

STRENGTHENING INTERNATIONAL COOPERATION ON AVIATION SECURITY

HEARING BEFORE THE SUBCOMMITTEE ON TRANSPORTATION SECURITY OF THE COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES ONE HUNDRED TWELFTH CONGRESS

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STRENGTHENING INTERNATIONAL COOPERATION ON AVIATION SECURITY

Thursday, April 7, 2011

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

The subcommittee met, pursuant to call, at 10:05 a.m., in Room 311, Cannon House Office Building, Hon. Mike Rogers [Chairman of the subcommittee] presiding.

Present: Representatives Rogers, Walberg, Cravaack, Walsh, Jackson Lee, and Davis.

Mr. ROGERS. The Committee on Homeland Security Subcommittee on Transportation Security will come to order.

The subcommittee is meeting today to hear testimony on the need to strengthen international cooperation on aviation security and the progress that has been made with our foreign partners. I want to thank the witnesses for being here today and for your time in preparing for this.

The evolving terrorist threat to aviation security requires us to re-evaluate how we approach international aviation security in an effort to develop common security standards with our foreign partners in the most critical areas. TSA's Office of Global Strategies is responsible for engaging those foreign partners, assessing threats and vulnerabilities originating overseas, and finding ways to mitigate those threats as best we can. From intelligence and information sharing to advanced passenger and cargo screening methods, we must continue to work closely with our international partners to strengthen aviation security.

One critical gap that I intend to pursue through legislation is TSA's lack of authority to donate screening equipment to countries that cannot afford to purchase their own. Weak security standards in one link in the global aviation chain could have catastrophic consequences.

TSA deserves the authority to assist countries where they have identified vulnerabilities or where there simply is need. For example, recent reports have indicated that TSA has surplus baggage screening equipment in a storage unit that, in some instances, has been replaced by more advanced technology. That type of equipment could prove very beneficial in a foreign country seeking to improve its screening capabilities. It is in our interest to increase aviation security, passenger, and baggage standards to an acceptable standard, particularly in countries where flights depart for the United States.

I look forward to dialogue with our witnesses on this issue; and I also look forward to a discussion on TSA's foreign assessment program, the partnership between the United States and the European Union on aviation security, the best practices and lessons learned from previous terrorist plots and attacks, as well as the role of the International Civil Aviation Organization in the enhancement of aviation security standards and coordination.

The Chairman now recognizes the Ranking Member of the subcommittee, my friend, the gentlelady from Texas, Ms. Jackson Lee, for any statement she may have.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman, and good morning. Good morning to Members; and thank you, Mr. Chairman, for your indulgence.

The Democrats are in a leadership meeting on the pending issues of the day; and I know that, as I have just left that meeting, that Members of the committee will be joining us shortly.

Again, I appreciate you calling this hearing today on the important, relevant, and timely issue of strengthening international cooperation on aviation security.

It is no secret that terrorists try to attack our Nation through the aviation system, originating from locations abroad. I repeat my frequent refrain on the new attitude and approach to terrorist is that it is franchised. Individual actors can create enormous havoc and kill many people, innocent individuals. So we must be forever vigilant, and our international operations are crucial to this vigilance.

Last October, international cooperation and public-private interaction resulted in a successful interception of explosive devices shipped on passenger and all cargo aircraft from Yemen. The results that would have come out of inactivity or failure would have been catastrophic.

The year before, a terrorist attempted to destroy Northwest flight 253 over the skies of Detroit on December 25, 2009. That flight originated in Amsterdam. That traveler, however, came from Ghana to Nigeria and then on into Europe. It is interesting that the individual actor chose a day when most Americans were turning toward both their faith and their families.

So the question I will present to the administration, to all of our witnesses today, is: How do we secure our skies, secure our air borders, if you will, while also allowing for the flow of law-abiding passengers, our own residents, tourists, and students traveling to this great land of ours? How will we protect families who are simply seeking to reunite their families overseas? How do we balance securing a shipment of cargo and commodities against sabotage with the need to not interrupt the essential flow of commerce through the quickest form of transportation, that being aviation?

We grapple with these questions domestically, but these questions and issues are magnified when addressing securing the global aviation system. Aviation is made of hubs and spokes, commercial and general aviation aircraft, passenger and cargo traffic, domestic and international routes. All of these complexities must be considered in the implementation of effective and efficient security programs, processes, and procedures.

Secretary Napolitano and Administrator Pistole have put the important issue of raising and harmonizing security standards before the governments of the world. Agreements have been signed, accords have been reached, but what we are here to examine today is how the United States can leverage these developments along with the security programs required by the Transportation Security Administration to secure aviation from terrorist attack.

I would like to welcome our witnesses today. We truly have an international panel, and I look forward to your perspective and insight into what is happening on the international level in terms of increasing security at airports and throughout the global supply chain.

Now more than ever we must work with our partners abroad in government, at airports, with air carriers, and throughout the industry to seek solutions to the complex issues associated with aviation and global supply chain security.

Mr. Chairman, I am interested in your idea of sharing our unused equipment. I believe it is important that it is a bipartisan approach, and I would be delighted to review, as you move forward, on this question.

I think there are a number of legislative initiatives that might also be helpful as we look to the opportunity of expanding our security chain through global aviation.

With that, Mr. Chairman, I yield back.

Mr. ROGERS. I thank the gentlelady.

Other Members are reminded that they have opening statement potential to put into the record.

We are pleased to have several distinguished witnesses before us today on this important topic. Let me remind the witnesses that their entire written statements will be put in the record.

Our first witness is Mr. John Halinski, who was named assistant administrator of the Office of Global Strategies at TSA in April 2010 after serving as the deputy assistant administrator since December 2008. He previously served 25 years in the U.S. Marine Corps in a variety of positions in the intelligence and infantry communities, working extensively in special operations.

The Chairman now recognizes Mr. Halinski for his testimony.

STATEMENT OF JOHN W. HALINSKI, ASSISTANT ADMINISTRATOR FOR GLOBAL STRATEGIES, TRANSPORTATION SECURITY ADMINISTRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. HALINSKI. Good morning Chairman Rogers, Ranking Member Jackson Lee, and distinguished Members of the subcommittee. Thank you for the opportunity to testify today about the Transportation Security Administration's on-going efforts to improve international aviation security.

TSA's mission is to secure our Nation's transportation system and to help keep the traveling public safe. As recent attempts by terrorists have shown, safeguarding America's transportation system requires an international approach. Within TSA, I lead the Office of Global Strategies, or OGS, which works proactively with international partners on overseas transportation operations that affect the United States.

TSA's global mission is to develop and promote the implementation of enhanced transportation security processes worldwide, while ensuring compliance with international and TSA security standards. This mission focuses on three areas: Compliance, outreach and engagement, and capacity development. We use a risk-based approach that evaluates the factors of threat, vulnerability, and consequence.

To fulfill the mission area of compliance, TSA transportation security specialists conduct security assessments of all international airports from which the U.S. air carriers operate, from which a foreign air carrier serves the United States, those that pose a high risk to international air travel, or others determined by the Secretary of Homeland Security. Through these assessments, TSA evaluates the security postures of the airports in accordance with security standards established by the International Civil Aviation Organization, or ICAO.

OGS teams conduct annual inspections of U.S. and foreign air carriers to ensure they operate in compliance with required security measures. These inspections enable TSA to identify risks to the international air transport system, followed by mitigation through outreach and engagement and capacity development.

Extensive global outreach and engagement is conducted at the global, regional, and bilateral levels to encourage international counterparts to recognize that the threat to aviation remains high. Globally, OGS works with ICAO to establish and enhance baseline international standards in place of aviation security. At the regional and bilateral level, TSA representatives are stationed in key locations worldwide to work with foreign governments and to support implementation of enhanced security matters.

TSA also conducts outreach activities to engage the aviation industry, particularly air carriers and aviation stakeholders. Our international industry representatives work closely with industry to ensure that requirements for foreign air carriers are implemented and to alert airlines to new threats.

TSA further mitigates risk by helping partner nations build sustainable aviation security practices through capacity development.

In addition to a variety of specific aviation security courses, TSA's Aviation Security Sustainable International Standards Team, or ASSIST program, provides comprehensive technical assistance to countries with demonstrated difficulty in satisfying ICAO standards.

As you can see, the breadth of OGS operations is significant. In the last 18 months, our inspectors have conducted 185 airport assessments, 1,149 foreign air carrier station assessments, and 290 cargo station assessments. We have also completed 154 visits to foreign repair stations in advance of the issuance of the final rule. Altogether, over the last year and a half, we have conducted outreach with over 150 foreign governments.

In the final mission area of capacity development, in fiscal year 2010, OGS provided 45 aviation security training sessions in 28 countries and is scheduled to provide 51 sessions in 35 countries this fiscal year. Assistance and training has recently also been provided to other countries, including Liberia, St. Lucia, Georgia, and Yemen through our ASSIST program.

Although we have accomplished a great deal, we recognize the need to be forward looking. As part of this effort we recently created a rapid response team to handle international incident management. Recently, we have also deployed to Haiti, Yemen, and to Japan in support of these types of operations.

TSA will continue outreaching engagement to foster a common view of the international threat level. Outreach and engagement efforts in years ahead will include active support and engagement with ICAO and our bilateral partners.

Before I conclude, I must say that the caliber of OGS workforce is key to our success. The dedicated men and women who support all of these initiatives face unique challenges every day. These challenges require a highly specialized skill set that balances technical expertise with diplomacy. It takes years to develop.

Mr. Chairman, Ranking Member Jackson Lee, thank you again for the opportunity to testify. I look forward to answering your questions.

[The statement of Mr. Halinski follows:]

PREPARED STATEMENT OF JOHN W. HALINSKI

APRIL 7, 2011

Good morning Chairman Rogers, Ranking Member Jackson Lee, and distinguished Members of the subcommittee. Thank you for the opportunity to testify today about the on-going efforts of the Transportation Security Administration (TSA) to improve international aviation security.

TSA's mission is to prevent terrorist attacks and reduce the vulnerability of the Nation's transportation systems to terrorism. In meeting this mission, TSA's goal at all times is to maximize transportation protection and security in response to the evolving terrorist threat while protecting passengers' privacy and facilitating the flow of legal commerce. Balancing these elements is a difficult and demanding challenge particularly in a vast and complex international air transport system that involves a network of thousands of operations linked across the globe. Within TSA, the Office of Global Strategies (OGS) works proactively with a variety of international and domestic partners on overseas transportation operations that affect the United States, including major transnational aviation-related organizations and regional bodies dealing with transportation security. TSA also participates in numerous bilateral cooperative efforts with various countries, and interagency efforts dealing with transportation security.

TSA'S GLOBAL STRATEGY

TSA's global mission, executed by OGS, is to develop and promote the implementation of enhanced global transportation security processes and structures worldwide, while ensuring compliance with international and TSA security standards. This mission focuses on three areas: Compliance, outreach and engagement, and capacity development. Our mission is accomplished by using a risk-based approach that evaluates the factors of threat, vulnerability, and consequence when determining our efforts to enhance global aviation security across the three mission areas.

To fulfill the mission area of compliance, TSA conducts security assessments of all international airports from which a United States air carrier operates, from which a foreign air carrier serves the United States, those that pose a high risk to international air travel, and others as determined by the Secretary of Homeland Security. These assessments are conducted by OGS International Transportation Security Specialists, who operate out of five Regional Operations Centers located in Frankfurt, Singapore, Los Angeles, Miami, and Dallas. Through these assessments, TSA evaluates the security posture of the airport in accordance with security standards established by the International Civil Aviation Organization (ICAO), the specialized agency of the United Nations that deals with commercial aviation. The frequency of each airport assessment is based on risk computations of current threat, documented vulnerabilities, and flight data at these airports.

TSA OGS teams also conduct annual inspections of U.S. air carriers to ensure that they operate in compliance with TSA regulations identified in the Aircraft Operator Standard Security Program and supporting Security Directives. Likewise, we inspect foreign air carriers that fly to the United States to ensure they operate in compliance with TSA's Model Security Program and supporting Emergency Amendments. These inspections enable risks to the international air transport system to be identified, followed by mitigation through outreach/engagement and capacity development.

Extensive global outreach and engagement is conducted by working at global, regional, and bilateral levels to encourage international counterparts to recognize that the threat to the aviation sector remains high and therefore mitigation measures must be developed and implemented to counter existing threats as well as new and emerging threats as they arise. At the global level, TSA OGS works with ICAO to establish and enhance baseline international standards in place for aviation security. At the regional and bilateral level, TSA Representatives are stationed in key locations worldwide to work with foreign governments in developing effective and complementary transportation security measures and to support immediate implementation of enhanced security measures as necessary.

TSA also conducts outreach activities to engage the aviation industry, particularly air carriers and aviation stakeholders such as International Air Transport Association (IATA), Air Transport Association, American Association of Airport Executives, and Airports Council International. Our International Industry Representatives work closely with industry to ensure that necessary requirements for foreign air carriers are implemented and to alert airlines to new threats, while our Principal Security Specialists provide the same coordination and oversight with U.S. carriers.

TSA further mitigates risk by helping partner nations build sustainable aviation security practices through capacity development. An important part of this effort is aviation security training and technical assistance to meet needs identified by the Departments of Homeland Security, State and Transportation, ICAO and civil aviation authorities of foreign governments. TSA provides aviation security training to foreign partners through a variety of courses in screener supervisor skills, preventative security measures, crisis management, basic security training, cargo security inspections, train the trainer, and others.

In addition, TSA's Aviation Security Sustainable International Standards Team (ASSIST) program provides comprehensive technical assistance to countries with demonstrated difficulty in satisfying the security Standards and appropriate Recommended Practices established by ICAO. The ASSIST program addresses the self-identified civil aviation security needs of the host nation by aiding the establishment of sustainable institutions and practices through aviation security training, technical assistance, and overall security assessments.

RECENT ACTIVITIES

TSA OGS is continuously working to enhance global aviation security across our three mission areas. In the area of compliance, our inspectors have conducted 185 airport assessments, 1,149 foreign air carrier station assessments and 290 cargo station assessments over the last 18 months. We have also completed 154 visits to foreign repair stations in advance of the issuance of a final rule governing security at such repair stations. When combining all engagement performed over the last year and a half, we have conducted outreach with over 150 foreign governments.

To further aid TSA's international active engagement efforts, we work closely with our multilateral, regional, and industry partners, including IATA, ICAO, the European Commission, the European Civil Aviation Commission, the Latin American Civil Aviation Commission, and the International Working Group on Land Transport Security. In support of an initiative announced by Secretary Janet Napolitano early this year, Administrator John Pistole engaged with international counterparts in Switzerland and Belgium this past March to discuss efforts to secure global supply chains with international cargo organizations and government officials. During the visit, Administrator Pistole met with the World Customs Organization Secretary General and the Director of the Universal Postal Union among others.

In addition, TSA continues to coordinate with our sister components at DHS, as well other relevant agencies, such as the Department of State and the Federal Aviation Administration, to further enhance the inter-agency process and communication. For example, TSA works closely with U.S. Customs and Border Protection (CBP) through current initiatives such as the Air Cargo Advance Screening Project. Through this effort, TSA and CBP obtain manifest information for cargo destined for the United States before it is loaded on inbound flights, allowing TSA and CBP

analysts to identify shipments warranting heightened screening based on jointly developed standards for high-risk cargo.

OGS recently created a Rapid Response team based at the Transportation Security Operations Center to oversee all international critical incident management activities. The capability of the Rapid Response team to get into a region in crisis quickly and mitigate security vulnerabilities is vital to the international TSA mission. Most recently, the team responded to the earthquake and tsunami in Japan by deploying additional personnel to assist OGS staff working at the U.S. Embassy in Tokyo. The Rapid Response ensured unified and continued communication and collaboration between the Departments of State and Homeland Security.

Following the earthquake in Haiti in 2010, TSA deployed a Rapid Response to assist that country and international aid organizations in re-opening the Port Au Prince airport. Opening up the airport was essential to the international relief effort and to the delivery of goods to the county in the wake of the disaster. The OGS ASSIST program began where the Rapid Response Team left off and worked with Haitian officials, carriers, and other countries to provide technology and training to ensure that security requirements were met at the airport.

Assistance and training have also recently been provided to other countries including Liberia, St. Lucia, Georgia and Yemen. Following the attempted terrorist attacks on cargo operations this past October, TSA immediately deployed a team to Yemen to assess cargo security programs. Subsequently, TSA procured and delivered Explosives Trace Detection (ETD) equipment and provided training to mitigate threats to the cargo security network. Separately, in Liberia, OGS coordinated with the host government and Delta Airlines to ensure aviation security standards were met, opening the way for direct flights from Liberia to the United States.

In the final mission area of capacity development, we work closely with ICAO and other foreign partners to eliminate duplicative efforts by coordinating training given by donor nations to countries in need of technical assistance. In fiscal year 2010, our Capacity Development branch provided 45 aviation security training sessions in 28 countries and is scheduled to provide 51 sessions in 35 countries in fiscal year 2011. New courses in development will include topics such as National civil aviation security program development, interviewing techniques for suspicious persons, and training and recertification program development.

LOOKING AHEAD

Key among TSA OGS's priorities to address the evolving threat are initiatives designed to continue to develop a workforce of capable and responsive international personnel. There will be increased emphasis on expanding the knowledge, skills, and abilities of the OGS workforce as the challenges they are expected to face will require advanced technical knowledge, diplomacy, adaptability, innovation, precise judgment, creative problem solving, and an understanding of the international norms and cultures.

OGS will continue to visit and assess international airports in order to verify compliance with international standards and TSA security requirements. Additionally, we will pursue increased access to those international airports that present a high risk especially where TSA believes it is necessary to more frequently review compliance. Key priorities related to compliance in the years ahead include: Incorporating more advanced risk analysis in our compliance operations to look beyond the Standards and Recommended Practices put forward by ICAO to identify vulnerabilities more broadly in order to quantify risks; enhancing automation efforts to allow for data examination to support risk analysis; and identifying enhancements to international standards or TSA requirements.

TSA OGS will continue outreach and engagement to foster a common view of the threat at the international level, which will also increase our ability to conduct compliance and capacity development efforts. Outreach and engagement efforts in the years ahead will continue to occur at the global, regional, bilateral, and industry levels. These efforts include: Active support and engagement with ICAO; finding mechanisms to share releasable threat data through ICAO's information sharing framework to encourage mutual recognition of the threat to international aviation; coordination of international capacity development efforts through ICAO to ensure the provision of technical assistance to those most in need, sharing resources, and avoiding duplication of effort; developing more robust coalitions at the regional level to advance strategic goals and objectives; and strengthening partnerships with key aviation security partners, including key industry stakeholders, to advance strategic goals and objectives.

We will continue to work to effectively address the needs of partner nations to build sustainable aviation security practices through capacity development. TSA will

continue to support capacity development efforts and work to establish the ASSIST Program as an international model for capacity development while also exporting the program to more locations to expand its reach and provide technical assistance to additional governments.

CONCLUSION

OGS is one part of the holistic approach to security that TSA uses to mitigate the threat both internationally and domestically. Our international efforts effectively provide the first layer of security thousands of miles from our shores. I always say that the sun never sets on OGS, as we have someone at work around the world, every minute of every day.

Mr. Chairman, Ranking Member Jackson Lee, I thank you for the opportunity to appear before you today and I look forward to answering your questions about TSA's work in the international arena.

Mr. ROGERS. I thank the gentleman.

I will start off with the questions.

In reading the briefing on this hearing, I was struck by the fact that the ICAO offers suggested uniform standards, but there is no compulsion by the member organizations to participate at those standards. Is that accurate?

Mr. HALINSKI. Sir, ICAO sets a standard internationally to the 190 countries, and what ICAO strives to do is to ensure that these countries meet those minimum standards, and what we try to do within TSA is work with ICAO. We have people on several of their subcommittees to develop new standards that try to increase the level of security worldwide. This is done in a very formal process. It takes about 3 years to pass these new types of standards, but we work very cooperatively with them.

The reason that I think that ICAO standards are very broad and general in nature in some cases is so that every country can try to reach those minimum standards, and they have done a lot of work most recently I think in increasing and enhancing those standards. It is a good partnership relationship for us, quite frankly, because it enables us the opportunity to work with an organization that has that international recognition.

Mr. ROGERS. Excellent.

In looking at your organization, I understand you have got 21 TSA representatives and 50 inspectors, is that accurate?

Mr. HALINSKI. Yes, sir, we have approximately 25 TSA representatives, and we have approximately 50 inspectors, yes, sir.

Mr. ROGERS. You have got 300 airports that you—and how many countries that you are trying to inspect?

Mr. HALINSKI. Sir, we inspect—there are approximately 300 last-point-of-departure airports to the United States that stretch across approximately 100 countries, plus the air carrier inspections that we are required to conduct under Federal regulation as well as cargo stations.

Mr. ROGERS. Are those 75 personnel adequate for that mission?

Mr. HALINSKI. Sir, I would tell you that when OGS was created—we are a new organization. We were created about 3½ years ago. At the time, we believed that that organizational structure would meet those requirements. As we can see from 12/25 and from the recent cargo threat and the increase in the need for international operations, that there has been a significant increase in the need for the international mission.

Mr. ROGERS. Let me ask, in dealing with the foreign countries, how do you ensure that those foreign countries are going to meet our minimum standards or the suggested minimum standards by ICAO? Is it just collaborative? Is there anything coercive that you can do to ensure that they try to meet those standards?

Mr. HALINSKI. Sir, we look at it from a three-tier approach, actually. The first tier is we have the International Civil Aviation Organization standards. If it is a last point of departure to the United States, we also have TSA standards for the specific flights that go and come into the United States.

The first thing we do is we do have inspectors and we do assessments of the airports and of those air carriers to meet TSA standards for the air carriers, ICAO standards for the airports. If we have a problem, this is where our TSA representatives come into play. We identify the problem, and our TSA representatives then try to work collaboratively with that host government to reduce the issues of vulnerability that may have been identified.

The third part of our outreach actually deals with capacity development. In some countries that don't have the capability to fix those problems, we try to help them develop a system that they can fix those problems and then take them on themselves. Continuing to help them in the long term, we are trying to build a system for them so that they are capable to do it themselves.

So it is really a three-tier approach.

To get back to the basis of your question, we believe in a very strong partnership, sir, and that requires developing a relationship with all of the countries that have flights to the United States so that we can work together when we identify problems and vulnerabilities.

Mr. ROGERS. What I am concerned about is when a country refuses to be helpful. For example, Venezuela has refused to allow your TSA inspectors to inspect their security systems for flights coming to the United States. What can you do to help them behave? Can you refuse to allow the flights to come into the United States?

Mr. HALINSKI. Yes, sir. There is a process, and it is a tiered process.

The first step that we generally take is what we call a 90-day action, and that is where we identify the problem to the country, and there is a 90-day period for them to take corrective action.

If that doesn't occur and this goes from TSA then to the Secretarial level, there are a couple of other options, one being public notice. As in the case of Venezuela, they are currently on public notice. We have not found vulnerabilities in the system because we have not been allowed to go in and look at the system. That is why they are on public notice. Public notice basically notifies the world, airports throughout the world, that we cannot see the security system in that particular country—for example, with Venezuela—or whatever other problems are there, and we put it out publicly.

The final stage is, sir, there is the authority to suspend flight from that country to the United States, and that is an action that is taken at the Secretarial level, with a lot of cooperation between Homeland Security and the Department of State, sir.

Mr. ROGERS. Well, I would urge you to urge the Secretary to use that power liberally. If a country is so belligerent and anti-American as Venezuela that is not going to allow us to inspect their security systems, I don't want a plane coming out of that country into the United States.

With that, I would yield to the Ranking Member for any questions she may have.

Ms. JACKSON LEE. Mr. Chairman, thank you; and thank you to the witness. Let me thank you for your years of service in the United States military and particularly for your assistance in evacuating Americans in 2006 from Lebanon.

I continue to believe, as I indicated in my opening statement, that terrorism is a franchise operation. There is no need to be called massively, 200 and 300 people, but someone can act upon this in a manner that is an individual act and can take out thousands of lives.

Tell me how many stations are in the system. What is the number that we are working with that your staff would need to have access to?

Mr. HALINSKI. Ma'am, I will tell you that there are approximately 300 last-point-of-departure airports to the United States, and I say approximately because it varies depending on the time of year. We also look at up to 1,000 air carriers a year that fly from these airports into and out of the United States, and that is both domestic and U.S. air carriers. Then, with the upcoming final rule for repair stations, we will be looking at approximately 750 repair stations worldwide, based on that rule. Plus approximately 400 to 500 cargo facilities worldwide as well.

Ms. JACKSON LEE. Break them down as to what locations they are in.

Mr. HALINSKI. Yes, ma'am. I would say that—and I do have a graphic. I don't know if it has been put up. It is the second graphic. It is a color-coded graphic.

The areas in blue are basically last point of departure, and that would include any—and then there are some numbers and figures there that outline it by the total number of last-point-of-departure airports, cargo—

Ms. JACKSON LEE. How many are in Europe? How many are not in Europe?

Mr. HALINSKI. Yes, ma'am. A large majority of last point of departures are in Europe. We have approximately 64 airports in Europe, four cargo airports that we look at. Foreign repair stations, there are about 452.

Ms. JACKSON LEE. In Europe and in the others outside, what would you characterize as a particularly challenging site that is outside of the European area?

Mr. HALINSKI. Yes, ma'am. I would say that what we have found, particularly outside the United States, is that the quality of aviation security varies depending on the region. Europe and the United States are very comparable. Canada and the United States are very comparable, Australia and the United States. When you start to move to other areas, particularly Africa, some areas in the Middle East, some areas in South Asia, and some areas in Latin

America, the standards are not as comparable to the United States or to Europe.

Ms. JACKSON LEE. So, with respect to your team, you would advocate for increased resources to provide the kind of skilled, trained personnel that can help in these expanded airports?

Mr. HALINSKI. Yes, ma'am.

I would say that when we envisioned originally OGS starting about 3½ years ago, we were looking at it from the compliance piece. This was before 12/25. It was before the cargo threat, and that has significantly focused on international operations. The threat is outside of the United States coming in, and we were staffed at that level 3½ years ago, ma'am.

Ms. JACKSON LEE. Is that 168 with 50 inspectors?

Mr. HALINSKI. It is roughly about 160 personnel with roughly 50 inspectors, yes, ma'am. Then I have my TSA representatives and I have my industry reps that deal with foreign air carriers.

Ms. JACKSON LEE. You were, in essence, allotted 75 new slots. What is the status of that?

Mr. HALINSKI. Yes, ma'am. After 12/25, we were supposed to get 75 new employees based on this fiscal year. Currently, ma'am, based on the budget, we have not hired those employees yet because we do not have the authorization to hire those employees at this point.

Ms. JACKSON LEE. Following on that line of reasoning, the present budget that is being offered by the majority would cut TSA by \$42 million; and I understand this type of cut would impact on your ability to expand your presence overseas. Can you explain the importance of having more officers overseas? What other detrimental impact would come about by those budget cuts?

Mr. HALINSKI. Ma'am, I am not familiar with the budget cuts themselves and what that would mean. I do believe that we need to increase our overall capability to work within the international community, because the international community faces a threat. If there is a threat that attacks the aviation system, the aviation system is a global system, so we need to increase the relationship of working with our partners. To develop those types of relationships, you have to talk to people face to face. You have to build those relationships. You have to build a level of trust.

Ms. JACKSON LEE. What do you think was most instrumental in the circumstances of the Christmas day bomb? Was your office involved or was your office involved in the fix?

Mr. HALINSKI. Yes, ma'am. I would say that one of the things that we did—I think one of the vulnerabilities of that particular attack was the fact that the threat was able to manipulate the system and use a device from a threat perspective that would defeat most of the standard security technology that was out there. They did this by using a nonmetallic device put in an area of his body that was culturally taboo for a lot of security systems throughout the world.

One of the things we did was immediately put into effect a security directive and an emergency amendment for all flights to the U.S. inbound. These measures were very draconian. Because what they required, quite frankly, until we understood the threat better, was a 100 percent full body pat-down; and we believed that that

would immediately mitigate the threat. We have now a belief in the use of other technology which we think we can do that, and we have modified that.

But, specifically, I would like to talk about what we did in working with some of the countries, for example, Nigeria. In Nigeria, we have worked extensively with them over the past couple of years; and, if you remember, the Christmas day bomber flew through Nigeria.

Ms. JACKSON LEE. That is correct.

Mr. HALINSKI. We have worked with Nigeria. They have increased their security system, I would say, 10-fold, ma'am. They are one of the few countries in the world that actually use AIT technology in primary right now. We have worked with them so that they have opened two new areas, both Lagos and Abuja, with direct flights by U.S. carriers to the United States. We have done this extensively through our ASSIST program, through training with them, and through working with them over the past, I would say, 3 years on this.

Ms. JACKSON LEE. I thank the Chairman for his indulgence.

I think it is important to get on the record the kind of impact that this particular office has had in ramping up the security parameters of countries that you would not expect to have that. I think you have said that Nigeria and South Africa are the two top African countries that have raised their standards of security at their airports?

Mr. HALINSKI. Yes, ma'am. This is my opinion, that the two leading proponents of aviation security within the continent of Africa I think are South Africa and Nigeria. They have enormous influence.

Nigeria has also partnered with us and held one of the regional conferences for aviation security last year with our Deputy Secretary, and we are hosting an insider threat conference in Abuja in October of this year, which is another part of the aviation security aspect. So they have been very forward-leaning, supporting, and influencing aviation security throughout the region.

Ms. JACKSON LEE. I thank the witness, and I thank the Chairman.

Mr. ROGERS. I thank the gentlelady.

She is absolutely right. We both agree that you need to have more than 50 inspectors in your office. Obviously, I think you need more than 25 representatives to work with those inspectors; and hopefully we can help you address that.

The Chairman now recognizes the gentleman from Michigan, Mr. Walberg, for any questions he may have.

Mr. WALBERG. Thank you, Mr. Chairman; and I thank the witness for being here today and the work you do.

Continuing some of that train of questioning, the European Union conducts 100 percent screening of airport workers, while the United States uses a random approach, as I understand, to worker screening. To what extent has the United States or European Union modified its worker screening procedures to address these differences, or have they agreed to mutually recognize different approaches in achieving an equivalent result?

Mr. HALINSKI. Sir, first, let me say that I just attended an Aviation Security Panel in Montreal for ICAO, and that was one of the topics there for the Aviation Security Panel. The panel actually meets once a year to decide key issues for the international standards. This is one of the key questions, because we do have, I would say, a divergence of opinion on 100 percent staff screening.

Actually, let me put it this way. I think that we all agree on 100 percent screening of staff. It is the methodology that is used where we have a divergence.

TSA has a philosophy of the use of unpredictability. While a lot of countries in the world define 100 percent staff screening as a member going through a walk-through metal detector and perhaps an X-ray machine, one of the problems that we have with that is it is our belief that is a single point of failure.

If you have an insider who knows the system and knows who is on duty and they walk through that walk-through metal detector—and, quite frankly, the threat is nonmetallic at this point. We think if you are relying on that as your only point for staff screening it is a single point of failure. So what we try to do is build a defense in depth, overlaying layers of depth for employees.

One of the first things that we do, sir, is perpetual vetting of anybody that has a badge through our TTAC, and that is our credentialing system.

Mr. WALBERG. TTAC again?

Mr. HALINSKI. It is the——

Mr. WALBERG. I am sorry——

Mr. HALINSKI. I am going to catch a lot of grief when I go back, sir, on this because I didn't know it. I believe it is the Terrorist Threat Analysis and Credentialing.

Mr. WALBERG. See, I don't feel half as dumb now.

Mr. HALINSKI. I am going to catch a lot of grief on this one, sir.

But TTAC, what they are is they vet our people against criminal and terrorism databases on a 24/7 basis, sir. Most countries in the world, they do vetting of their personnel about once every 5 years. So this is an enormous advantage when it comes to the insider threat. That is No. 1.

No. 2, we do have screening checkpoints on and off, and we use a system of unpredictability where we will put our TSOs at various areas behind the sterile area and throughout the building and they will conduct a screening of people that do have badges on a random basis.

Why do we believe this is so important? It is because if you can introduce unpredictability and random in a security solution what you are doing is you are mitigating the insider threat. I would tell you that it is not just staff screening. What we are talking about really is mitigating the insider threat.

So we take a varied approach to it. We use various layers, and I think that is going to be much more productive when it comes to mitigating the insider threat. We are not opposed to 100 percent screening. We just believe that you need a few more layers.

Mr. WALBERG. Has there been push-back against that approach from TSA?

Mr. HALINSKI. No, sir, not from TSA. I think TSA agrees with this approach.

Where we have found divergence is in the opinions of the international community. Like we said, we agree with 100 percent screening of staff. It is just the methodology used. So I think it is the interpretation. It is something I think that ICAO has taken onboard. There is a committee, an international committee, that is now formed to try to define what this is; and we plan to work actively within the committee to come to some kind of resolution on this particular question where it will be presented next year in Montreal at the Aviation Security Panel, which is part of ICAO.

Mr. WALBERG. That is helpful.

What type of training do TSA representatives and TSA inspectors receive?

Mr. HALINSKI. Sir, I would like to tell you, we are a little bit different than everybody else in TSA. Because what we try to do is, No. 1, our people work exclusively overseas. So what we are looking for when we hire a TSA representative or an industry rep, No. 1, we are looking for maturity. We are looking for people who have the skill set to work overseas.

A lot of our people—I would say at least 75 percent—speak more than one language, and we are looking for people who display diplomatic skills. Because what we are talking about, both with the industry rep and the TSA rep, is we are going to put you in a foreign location and we want you to develop a relationship—more importantly, a partnership—with a foreign government, with foreign air carriers and foreign stakeholders. Because that partnership becomes important when we have a 12/25. We need to be able to pick up the phone and call on our partners and say, we need your help.

So that is really what we are looking for when we look at our people, is maturity, professionalism, diplomatic skills, and the ability to work overseas by themselves.

Mr. WALBERG. Thank you.

Thank you, Mr. Chairman.

Mr. ROGERS. I thank the gentleman.

The Chairman now recognizes the gentleman from Illinois, Mr. Davis.

Mr. DAVIS. Thank you very much, Mr. Chairman; and thank you, Mr. Halinski.

Let me ask you, have we had any instances where countries have attempted to deny access to our inspectors? If so, what rationale did they give?

Mr. HALINSKI. Yes, sir. I would say that that is a problem that we face, and it is a challenge that we face where the rationale can vary to—that they don't believe that we have the authority to come in and look at their country. It can vary to the fact that they may be embarrassed about their particular system and they don't want us in there. It could be a variety of reasons.

So one of the things that we try to do is to work very diplomatically. This is where we really have a great partnership with the Department of State. We work through the embassies and we work through the Department of State to try to overcome any kind of hesitation to look and see what these systems are.

Quite frankly, a lot of it sometimes is just the education factor, the factor that we need to tell them and explain to them we have a regulatory responsibility to look at a last-point-of-departure air-

ports to the United States; and we have to look at any flight that is coming into the United States. It is not that we are there to judge your system. It is there because we view this as our right, because you are flying into our country, to protect our country and that we have that right under the international conventions under ICAO.

Mr. DAVIS. How successful would you say that these negotiations have been?

Mr. HALINSKI. Sir, I would say that we have been exceptionally successful, except in one case. That case, quite frankly, would be Venezuela at this point.

Mr. DAVIS. When training does occur, who generally initiates the training? I mean, is it a recommendation that we might make? Or is it a recognition on the part of the host country that they are in need of assistance and might request training?

Mr. HALINSKI. It is a great question, sir. Actually, it is both. When we identify vulnerabilities or problems in a system, then we turn to our TSA representatives who offer that type of training.

At the same time, we get a lot of requests from countries that feel that they want to upgrade their system, and so we will go and conduct a survey. In some cases, they are not last point of departure to the United States. That is our first priority. But we will go do a survey, and we will try to help them.

I would like to use the case of Liberia, sir. A couple of years ago, we were approached by the Liberian Government that they wanted direct service to the United States. We went and looked at the airport; and we said, you are not ready for direct service. Our TSA determined that they were a priority to the United States. Delta Airlines was willing to fly in there; and, quite frankly, it is going to help open up West Africa.

We committed to 18 months worth of assistance to Liberia. We worked extensively with them, getting their system up to minimum ICAO standards. I would tell you, it is a success story for us. Because, right now, there is a direct service between Liberia and the United States, stopping in Ghana. So we were able to open that airport.

We have had success recently in Angola doing the same type of operation, helping them build their airport system so that they can fly direct to the United States.

What we have found, sir, is—as I said, we are a three-prong approach. You can walk into an airport and say, you know what, you have problems with your systems. But if I walk out the door and don't do anything about it, I am going to come back next year and find the same thing. So what we want to do is we want to try to help them get that system up to the standards. Because it not only helps the United States. Quite frankly, it helps the entire global system.

Mr. DAVIS. You mentioned the role of the State Department. Have you found that—while we are basically concerned about airport security, have you found that these interactions and negotiations perhaps have also been helpful to our country in building relationships with other countries that we didn't necessarily have or did not have to the extent that now we perhaps do?

Mr. HALINSKI. Absolutely, sir. We work very closely with the Department of State. We have TSA representatives, as I think was on one of the graphics, posted in embassies worldwide. The whole idea is to work within the partnership of both Department of State and we work with our Department very closely and the components within our Department overseas. Because it really is a joint effort. What we have found is, for the amount of training, for the amount of engagement that we do, we reap the benefits five-fold, quite frankly; and anytime we can raise the international standard up, it helps the entire system, sir.

Mr. DAVIS. Thank you very much, sir. Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. ROGERS. Thank you, Mr. Davis.

I want to be clear on something. Mr. Davis asked you about whether we provide training or not. Do you have the authority to provide training? I know you can't provide equipment.

Mr. HALINSKI. Sir, I do not have the direct authority to provide training. What I have is I work through the State Department and—I work through the State Department. So we have to work collaboratively with the State Department to provide that training, because I don't have the authorization to directly provide training to a country.

Mr. ROGERS. Okay. We need to work on that.

The Chairman now recognizes a Member of the committee who knows more about these foreign airports than anybody else on the committee since he has flown in and out of them, the gentleman from Minnesota, Mr. Cravaack.

Mr. CRAVAACK. Thank you, Mr. Chairman.

Thank you for your service in the Corps. Were you O-3?

Mr. HALINSKI. O-3, yes, sir.

Mr. CRAVAACK. Okay. I know we are in good hands then. So thank you very much.

I just have a couple of questions. I have flown in and out of third-world countries, both as a flying passenger and also as a freight dog, flying 747 cargo. I have seen operations on both sides. You hit the nail right on the head. You have to have layers of security, and single point is just not going to work.

To be clear, to make sure the committee understands, we do 100 percent screening here in the United States. We just do it in a different method. They may not pass through a metal detector or something of that sort. But the other ones that don't do that on a daily basis, just to confirm, sir, that they do have extensive background checks and things of that nature, would be able to show an ID, would that be correct?

Mr. HALINSKI. Yes, sir that is correct.

Mr. CRAVAACK. Okay. That is great. I just wanted to make sure everybody was clear on that. Nobody does get on an airport property without being screened in some capacity.

I just had a question in regards to the most recent E.U. change of venue in regards to gels and liquids that can be brought on-board aircraft after going through screening. As I understand, it can be purchased in a secure area and then brought on-board an aircraft. Could you comment on that, and what are your views on this?

Mr. HALINSKI. Yes, sir. This goes back to the liquids, aerosols, and gels scare that we had in 2006; and everyone, quite frankly, worldwide has been trying to work a technology solution into this. Most recently, we know that the European Union has passed two pieces of legislation. I am sure one of my fellow panelists might correct me if I make a mistake here, because we work together all the time, and we are very familiar with each other's practices and our regulations.

Currently, the European Union at the end of April will reach what is called phase one with the way they are screening liquids, aerosols, and gels; and then 2 years, in 2013, they will reach another level. In the most current changes they are looking at, it is the allowance of liquids, aerosols, and gels in steps which are the sealable, tamper-evident bags which are going to be screened in a certain manner coming to the United States or throughout that region.

We have been working very closely with the European Union on this particular issue. We have sent teams to the European Union, and they have sent teams here. We have regular meetings with the European Union on this issue, and we are trying to both find a technology solution to this and a practical way forward on this, sir.

Mr. CRAVAACK. Thank you.

In going into some of the countries I have gone into, one of the chief concerns that I have always had is the standard of living in a lot of these countries is extremely low. In seeing some of the security that is at the airport, around the airport and within the airport, one of the concerns I have always had is corruption and where a few dollars can buy access very easily into an airport.

Does the TSA address some of these problems in regards to, you know, how members of security forces around airports and within airports are making sure that they are—for a lack of a better word—paid well but made sure that they are a little bit beyond reproach from being corrupted?

Mr. HALINSKI. Yes, sir. Let me use a couple of examples here on how we do that.

There are places throughout the world where we know that corruption is a major factor. So what we try to do is, when we build an emergency amendment or security directive, which can be global in instances or it can be for specific regions, if we have a belief that there is a region in the world or a country in the world where that is a major factor, we will build mitigation measures against that.

A good example of this, sir, is in a couple of countries where there might be an issue with corruption. We have 100—or there might be an issue on the use of technology and the capability to use technology. What we have built in is that, for example, 100 percent hand search by a contractor that is paid for by the air carrier of everything before the flight and then another layer at the gate and another layer perhaps plane-side.

The reason we do this is for the corruption factor itself, sir. We consider that when we do our risk analysis of any of the last-point-of-departure airports. So what we try to do is, in many cases, you will see emergency amendments or security directives that are geared towards specific countries where we have identified a problem like that, sir.

Mr. CRAVAACK. Thank you very much. I have 8 seconds left, and I yield back. Thank you, sir.

Mr. ROGERS. I thank the gentleman.

The Chairman now recognizes the Vice Chairman of the committee, Mr. Walsh of Illinois, for 5 minutes.

Mr. WALSH. Thank you, Mr. Chairman; and, Mr. Halinski, thank you for being with us today.

Let me drill down on a topic that you have touched upon, the way we conduct assessments of foreign airports. Drill down on that for me. How exhaustive a process is that? How challenging a process is that? What sorts of specific challenges do you run into constantly?

Mr. HALINSKI. All right, sir.

What we do, first off, is we do a risk analysis of all of the airports that we are going to, and we identify them on what we consider to be the highest-threat airports, and the regularity that we will go to those airports is more frequent than we might to some other airports that have higher standards. That is No. 1.

No. 2 is, we then work with the State Department and foreign government there, our TSA representatives, to schedule an assessment. Sometimes we just can't schedule it by picking up the phone. It is a diplomatic process. It could take 6 months to get into an airport. It can take 30 days. It all depends on that relationship, which is key.

I then send a team of inspectors—and I have inspectors posted throughout the world—that will go in, and usually it is two to three inspectors, and they drill in on three areas. Because they are using for the airport ICAO standards.

I like to say my inspectors are very experienced people. Because the three ways they can do that—because you have to also realize, they know we are coming into the airport. So they are going to put their best foot forward.

Mr. WALSH. There is no way around that?

Mr. HALINSKI. There is no way around that, sir. We can't go in unless we have diplomatic approval.

So what we do is we train our inspectors in three ways.

One is observation. No matter how good you put your front foot forward, you are going to be able to observe things at a large airport, walking around that airport, because we are going to be there for about 5 to 7 days.

The second piece is conversation. We are going to talk to a variety of people. In that exchange, we always start picking out kernels, and we link that with observation.

Then we look for documentation. Do they have their records? What do the records reflect? Then we are going to ask questions based from the records, on the conversations, and what we observe. Well, they put this in writing, but, you know what, I don't see this here. This is why we take about 5 to 7 days.

Mr. WALSH. Even though they know you are coming and they are putting their best foot forward, the folks that we have got, your investigators, are adept enough at seeing through things and reading things?

Mr. HALINSKI. Yes, sir. In fact, to come into OGS we won't hire an inspector unless they have had 4 to 5 years of inspection train-

ing within domestic airports; and then at that point we give them extensive training on the international standards. So they are aware of that.

Some of our better inspectors we then send to the ICAO auditing course when we get an opportunity to do that. ICAO has been very helpful in getting us to those. We have sent some of our inspectors to the European auditing course so we have an exchange of ideas and best practices.

Mr. WALSH. Remind me again, what would cause you to send inspections to an airport?

Mr. HALINSKI. If it is a last-point-of-departure airport to the United States, sir.

Mr. WALSH. Those are inspected on a regular basis?

Mr. HALINSKI. Yes, sir, they are. It depends on the airport. Once again, with 300 airports, I have a limited number of inspectors. So what we have to do is we base it on—we work very closely with our intelligence people. We base it on threat, and we base it on risk. This is why we may go to an airport in this region once every year, and we may not go to an airport in another area except once every 2 years because they have a comparable system, the threat is not as high. We want to focus based on threat, where we think it is emanating from, and that is where we need to focus our efforts with limited assets.

Mr. WALSH. Is cooperation ever a factor in these inspections? Is there resistance?

Mr. HALINSKI. It all depends, sir. Quite frankly, that goes back to the training of my inspectors. I have to have a person that is on the ground that is diplomatic; and if there is confrontation, they understand how to handle confrontation. So they are trained to do that.

The other piece is they are trained in the art of negotiation. They need to be able to sit across the table from someone and ensure that the United States is getting what we are requiring. But they also have to understand they need to probably give something up there. So they are schooled in the art of negotiation. It is a key to developing a strong partnership.

Mr. WALSH. Last question, are there particular geographic areas around the world where cooperation is more?

Mr. HALINSKI. Yes, sir. I would like to point that we have a very good relationship with the European Union, we have a great relationship with Canada, Australia. In fact, we have formed a group called the Quad; and the purpose of the Quad is for the leaders of aviation security to get together—or transportation security, quite frankly—twice a year and to talk about issues that we think the international community is facing.

It is a very loose group. It is kept that way because the more bureaucracy you add on to a problem, you are not going to get a solution. So these are the folks that have very good systems. We try to work together, and we try to have input to the international community and to all of our regions. This is important because there are a lot of places where I may have difficulty getting in, but I know the Canadians can get in.

We also partner in a lot of ways. We are partnering with the Canadians in Haiti right now. We are looking at partnering with Aus-

tralia in other areas for capacity development, and we just finished partnering with the Europeans in the former Russian State of Georgia to help build their system.

Mr. WALSH. Great. Thank you, Mr. Halinski.

Thank you, Mr. Chairman.

Mr. ROGERS. The Chairman now recognizes the Ranking Member for additional questions.

Ms. JACKSON LEE. Mr. Chairman, thank you.

I think those are wonderful stories, the story of Nigeria, the story of Haiti and Georgia; and, as the Chairman said, we both agree that this is a major component of the securing of America. I think it is important.

It is already on the public record that we have about 770—I think you said 772—important sites that are under your jurisdiction, 450 or so in Europe. That gives me pause. Because, one, you have already acknowledged that there are 72 unhired positions that you still need—I think about 72 or so—75 that you still need.

Let me focus, then, on this repair station. One of our colleagues, Congressman Langevin, was very interested and we worked very closely on this. It gives me pause, as well, because, as we sit here today, our planes are flying in and out of international ports, some friendly and some not and some with repair stations.

What is the intensity of your time as it relates to repair stations? I use that in the context—and let me just shoot my questions out, and then I will just let you—I say that because, again, I speak to the individual operator, the individual actor rather, that could do harm to an airliner that is traveling. So I am concerned about the minuteness of that person's actions and how do we feel comfortable—nothing is perfect—in our inspection of repair stations.

Then I would like you just to give me a little bit more on the ASSIST Program and whether or not you believe the ASSIST Program is successful and what the characteristics of that program are that make it successful.

After the 12/25 Christmas day bombing attempt, we dispatched the Secretary of Homeland Security and the administrator around the world. I know that they were working with your TSA reps and trying to build rapport and trying to get more response as it relates to security measures at airports.

My question is: When you are engaging in discussions with foreign governments on security screening, are these negotiations based on rapport and the talents of your TSA reps? Do you need further authority on cementing these agreements and these national standards?

Thank you, Mr. Chairman.

Mr. HALINSKI. Yes, ma'am. Let me start with foreign repair stations.

As you said, ma'am, there are approximately 770 foreign repair stations that will come under the final rule when it is published. We expect that, quite frankly, our fingers crossed, ma'am, hoping that it will be late summer or by the end of this fiscal year.

But we cannot wait—because we understand Congress' intent on this rule—we can't wait to look at those until a rule is done. So what we have done is we have proactively categorized, once again

based on risk, the repair stations. We have broken them down into a tier system.

That tier system starts with the highest tier, and what I am describing here is a repair station that might deal with a part of the aircraft that could knock the bird out of the sky. Repair the engines, repair the avionics, repair the navigation system, the communication system. Tier 1 and Tier 2 are critical repairs to that aircraft that will keep it airworthy.

What we have done—and there are about 160 of these types of foreign repair stations outside the United States. So what we have done is we have started security assistance visits to these facilities. The vast majority of these, over half, quite frankly, are in Europe, which we know the standards are very, very high. A lot of these are on airport sites, so they already have security programs.

So we have looked at 154 of these foreign repair stations already in anticipation of the rule, but just to get a feel for how they look. What we have found is actually quite encouraging. What we have found is they do have security systems, they do run background checks, they do have a security manager and a security program, those not only on-site at an airport but those off-site.

We haven't looked at some of the Tier 3 and 4 level repair stations because I would describe those that are repair stations that are more attuned to being mom-and-pop-type repair stations. They may repair the seat cushion on the aircraft. They may repair the wheel on the catering cart. Those aren't critical to keep the bird in the sky.

So what we have tried to do is take, with our man pool assets, and hit the most critical ones that pose the risk to the aircraft. We are anticipating getting to all of these facilities when the rule is passed. We will put an emphasis—because we do know that this is of interest to Congress, ma'am.

If I could go into the ASSIST program—

Ms. JACKSON LEE. Yes, thank you.

Mr. HALINSKI [continuing]. How we deal with ASSIST. We actually created the ASSIST program about 3 years ago because, quite frankly, if we are ever going to increase the international standards, we had to take action. It is one thing to walk in the door and tell them, "You have problems at your airport," and walk away. It is another thing to help them get up to minimum standards.

So what the idea behind the ASSIST program is is to go in and do a survey initially: Where are the problems? So we do a baseline survey. What we have found is, in some cases with aviation security in countries throughout the world, they don't have the laws in place. So we will send in lawyers who actually will help them draft their civil aviation laws for aviation security, so people have the authority to do security.

Then we will send in the standard aviation security people. But, at the same time, we will send in people that know how to handle crisis management. What do you do if you have a plane crash? What do you do if you have a terrorist attack? We send in public relations. We send in screeners. We send in extensive trainers. So we send in a variety of people, because just teaching them how to screen isn't going to be enough that they meet standards. So it is a full commitment.

We ask that a country before—and this is the part that is essential. Before I am going to commit my money and my assets for a period of time to a country, I want that country to come back and say, “We are willing to do this.” So every time we go in, we give them a set of standards. If they don’t meet it by the time we are scheduled to come back, we don’t come back. We have an agreement that is signed between the embassy and the host government to this fact. We have been very lucky because we have been in—when we have had difficulties between the embassy and the host government, we have been able to work it out, and we have demonstrated a lot of success.

But the key is, also, don’t give away anything for free. If you give away something for free, people aren’t going to respect that. You need to encourage them that this is your system, you need to build on this system, and you need to hit these checkmarks so that you have sustainability. Because that is the key in aviation security: Not that you have the best equipment, but can I sustain the system I have, and does it meet the mark?

The last piece, ma’am, is, I believe that we do have the authorities that we need, from the standpoint of a regulatory standpoint. I would tell you that, when we deal with host nations, we welcome, quite frankly, and we want to be on the State Department embassy team. I mean, I think that the relationship that we have developed with the State Department overseas is the right relationship, and it is the way that we should work in conjunction with the State Department. It is a very good partnership, and it is one that we actually are very grateful for.

Ms. JACKSON LEE. Let me just say, that is very important. I think we have gained sort of a framework of what your needs are. But the fact that you are energetic, you are overt in your actions, and it is constant, I think, in terms of securing the homeland, that equals due diligence. However you can ramp up that level of due diligence, I think is all the better for securing the American public and all those who are traveling the skies in between nations around the world.

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

Mr. ROGERS. I thank the lady.

The Chairman now recognizes Mr. Cravaack for an additional question.

Mr. CRAVAACK. Thank you, Mr. Chairman.

Just one question: Coming from a 30,000-foot level, what keeps you up at night?

Mr. HALINSKI. Okay, sir, I am asked that question a lot, and I am going to be real honest with you. I have a lot of really good people that work for me, and it is the same answer I would have given you a few years back when I was in the Marine Corps, and that is the safety of my people. I put my people in Yemen, Kabul, Baghdad, places in Africa like the Congo. The idea is to build the system, but what keeps me up at night, quite frankly, first and foremost, is the safety and welfare of my people.

The second is that we face a threat that is adaptable, and it changes based on what they perceive as vulnerability. They have the time, they have the patience, they have the money. We have to understand that, that they are going to find a gap in the system.

There is no 100—and, sir, I will go on record saying this. I don't believe there is a 100 percent solution to any security system. If you say there is a 100 percent solution to a security system, you have never done security work, because there is not. So what we can do is we can try to mitigate that threat the best way we can.

My concern, the other part, is the threat, sir. They are adaptable, and they modify. When you have the time, when you have the money and you have the patience that they have, it is very hard to mitigate and defeat that threat.

Mr. CRAVAACK. I couldn't agree with you more. It is asymmetric warfare, and we have to adapt to overcome. So I appreciate your comments on that. I think we have the right man for the job, so thank you very much for—

Ms. JACKSON LEE. Will the gentleman yield just for a moment?

Mr. CRAVAACK. Yes, ma'am, I will yield.

Ms. JACKSON LEE. You were asking about from the skies. Let me just ask Mr. Halinski a question.

I will just hold it up, and I know you have seen it. Is this a workable chart for you? You were trying to get the acronym going, and I am trying to get an understanding. This is not a trick question, it is just that—does this work?

Mr. HALINSKI. Ma'am, I am going to be honest—

Ms. JACKSON LEE. This is your chart. Someone is bringing it to you. I am not trying to—it looks like an extensive maze, and I am just wondering—

Mr. HALINSKI. Yes, ma'am. This is my organizational structure.

Ms. JACKSON LEE. Can you get your phone calls through?

Mr. HALINSKI. Yes, ma'am. I am really going to take a beating when I get back to the TSA, of course. But—

Ms. JACKSON LEE. No, it was far away. I wasn't trying to—it is just that—

Mr. HALINSKI. Yes, ma'am. It is my organizational structure. Actually, one of the things that we do is—

Ms. JACKSON LEE. Is it streamlined?

Mr. HALINSKI. Yes, ma'am, it is streamlined, because one of the things we do is we regularly practice communications. One of my concerns is always, I have to be able to talk to my people in the field. So we have redundant communications. We practice on a regular basis.

The example I want to use is 12/25. From the time we started until the time we—we had people worldwide, because we have an office open everywhere someplace in the world—it was a matter of hours before our people were reaching out to host governments and trying to work that mitigation measure.

So we do practice this, and we have a very good communications system.

I would like to say that TTAC stands for "Transportation Threat Assessment and Credentialing."

Ms. JACKSON LEE. You have been redeemed.

I am going to count on you, Mr. Halinski, to come in and prove to this committee and to the Chairman that this kind of operational chart is easy access in times of emergency and you can reach your people and they are all sort of on one page here.

Mr. HALINSKI. Yes, ma'am.

Ms. JACKSON LEE. In more ways than one.

Mr. HALINSKI. Yes, ma'am. Redundant coms is the trick, ma'am. Be it phone, be it e-mail, be it BlackBerry, we have a way to get hold of them. Trust me, ma'am, I reach out to my organization all the time. They don't particularly like it because sometimes it is 3 o'clock in the morning or 2 o'clock in the morning. But we can reach out very quickly.

Ms. JACKSON LEE. I thank the gentleman for yielding.

I thank the Chairman.

Mr. CRAVAACK. I claim back my time and yield the rest of my time, Mr. Chairman.

Mr. ROGERS. I thank the gentleman.

Thank you, Administrator Halinski, for your time. It has been very helpful to us. Your panel is now dismissed, and we will call up the second panel.

All right. The Chairman will now recognize the second panel.

We have Mr. Filip Cornelis, as the head of the unit of aviation security for the European Union. I understand he will be testifying in a foreign language this morning.

Mr. Rafi Ron is the president of New Age Security Solutions. He formerly served as director of security at Tel-Aviv Ben-Gurion International—all three of us on this panel were at that airport about 2 weeks ago—and the Israeli Airport Authority between 1997 and 2001.

Mr. Jim Marriott is the chief of the Aviation Security Branch at the International Civil Aviation Organization. He is responsible for creating and implementing ICAO's aviation security and facilities policies.

I want to state for the record that the committee recognizes that Mr. Cornelis as well as Mr. Marriott's statements are being given in the spirit of cooperation, are voluntary, and these witnesses are not appearing under the jurisdiction of the Congress. They represent international organizations. We very much appreciate your willingness to be here.

With that, the Chairman now recognizes Mr. Filip Cornelis for his opening testimony.

STATEMENT OF FILIP CORNELIS, HEAD OF UNIT FOR AVIATION SECURITY, DIRECTORATE GENERAL FOR MOBILITY AND TRANSPORT, EUROPEAN COMMISSION

Mr. CORNELIS. Chairman, thank you very much.

Honorable Representatives of the House, let me first thank you for inviting the European Commission to testify on the European Union's partnership with the United States in the field of aviation security.

We strongly believe, in Europe, that we share a common agenda with the United States and that we should pursue that agenda in tandem to combine and reinforce each other's action. We have a very similar assessment of the threat and a very similar way of addressing it. Thanks to our respective efforts since 9/11, we have succeeded in protecting our aviation system from several attempted attacks of sabotage.

However, we recognize that a lot of work remains to be done. Let me say a few words about the European Union's relations inter-

nationally with the rest of the world and bilaterally with the United States.

First of all, we believe that the International Civil Aviation Organization, ICAO, must be the driver for the overall policy in order to ensure proper buy-in at the global level. The next ICAO triennial period should be guided by the outcome of last year's ICAO assembly, notably on the basis of the ICAO Declaration on Aviation Security, which, no doubt, my fellow panelists will touch upon later. The European Union is committed to play its part fully in this work.

Our most immediate priority in this area is cargo security. There is considerable concern among politicians in Europe about the security of flights coming into the European Union, in particular since last year's incidents. E.U. ministers adopted an action plan in December on strengthening air cargo security, with tight deadlines for us to meet. The action plan recognizes that cargo and mail is, by its nature, a global business, and so the cargo security regime must be approached as a global challenge. We must keep in mind the need for aviation to develop further in a healthy and economically viable way; otherwise, the terrorists have already won.

We support Secretary Napolitano's call to improve global supply chain security as a means of reinforcing our air cargo regimes. Like the United States, we are examining how existing customs systems can be adapted to become a powerful instrument for air cargo security. We are also working on screening requirements for high-risk cargo.

So, at the global level, we will work with ICAO through the newly established Working Group on Air Cargo Security to prepare new ICAO standards and recommended practices in this area. We should do this together. Where the United States and European Union agree on certain standards, those standards have a good chance of becoming global standards. If we set different standards, however, we don't achieve higher security, necessarily, but probably we do achieve higher costs and greater difficulty to ensure proper compliance.

We have offered our TSA counterparts to prepare new rules for air cargo security jointly, including a definition of high-risk cargo, screening methods, and international supply chain security.

Downstream from the rulemaking, proper implementation of global standards is just as important. Capacity-building activities in key third countries are essential for delivering uniform implementation of international standards. They are best focused on those areas that are identified through the results of ICAO's Universal Security Audit Program. Here, the European Union is in favor of greater transparency of ICAO audit results, notably where significant security concerns are identified.

Let me turn to our bilateral relationship. The U.S.-E.U. Air Transport Agreement has opened great opportunities here. The legal basis established by Article 9 on security of the agreement attests to, and I quote, "the importance of working toward compatible practices and standards as a means of enhancing air transport security and minimizing regulatory divergence."

We feel it is worth investing in this work because, together, we account for almost 50 percent of global air traffic. One in five pas-

sengers coming into the United States departs from Europe, and vice versa. This represents almost 50 million passengers. We are also each other's biggest partners in terms of air freight, with 2 million metric tons being transported annually between the European Union and the United States.

We feel it is worth investing, but we also feel it is justified investing in this cooperation because our societies possess amongst the most sophisticated security regimes in the world. We should capitalize on that fact and treat each other as equal partners. The European Union, in the eyes of the United States, should not be grouped into the same basket as the rest of the world.

We have a robust, tried-and-tested aviation security regime, the merits of which we can and we do share with our counterparts in the U.S. administration. The European Union rules are very well enforced, owing to a strong system of oversight, both at the European Union level and at the level of the E.U. member-states, in which TSA officials are regularly invited to take part, as our inspectors take part in inspections in the United States.

At a high level, that of Secretary Napolitano and Administrator Pistole, the European Union and the United States have been heavily engaged in dialog with each other, especially since the Northwest Airlines and Yemen incidents. These more recent contacts are complemented by a solid history of working together for many years on aviation security issues through various fora, but we would like to see more practical results from those exchanges.

For example, we discussed new post-Yemen security controls for air cargo at various occasions. Against that background, the most recent U.S. emergency amendment on cargo and mail came as something of a surprise to the European Union and its aviation industry. The new requirements had not been discussed before and did not take into account the existing measures in the European Union which already achieve the same security outcomes, or the new rules which are currently being developed as part of the action plan and which should be ready for adoption before the summer. That is a missed opportunity.

The European Union believes that much more can be achieved through our cooperation by aiming for better security that avoids duplication of controls where our systems equivalent, by mutually recognizing each other's controls wherever possible, not only to facilitate the traveling public, but also to allow security staff to focus on real and unchecked threats and to free up limited aviation security resources for use elsewhere in the system to make air transport more secure.

We have taken steps in this direction to recognize the equivalency of U.S. controls on passengers, for example, and we are ready to relax the screening of passengers originating in the United States when they transfer at E.U. airports. The United States has the National Cargo Security Program, which allows TSA to recognize foreign cargo regimes. Although we have some specific issues with this program, it is something we very much welcome and encourage.

We have, still, an opportunity to make headway in cargo and mail security reform. The aim would be to replace unilateral measures, such as U.S. emergency measures, with mutually acceptable

and mutually compatible security solutions for cargo, implemented on flights leaving and coming into our respective territories.

To conclude, Honorable Representatives of the House, it is important to underline that the security of international civil aviation is a joint responsibility of all countries, not least those who account for the biggest amount of traffic. As such, the European Union will continue to engage fully with the United States, with ICAO, and with other key international partners to address the threat to civil aviation, both from rules-based and capacity-building perspectives.

Thank you for providing this opportunity to the European Commission to participate in this very important discussion.

[The statement of Mr. Cornelis follows:]

PREPARED STATEMENT OF FILIP CORNELIS

APRIL 7, 2011

Honourable Representatives of the House: Let me first thank you for inviting the European Commission to testify on the European Union's partnership with the United States in the field of aviation security, with the shared and joint objective to keep flying secure.

In a period of less than a year, the international civil aviation community has been challenged by two well-planned terrorist attempts against air transport. These attempts would have caused significant loss of human life had their execution not been disrupted or discovered in time.

I am talking of course about the attempted sabotage of Northwest Airlines flight 253 on Christmas day 2009 and about the attempts at sabotaging aircraft on 29 October 2010 using improvised explosive devices concealed in air cargo originating from Yemen.

The first attempt was foiled due to the poor execution of the plan and the intervention of passengers on the flight. The second attempt was thwarted by intelligence.

When our aviation security measures are challenged and come so close to being circumvented by terrorists, we must ask ourselves the questions: Are there still weaknesses in our system? And what can we do better to make our system more robust?

We know that the nature of the terrorist threat is innovative and evolving. We also know that aviation remains a target for terrorists, and that aviation security measures must respond, and ideally, pre-empt, that phenomenon, difficult as it may be to do.

We, as regulators, have a duty towards the travelling public to demonstrate that we are doing everything in our power to stay one step ahead of the terrorists and that we can defend our air transport system. If the threat is evolving, we too must evolve.

This must always be done in a way which allows aviation to develop further in a healthy and economically viable way. Otherwise, the terrorists have already won.

Only in so doing so, will we be able to deliver our respective constituencies a right that is fundamental to the functioning of our economies and communities: The freedom to fly.

We strongly believe, in the European Union, that we share a common agenda for aviation security with the United States, and that we should pursue that agenda in tandem, to combine and reinforce each other's action.

Thanks to our respective efforts since 9/11, we have succeeded in protecting our aviation system from several attempted acts of sabotage. However, a lot of work remains to be done, and here I turn to the EU's relations internationally with the rest of the world, and bilaterally with the United States.

The International Civil Aviation Organisation, ICAO, must be the driver for the overall policy to ensure proper buy-in internationally. ICAO must ensure the effectiveness of the global aviation security regime, both in terms of its design and its implementation. The European Union and the United States cannot relax their efforts in assisting ICAO to see that this is done. Our work together is absolutely necessary. But it is clearly not going to be sufficient.

ICAO has already played an instrumental role in reinforcing aviation security worldwide and must continue doing so in the future. The next ICAO triennial period

should be guided by the outcome of last year's ICAO Assembly session whose conclusions were highly relevant to the challenges the air transport industry is facing.

The historic adoption of the ICAO Declaration on Aviation Security by the Assembly confirms our joint priorities for future work on protecting air transport. The ICAO Comprehensive Aviation Security Strategy serves to drive that process by bringing forward concrete policy. The European Union is committed to play its part in this work.

Let me turn to our most immediate priority for international cooperation. There is considerable concern among politicians in Europe about the security of flights coming into the European Union since last year's incidents concerning improvised explosive devices in air cargo originating in Yemen. The European Union demonstrated its commitment to international cooperation in this field through the adoption by E.U. Ministers of an Action Plan on Strengthening Air Cargo Security last December.

The Action Plan serves as the European Union's response to the Yemen incidents. It encapsulates a number of measures aimed at reinforcing the air cargo supply chain both within the European Union and beyond. It tackles three areas: First, rapid exchange of information on new threats and on emergency measures taken to counter those threats, and development of a common E.U. risk assessment capability; second, new cargo security rules for the European Union; and third, international co-operation. This third part recognises that cargo and mail is, by its nature, a global business and so the cargo security regime must be approached as a global challenge if global trade is to be facilitated. As such, there are strong expectations in Europe that ICAO must set a high baseline level of security and must ensure it is implemented. We also support Secretary Napolitano's call to improve global supply chain security as a means of reinforcing our air cargo regimes and, like the United States, are examining how existing customs systems can be adapted to become a powerful instrument for air cargo security.

So, first, we will work with ICAO, through the newly established Working Group on Air Cargo Security, to prepare new ICAO Standards and Recommended Practices on air cargo security. It must be borne in mind that developing tomorrow's aviation security regime is a joint effort and as such, our respective approaches, should be as compatible as possible. Where the United States and European Union agree on certain standards, those standards have a good chance of becoming global standards. That way, we help the aviation industry and its essential clients—in particular the air cargo industry—to meet high security standards in a way which least hampers trade. If we set different standards, we do not achieve higher security, but probably higher costs and greater difficulty to ensure proper compliance. We have offered our TSA counterparts to prepare new rules for air cargo security jointly, including the definition of high-risk cargo, screening methods, and international supply chain security.

Second, proper implementation of global standards for aviation security is just as important. This leads me to the topic of capacity building. Non-implementation of ICAO Annex 17 Standards and Recommended Practices in some ICAO Member States can expose the entire air transport system to attack. To counter that scenario, capacity building can play an important role.

Capacity-building activities are essential for delivering uniform implementation of international standards across the globe. Such activities are best focused on areas identified through the results of ICAO's Universal Security Audit Programme (USAP). Those audit results can help to show where support is most needed, in particular in tackling Significant Security Concerns exposed in ICAO Member States. The European Union is in favour of greater transparency of ICAO audit results, notably where Significant Security Concerns are identified.

Information sharing could be facilitated by ICAO Member States providing information on their capacity-building activities to ICAO. This way, better coordination of such activities can take place in order to ensure maximum effectiveness. This will also ensure that there is no duplication of effort and that complementary activities can be implemented for the overall good of the whole aviation security system.

Bilaterally, the U.S.-E.U. Air Transport Agreement has opened great opportunities for further work on aviation security between the European Union and the United States. The legal basis established by Article 9 on Security of the Air Transport Agreement attests to—and I quote—"the importance of working towards compatible practices and standards as a means of enhancing air transport security and minimising regulatory divergence."

We feel it is worth investing in this work because together we account for almost 50% of global air traffic. One in five passengers coming into the United States departs from Europe; and vice versa. This represents almost 50 million passengers.

Furthermore, we feel it is justified to invest in this work because our societies possess amongst the most sophisticated aviation security regimes in the world. We should capitalise on that fact.

At a high level, the European Union and the United States have been heavily engaged with each other, especially since the Northwest Airlines and Yemen incidents. Vice-President of the Commission, responsible for Mobility and Transport, Mr. Siim Kallas, and Secretary Napolitano are meeting regularly to discuss the shared challenges and agree the overall direction of our efforts to address them, and they meet again on 11 April in Washington.

These more recent contacts are complemented by a solid history of working together for many years on aviation security issues through the long-established forum of the E.U.-U.S. Transportation Security Cooperation Group. That Group meets periodically to discuss the challenges of the day, exchange information on new security methods and technologies, and to co-ordinate international work, especially vis-à-vis the International Civil Aviation Organisation.

Furthermore, the group of like-minded so-called Quad members—that is Australia, Canada, the European Commission, and the United States—also work together to co-ordinate their positions and to drive the agenda internationally. A recent example of such co-operation is the joint position on future work for air cargo security presented with the support of the Quad members to the ICAO Aviation Security Panel at its meeting last month in Montreal at ICAO headquarters.

Against this background, the most recent U.S. Emergency Amendment on cargo and mail came as something of a surprise to the European Union and our aviation industry. The new requirements had not been discussed before, and did not take into account the existing measures in the European Union which already achieve the same security outcomes, or new rules which are currently being developed in the European Union and should be ready for adoption before the summer. That represents an opportunity missed to work out new rules on air cargo and mail security together. However, it is still not too late to do so, and we do hope that the United States will engage fully with the European Union on designing compatible rules. We are each other's biggest partners in terms of air freight; 2 million metric tonnes being transported annually between the European Union and the United States.

The European Union believes that much more can be achieved through our co-operation efforts, and that we can have a much stronger impact on the ground. We should aim for better security that avoids the duplication of controls where our aviation security systems are equivalent, by mutually recognising each other's security controls wherever possible. We should do this not only to facilitate the travelling public, but to allow security staff to focus on real, unchecked threats and to free up limited aviation security resources for use elsewhere in the system to make air transport more secure. The European Union has pushed for this approach for some time now. It is a clear objective of the U.S.-E.U. Air Transport Agreement to which we are both committed. We feel this is a better approach than to impose unilateral measures on each other in relation to incoming flights.

Finally, within the European Union, we have developed common security rules and procedures which are applicable and enforced in a uniform manner in 30 European countries (including non-E.U. countries Iceland, Norway, and Switzerland) accounting for over 500 million European citizens. That means, when travelling within these European countries, re-screening is not necessary on transfer by virtue of the security controls being applied once at the point of departure for the entire length of the journey. We term this concept "One Stop Security."

We are now looking to conclude agreements with our key international partners which have equivalent standards of aviation security. Indeed, such efforts have also been made vis-à-vis the United States. We are currently engaged in setting up One Stop Security arrangements to allow passengers arriving on flights from America into Europe to transfer onto connecting flights without needing to re-screen them or their baggage. E.U. law allows for including the United States in its One Stop Security system, and we do hope that U.S. law will make room for the European Union!

The reality is that we should treat each other as equal partners in aviation security. The European Union, in the eyes of the United States, should not be grouped into the same basket as the rest of the world. The European Union has a robust tried and tested aviation security regime, the merits of which we can, and we do, share with our counterparts in the U.S. administration. The E.U. rules are well-enforced owing to a strong system of oversight both at E.U. and E.U. Member State level, in which TSA officials are regularly invited to take part.

That exchange of information, that understanding of each other's systems, should foster acceptance and trust of each other's systems. As such, the European Union would greatly appreciate working together more closely with the United States to

define the aviation security standards that are applied across the trans-Atlantic market and beyond.

In the domain of cargo security and with respect to our respective efforts to counter a Yemen-style attack, we do have an opportunity to make headway here. The aim would be to do replace unilateral measures, such as U.S. Emergency Measures, with mutually acceptable security solutions for air cargo security which are implemented on flights leaving our respective territories.

“Strengthening international cooperation in aviation security” should not simply be about dialogue, it should be about action. And in that respect, we urge the United States to engage with the European Union to deliver common solutions to our common challenges.

To conclude, honourable Representatives of the House, it is important to underline that the security of international civil aviation is a joint responsibility. As such the European Union shall continue to engage fully with the United States, with ICAO, and with other key international partners in addressing the threat to civil aviation, both from the rules-based and the capacity building perspectives.

Thank you for providing this opportunity to the European Commission to participate in this very important discussion.

Mr. ROGERS. Thank you, Mr. Cornelis.

The Chairman now recognizes Mr. Rafi Ron for his testimony.

STATEMENT OF RAFI RON, PRESIDENT, NEW AGE SECURITY SOLUTIONS

Mr. RON. Good morning, Mr. Chairman and Members of the subcommittee. First, let me thank the committee for inviting me to testify about international cooperation issues surrounding aviation security.

I am Rafi Ron, president of New Age Security Solutions, a transportation security consulting firm based in Dulles, Virginia. The company was established in the wake of the 9/11 disaster to provide more effective security solutions to airports, Government agencies, and private transportation companies. Over the last 9 years, we have supported numerous projects in the United States and abroad, involving airport, seaport, and ground transportation.

Prior to founding New Age Security Solutions, I served as director of security at Tel-Aviv Ben-Gurion International Airport for a period of 5 years. In this position, I was responsible for all aspects of security operation and coordination with my counterparts at airports around the world. My previous experience included more than 30 years in the field of security, intelligence, and counterterrorism for the government of Israel.

Since the 9/11 attack, aviation security has received a great deal of attention, and enormous resources have been dedicated to improve the system. During the last 9 years, the United States has become the driving force in making domestic and global aviation systems safer. Unquestionably, American aviation has become a harder target as a result of that for terrorists to hit. Yet, there are still many vulnerabilities that require our attention. The question, however, is: What investments in international cooperation will pay the highest dividend in increasing security?

I would like to focus on three areas that need attention. The first one is the potential of uniform minimum security standards at airports, which is very much what was discussed earlier in more details, or, in other words, the harmonization of standards on a global basis. The second subject is the challenge in effectively sharing terrorism information with foreign countries. The third one is the role

of professional and financial support in helping certain countries to upgrade their security—aviation security.

As far as the uniform standards, or a harmonization, it was already recognized way back in the 1940s with the ICAO, the Annex 17 document, that there is a need to harmonize and to create global standards for aviation security, for a variety of reasons, some of which I will go into in the next couple of minutes.

Annex 17, titled, “Safeguarding International Civil Aviation Against Acts of Unlawful Interference,” it was updated shortly after 9/11 with the help of an international working group representing a cross-section of stakeholders, and I had the honor to be one of the participants in this group.

ICAO Annex 17 is the only document today that establishes global standards for aviation security. Since the annex is based on the consensus of all ICAO member-states, it establishes a relatively low standard that can be achieved by countries with limited technological infrastructure and few traditions supporting public order and law enforcement.

During the last few years, ICAO has implemented an aggressive auditing program in various parts of the world to help member-states to meet Annex 17 requirements. Despite the relatively low threshold, many countries still find it difficult to meet the standards, and fail the audits.

The ICAO standards were found not sufficient by some of the countries, mostly in the developed world. Both the United States and Europe has issued their own standards and a regulatory framework. The European and the American system are based on the same concept of operation but differ in some of the actual requirements.

For example, as it was mentioned before here today, the European Union recognizes advanced X-ray technology screening as the standard for its bags, while the United States has raised the threshold to computerized tomography, which has a greater probability of detection.

In contrast, Europe requires 100 percent employee screening and a vehicle search before personnel can enter the security sterile zones; yet, American airports are not required to do any employee screening, and there are no consistent vehicle search protocols.

The goal of achieving a global one-stop security zone throughout the aviation system that minimizes the rescreening of travelers on the one hand and provides adequate airport security on the other still seems to be very far off, if not unrealistic. As long as there are countries that support terrorism and countries that have difficulty in maintaining minimum performance standards, we will not reach this goal.

What can be attained appears most likely when based on bilateral agreements with friendly, trustworthy countries. Through them, we can reduce costs, ease operational delays, and, above all, increase the quality of security among partner countries. The ongoing dialogue between TSA and our foreign partners is promising, but, with differing standards, even bilateral negotiations are unlikely to create a true one-stop security zone without action by the Congress and the legislative bodies in the partner countries.

The second issue is the issue of sharing intelligence information, the inability to readily share information and intelligence data across national boundaries. Intelligence data is, by nature, an extremely sensitive national asset, and most countries are very reluctant to share it.

Yet, the need to share information has proven to be critically important more than once in recent years. The latest example is the attempt against FedEx and UPS cargo flights last year. It took intelligence sharing and cooperation between Saudi Arabia, the United States, the United Kingdom, Yemen, and Dubai to uncover the plot and stop the explosive devices from reaching U.S. territory.

In sharing intelligence data, the highest-value information is both specific and actionable. It is a critical layer in the U.S. aviation security system, but we cannot assume that specific intelligence information will be available whenever someone plans a terrorist act against us. Indeed, all the attacks carried out against the United States on 9/11 and after lacked that specific warning.

We have learned that our best early indicators of terrorism are typically revealed from regular access to information about passengers and cargo. In order to implement an effective risk assessment for inbound passengers and cargo, we need to have baseline access to local terrorist watch lists, criminal history, et cetera.

At this time, passenger risk assessments are implemented in a limited way through the Secure program and bilateral agreements, especially with the European Union. Better—

Mr. ROGERS. Excuse me, Mr. Ron. If you have been hearing the bells, we have been called for votes. I want to try to get a summary of Mr. Marriott's testimony before we recess to go over there. Then we will pick back up on questions of that.

Mr. RON. Thank you very much.

[The statement of Mr. Ron follows:]

PREPARED STATEMENT OF RAFI RON

APRIL 7, 2011

Good morning, Mr. Chairman and Members of the subcommittee. First, let me thank the committee for inviting me to testify about the international cooperation issues surrounding aviation security.

I am Rafi Ron, President of New Age Security Solutions, a Transportation Security Consulting firm based in Dulles, VA. The company was established in the wake of the 9/11 disaster to provide more effective security solutions to airports, Government agencies, and private transportation companies. Over the last 9 years, we have supported numerous projects in the United States and abroad involving airports, seaports, and ground transportation.

Prior to founding NASS, I served as Director of Security at Tel-Aviv Ben-Gurion International Airport for a period of 5 years. In this position I was responsible for all aspects of the security operation and coordinating with my counterparts at airports around the world. My previous experience included more than 30 years in the field of security, intelligence, and counterterrorism for the government of Israel.

New Age Security Solutions maintains an on-going relationship with its clients to help them adapt as the international picture evolves. As part of our continuous working relationship, we recently conducted a progress audit on our first project involving Logan Airport in Boston, Massachusetts. As you may recall, two of the 9/11 planes originated at Logan Airport. The Massachusetts Port Authority (Massport), responsible for Logan Airport, was determined to significantly improve the airport component of aviation security.

In the fall of 2001 we helped them develop and implement new security policies and elevate protection at Logan airport. A key strategy was the implementation of a behavior pattern recognition program (first of its kind in the United States) that

trains personnel to spot aberrant activities by terrorists, independent of the specific international threat. Massport has since taken a lead role in developing the next level of airport security. Logan Airport's achievements are widely recognized today by the Federal Government as well as by the aviation industry.

Transportation in general and aviation in particular, have become high-priority targets for international terrorist organizations. Consequently, it is clear that the solutions must also be international in scope. Transportation systems constitute a critical infrastructure without which our modern industrial societies cannot function. Every indication is that these systems will remain high-risk venues for the foreseeable future. Unfortunately, key links in our transportation systems remain vulnerable to attack. Potential damages include not only a large number of casualties but also significant residual delays with major economic and political repercussions. Few other systems carry a higher level of vulnerability, with so many potential targets for terrorists who seek to act against the interests of the United States.

Since the 9/11 attacks, aviation security has received a great deal of attention and enormous resources have been dedicated to improving the system. During the last 9 years, the United States has become the driving force in making the domestic and global aviation system safer. Unquestionably, American aviation has become a harder target for terrorists to hit. Yet, there are still many vulnerabilities that require our attention. The question, however, is: "What investments in international cooperation will pay the highest dividends in increased security?"

I would like to focus on three areas that need attention:

- The potential for uniform minimum security standards at airports worldwide;
- The challenges in effectively sharing terrorism information with foreign countries; and
- The role professional and financial support plays in helping certain countries upgrade their aviation security.

UNIFORM STANDARDS

Since the late 1940s the international community has recognized that cooperation and standardization were needed to foster an effective global aviation industry. The International Civil Aviation Organization (ICAO), a U.N. agency, was formed to insure that the global aviation system is coordinated and regulated to create a safe and secure industry. As of today 189 states are ICAO member states. Since the initial treaty (Chicago Convention 1944), 18 separate annexes have been adopted.

Annex 17 is titled "Security: Safeguarding International Civil Aviation Against Acts of Unlawful Interference." It was updated shortly after 9/11 with the help of an international working group representing a cross-section of stakeholders. I was honored to be among the participants. ICAO annex 17 is the only document today that establishes global standards for aviation security. Since the annex is based on the consensus of all ICAO member states, it establishes fairly low standard that can be achieved by countries with a limited technological infrastructure and few tradition supporting public order and law enforcement.

During the last few years, ICAO has implemented an auditing program in various parts of the world to help member states meet the Annex 17 requirements. Despite the low threshold, many countries still find it difficult to meet the standards and regularly fail the audits.

The ICAO standards were found inadequate by most of the developed world. Both the United States and the European Union (EU) have issued their own standards and regulatory frameworks. The European and the American systems are based on the same principals but defer substantially in some of the actual requirements. For example, the European Union recognize Advanced X-ray (AT) screening as the standard for all bags, while the United States has raised the threshold to Computerized Tomography (CT) which has a greater probability of detection. In practical terms that means a bag that was screened in Europe must be rescreened before entering the U.S. system. In contrast, Europe requires 100% employee screening and vehicle search before personnel can enter security "sterile" zones, yet American airports are not required to do any employee screening and there is no consistent vehicle search protocols.

The goal of achieving a global "one stop security zone" throughout the aviation system that minimizes the rescreening of travelers on the one hand and provides adequate airport security on the other, still seems very far off—if not unrealistic. As long as there are countries that support terrorism and countries that have difficulty maintaining minimum performance standards, we will never reach the goal.

What can be attained appears most likely when based on bilateral agreements with friendly trustworthy countries. Through them we can reduce cost, ease operational delays and above all increase the quality of security among partner coun-

tries. The on-going dialogue between TSA and our foreign partners is promising. But with differing standards, even bilateral negotiations are unlikely to create a true "one stop security zone" without action by the Congress and legislative bodies in partner countries.

SHARING INTELLIGENCE INFORMATION

The second issue, is the inability to readily share intelligence data across national boundaries. Intelligence data is by nature an extremely sensitive national asset and most countries are very reluctant to share it. Yet, the need to share information has proven to be critically important more than once in recent years. The latest example is the attempt against FedEx and UPS cargo flights last year. It took intelligence sharing and coordination between Saudi Arabia, the United States, the United Kingdom, Yemen, and Dubai to uncover the plot and stop the explosive devices before reaching U.S. territory.

In sharing intelligence data, the highest value information is both specific and actionable. It is a critical layer in the U.S. aviation security program. But we cannot assume that specific intelligence information will be available whenever someone plans a terrorist act. Indeed, all the attacks carried out against the United States on 9/11 and after, lacked specific early warnings. We have learned that our best early indicators of a terrorism act are typically revealed from regular access to information about passengers and cargo. In order to implement an effective risk assessment for inbound passengers and cargo we need to have baselines and access to local terrorists watch lists, criminal history, etc. At this time, passenger risk assessments are implemented in a limited way through the "Secure Flight" program. Better access to local information will increase its effectiveness. Given the data currently available, it is important to note that relevant passenger data can be accessed without raising new privacy concerns if the program is designed correctly.

The intelligence-sharing policy of most countries is bilateral in nature and goes well beyond aviation security issues. Proactive efforts by the U.S. intelligence community and the Department of Homeland Security have created relationships and infrastructure that have proven to be very effective on many occasions. Despite the sensitivity of the intelligence data, we have been fortunate that diverse governments have often been willing to share information when it comes to aviation security. However, the current unrest in Africa and the Middle East raises serious continuity questions for the future.

NON-SECURE COUNTRIES

The third aspect of international cooperation I want to highlight is the role of the United States in supporting countries that are unable to construct and operate an acceptable standard of aviation security. The United States is already engaged in efforts to improve security resources in some parts of the world. This investment has historically paid very well in terms of elevating the global aviation security picture. It also lays the groundwork for better information sharing and proactive intelligence gathering. For better or worse, there is frequently a correlation between the countries that need help implementing better security protocols and the countries where terrorist are active. In this respect, TSA's efforts in Yemen should be complemented. Again, the instability in the region raises questions about future security risks.

SUMMARY

Most of the terrorist activities against U.S. aviation originates abroad. Every day brings hundreds of flights into U.S. airports on foreign airlines. U.S. carriers also have hundreds of flights that originate every day from foreign airports. The issues are mirrored in many respects on the many air cargo flights that bring parcels from foreign locations. International cooperation and coordination play a critical role. Without a high level of cooperation our vulnerability increases substantially.

Our efforts should focus on three dimensions of cooperation and coordination:

- a. Creation of bilateral "one stop security zones" with the European Union and other trustworthy partner countries.
- b. Continue the proactive policy for generating and sharing relevant intelligence with foreign countries.
- c. Increase the professional and financial support to countries that are committed to upgrading their aviation security.

Thank you for your consideration.

Mr. ROGERS. So, Mr. Marriott, I would like to recognize you for 5 minutes to summarize your testimony.

**STATEMENT OF JIM MARRIOTT, CHIEF, AVIATION SECURITY
BRANCH, INTERNATIONAL CIVIL AVIATION ORGANIZATION**

Mr. MARRIOTT. Mr. Chairman, Members of the subcommittee, ladies and gentlemen, the International Civil Aviation Organization, ICAO, is very pleased to participate in today's hearing on strengthening international cooperation on aviation security. Thank you for this opportunity to provide an overview of ICAO's Aviation Security Program and international cooperation in the field of aviation security in the company of distinguished international partners.

By way of background, ICAO was established by the 1944 Convention on International Civil Aviation, also known as the Chicago Convention. ICAO is the specialized agency of the United Nations responsible for international civil aviation. As the global forum for cooperation among its 190 member-states and with the world aviation community, the organization set standards and recommended practices for the safe and orderly development of international civil aviation.

In fulfilling its mission to foster a global civil aviation system that consistently and uniformly operates at peak efficiency and provides optimum safety, security, and sustainability, ICAO has established three strategic objectives: First, enhance global civil aviation safety; the second, enhance global civil aviation security; and, third, foster harmonized and economically viable development of international civil aviation that does not unduly harm the environment.

Activities under ICAO's Aviation Security Program focus on: The development of international standards, recommended practices, and guidance material to establish a single international aviation security performance baseline; the conduct of audits of State aviation security and oversight systems to identify deficiencies and provide recommendations for their resolution; and assistance and capacity-building activities to further help States resolve deficiencies and in other ways strengthen their aviation security programs.

The regime of international standards and recommended practices for aviation security is contained in Annex 17 to the Chicago Convention. The international regulatory framework, applicable to all member-states, sets out the accepted minimum level of aviation security and covers a wide range of matters, including allocation of responsibilities for aviation security, international cooperation, and air cargo security.

Annex 17 was first adopted by ICAO in 1974. The 12th amendment of Annex 17 is on track to become applicable on the 1st of July this year, with important new provisions to strengthen air cargo security and other areas of risk.

ICAO's Universal Security Audit Program provides for regular, mandatory, systematic, and harmonized audits of the aviation security and oversight systems in all ICAO member-states. The audit program was launched in November 2002 as a key outcome of the High-Level Ministerial Conference on Aviation Security convened by ICAO in the aftermath of the tragic events of 9/11.

ICAO recognizes that aviation security cannot be successful without implementation. This is why an increasing measure of ICAO's resources is being directed to a range of assistance and capacity-building activities throughout the world. These include the global

network of 20 ICAO-endorsed aviation security training centers; direct in-country assistance to States to help them address deficiencies; assistance to regional organizations to establish priorities and action plans for aviation security enhancement; and collaboration with other international organizations, like the United Nations, the Organization of American States, and the Organization for Security and Cooperation in Europe, to leverage resources to enhance aviation security.

The common thread through all of ICAO's aviation security activities is international cooperation. In the aftermath of the attempted bombing of Northwest Airlines Flight 253 on the 25th of December, 2009, ICAO convened a series of regional conferences on aviation security. These events culminated in the unanimous adoption of a Declaration on Aviation Security by the 37th Session of the ICAO Assembly last October.

The declaration urges ICAO member-states to enhance international cooperation to counter threats to civil aviation in nine areas, including: Strengthening security screening procedures, strengthened and harmonized measures and best practices for air cargo security, and provision of technical assistance to states in need.

ICAO was very pleased by President Obama's statement on the 9th of October commending ICAO for adopting the declaration and for noting "the extraordinary global collaboration . . . to bring about a truly 21st-century aviation security framework that will make air travel safer and more secure than ever before."

There is obviously much more work to be done. ICAO is leading a second round of regional conferences, this time focused on implementation of the declaration.

ICAO's successes in leading international civil aviation security enhancements are due in large part to the partnerships it enjoys with member-states, other international and regional organizations, and industry. Of course, among these is the strong relationship ICAO has with the United States and the TSA.

ICAO and international civil aviation security continue to benefit from U.S. leadership and cooperation in many ways: Invaluable support through the sharing of technical information and expertise; the voluntary contribution of financial and in-kind resources used to supplement ICAO's own capacity, thereby extending our reach and impact; support of consensus-building and excellence in international policy development; and concrete projects to assist States to strengthen their aviation security programs. ICAO looks forward to further deepening and strengthening this important and timely relationship.

Thank you.

[The statement of Mr. Marriott follows:]

PREPARED STATEMENT OF JIM MARRIOTT

7 APRIL 2011

Mr. Chairman, Members of the subcommittee, ladies and gentlemen, the International Civil Aviation Organization, ICAO, is very pleased to participate in today's hearing on "Strengthening International Cooperation on Aviation Security". Thank you for this opportunity to provide an overview of ICAO's Aviation Security Programme and international cooperation in the field of aviation security in the company of distinguished international partners.

By way of background, ICAO was established by the 1944 Convention on International Civil Aviation, also known as the Chicago Convention. ICAO is the specialized agency of the United Nations responsible for international civil aviation. As the global forum for cooperation among its 190 Member States and with the world aviation community, the organization sets standards and recommended practices for the safe and orderly development of international civil aviation. In fulfilling its mission to foster a global civil aviation system that consistently and uniformly operates at peak efficiency and provides optimum safety, security, and sustainability, ICAO has established three Strategic Objectives:

1. Enhance global civil aviation safety;
2. Enhance global civil aviation security; and
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Activities under ICAO's Aviation Security Programme focus on: The development of international Standards, Recommended Practices and guidance material to establish a single international aviation security performance baseline; the conduct of audits of State aviation security and oversight systems to identify deficiencies and provide recommendations for their resolution; and assistance and capacity-building activities to further help States resolve deficiencies and in other ways strengthen their aviation security programmes.

The regime of international Standards and Recommended Practices for aviation security is contained in Annex 17 to the Chicago Convention. This international regulatory framework, applicable to all Member States, sets out the accepted minimum level of aviation security, and covers such matters as the objectives of aviation security, allocation of responsibilities for aviation security, international cooperation, quality control, access control, aircraft security, passenger and baggage security, cargo security and the management of acts of unlawful interference. Annex 17 was first adopted by the ICAO Council in 1974. The twelfth amendment of Annex 17 is on track to become applicable on 1 July 2011, with important new provisions to strengthen air cargo security and other areas of risk.

ICAO's Universal Security Audit Programme provides for regular, mandatory, systematic and harmonized audits of the aviation security and oversight systems in all ICAO Member States. The Audit Programme was launched in November 2002, as a key outcome of the High-level, Ministerial Conference on Aviation Security convened by ICAO in the aftermath of the tragic events of 9/11. The first cycle of the Programme was designed to determine the degree of compliance of a State in implementing Annex 17 Standards. The audits also assessed the sustainability of each State's aviation security system through the establishment of appropriate legislation, National policies, and an appropriate aviation security authority provided with inspection and enforcement capabilities. Currently in its second cycle, the Audit Programme now focuses on the critical elements of States' aviation security oversight systems.

ICAO recognizes that aviation security cannot be successful without implementation. This is why an increasing measure of ICAO's resources is being directed to a range of assistance and capacity-building activities throughout the world. These include:

1. A global network of 20 ICAO-endorsed Aviation Security Training Centres—centres of excellence for training aviation security professionals on a number of key topics;
2. Direct, in-country assistance to States to help them address deficiencies;
3. Assistance to regional organizations to establish priorities and action plans for aviation security enhancement; and
4. Collaboration with other international organizations, like the United Nations, the Organization of American States and the Organization for Security and Co-operation in Europe, to leverage resources to enhance aviation security.

The common thread through all of ICAO's aviation security activities is international cooperation. In the aftermath of the attempted bombing of Northwest Airlines flight 253 on 25 December 2009, ICAO convened a series of regional aviation security conferences in Mexico City, Abuja, Tokyo, and Abu Dhabi to build consensus on the priorities for further aviation security enhancement. These events culminated in the unanimous adoption of a Declaration on Aviation Security by the 37th Session of the ICAO Assembly in October 2010.

The Declaration urges ICAO Member States to enhance international cooperation to counter threats to civil aviation in nine areas, including strengthening security screening procedures, strengthened and harmonized measures and best practices for air cargo security, and the provision of technical assistance to States in need. ICAO was very pleased by President Obama's statement on 9 October 2010 commending ICAO for adopting the Declaration and for noting "The extraordinary global

collaboration . . . to bring about a truly 21st century international aviation security framework that will make air travel safer and more secure than ever before.”

There is obviously much more work to be done. ICAO is leading a second round of regional conferences, this time focused on implementation of the Declaration. The first of these was held in New Delhi in February and resulted in 14 ICAO Member States in that region adopting a roadmap of specific actions to further strengthen aviation security. Building on this success, similar conferences are being planned by ICAO and host States for this year in other Regions.

ICAO’s successes in leading international civil aviation security enhancements are due in large part to the partnerships it enjoys with Member States, other international and regional organizations, and industry. Among these is the strong relationship ICAO has with the United States and the Transportation Security Administration.

ICAO and international civil aviation security continue to benefit from U.S. leadership and cooperation in many ways: Invaluable support through the sharing of technical information and experience; the voluntary contribution of financial and in-kind resources used to supplement ICAO’s own capacity, thereby extending our reach and impact; support of consensus-building and excellence in international policy development; and concrete projects to assist States in need to strengthen their aviation security programmes. ICAO looks forward to further deepening and strengthening this important and timely relationship.

Thank you.

Mr. ROGERS. Thank you.

Thank all three of you for that well-thought-out and well-prepared testimony.

As I was telling you earlier, we have been called for votes. So, without objection, we are going to recess so that Members can vote. We will be back 5 minutes after the last vote, which will be about 30 minutes from now.

So thank you for your patience, and we are in recess.

[Recess.]

Mr. ROGERS. Ms. Jackson Lee is close and has indicated that it is okay for us to proceed.

First, and this is really skinning my ignorance, Mr. Marriott, but where did the term “Annex 17” come from? Is this a location where you all were meeting or what? Or is that top secret?

Mr. MARRIOTT. No, it is certainly not top secret, sir.

The Chicago Convention, the International Convention on Civil Aviation, is an international treaty, not unlike a state’s national legislation. Among other things, it is the founding treaty of the ICAO.

Appended to the convention is a series of annexes dealing with different technical disciplines within the aviation world. So there is one on aerodromes, there is one on licensing of personnel, airworthiness of aircraft, dangerous goods. It happens that there is one on security, as well. Annex 17 is the 17th—

Mr. ROGERS [continuing]. I see.

Mr. MARRIOTT [continuing]. In the order of their production.

Mr. ROGERS. Great. Thank you.

Mr. Ron, one thing that I was struck by in your testimony was you made the statement, “Europe requires 100 percent employee screening and vehicle search before personnel can enter the security sterile zones; yet, American airports are not required to do any employee screening, and there are no consistent vehicle searches.”

I thought that we did. Does the United States not screen those personnel?

Mr. RON. As far as my knowledge goes, and I am basing that on my observation in the airports, in the field here in the United

States employee screening is not being implemented beyond random at American airports today. The level of consistency in vehicle search is also lacking.

Mr. ROGERS. Thanks. Well, I am glad to hear that. I will definitely follow up with our local folks about that.

Mr. Cornelis, what do you consider the biggest obstacle in achieving international harmonization of aviation security standards? How are we currently doing on that front?

Mr. CORNELIS. Well, I would say there are two levels. There is the global level, and there we have ICAO, which is an international treaty-based organization. Although they do excellent work, of course, the pace of the work is not as fast as we can have in our own jurisdictions. So there is a challenge there for us, those of us who want to push forward the standards at a global level, to keep pushing and to help ICAO to achieve that.

In terms of our bilateral relationship with the United States, there are a lot of good ideas out there, but I think we need to find a way of coming to practical results on one-stop security and mutual recognition. I am not sure where the obstacles really are. Sometimes legal restrictions are cited to us as obstacles. But this is something where the ideas are there but the actual results need to come still.

Mr. ROGERS. Okay. But you don't know if there are legal obstacles or just cultural or what?

I mean, because the fact is, you know, we have wonderful relations with the European Union. It seems to me that if there is anybody we can make it work with, it is the European Union. So if there is an obstacle that we can be of assistance in removing from your way, you know, that is what I am looking for. It may not be something that you can quantify for me today. But just be aware, we want to be helpful.

Let me ask, what are some key provisions of the agreement that the European Union wants to renegotiate and why?

Mr. CORNELIS. Well, we have the U.S.-E.U. Air Transport Agreement, which has a whole article on aviation security, which, for us, is fine. That is all we need, in terms of treaty provisions, to work together. It has the right provisions of working toward removing regulatory divergence and so on, being involved in each other's oversight and being able to do assessments in each other's territory.

So it is all there, but I think we need to invest a little bit more into putting meat on those bones, in terms of having that mutual recognition.

Mr. ROGERS. What about the PNR agreement?

Mr. CORNELIS. PNR agreement, unfortunately, Chairman, is not something that is dealt with in my department, so I hesitate to get into details there. But we are always ready to answer in writing if you have specific questions on PNR.

Mr. ROGERS. Yeah. Well, you know, we just find it to be such a valuable tool in our screening process that we want to make sure that it stays something that is available to us.

What about you, Mr. Marriott, what would you say are any major obstacles that you would find that we need to try to remove?

Mr. MARRIOTT. Obstacles in terms of harmonization?

Mr. ROGERS. Harmonization, yes, sir.

Mr. MARRIOTT. I think, first, it is important to put it in context, that there is a high degree of harmonization now in aviation security. That has come about as a product of extensive international cooperation over many, many, many years.

But it is true to say that there are differences, there are important differences, in the way in which aviation security is delivered in different jurisdictions. For airlines crossing boundaries, international boundaries, they certainly encounter, as do passengers, differences in the way security looks and feels.

I have been in this business for a long time. I think one of the key ingredients of seeking harmonization is to have a high level of mutual trust and respect between the partners in a negotiation and a sound process to begin and to conclude a dialogue toward harmonization, one that is open and one that fairly recognizes different approaches for dealing with security threats.

Mr. ROGERS. Okay.

Mr. Ron, do you think the European Union's decision to partially lift the restriction on liquids and gels will inhibit a one-stop security zone from being established?

Mr. RON. I think that the liquid and gel, the example exhibits some of the main problems in reaching agreements, because I think that the various countries have different levels of interest in this issue.

Obviously, Europe has the strongest and the highest level of interest because of the fact that most European airports, the large airports, are hubs for international flights, and there is a lot of tax-free activity, commercial activity at these airports that is based on the idea that people can actually carry liquid and gels with them, and a lot of losses have been triggered by the procedures.

America is less influenced by that, obviously, first of all because tax-free shopping is not a major commercial industry in the United States compared to Europe; and, second, because all travelers into the United States are required to go through Customs and Immigration upon arrival at their first airport. Therefore, the problem doesn't exist, and they can place their liquid and gels in their bags.

The fact that we are now, if I am not mistaken, over 4 years since the issue of liquid and gels came about and that we do not have yet a fully accepted international standard in order to resolve the problem indicates some of the difficulties even with an issue that is simply a technical issue, more than anything else, and there have been various solutions offered for that.

Mr. ROGERS. Okay. Thank you very much.

The Chairman now recognizes the Ranking Member for any questions she may have.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

Thank you to all the panelists.

Mr. Ron, you were in the middle of your testimony and you were making some comments, and the Chairman may have focused in on this, as well, is the different screening techniques with the United States and some concern that you had expressed.

Could you expand on that, please?

Mr. RON. Yes. I think that the future of aviation security is very much based on the acceptance of the fact that security is not just

about screening and about detecting forbidden items, but it is very much about our ability to process information that we have available to us in order to identify in advance when an attack is imminent, and not just based on a specific intelligence that has been generated by the intelligence community, per se.

This could be clearly seen in the case of the cargo attacks of last year, when we had the difficulty to identify the presence of the explosive devices. Even after we had very specific information that identified the parcels, still the parcels went through screening in the United Kingdom without detecting the device. That indicates to the failure of the technology to provide us with a complete solution.

But, at the same time, the manifest that accompanied those parcels contained enough information that allowed us to identify those parcels as parcels that required special attention from us. The fact that printers are being flown out of Yemen to the United States already doesn't make sense by itself, because probably the cost of shipping is greater than the cost of buying a new one over here. Secondly, the fact that those parcels were addressed to Jewish synagogues in Chicago made it even more obvious that there was something wrong about these parcels.

But we did not have the system to respond or to detect that information in advance and point at those parcels as a source of risk. Because if we had one, we wouldn't need the specific intelligence that was acquired through the other channels of communication.

In my view, the future of aviation security is very much based on our ability to gain access and to analyze this information. Here, I think that we are walking into an area where cooperation, international cooperation, becomes more difficult, because countries are reluctant to share the on-going information beyond the specific intelligence, certainly about their own citizens, but even beyond that. This will require more attention in order to develop a solution that will increase the level of cooperation in sharing information and intelligence.

Ms. JACKSON LEE. Just pursue that line of thought. What would, then, be the solution? What is your solution? You said access to information, but expand on that just a little bit. In the future of aviation—and you make a very valid point, that when you become more intrusive into a country's system, they become less cooperative. Then what is the future of aviation security, moving beyond what we have today?

Mr. RON. I think that, at this point, we need to look at aviation security as a combination of information technology, some of which is intelligence and some of which is simply analyzing the information that is stored in databases that we have. We had the CAPPS program here in this country way back—you know, the morning of 9/11, I want to remind the committee, the CAPPS II picked up 9 out of the 19 terrorists.

Ms. JACKSON LEE. The what picked up?

Mr. RON. The CAPPS program, C-A-P-P-S. That was a computerized program used by FAA at the time in order to detect high-risk passengers. The system picked up 9 out of the 19 terrorists on that morning. But the problem was that we did not fully implement it, the consequences of such an identification, to a sufficient

level that would allow us to stop the terrorists from continuing to the aircraft.

Right now, if I have to look into the near future, I would say that these type of programs, in combination with the increased technological capability, can provide a much better solution than the one that we have right now that is very much—they are relying almost 100 percent on our ability to detect so-called bad items through the use of detection technology.

Our detection technology is good, but not good enough. As I mentioned with the cargo attempted attack, it was not good enough to detect the bomb even when we knew where it was. So it certainly calls for our attention to support that with a good information analysis.

Ms. JACKSON LEE. Thank you.

Mr. Marriott, we know that the international process for establishing aviation security standards is sometimes slow and cumbersome. My question then to you, are we making timely progress in establishing global aviation security standards? What can be done to address the implementation of those security measures?

In your experience representing the global perspective, has TSA, from the United States, been an effective partners in these efforts?

Mr. MARRIOTT. Thank you.

With respect to your first question about timely progress, I think it is fair to say that, in the security environment, there is no such thing as moving fast enough. The nature of the threat and the dynamic nature of the aviation industry are such that the environment is constantly changing. So, in an ideal world, aviation security standards, international standards, would be developed at the same pace.

The fact is that international standards development is a consensus-building exercise, and it is necessarily so, so that we can achieve the broadest level of consistent, uniform implementation around the world to plug vulnerabilities in the system.

Does it move quickly? It does move quickly. The amendments to Annex 17, to the international standards, will come into effect the 1st of July this year after a process taking approximately 2 years. But please bear in mind that that is a regulatory process, not unlike national regulatory processes, that creates new international law.

With respect to addressing implementation, I think a key ingredient there is also around international cooperation and the provision of assistance to states in need—states in need that do not have the necessary resources and capabilities to achieve the expectations placed on them by the international community. ICAO helps lead that international effort by coordinating the assistance provided by a number of states and by acting on ICAO's own prerogative to help states improve their aviation security systems. So implementation is the key point there.

With respect to the TSA's effectiveness internationally and in working with ICAO, I can say unequivocally that it is excellent—excellent relationship, excellent contribution that the TSA makes consistently in advancing policy discussion, in providing technical information and sharing information, providing experts, for that

matter seconding personnel to ICAO to work with us on advancing the international program.

In many, many ways, TSA is doing a great job.

Ms. JACKSON LEE. Let me thank you for that.

I will close on this question, and let me ask it of all of our panelists. I consistently say that terrorism is surprise. It is an attack on weaknesses or vulnerabilities that maybe have been studied. It is also the acts of one lone person, at least in terms of the physical act; you may have a team behind you, but it can be done by one. There is a degree of creativity which keeps us ever on our toes, and difficult toes at that, because we have to put ourselves in the minds of those who truly want to do harm.

Just recently, we had a perimeter attack in Moscow. We have hundreds upon hundreds upon hundreds of airports in the United States and around the world, so, starting with Mr. Cornelis, your thoughts on what the European Union is thinking about with respect to securing perimeters, what ideas you have. If Mr. Ron would then follow, and then Mr. Marriott.

I thank the Chairman.

Mr. CORNELIS. In terms of perimeters, Ms. Jackson Lee, we have very strict rules as regards what we call the critical parts of the secure areas of airports, including access through the building but also the fence or the perimeter around an airport facility and entrances for vehicles and so on. We consider the area within to be a sterile area, and everything cannot go in unless it is fully screened and checked.

Outside that area, we feel that the general rules of public security apply which also apply in other places where a lot of people gather, such as train stations. Our efforts, in terms of aviation security specifically, are focused on protecting aircraft and people traveling on aircraft. But, certainly, at National level in the European Union, our member-states have programs to protect also the landside areas and other areas of mass gathering.

Ms. JACKSON LEE. Mr. Ron.

Mr. CORNELIS. I am sorry, just to add, we cannot have the same methods there of screening that we have in a confined area, such as the gates to aircraft. We cannot imagine the same system on a grand scale in society.

Mr. RON. I think that the problem that we witnessed a few months ago when we learned about a stowaway passenger who got into the wheel well of a U.S. Air flight from North Carolina to Boston, from Charlotte, indicates to the weakness that we have not appropriately addressed until now. Most of our attention since 9/11 was focused on a passenger's bags and, later on, on cargo, and we paid relatively less attention to the issue of the airport security as a facility.

In my view, it is very difficult, if not impossible, to distinguish between the two categories, because if we protect the aircraft by screening passengers and bags and cargo at such a high cost as we do and, at the same time, a 16-year-old boy can cross the perimeter and gain access to the same aircraft that we are protecting and hide in the wheel well, that is obviously an indication that there is something that we need to address.

Now, as far as the technology is concerned, unlike the detection technology at the checkpoint or at baggage screening that is perhaps more limited, perimeter security technology is very developed. There is a wide variety of solutions, most of which were developed here in the United States by American companies, that they can be implemented based on a proper analysis of the needs and the conditions at the specific location. The perimeter challenge can be resolved, I believe, easier than the challenges that are presented to us by passengers and bags at this time.

Ms. JACKSON LEE. Thank you.

Mr. Marriott.

Mr. MARRIOTT. Thank you.

In response to the same question, I think the answer has three elements to it. The first is the importance of layers of security between the perimeter of an airport and the principal target of terrorists in aviation security, which, of course, is the aircraft. In the execution of layers of security, there is a high degree of importance of building in a sensible level of redundancy so as to recognize that no single layer of security is impenetrable. But there needs to be a sensible level of redundancy without creating extraordinary inefficiency, in order to provide that sort of second opportunity to detect a threat.

The second element is the need for constant vigilance by and of the people in security-restricted areas of airports, a vigilance by them to constantly observe activity in a secure area of an airport and to challenge the presence of suspicious activity and to report accordingly to the appropriate authorities; and, of course, vigilance of persons in secure areas, recognizing that there is such a thing as an insider threat. As my colleagues have spoken of earlier, there are a number of means to address that, including background checks of workers and, importantly, a recognition internationally that screening of staff to a 100 percent level is the necessary objective.

The third element is, in recognition of the fact that many of the security systems that aim to prevent penetration of the perimeter are passive systems, like fencing, and, in fact, the distance between a fence and the target, there is a need for constant testing of airport security systems, to ensure that they are living up to the expectations of travelers and those who use airports.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. We have gotten an enormous amount of information at this hearing. Thank you.

Mr. ROGERS. Thank you.

The Chairman now recognizes Mr. Cravaack for his questions.

Mr. CRAVACK. Thank you, Mr. Chairman.

First off, I would like to thank all of you here today on our international cooperation for a joint endeavor of making sure we combat terrorism. So thank you very much for that.

Mr. Ron, your background intrigues me. You have been a paratrooper for the IDF; you were one of the original sky marshals with El Al. We have just had the fortune, the Members here, to—we just came back from Israel, and we were able to go to the Tel Aviv airport and take a look at how they conduct security.

One of the things that I would like to take a look at—you have also been the director of security for the Tel Aviv airport, and you have also come to Boston Logan and done security there, as well.

My question is: You have used a behavior pattern recognition program. I would like to see how successful that was. Could it be implemented to other airports that you have seen here in the United States, as well?

Mr. RON. Well, first of all, thank you very much for your kind remarks.

As far as the behavior pattern recognition program is concerned, the behavior pattern recognition program is very much based on the idea that, by observing human behavior, you can get indicators that may help you identify people with malicious intentions. But this is just one piece of the puzzle, and we need to understand that it is not a stand-alone program that can provide a silver bullet to all or most of our problems. It is just one piece.

If we shift our attention from items to people—and that is very much a part of what I was indicating to in my earlier comments—then, in order to avoid the trap of the discriminating or using discrimination factors that are not acceptable in our democratic society, we need to stick to behavioral aspects or to the way people behave.

That behavior is not only in real-time observation but also, if we have access to a person's behavior in the past, that could become very relevant to us in order to understand the level of risk that that passenger represents.

So, for example, if we learned that somebody's home address is an address that is recognized by our intelligence database as an address that is connected to a person who is involved in terrorism, I would say that that is a piece of information that I would pay attention to. If I learned, as we said earlier, that a parcel is coming out of Yemen with printers to the United States, that is a behavioral aspect, and it has nothing to do with any form of discrimination. That is the idea.

Behavior pattern recognition is a program that was developed for use at the airport, which is, as I mentioned earlier, one layer out of a few. We started it at Logan Airport with the Massachusetts State Police. It became very successful. After a while, TSA, watching what we were doing at Logan Airport, has developed the SPOT program and the Behavior Detection Officers program, which is considered to be a great success by TSA and, I believe, is substantially contributing to a layer that was not there before and is a very important layer.

I still suggest that we can take that a couple of steps forward by adopting the idea that, at the airport, it is not enough just to look for bad items and it is not enough just to look for suspicious behavior by observation, but, at some point, for the very few—and when I say a very few, I mean less than 1 percent of the passengers, hopefully—we need to be able to talk to these people at the airport and perhaps use interview techniques to understand a little further what their intentions are.

These techniques have proven to be very powerful in the past and have detected and stopped attacks in the past, unlike a one-

size-fits-all technological approach, which is based on the idea that we can detect every threat at the checkpoint.

Mr. CRAVAACK. Thank you, sir.

Now, just moving that a little bit forward, can you see implementing a program such as that at Midway Airport in Chicago?

Mr. RON. I think that the program can be implemented, actually, everywhere. Obviously, it depends on properly configuring the program, or reconfiguring the program, to meet the local needs. There has to be a basic benchmark for the program and a framework for the program so that this will not go beyond what we intend it to go. But, at the same time, I think that, in every airport—and not only airport, but any other security-controlled facility, the program can be implemented.

Mr. CRAVAACK. Thank you, sir.

With the Chairman's indulgence, if I could just have another question, sir?

Mr. ROGERS. Yes, sir.

Mr. CRAVAACK. The other questions I had, Mr. Marriott—thank you very much, Mr. Ron, for your testimony.

Mr. Marriott, you hit the nail on the head. After being a pilot and have done numerous preflights and seeing the amount of people that are crawling in and around the aircraft, I have always seen this as a weak link on who is there, how do we know that they are supposed to be there. We all know that badges can be faked and that uniforms can be replicated.

But what you said, constant vigilance is the key. It is empowering people on the flight line to challenge people, like, "Hey, haven't seen you around here. Where are you from?" "Hey, do you mind if I—I don't see your ID. Can I check that out?" One of the things I learned in Tel Aviv was the layers of security is the key. So you hit the nail right on the head on that.

So I just wanted to thank you for that testimony, and I think that is the way to go, layering for security, because there is no one bullet that is going to keep us safe. So, thank you very much for that testimony.

Mr. Chairman, I yield back.

Mr. ROGERS. Thank you very much.

I have just a couple of quick questions for Mr. Cornelis.

What processes do you have in place to identify high-risk cargo on passenger aircraft and on cargo aircraft?

Mr. CORNELIS. Mr. Chairman, we are currently working on new rules to cover the threat of high-risk cargo inbound into the European Union. This is rather new for us to, first of all, work on inbound threat and on a risk-based approach to determine which cargo should receive greater attention.

So we are looking at criteria to determine what is high-risk cargo and then procedures, what should be done with it, special screening requirements, additional—

Mr. ROGERS. So that is still in the works? You haven't decided yet what—

Mr. CORNELIS. That is well-advanced, and we do hope to be able to bring forward this new rulemaking before the summer.

Mr. ROGERS. Excellent.

Well, speaking of rulemaking, I understand you all have recently overturned your restrictions on liquids, aerosols, and gels being carried on the planes. What was the logic for overturning that? Do all your member-states agree with that?

Mr. CORNELIS. Well, actually, we haven't overturned our rules. What we have in the European Union are very strict controls on liquids, aerosols, and gels. Many countries in the world don't have such restrictions at all. We do have very strict controls.

But we are working toward a 2013 deadline to screen all liquids, aerosols, and gels, rather than banning them, onto flights, so that passengers can take, again, liquids onto the flights. That is a very strong demand from passengers and from our parliamentarians.

What we are doing now this year is a first small step to prepare this process. We will allow duty-free purchases, properly packaged in a bag, subject to supply-chain controls, after screening, onto a transfer aircraft for people who have bought these items in third countries. So it is a small first step, subject to screening, that we are taking now.

Mr. ROGERS. Thank you.

That is all I have. Does the Ranking Member have any additional questions?

Ms. JACKSON LEE. No. Thank you for your courtesies.

I thank all the witnesses for what I think, from both panels, have been a very, very important presentation today at our hearing.

Thank you, Mr. Chairman. I yield back.

Mr. ROGERS. Thank you.

Also, I want to restate how kind it was for you all to travel so far and put so much time into this testimony and answering the questions.

I would ask that if any Members of the committee who couldn't be here have any follow-up questions, if you would submit a response to those in writing, I would appreciate that.

With that, this hearing is adjourned.

[Whereupon, at 12:53 p.m., the subcommittee was adjourned.]

