of its residents.

Our committee—thank you, Mr. Chairman, for helping with this—passed the Translate Act and it got out of the House, got stuck in the Senate, but that was to be sure that all the signage is in several different languages as well as accessible for people who are visually or hearing impaired. Is TSA making any progress along those lines even though the bill didn't pass?

Mr. PEKOSKE. Yes, ma'am. In fact at Las Vegas Airport the Las Vegas Airport Authority has been kind enough to provide an entire checkpoint to TSA to test out our newest technologies. The benefit of this arrangement at Las Vegas is that we can actually divert passengers to this checkpoint and have actual passengers go through some of our changed processes or new technology so we can assess how it actually works in a real-life situation.

One of the things we look at in terms of signage are what are called totems that are electronic signs that can be changed to provide information in different languages. You know, often times we can make a pretty good guess at what languages would need to be

accommodated in a given airport given where the flights are flying off to or coming from.

So a lot of work is being done on that and to provide as much easy information as we possibly can to passengers.

Ms. TITUS. Well, that is great.

I know that McCarran is an innovation checkpoint. You have been using some UV screening as well to clean the luggage places and—is that working out? Have you been able to translate some of the things that you discovered there to other airports?

Mr. PEKOSKE. Yes. We are still testing that UV technology out, ma'am, but essentially when the bins get returned in what are called automatic screening lanes, these are, you know, 70- or 80-foot-long lanes that allow multiple people to divest, put their stuff in a bin at the same time, so that improves flow. It also makes sure that when we want to search a bag that it is not accessible to that passenger. So a passenger can't reach and pull a bag that we know we need to search. Then there is plenty of room for a passenger to kind-of recompose after the screening process is done. But the idea is that those bins would—as they travel back to the front of the lane, would be UV scanned and that would reduce the virus load in those bins. So far our testing shows that works pretty well. We are just testing different times to dwell and also the brightness of the light.

But if this continues to proceed I would expect that we would have that as an option in our systems across the Nation.

Ms. TITUS. Great. I know you have got that CAT system——

Chairman THOMPSON. The gentlelady's time has——

Ms. TITUS [continuing]. Too where you can scan your own ID. So that is great.

Well, thank you, Mr. Chairman. It is good news.

I yield back.

Chairman THOMPSON. The Chair recognizes the gentleman from Georgia, Mr. Clyde, for 5 minutes.

Mr. CLYDE. Well, thank you, Chairman Thompson. I appreciate this opportunity and this hearing.

This question would be for Administrator Pekoske. Earlier this year I joined some of my colleagues on a trip in April to witness the crisis in the country that we are experiencing at our Southern Border. On our way back there were multiple illegal migrants who had been apprehended between 24 and 72 hours prior to our flight. We also know that—or we were told that there were several individuals on the known terrorist database that had been apprehended at the border.

Now, with such a quick turnaround time in processing migrants who illegally cross, that is 24 to 72 hours, how is TSA ensuring that the safety and security of domestic transportation systems are not compromised? I mean these illegal migrants, many have not received a thorough medical assessment. What concerns me greatly is how do we know whether these people have a criminal record in their home country?

So what information are you relying on to properly vet the migrant passengers? I mean you are doing it within 24 to 72 hours. So how are you doing that?

Mr. PEKOSKE. Yes, sir. The vetting that we provide is done electronically, so the time is not the critical factor here. Essentially what we do is we take the biographic and biometric information and compare that to watch lists that we hold in the U.S. Government to ensure that nobody who is a known or suspected terrorist is admitted into the airport without either very thorough screening or they might be in a category where they are just not permitted to fly. There are different levels that we assess.

So it is based on biographic, biometric information. We may not have information on their criminal history in their home country, but, you know, we do have that good biometric information to compare to our watch list.

Mr. CLYDE. OK. So I heard you in previous testimony talk about enhanced screening and multiple layers. I think you said you do whatever we can. But if a person doesn't actually have ID, all right, and their name is Joe and they tell you that their name is Sam, all right, now am I correct in that prior to getting on these flights that if they don't have ID you actually create a Government ID for them? Is that right? Or is that not right?

Mr. PEKOSKE. No, sir, that is not right. You know, we make an assessment passenger to passenger as to whether we think a passenger should be permitted into the sterile area of an airport or onto an aircraft. So it is a very individualistic look. I am very confident that we do that carefully and successfully for every passenger that boards an aircraft.

Mr. CLYDE. OK. So every American that flies has to have a photo ID, all right, that actually verifies who they are. But yet what you are telling me then is an illegal migrant doesn't have to have a photo ID and we don't necessarily know who they are. You might actually screen them to make sure they don't have, you know, knives or whatever, something illegal on the airplane, but we don't know if they are a criminal coming into this country that has ill intent, something beyond the airport itself or not. Isn't that what you are telling me? That you don't know that.

Mr. PEKOSKE. Sir, this goes back to our multiple layers of security. What I will tell you we do know is we do know that any person who is permitted into the sterile area of an airport or boards an aircraft has been properly screened so that the—if they do not pose a risk to the aircraft or to other people in the sterile area. I can guarantee you of that.

Mr. CLYDE. OK. All right. So it is OK for TSA to allow people on an aircraft without an actual Government-issued ID. On what authority do you allow that? All of us, we have to have one.

Mr. PEKOSKE. Yes, sir. I have the authority as the administrator to allow that. There are passengers that are American citizens that occasionally show up in screening checkpoints that do not have their ID with them. Again, we have a verification process that we use to see if we can verify the identity. We make a judgment at the time based on criteria we have in the agency and we ensure that all passengers are thoroughly screened before they board an aircraft.

Mr. CLYDE. OK. All right.

Let me follow up with you on this, TSA requires anyone traveling from other countries to provide a confirmed negative COVID-19

test within 72 hours prior to their entering the United States. Is this same standard being applied to illegal migrants as well?

Mr. PEKOSKE. To the best of my knowledge it is not being to illegal migrants. That is the Centers for Disease Control decision.

Mr. CLYDE. OK. But yet you enforce it, right?

Mr. PEKOSKE. Customs and Border Protection and TSA enforce it, yes, sir.

Mr. CLYDE. OK. All right.

Chairman THOMPSON. The gentleman's time has expired.

Mr. CLYDE. OK.

Chairman THOMPSON. The Chair recognizes the gentlelady from—

Mr. CLYDE. Thank you. I yield back.

Chairman THOMPSON [continuing]. New Jersey, Ms. Watson Coleman.

Ms. WATSON COLEMAN. Thank you, Mr. Chairman, and thank you to each of our witnesses for this very informative discussion that we are having.

Let me associate myself with your comments and the Ranking Member and every Member who has spoken out on behalf of the compensation and the recognition of the significance of our front-line workers here, our TSOs, and that they should have predictability, a pathway for a career. This would help us with the morale issues.

I have—I think about the unique question. In the 21st Century you may not need a terrorist aboard a plane to hijack it. As planes, trains, subways, and buses become increasingly automated, we need to be prepared for when hijackers inevitably put lives at risk by launching a cyber attack against the operational or navigation systems of the transportation target. As we have seen in recent ransomware attacks, our adversaries consider no target off-limits.

So, Administrator Pekoske, I would like to speak to you about this. How does TSA work with its inter-agency partners to prevent malware from infecting the operational systems of its planes, trains, subways, buses, et cetera? Are you in conversations with CISA and DoT and the FAA and other regulators to ensure this threat is addressed and that TSA plays a significant role in mitigating it?

Mr. Pekoske, please.

Mr. PEKOSKE. Yes, ma'am. Thank you, Congresswoman Watson Coleman, for your question.

Yes, we are in very close coordination with CISA for sure and then with all of the modes in the Department of Transportation, whether it is FAA, PHMSA, Federal Railroads, et cetera. So that coordination is very good.

Additionally, it is important that we coordinate closely with the owners and operators of those systems and also to bring on cybersecurity expertise within TSA and to ensure we have good strong connections with CISA to be able to benefit from their expertise overall.

So I think we have made a lot of progress on cybersecurity already, but I recognize, and I think you would agree, that a lot more needs to be done.

Another key element, just to quickly mention, ma'am, is we are offering very specific briefings to the CEOs and CSOs of these organizations so that they understand the threat that we see and the urgency of getting at it.

Ms. WATSON COLEMAN. Thank you, Mr. Pekoske.

I also know that there were advisories issued by you all after the malware attack on the Pipeline. I am wondering if you are considering the same kinds of oversight and accountabilities from these other transportation systems, the airplanes, the buses, the subways, the trains. I think that these are reasonable targets and I don't know if you are engaged in those discussions, I don't know if you have enough resources to be able to address this area.

I would like to have your response to that so that we could be as helpful as possible.

Mr. PEKOSKE. Yes, ma'am, we are engaged with those owners and operators and private-sector companies. There has been a very good dialog to date. We will of course base our actions based on the risk that we see. So the risk to one element of surface might not be the same as the risk to another. Or even within the pipeline sector there were certain pipeline owners and operators that we felt were at greater risk than others. This dialog has been very robust. It will continue. It supports the 60-day cybersecurity sprint that the Secretary has put in place for the transportation sector which began the first of September, runs through the end of October. So there has been an awful lot of effort on that and I think we have made some very good progress.

Ms. WATSON COLEMAN. Thank you.

Thank you, Mr. Chairman. I yield back.

Chairman THOMPSON. Thank you very much.

The Chair recognizes the gentleman from Florida, Mr. Gimenez, for 5 minutes.

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

I was listening to the testimony, I am—you know, I had a line of questioning, but I am going to change my line of questioning.

So, Administrator Pekoske, in order for somebody to get from Europe to the United States what do they need to show in terms of COVID? Do they need to show they're vaccinated, do they need to show that they have had a negative test? Somebody coming from Europe here, what do they need to show?

Mr. PEKOSKE. Yes, sir.

New procedures will come in place very shortly where they need to show that they are vaccinated and have had a test within a certain number of hours prior to flight.

Mr. GIMENEZ. Somebody coming from Canada, what do they need to show?

Mr. PEKOSKE. Same, sir. By air.

Mr. GIMENEZ. The same thing. Somebody crossing the border from the south, what do they need to show?

Mr. PEKOSKE. They don't need to show the same things coming from the Southwest Border. This is also based on advice we have received from the Centers for Disease Control.

Mr. GIMENEZ. So the Centers for Disease Control seem to think that somehow the virus somehow is more contagious coming from Europe and from Canada than it is coming from the Southern Bor-

der, which kind-of blows up the whole argument about following the science, doesn't it?

Mr. PEKOSKE. Sir, I am not a medical expert.

Mr. GIMENEZ. No, I am not saying—I am not saying—no, sir, that is not for you. That is my comment. This whole thing about following the science is a bunch of hooey. If we tell Canadians that they have to be vaccinated and show a proof of negative test, we do the same thing with Europeans, and we do nothing for people crossing the Southern Border. So this whole thing about the CDC following the science, it really doesn't. It follows political science, but not really the science.

So, you know, it is very—it has been very, very illuminating to day's testimony.

One thing I would like to ask, one thing that I do support is the fine work that our TSA agents are doing with all these different kinds of guidances they are getting from the CDC and everybody else, the fine work that they do on the ground. I would hope, sir, that you find the way to increase their pay and benefits of those that are doing the great work that the TSA does.

I know that I proposed that during our mark-up to actually increase the pay, and unfortunately the Majority voted it down. So what steps are you taking to increase the pay and the benefits of those people that are on the ground doing this great work?

Mr. PEKOSKE. Yes, sir, I couldn't agree with you more. I think it is an absolute imperative that we increase the pay for anyone in TSA, especially the front-line work force where there is a pay discrepancy between what they get paid and what their counterparts in the rest of Government would get paid. They have very, very difficult jobs to do, significant responsibility on their shoulders, and very arduous work hours as well. They are showing up at 3 o'clock in the morning in many airports to begin to open the screening process.

My top priority is to continue to improve pay, but I want to improve it—and I know the Chairman agrees with this 100 percent—as substantially as we can to get that equity in the system and to properly compensate people going forward.

I would note that we have made attempts and we have made some progress increasing pay, but it has not been enough. It is really important for us. We spent a lot of money with people that come into TSA and find—and they identify for us the No. 1 reason they leave is because of the pay. It is very expensive to recruit and retain people without adequate pay structure. So I am 100 percent in support of that. We will work very, very hard to make sure we get across the finish line.

Mr. GIMENEZ. Thank you very much, Administrator. I yield my time back.

Chairman THOMPSON. The Chair recognizes the gentlelady from Florida for 5 minutes, Mrs. Demings.

Mrs. DEMINGS. Thank you so much, Mr. Chairman. Thank you to our witnesses for being with us today to discuss, of course, this extremely important issue. I want to, first of all, associate myself with the remarks of my colleagues who paused for just a moment to take the time to thank our TSOs for the extraordinary job that they do every day. We all travel a lot and I think it is important

that we let them know that we see them, that we hear them, and that we do appreciate them.

Since 9/11, we all know that we have come a long way in terms of, I believe, our preparation. Interagency cooperation, we have heard discussion about that, information sharing. But Admiral Loy, you said something to the effect that you find little comfort in the fact that we have not been attacked in 20 years. Meaning, that we must remain ever-vigilant in our efforts to make sure that we are not attacked. Admiral, you mentioned that you felt there was more work to do in terms of establishing a better link between the TSA and the IC community. Could you just talk a little bit more about that?

Mr. LOY. Yes, ma'am. Thanks for your question. My reference was to where we were on 9/11/01 and where we found ourselves 20 years later. Of course, that is being the purpose of this look-back for the committee. I was only endorsing as a constant, the responsibility of both the committee itself, as well as the administrator and the people in the Executive branch government, to be conscious of and focused on continuing that linkage between the intelligence community writ large and that information from within the intelligence community that can be actionable for TSA. To the degree we continue to focus on that, we don't let it—we don't assume that we are there. We don't assume that we are going to be there in the future. But, rather, it is one of those elements of constant focus that we always have on our table both in the administrator's chair, in the committee's discussions with regard to their responsibilities, and that we just don't begin to take for granted that once we were there we are going to stay there.

This is an evolutionary challenge just as we heard with regard to the comments about Afghanistan and the resurgence of the Taliban. If that is a opportunity for us to be concerned, we should focus on that in a continuing manner going into the future. Thanks for your thought on that, or your focus on that.

Mrs. DEMINGS. Well, thank you so much for your response on that. Administrator Pistole, since 9/11, how has the TSA's mission and operations drawn on and contributed to the work of the intelligence community?

Mr. PISTOLE. Well, thank you, Congresswoman. It is interesting because I am testifying from the National Intelligence University in Bethesda where I am on the Board of Visitors. There is an intelligence collection cycle that is inherent in what TSA does. I know I was impressed when I came over from the FBI in 2010 to become administrator, how robust and informed TSA was in the morning intelligence briefings as it related to transportation issues. TSA was getting the same information that the FBI was and so, it was that inherent dependence upon and reliance upon risk-based security.

One of the keys is risk-based intelligence-driven. So, you can't just do things as Admiral Pekoske has said, you can't just do it in a vacuum. It is all based on what is the latest intelligence. Is there a non-metallic IED threat out there? Is there a cargo threat out there? Is there a suicide bomber threat or hijackers, whatever it may be?



So, that is the way TSA starts off every day is—at least when I was there, in terms of having that intelligence-informed start to say here is where we need to go based on the intelligence.

Mrs. DEMINGS. Thank you so much. Mr. Chairman, I can't see the clock. Do I have time for one more question?

Administrator Pekoske, just very quickly. We know that on the front line with the TSOs or local enforcement, and I think we have continued to further build a more functional and effective relationship. Could you just talk a little bit about the information sharing working relationship with local law enforcement?

Mr. PEKOSKE. Yes, ma'am. Local law enforcement absolutely critical to the safety and security of everybody in the airport. They have been wonderful partners with us at airports around the country. Orlando absolutely included in that from your time there. Local law enforcement is very important now for—even more so, because we are seeing more disturbances both inflight and in checkpoints. Local law enforcement is right there to make sure that our officers are fully protected and a situation is deescalated as quickly as it can be.

Additionally, as we have talked about, you know, public area security is very, very important. Local law enforcement presence and sometimes augmented by our own VIPR teams from TSA, it is really important to just let people know that law enforcement is there, present roaming around. If anybody has a situation, they are readily nearby to be able to address it. So, I am very, very proud of our partnership with local law enforcement and salute all the law enforcement officers, particularly this week for their service to our country and to our officers.

Mrs. DEMINGS. Thank you so much. Mr. Chairman, I yield back. Thank you.

Chairman THOMPSON. The gentlelady yields back. The Chair recognizes the gentleman from New York, Mr. Garbarino.

Mr. GARBARINO. Thank you, Mr. Chairman, and thank you to the Ranking Member for having this hearing. Thank you to all the witnesses that are here. The bulk of my questions are for Administrator Pekoske.

One thing I am going submit into record, I have a report here by Security Scorecard that they conducted on the pipeline security shortly after the Colonial attack. The report notes that while the cybersecurity posture of pipeline industry as a whole is better than the Fortune 500, there is a wide variance within the industry with Colonial at the bottom of the list before the breach. I am going to submit this report into the record and send it with some questions. I hope you can look through it and get me some answers to those questions because I am sure you haven't seen the report yet, but I would appreciate it—

Chairman THOMPSON. Without objection,—

Mr. GARBARINO [continuing]. Without objection.

Chairman THOMPSON [continuing]. So ordered.\*

Mr. GARBARINO. Yep, thank you.

\*The information has been retained in committee files and is available at <https://securityscorecard.pathfactory.com/all/the-state-of-cybersecurity-in-the-energy-pipeline-industry-in-north-america>.

Mr. PEKOSKE. Yes, sir. I would be happy to look at it and provide some reaction to it. Thank you.

Mr. GARBARINO. Thank you. But so, my other questions though now are, as you know, the bulk of the TSA's funding and employees are focused on commercial aviation, but TSA has a responsibility for the security of cargo, air cargo, general aviation, mass transit, freight, rail, highway, infrastructure, pipeline, and ferries. Does TSA have the appropriate funding and employees dedicated to working on pipeline security? If not, what additional resources or support would you need from Congress to fulfill this responsibility?

Mr. PEKOSKE. Yes, sir. We have increased the size of our pipeline security staff significantly over the past couple of years and, actually, the staff of all of our surface transportation security modes. So, we are making progress in that regard. Additionally, we have added about 54 cyber professionals, both on the policy side and on the operations side, you know, with that critical cybersecurity expertise that is so important across the entire system, you know, and to include aviation and surface. But these are dedicated primarily to surface transportation.

Rest assured we will include in our budget requests any resources that we need. We recognize, of course, that the risk is changing with domestic terrorists now becoming more prominent in our risk profile. We want to make sure that we do everything we can in the assistance that we provide to the owners and operators of those systems is as robust as possible. So, I thank you for your question.

Mr. GARBARINO. You mentioned domestic terrorists, but I am—it seems when we deal with cybersecurity, most of it is coming from overseas. Is that something you are seeing mostly that it is more international and not domestic?

Mr. PEKOSKE. Yes, sir.

Mr. GARBARINO. Yes.

Mr. PEKOSKE. Yes, sir, mostly overseas-based.

Mr. GARBARINO. OK, thank you. I want to go, TSA has now issued two security directives to the pipeline industry following the ransomware attack on Colonial. Can you provide the committee with an update to where those—where things stand? Is the pipeline industry better prepared to defend against future attacks?

Mr. PEKOSKE. Yes, sir, thank you. The pipeline industry is unquestionably better prepared to respond to future attacks. The first security directive, there has been 100 percent compliance with the first security directive. The second security directive still has some deadlines that have not yet been achieved in terms of, hey, we got some deadlines in—later into 2022. But so far, the dialog we have had with the owners and operators that are subject to those security directives has been very, very good and I think we are on a very good path with Security Directive 02. As has been mentioned, we intend to take what we have learned from both security directives in pipeline and apply it more broadly across the transportation sector.

Mr. GARBARINO. You had said—I know you had said before you are working with CEOs and CISOs of companies making sure that they are better prepared for these cyber attacks. Has that been re-

ceptive across pipeline owners and operators, as well as across the board, I guess?

Mr. PEKOSKE. Yes, sir, very perceptive and actually very regular as well. To have, you know, we have regular opportunities to engage to make sure that we are all on track to get the cyber directives fully implemented and also look at other ways that we might provide better cybersecurity overall for the system. Additionally, any CEO knows that if they want to call and talk to me about anything, that is absolutely their privilege to do, and I would be happy to have those conversations.

Mr. GARBARINO. I appreciate it. One final question, just switching. It is not about cyber, but TSA PreCheck. I understand that the TSA has entered into 3 more contracts for TSA PreCheck services. What steps is TSA taking to ensure there is no brand confusion between companies and that all provide these services at equivalent level of service?

Mr. PEKOSKE. Yes, sir. That is something that we are very, very focused on to make sure that when we do roll out the 2 additional vendors for PreCheck enrollment, that there is no brand confusion there. We will work with both those vendors as we get through the IT certification process with both of them so that we are well-prepared when the rollout time comes.

Mr. GARBARINO. If you could give me a more detailed answer to that later on. I know I am out of time. That would be great. Thank you——

Mr. PEKOSKE. OK.

Mr. GARBARINO [continuing]. Very much and I yield back.

Chairman THOMPSON. Thank you very much. The Chair recognizes the gentlelady from California, Ms. Barragán, for 5 minutes.

Ms. BARRAGÁN. Thank you, Mr. Chairman. TSA Administrator Pekoske, if I showed up at the airport today and I didn't have a photo ID, it is true that I might still be able to fly. Is that correct?

Mr. PEKOSKE. Yes, ma'am, that is correct.

Ms. BARRAGÁN. As a matter of fact, isn't it true that on TSA.gov there is an entire section that says, forgot your ID? And talks about the procedures you may have to go through if you don't have an ID?

Mr. PEKOSKE. Yes, ma'am, and it happens every single day across our system.

Ms. BARRAGÁN. Thank you. I just wanted to clarify that because there is not a different standard. It is not like if you are in the United States, you are a citizen and you show up at the airport, you are going to be denied a flight. But if you are a migrant and you have other paperwork, that you are allowed to board.

As a matter of fact, a few months ago, I was at a airport and I assisted a migrant and saw and witnessed first-hand what TSA did in an instance where you had migrants with paperwork from CBP showing that they had been registered at the border and were proceeding on. I have to tell you, it was a very thorough process. So, I want to thank you for the work that the men and women are doing to ensure that our flights are safe. My 2 sisters are flight attendants. There is nobody more important to me than family and making sure we are taking care of those in our skies and the American people. So, I want to say thank you for that.

I want to talk a little bit about the topic of unruly passengers. Last week, a major U.S. carrier proposed creating a centralized database of unruly passengers, ensuring that passengers banned by one airline for hazardous behavior, can be treated similarly by other carriers. Let's start with you, TSA Administrator Pekoske, what is your reaction to this proposal? If the major carriers, in fact, move forward with this concept, do you see a role for TSA in implementing it?

Mr. PEKOSKE. Yes, thank you, ma'am. Before I answer that question, just to you, personally, please thank your sisters for the very, very important work they do as flight attendants. That is a very difficult job. As we have seen inflight disturbances go up over time, it has become more difficult over the course of the summer. So, I really appreciate the work that all the flight attendants and all the flight deck crew do each and every day to help keep our systems secure.

Ms. BARRAGÁN. Thank you.

Mr. PEKOSKE. With respect to the individual carrier no-fly lists, I mean, the carriers have made a judgment, many of them have that when passengers refuse to wear masks or they create an inflight disturbance, that they deny them future flight on their carrier. The challenge here is that the standards carrier to carrier may be somewhat different. So, in terms of, you know, across the system, I personally do not see a role for TSA there. I think that is private-sector carrier to private-sector carrier in terms of how they want to coordinate what they do and share information. But I would be concerned about the standards that they apply to place somebody on a list.

Really, you know, the better terminology for these lists is, you know, no-fly means something different to TSA. That means that there is a connection with terrorism when you say no-fly in TSA. These are really do not boards. You know, that, you know, they are denying flight, do not board in the future. But, you know, I know they are going to continue to work on this collaboration across the carriers.

Ms. BARRAGÁN. Well, thank you for that. I am not sure I completely agree. I think it is a safety issue. But I completely understand the response. Just to go around the panel, does anybody else want to comment on their reaction to this proposal?

OK, hearing none, I will move on to the next question. Between March 2020 and July 2021, there were over 85 physical assaults on TSOs and other, 3,600 inflight disturbances, as you just mentioned, Mr. Administrator. Just last week, there were reports that a passenger choked a flight attendant and attempted to storm the cockpit on a flight from Boston to San Juan. Earlier this summer, news reports highlighted passengers literally biting TSOs. In contrast, there were only 1,230 inflight disturbances in 2019. What additional actions can TSA take to deter these incidents and fight back against this surge in unruly passengers?

Mr. PEKOSKE. Yes, ma'am, thank you for highlighting that situation. It makes the job of a TSO ever more difficult when you are subject to an assault. Verbal assaults are bad enough, but physical assaults cross a different threshold. We have seen an increase in physical assaults in our checkpoints and certainly in physical as-

saults and verbal assaults in in-flight instances. Our posture is for every disturbance in a checkpoint, we proceed with a civil penalty action. That may or may not result in a civil penalty. It depends on what the investigation shows. But in many cases, it does. So, we always proceed with a civil penalty action.

The FAA controls in-flight disturbances in aircraft. I know the FAA has been very, very forward-leaning on this. Their fines are quite substantial and I think they have had some good success there.

So, this is an area of significant concern for us. Finally, to build on what Congresswoman Demings had raised, in a checkpoint whenever there is a disturbance, local law enforcement will often proceed with a State or local charge against those individuals as well. So, you know, it is basically us doing everything we can within our authorities to hold folks that create these disturbances accountable for their actions and to absolutely include our State and local partners in that operation.

Ms. BARRAGÁN. Thank you, sir. Mr. Chairman, I yield back.

Chairman THOMPSON. The Chair recognizes the gentleman from Kansas, Mr. LaTurner, for 5 minutes.

Mr. LATURNER. Thank you, Mr. Chairman. I appreciate it. Director Pekoske, I appreciate you being here today, and I want to talk about a couple different topics. But first, I understand that TSA plans to replace the aging explosive detection systems for checked baggage with the same type of systems, with the same standards. We know that international airports are already using better systems. Could you talk to me about this and why we aren't upgrading the standards?

Mr. PEKOSKE. Yes, sir. I wouldn't agree that international airports are using better systems across the board. Our goal is to make sure that we are the gold standard for systems that detect threats both in checked baggage and in checkpoints. Part of the upgrade, if you will, is not necessarily a hardware upgrade in these systems. There are some rather significant software upgrades that we have made that improve our detectability in our what we call explosive detection systems for checked bags in airports around the country.

Mr. LATURNER. Are there systems out there that are better? You said that you wouldn't agree that generally they are all better. But are there systems that are better than ours than—I know we want to be the gold standard, but once you are through this process of upgrading, will we be?

Mr. PEKOSKE. We will be, yes, sir. You know, we will continue to upgrade our installed base of technology with software updates. We do that on a regular basis. We have made some very, very good progress there. We share that progress also with our international partners because it is in our interest as well as theirs that we all have this close standard of detection that we can, particularly for flights, obviously, that are destined for the United States.

Mr. LATURNER. I appreciate that. As you know well, the lynchpin of our security screening system is to make sure that people are who they say they are. How can we better incorporate biometrics into the process such as in the CAT machines where you put your

driver's license and give it to a TSA officer for review? How can we make that better and include biometrics within it?

Mr. PEKOSKE. We are working on just that, sir, to have what we call a one-to-one match, biometric match, so when you insert your driver's license or your passport into the credential authentication technology, what that technology will do in the future is it will pull your image on your credential, digitize that image, and then a camera system will capture an image of you as you are standing in front of the officer and then the technology compares those digital images together. The match capability is significant. It is much better than if you were doing it visually. The important thing with this is that that is a one-to-one match. It is not a gallery of images. It is the image that is on your credential. Then once the passenger removes their credential, all that image data is erased. So, we don't retain any of that information at all because we have no further use for it.

Mr. LATURNER. What is the roll-out of that going to look like? Will that be available to TSA PreCheck people first or, you know, the CBP's Global Entry, or the Known Crewmember programs? If you are working on it, what will that look like and what is the time frame?

Mr. PEKOSKE. Yes, sir. We have been prototyping it now in several airports across the country. It has worked very, very well. We have a process whenever we prototype, our process is generally to opt-in so that passengers don't have to affirmatively say I want out. They affirmatively say I want to use that new technology. Then our goal overall is as we introduce new technologies——

Mr. LATURNER. But with——

Mr. PEKOSKE [continuing]. Into the process——

Mr. LATURNER. Excuse me, but with PreCheck folks, like those folks have already opted in.

Mr. PEKOSKE. Right.

Mr. LATURNER. So, that would be the place you are going to start? Is that what you are saying?

Mr. PEKOSKE. Yes, and with PreCheck now, we are having people provide their facial images upon registration. So, we already have that data. So, that opt-in has already been done. What I was going to say is as we deploy technology, we like to put it first in PreCheck.

Mr. LATURNER. OK, all right. Is the pace of hiring for TSA officers keeping up with attrition?

Mr. PEKOSKE. Pace of hiring is keeping up with attrition, but I am concerned about hiring overall. I think everybody in the aviation industry is concerned about hiring overall. That is one of the reasons why these pay initiatives are so important because, you know, without a predictable level of pay that is going to increase over time, it is harder and harder to recruit people into the Federal Government. It is also harder and harder to retain people in service. So, you know, to me, it improves our ability to recruit. It vastly improves our ability to retain. Fundamentally, it is the right thing to do.

Mr. LATURNER. I appreciate that and I appreciate your time today. I yield back, Mr. Chairman.

Chairman THOMPSON. Thank you very much. The gentleman yields back. We had our membership ask questions, but what I would like to do to kind-of wrap things up is give our witnesses the opportunity to look for the next 20 years for TSA and see what kind of thoughts they might have that they can provide the committee with in terms of what that 20 years on the TSA might look like. So, Admiral Joy, I will start off with you and kind-of bring it forward.

Mr. LOY. Thanks, Mr. Chairman. I think my thinking with regard to the adequacy of both the committee's sort-of inventory of concerns and, of course, the administrator's inventory of concerns and making certain that there is a matching effort, and, of course, hearings do that. Conversations among Members and TSA employees do that as well. But my concerns for the future are just to be consistent with regard to what has been our concerns, and I hate to say it, but over a pretty successful window of these 20 years. As I indicated in my original testimony, I take no great comfort in the fact that we have been as successful as we have been over 20 years. I just want to make sure that we have the focus and oversight and adequate attention that continues to be vigilant going forward.

So, my concern would just be to take stock of what happened just now in Afghanistan and see what that evolutionary change to the threat index is and how we need to be compensating for it going forward. So, my notion, sir, is that the committee and the administrator looking into the next 20 years, has the same vigilance that has proven successful for us as a country in traveling safely and securely for this past 20 years and making sure that the constancy of focus is never let down.

Chairman THOMPSON. Mr. Pistole.

Mr. PISTOLE. Thank you, Mr. Chairman. I think I would summarize my perspective for the next 20 years really within the categories of personnel that we have had some great testimony about today in terms of the importance of supporting the work force so there is not high attrition so people aren't looking to go to other agencies or the private sector to get better pay or better benefits. So, I think that personnel investment is critical to helping to continue the professionalization of the work force.

The second is in policies. That relates to making sure that the administrator and future administrators has those authorities that enable him or her to make sure they can take decisive action in the face of threats and can do that in the interagency arena, not only domestically, but internationally. The importance of doing that and to be recognized for that authority and ability.

Then third, as I have mentioned, is on technology. To make sure that we are not nickel-and-diming investments in technology that hamper our efforts to provide world-class security in the way that most Americans who travel expect and, frankly, who the world looks to for leadership through international associations such as IATA and others to say what is the United States doing and how are they setting the trends that can make sure that they are providing the world's best security in the most efficient way. So, I think those three things would be what I would be looking for as the continued maturation of TSA continues over the next 20 years.

Chairman THOMPSON. Thank you very much. Admiral.

Mr. NEFFENGER. Thank you, Mr. Chairman. I will, of course, echo exactly what my colleagues have said. Let me say with respect to work force, as I said in my opening statement, it is one of the best work forces I have ever had the pleasure. I say that after 34 years of working with a great work force in the Coast Guard, but the TSA work force is one of the most professional. We need to support them. We need to pay them adequately. We need to assure that we can retain them after we do so. There have been a number of things said to that effect already.

With respect to technology, you never have a perfect system, but you can have a better system every day. It is critical that we invest in the technology refresh and improvement. I think it is also critical that we engage the private sector more effectively when it comes to that. That means getting requirements out, allowing the private sector to help us develop the technologies we need, and maybe looking at the possibility of technology as a service, the way we look at software as a service so that the private sector can refresh faster than the Government will ever be able to given the challenges with respect to budgets and so forth. So, I think that there is opportunity for transforming the way we bring technology to operations on a daily basis.

Then finally, with respect to intelligence, you know, TSA is first and foremost an intelligence agency with a very challenging front-line operational mission. So, I would echo that need to maintain that connection to the intelligence that tells us rapidly what we need to foresee for the future. I would just end by saying I want to thank you for the support that this committee has had. I think it is critical that TSA and Congress work closely together and I certainly appreciated the oversight when I was there. I know that sounds odd to say you appreciate Congressional oversight, but when I put aside the personal side of it and said this is about making sure the agency does the right things, you collectively ask the right questions. You dig into the right kinds of issues. In my experience, you were always, you know, very supportive of the work of the agency. So, thank you, sir.

Chairman THOMPSON. Thank you. Mr. Administrator.

Mr. PEKOSKE. Yes, sir. Thank you, Mr. Chairman. I agree with what all of my predecessors have mentioned. I would just highlight a couple things. One is intel-based and risk-based operations going forward. It is the core of TSA as Peter has just mentioned. I think we need to continue to ensure that we best leverage the resources of the U.S. Government overall, the resources of our intelligence community, and best contribute to the development of intelligence in the United States. So, I think that is key going forward.

The second thing I would emphasize is there will be increased investment in surface transportation security. It is an imperative. The threat is changing. We just need to get about the business of doing this. We are already on a path. But I predict that will be a continuous evolution over the course of the next several years.

Next, I think we need to rather than replace all our technology at once, we need to have a continuous refresh process for our technology so that we are always at the leading edge. You know, don't make it easy for somebody to look at our system and try to assess



what we can detect and not because they just won't know what technology they might encounter when they go through our screening processes or their baggage or their cargo goes through our process.

The next is very, very strong partnerships. We have them already. They have been in my time as the administrator, they have been a significant key to our country's success in providing transportation security, and I would submit also to the success globally. Because we are a global leader. We will remain a global leader. Having the private sector deeply involved in that is critically important for us.

Finally, I predict that we will have a more and more specialized work force as technology continues to improve. We continue to hone our procedures. With that will come more clear career paths for our employees. A greater overall professional development opportunities for them. Greater diversity in our work force.

We have one of the most diverse work forces in the Federal Government at the entry level and at the front lines of our organization and our screening checkpoints. As you mentioned at the very beginning of this hearing, that is not the case as you go up through the middle and the upper levels of the agency. We need to fix that. We need to fix it properly. We have stood up an inclusion action committee. I have established a diversity equity and inclusion position that reports directly for me to make sure we have a constant effort in this regard going forward.

Sir, I would conclude by thanking you as the Chairman. You and I have known each other for a good number of years. Ranking Member Katko and I have known each other for a good number of years. The two of you and the entire committee have been very, very supportive of TSA. You hold us accountable where we need to be held accountable, but you are always there with a solution to help us along. I greatly appreciate that oversight and your leadership in this regard, sir.

Chairman THOMPSON. Well, thank you very much. One of the questions all of us have historically asked every administrator, do you have all the authorities and all the budget that you need to do your job? Somehow all the administrators would come back with, well, if Congress provided us resources, we would use those resources to the best of our ability. You would never say yes or no. So, I guess somewhere there is a training camp for future TSA administrators that you never acknowledge whether you have all the authorities or all the monies you need. You just kind of you are able to do it. I think the Ranking Member is cognizant of that too. But let me assure you that we are committed to the mission of the agency. We have had excellent administrators. Technology is the way forward and the force multiplier for security. So, we absolutely have to get it right.

The one thing we did not talk about is how can we expedite procurement so that by the time as the Ranking Member will tell you, we got a technology but by the time we buy it, it is already obsolete. So, we somehow we have to—we passed some legislation but we still need to ramp it up.

So, let me again thank the current administrator and past administrators for their testimony and our Members for their ques-

tions. The Members of the committee may have additional questions for the witnesses and we ask that you respond expeditiously in writing to those questions. Our Ranking Member, would you want to have a closing comment or something?

Mr. KATKO. Yes, I appreciate the opportunity, Mr. Chairman. I just want to say, you know, observing the back and forth today, it makes me very proud to be part of this committee because it was productive. There was no gotcha questions. I think we are just trying to make sure we do the proper oversight, but make sure we give you the tools you need to do your job. That is really our role in Congress. Absent of theatrics today, we did a good job, I think, all the way around, all the witnesses did and all the questioners. So, I commend everybody on both sides and keep up the good work and please tell everybody at TSA how proud we are of them especially the front-line workers. I yield back, thank you.

Chairman THOMPSON. Thank you very much. I am glad the Ranking Member mentioned that. But in response to the screening of nonresident aliens, the policy that is followed now is a policy that has been in place since we started. So, that is not policy of the last 6 months. It is the policy. So, I want this hearing to reflect that there is no special policy right now. It is the policy. So, I want the administrator to reflect that going forward that his explanation was what the policy is and what it always has been.

So, the Chair reminds the Members that the committee's record will remain open for 10 business days. Without objection, the committee stands adjourned. Thank you, gentlemen, again.

[Whereupon, at 12:12 p.m., the committee was adjourned.]

## APPENDIX

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### QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON FOR DAVID P. PEKOSKE

#### COVID-19 WORKFORCE VACCINATIONS

*Question 1a.* What efforts does TSA have planned to encourage as many TSA employees and contractors as possible to get vaccinated against COVID-19?

Answer. Response was not received at the time of publication.

*Question 1b.* How is TSA engaging with the American Federation of Government Employees (AFGE) on those efforts?

Answer. Response was not received at the time of publication.

*Question 2.* How is TSA working to ensure all TSOs, including those who work part-time, have ample opportunity during duty time to access TSA-owned computers to upload their vaccination information?

Answer. Response was not received at the time of publication.

*Question 3.* What consequences is TSA contemplating or currently pursuing for employees who refuse to get vaccinated?

Answer. Response was not received at the time of publication.

#### VACCINE MANDATE FOR PASSENGERS

*Question 4.* What are the potential challenges and advantages of implementing a vaccine mandate for domestic travel?

Answer. Response was not received at the time of publication.

*Question 5a.* What conversations with other agency partners, such as the CDC, has TSA had regarding the implementation of a health credential to verify a person's vaccine status for travel, if the administration were to announce a vaccine requirement?

Answer. Response was not received at the time of publication.

*Question 5b.* What are the potential challenges and benefits?

Answer. Response was not received at the time of publication.

### QUESTION FROM HON. J. LUIS CORREA FOR DAVID P. PEKOSKE

*Question.* Our TSA agents are our last line of defense protecting our airline passengers. As "bad folks" get more sophisticated, we have to be much more prepared, and we have to anticipate them. Complicating your job is the fact that the line between foreign and domestic terrorists is now a blurred line. How are you approaching this new reality? What actions are you taking to assure that info sharing, especially amongst Federal agencies, is taking place in an effective and timely manner to help you in this new environment? And how can Congress help you do your job better?

Answer. Response was not received at the time of publication.

### QUESTIONS FROM HON. MICHAEL GUEST FOR DAVID P. PEKOSKE

*Question 1.* In Mississippi, we have 2 Category II airports and 5 Category IV airports, however most updated equipment is sent to larger airports. What is TSA doing to ensure that smaller airports have the opportunity to receive updated equipment?

Answer. Response was not received at the time of publication.

*Question 2.* Mississippi has received verbal commitment from TSA for K-9 allocation but has not received a commitment in writing. Could you please advise when TSA Mississippi will receive notice of an official K-9 allocation?

Answer. Response was not received at the time of publication.

## QUESTIONS FROM HON. DIANA HARSHBARGER FOR DAVID P. PEKOSKE

*Question 1.* The PreCheck program has been a huge success, and with travel recovering it's going to be more important than ever. Stakeholders have raised real concerns about pending changes to PreCheck enrollment, and the potential for privacy issues, and traveler confusion related to enrollment and renewal. PreCheck has been such a critical success, has TSA fully thought through the customer experience before making such significant changes?

Answer. Response was not received at the time of publication.

*Question 2.* The success of the PreCheck program could be enhanced if we focused enrollment in communities that have not been widely exposed to the program, such as rural communities. What is TSA doing, and what should it be doing, to reach rural populations through mobile enrollment, and other communities where enrollment has lagged?

Answer. Response was not received at the time of publication.

*Question 3.* With the potential for additional vendors being added to PreCheck enrollment, what will TSA do to ensure the safety of traveler data, and how will TSA prevent this data from being used for private commercial purposes? Has TSA issued clear privacy guidelines?

Answer. Response was not received at the time of publication.

## QUESTIONS FROM HON. CARLOS A. GIMENEZ FOR DAVID P. PEKOSKE

*Question 1.* What is the process that TSA uses to vet migrants who arrive at airport checkpoints without U.S. Government-issued photo identification? How many migrants has TSA screened at airport checkpoints since January 2021, both through the National Transportation Vetting Center and the CBP One app?

Answer. Response was not received at the time of publication.

*Question 2.* How many migrants has TSA prohibited from entering airport checkpoints Nation-wide since January 2021? Why were these migrants prohibited from entering airport checkpoints? Is law enforcement called in those cases? What happened to the migrants who were denied access to the checkpoint?

Answer. Response was not received at the time of publication.

*Question 3.* At what airports does TSA have a CBP One app pilot? Is TSA able to see in the CBP One app how often each migrant has traveled domestically via air?

Answer. Response was not received at the time of publication.

*Question 4.* How many Haitian migrants who recently departed from Del Rio, Texas have traveled via air through U.S. airports? How was their vetting process handled by TSA officers at these security checkpoints?

Answer. Response was not received at the time of publication.

