

**IDENTIFYING, RESOLVING, AND  
PREVENTING VULNERABILITIES IN TSA'S SECURITY  
OPERATIONS**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON  
OVERSIGHT AND REFORM**  
**HOUSE OF REPRESENTATIVES**  
ONE HUNDRED SIXTEENTH CONGRESS

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# IDENTIFYING, RESOLVING, AND PREVENTING VULNERABILITIES IN TSA'S SECURITY OP- ERATIONS

Tuesday, June 25, 2019

HOUSE OF REPRESENTATIVES  
COMMITTEE ON OVERSIGHT AND REFORM  
*Washington, D.C.*

The committee met, pursuant to notice, at 10:11 a.m., in room 2154, Rayburn Office Building, Hon. Elijah E. Cummings (chairman of the committee) presiding.

Present: Representatives Cummings, Maloney, Norton, Clay, Lynch, Connolly, Krishnamoorthi, Raskin, Wasserman Schultz, Sarbanes, Welch, Kelly, DeSaulnier, Plaskett, Khanna, Tlaib, Jordan, Massie, Meadows, Hice, Grothman, Comer, Gibbs, Higgins, Roy, Miller, Green, and Steube.

Chairman CUMMINGS. The committee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time.

The full committee hearing is convening to identify, resolve, and prevent vulnerabilities on TSA's security operations.

I now recognize myself for five minutes to give an opening statement.

Today, nearly 20 years since the terrible attacks of September 11th, 2001, we are holding this hearing to examine why urgent warnings from independent auditors about the security vulnerabilities at the Transportation Security Administration have been languishing for years without being resolved.

In 2016, I led a bipartisan group of Members in asking the Government Accountability Office to examine TSA's covert testing program. This past April, GAO issued the declassified results of its work. Unfortunately, GAO confirmed many of our worst fears.

According to GAO, nine security vulnerabilities were identified through covert tests since 2015, and I quote, as of September 2018, none—none—had been formally resolved. End of quote. Not one over the past four years. GAO also found that TSA was—and I quote—not using a risk-informed approach—end of quote—to its covert tests. As a result, GAO warned that TSA has only limited assurance that it is, quote, targeting the most likely threats.

Unfortunately, this is part of a larger trend. In addition to failing to implement GAO's recommendations, TSA has also failed to address warnings from the Inspector General. As of this month, 37 recommendations made by the Inspector General from 12 reports

on aviation security remain open and unfulfilled. Several of those are also many years old.

I want to thank Administrator Pekoske for being here, and I support some of the positive steps he is taking, but we need to know why these longstanding vulnerabilities are not being adequately addressed. I thank the witnesses from GAO and the Inspector General's office for being here and for keeping the focus squarely on these dangers to the flying public.

Today, we will also examine why the Trump administration, instead of focusing all of their resources on trying to resolve these vulnerabilities, is actually aggravating them and further weakening aviation security by taking TSA staff out of our Nation's airports and diverting them to the southern border.

Earlier this year, the Trump administration submitted its 2020 budget request for TSA. In that request, the administration warned—and I quote—TSA continues to experience airline passenger volume growth at airport checkpoints nationwide. As a result, the Trump administration says it needs 700 more screeners at TSA, and it is asking for more funding to hire these screeners.

Yet, at the same time, the administration is diverting TSA employees away from their primary responsibilities and sending them to the southern border. We saw several press reports about this a few weeks ago, so the committee sent a letter to TSA to request the exact numbers and locations of the TSA officials who are being diverted.

On Friday, TSA sent a response to the committee with new information showing the extent of these diversions. According to TSA, they have already diverted nearly 200 employees from airports and headquarters to the southern border, including Transportation Security officers, supervisors, and inspectors, as well as an additional 172 Federal air marshals. The employees are drawn from more than 50 airports across the country, ranging from small, regional airports to the largest, busiest airports in the Nation.

But this is apparently just the beginning. According to the letter on Friday, TSA has already approved an additional 294 employees to divert to the southern border.

Let me put this quite starkly. On the one hand, TSA has dozens of security vulnerabilities that have languished for years, but the Trump administration is asking Congress for 700 more TSA screeners to handle huge increases in air travel. Yet, on the other hand, the Trump administration is taking more than 350 of these critical TSA employees, diverting them away from their primary responsibilities, that is, securing our Nation's airways, and sending them to the southern border. And more may be sent.

The administration's actions are not helping aviation security. They are harming it. In fact, in their letter to the committee on Friday, TSA admitted that there is—and I quote—a potential increased risk to in-flight security. End of quote. I ask unanimous consent that this letter be part of the hearing record. Without objection, so ordered.

Chairman CUMMINGS. At this point, it seems clear that Congress needs to step in to ensure that TSA finally addresses these security vulnerabilities and to prevent any additional airport workers from being diverted from their primary roles.

Today, with Chairman Thompson of the Homeland Security Committee, I am introducing the Covert Testing and Risk Mitigation Improvement Act, which would establish standards for covert testing and require TSA to track and report its progress in resolving vulnerabilities as part of its annual budget submission to Congress.

I look forward to working closely with all of my colleagues to move this legislation as quickly as possible.

With that, I now yield to the distinguished member and ranking member of our committee, Mr. Jordan.

Mr. JORDAN. Thank you.

The chairman asked why the administration is sending TSA personnel to the border. Why are they sending TSA personnel to the border? Because there is a crisis. Just a few months ago, in one drug seizure, enough fentanyl to kill 57 million Americans. Last month alone, the month of May, 144,000 apprehensions on the border. And he is asking why we are sending people there. Because it is a crisis.

What is the Democrat's response? The Speaker of the House said walls are immoral. Congressman Blumenauer said abolish ICE, and there has been a supplemental waiting for six weeks to address the crisis. That is the problem.

And he criticized the administration for trying to do anything and everything they can do to deal with this humanitarian crisis on the border. Give me a break.

Mr. Chairman, TSA has an important mission to keep Americans safe in airports and the air. We rely on TSA always to be one step ahead of those who want to do us harm.

However, we have learned, as you said earlier in your statement, from GAO and the Inspector General that TSA can improve how to evaluate its own security vulnerabilities. I look forward to hearing from Administrator Pecoske about how TSA can use the work of GAO and the Inspector General to better secure our country.

Aviation security is just one part, though, of securing our homeland. Another key part is where I started, border security.

I want to extend my appreciation to the men and women of TSA and all the DHS components who have volunteered to go to the border and help address the crisis. There is no other word for it. The crisis.

Several weeks ago, Acting Secretary McAleenan testified to the Senate Judiciary Committee—think about this—the DHS he said, quote, identified almost 4,800 migrants this year presenting as family units that were determined to be fraudulent. He testified that they uncovered—when we talk about a humanitarian crisis, think about this. They uncovered child recycling rings, innocent children being used multiple times to help different adults gain illegal entry into the country and then be released.

He also mentioned an example of Custom and Border Patrol officials speaking to a man who confessed to not being the father of the child he had in his custody. That man told officials he paid the mother of the child \$80 to take her child so that he could gain entry, be released into the country because he knew that under U.S. law he would be released into the interior of the United States in 20 days.

But for six weeks, there has been a supplemental appropriations bill sitting there that the Democrats will not pass. That child was six months old.

The Acting Secretary also said that in the 40 days prior to his testimony, 60,000 children entered DHS custody. Now, we are going to criticize the administration for trying to get as many people there as we can to help with this crisis?

I want to commend my colleagues from Texas, Mr. Cloud and Mr. Roy, for taking a leadership role and highlighting the emergency on our border. We must get this crisis at the border under control

But it seems to me my colleagues in the majority are too preoccupied criticizing the President, criticizing the administration, too preoccupied with trying to decide whether they are going to impeach or not to actually focus on the problem. Maybe we should just focus on the problem, forget about the personalities, and help these kids, help this situation. I urge my colleagues here today to do whatever we can, stand up for strong border security so that we can bring an end to, as I have said now several times, what everyone in this country understands is a crisis.

I yield back.

Chairman CUMMINGS. Thank you very much.

Now I would like to welcome our witnesses. Mr. Charles M. Johnson, Jr. is the Managing Director for Homeland Security and Justice Issues at the Government Accountability Office. Mr. Donald Bumgardner is the Deputy Assistant Inspector General for Audits at the U.S. Department of Homeland Security. And the Honorable David Pekoske is the Administrator of the Transportation Security Administration.

If all of you would please rise and raise your right hand, I will swear you in.

[Witnesses sworn.]

Chairman CUMMINGS. Let the record show that the witnesses answered in the affirmative. Thank you. You may be seated.

The microphones, gentlemen, are very sensitive. So please speak directly into them, make sure that they are on when you are speaking, of course. And without objection, your written statement will be made a part of the record.

With that, Mr. Johnson, you are now recognized for five minutes.

**STATEMENT OF CHARLES M. JOHNSON, JR., MANAGING DIRECTOR, HOMELAND SECURITY AND JUSTICE ISSUES, GOVERNMENT ACCOUNTABILITY OFFICE**

Mr. JOHNSON. Thank you, Mr. Chairman.

Chairman Cummings, Ranking Member Jordan, members of the committee, thank you for the opportunity to address GAO's findings from its April 2019 report on TSA's covert testing program.

My statement today will cover three areas: the extent to which TSA's covert tests are risk-informed, have produced quality information, and have been used to address security vulnerabilities. In addition, I will provide an update on the actions TSA has taken in response to our recommendations.

Before I address these areas, it is important to note that threats to aviation security persist and continue to evolve. For example,



the Intelligence Community has noted that terrorist organizations now have the capabilities to plant explosives inside personal electronic devices, such as laptops.

So why is a risk-informed approach important? A risk-informed approach not only helps decisionmakers identify and evaluate the threats that exist, but also to develop mitigation plans.

TSA uses its covert tests as a means to do so. There are two units within TSA that undertake this effort to do covert testing: the Inspections Office, which looks at the wide spectrum of security vulnerabilities associated with TSA's aviation security system, and the Security Operations Office, which focuses on the screeners' performance in terms of applying the standard operation procedures that they have established in undertaking checked baggage and checkpoint screening. As such, it is important that these units test based on identified or potential risks.

With respect to whether TSA's covert tests are risk-informed, good news. TSA has taken steps to improve in this area. Specifically, the Inspections Office redesigned its covert tests in 2016 to be more risk-informed and quantitative and has recently taken additional steps, which we are currently assessing, to document its rationale for selecting covert tests.

Additionally, the Security Operations Office redesigned its covert tests to address prior deficiencies that have been identified by ourselves and the Inspector General and has more formally incorporated known risks into its process, particularly the use of intelligence reporting.

With respect to TSA's covert tests producing quality information, not so good news. While TSA's Inspection Office has redesigned its process to produce quality information, the Security Operations unit has not been able to ensure the quality of its tests and the covertness of its tests in particular, particularly those that are performed by TSA personnel at local airports.

As such, we recommended that TSA assess its Security Operations Office covert testing process to identify opportunities to improve the quality of its tests and, as I mentioned, particularly the consistency in undertaking those tests, as well as the covertness of those tests. We believe this will help TSA improve the quality of test results, thereby enhancing TSA's ability to address vulnerabilities.

Good news. TSA has agreed with our recommendation and has estimated that they will complete this recommendation or implement it within a month from now, sometime in the next month.

With respect to TSA's use of covert tests results to address identified vulnerabilities, also not so good news. We found that although TSA established a security vulnerability management process in 2015 to review and address security threats, this process in itself had not resolved any of the nine security vulnerabilities that have been submitted to the process by the Inspections Office. According to TSA, this process was set up to ensure the cooperation of various TSO program offices that had expertise that can assist in addressing the vulnerabilities. Among other things, we noted in our report that a lack of established timeframes and milestones to achieve this, particularly for the office to be assigned the responsibility and to mitigate the identified threats, has made it more dif-

difficult for TSA to effectively use this process to address those vulnerabilities.

As such, we recommended that TSA establish timeframes and milestones within the steps for its security vulnerability management process and establish procedures for monitoring progress.

The good news is that TSA has acted and revised this process to meet the intent of our recommendations.

Overall, although TSA has taken some steps to improve its covert testing program and to address two of our nine recommendations—or actually four of them, two of them we have closed as implemented. Two, we are in the process of looking at the information. There are five that remain to be addressed. We believe that sustained management attention will be needed to ensure continued progress toward identified and mitigating security vulnerabilities. This is vital to ensuring the safety of our aviation security system.

In closing, I would like to personally thank the GAO staff who worked on this review and this committee for the opportunity to testify today on our findings.

At this point, I am happy to answer any questions you may have. Chairman CUMMINGS. Thank you very much.

Mr. Bumgardner?

**STATEMENT OF DONALD BUMGARDNER, DONALD BUMGARDNER, DEPUTY ASSISTANT INSPECTOR GENERAL; OFFICE OF INSPECTOR GENERAL, U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. BUMGARDNER. Chairman Cummings, Ranking Member Jordan, and members of the committee, thank you for inviting me here today to discuss our work on TSA security vulnerabilities and persistent challenges.

TSA has a vital but extremely difficult mission to protect the Nation's transportation system and ensure freedom of movement for people and commerce. Every day security officers at about 450 airports screen approximately 2 million passengers, 5.5 million carry-on items, and 1.4 million checked bags. This responsibility is complicated by the constantly evolving threat of adversaries willing to use any means to cause harm and destruction. Missing one threat can have potential catastrophic consequences.

In the past, we have shared concerns about the vulnerabilities in TSA operations while also acknowledging TSA's challenges and areas of improvement. Our more recent work continues to show that TSA needs to strengthen its efforts to address persistent problems.

Since 2014, we have audited and inspected various security-related aspects of TSA, including passenger and baggage screening operations, PreCheck, the Federal Air Marshal Service, and IT systems. These reviews resulted in OIG issuing 24 reports to TSA with 136 recommendations designed to reduce security vulnerabilities in the aviation transportation system.

For example, our covert testing continues to reveal persistent and troubling problems. Since DHS OIG's inception, we have conducted thousands of covert tests which resulted in 14 reports. Since 2014, we assessed through covert testing checked baggage screen-

ing, passenger screening at checkpoints, and airport access controls. Our findings and conclusions from these tests have been consistent with those of TSA's internal testing in these areas. Because covert test results are classified, they cannot be discussed here today, but we have provided the Department, TSA, and our appropriate congressional committees with our classified reports.

Our covert testing has identified vulnerabilities related to people, processes and procedures, and technology specifically. People often contribute to weaknesses in security operations due to complacency or failing to think critically. TSA processes and procedures are often vague or open to interpretation, which results in security gaps. And technological limitations sometimes contribute to security weaknesses, even though TSA asserts its first strategic priority is to improve security and safeguard the transportation system.

Reducing these vulnerabilities is critical to ensuring threat objects are not carried on board aircraft and unauthorized individuals who want to cause harm cannot gain access to the airports' secure areas.

Another focus of our work relates to TSA's PreCheck initiative. Beginning in 2012, TSA increased the use of PreCheck, allowing expedited screening for nearly half of the flying public. In 2014, we concluded that TSA needed to modify PreCheck vetting and screening processes and improve PreCheck communication and coordination. We made 22 recommendations in our reports, and TSA has taken sufficient action to close 17 of those recommendations.

Although TSA has taken steps to implement many of our security-related recommendations, it has not fully implemented all of them. Currently, 39 of these recommendations remain open. Of the 39, 17 recommendations have been open since Fiscal Year 2017 or earlier. These 17 older recommendations generally relate to testing of screening equipment, technological advancements, PreCheck vetting and screening operations, developing and implementing a cross-cutting risk-based strategy, and implementing a formal budget process that uses risk to inform resource allocation.

Finally, we recognize and are encouraged by TSA's steps toward compliance with our recent recommendations. With a sustained commitment to addressing known vulnerabilities, the agency risks compromising the safety of the Nation's transportation systems. We will continue to assess TSA's performance, identify vulnerabilities and areas for improvement, and make recommendations that enable TSA to become more efficient and effective in safeguarding our transportation system.

Mr. Chairman, this concludes my testimony. I am happy to answer any questions you or other members of the committee may have.

Chairman CUMMINGS. Thank you very much.  
Mr. Pekoske?

**STATEMENT OF HON. DAVID P. PEKOSKE, ADMINISTRATOR,  
TRANSPORTATION SECURITY ADMINISTRATION, U.S. DE-  
PARTMENT OF HOMELAND SECURITY**

Mr. PEKOSKE. Chairman Cummings, Ranking Member Jordan, and distinguished members of the committee, thank you for the opportunity to appear before you today to discuss how TSA identifies,

resolves, and prevents vulnerabilities within our security operations. I appreciate the oversight and support you and your staffs provide TSA, as well as the constructive and productive relationships TSA has with the Inspector General and the Government Accountability Office.

I am very proud of the 63,000 dedicated men and women that I work alongside at TSA. They serve the public with integrity, respect, and commitment.

Like this committee, the esteemed colleagues sitting next to me, and the entire TSA team, we share the same goal: securing our transportation systems against the current threats that we face.

When I appeared before this committee in September of last year, I expressed how important it is for TSA to be an agile organization, one that can quickly adapt to changing threats, but also one that learns from mistakes and avoids repeating them.

Overall, TSA has taken significant efforts to address the IG and GAO recommendations as quickly as possible. We have already submitted to GAO requests for closure of four of the nine recommendations included in its December 2018 audit report on covert testing. And we have achieved closure on the vast majority of security-related recommendations the IG has issued since 2014. As for the remainder, I am committed to getting them closed as soon as possible.

The IG's audits in recent years identified vulnerabilities pertaining to screener performance, equipment, and procedures. We have progressed in addressing those recommendations by investing in enhanced training and retention programs for our frontline personnel, by simplifying unnecessarily complex procedural guidance and revising screening processes to improve detection, and by accelerating procurement of more effective checkpoint screening equipment.

In the last two years, we have revamped the Federal Air Marshal Service's concept of operations to better align this critical in-flight law enforcement capability against risk. We are also actively working to ensure that only trusted travelers access PreCheck lanes per the IG's recommendation and the mandates set forth in the TSA Modernization Act of 2018.

Additionally, in the past year, TSA has instituted some key restructuring changes to improve the agency's risk capabilities, covert testing program, and the ability to address vulnerabilities in a timely manner.

TSA aligned its system-side covert testing programs under one program office. Consolidating covert testing programs under that office will drive rigor and consistency across all the agency's covert testing efforts.

TSA also consolidated all operational risk analysis capabilities, which were previously housed in disparate places under a single responsible office. This change is critical to ensuring a consistent, cross-cutting operational risk methodology that can inform larger agency processes and the prioritization of budget resources.

We also established the security vulnerabilities management process, or SVMP, to track and manage security vulnerabilities identified by external and internal sources, as well as agency mitigation efforts. In response to GAO, TSA improved SVMP govern-

ance by strengthening executive oversight and establishing timeframes and milestones for tracking and mitigating vulnerabilities.

To ensure we are closing identified vulnerabilities in a timely fashion, I will be holding quarterly risk meetings. These meetings will also help inform TSA's covert testing plans, as well as our planning and budgeting processes. The timely closure of recommendations is an area I will continue to focus on. I anticipate TSA will request closure for nearly all of the recommendations from fiscal 2017 and earlier by the end of this year.

Many of the challenges faces requires an iterative and collaborative process to reach the goal we all share of identifying and closing vulnerabilities. I will continue to work closely with the IG, the GAO, and the Congress to assist the agency in its continued development of solutions to the challenges that we face.

I am grateful for the opportunity to serve, and Mr. Chairman, I look forward to your questions. Thank you, sir.

Chairman CUMMINGS. Thank you very much.

I now yield myself five minutes for questions.

Administrator Pekoske, Mr. Bumgardner, and Mr. Johnson, again I want to thank you all for being here this morning.

The Office of the Inspector General and the Government Accountability Office have both identified critical vulnerabilities in our aviation security system that have remained unresolved and in some cases for years.

Mr. Johnson, the report that GAO issued this past April 1—and I quote—it is important that TSA make timely progress on formal mitigation solutions because, in some cases, inspection findings represent system-wide vulnerabilities to commercial aviation that could result in potentially very serious consequences for TSA and the traveling public. End of quote. Is that accurate?

Mr. JOHNSON. Yes, it is, Congressman.

Chairman CUMMINGS. Similarly, Mr. Bumgardner, you titled a section of your written testimony, quote, Covert Testing Continues to Reveal Persistent and Troubling Problems. End of quote. And then you go on to say that reducing these vulnerabilities is critical to ensuring threat objects are not carried on board aircraft and unauthorized individuals who want to cause harm cannot gain access to airports' secure areas. Such actions could cause catastrophic damage resulting in loss of life and property. Is that right?

Mr. BUMGARDNER. Yes, Mr. Chairman.

Chairman CUMMINGS. So to me, these statements are like flashing red lights. And here is the key question. In your opinion, why are the vulnerabilities that could cause catastrophic damage or potentially serious consequences languishing at TSA without being resolved? Does the agency need more resources of personnel or new processes or procedures or a new sense of urgency? Any of you. Mr. Johnson?

Mr. JOHNSON. Thank you, Mr. Chairman.

One of the things we noted was that it often took up to somewhere from three, four, seven months for even the vulnerabilities to be assigned to someone to take a look at to mitigate. And then they languished in the system for up to, in some cases, over a year to over three years.

Part of the thing that needs to be done is that that security vulnerability management process that the Administrator mentioned needs to have better controls in place to ensure that there are some timelines set, there are milestones, that there is some check-in to make sure that progress is being made. They were simply assigned there and lack of progress was made. As I mentioned, none of those nine vulnerabilities identified by the Inspections Office have been resolved through that process. There was one that was closed, but it was outside of that process.

Chairman CUMMINGS. So I guess you could term that organization, procedures, and a sense of urgency. Is that a fair statement?

Mr. JOHNSON. It is a fair statement, but it is more so the need to have sustained management attention toward these issues. And as the Administrator mentioned, his quarterly meetings and check-ins would help in that area.

Chairman CUMMINGS. Mr. Bumgardner, did you want to say something?

Mr. BUMGARDNER. I would agree with Mr. Johnson on the technology development. It does take time. There have been some changes in priorities, and oftentimes we find there is insufficient evidence to support the changes that we have recommended.

Chairman CUMMINGS. What do you mean by that?

Mr. BUMGARDNER. Well, if we ask for results-oriented changes, we oftentimes will not get the sufficient response from the agency that would close the recommendation. And all of this is happening with the TSO issues and concerns we have with the retention and the training and the hiring of TSO officers with an ever-increasing air travel system, which Mr. Pecoske mentioned in his statement is scheduled to be very high this summer.

Chairman CUMMINGS. Now, Mr. Pecoske, I do, from my days with the Coast Guard—a lot of people do not know I used to be the subcommittee chairman and the transportation of the Coast Guard. And you were in the Coast Guard. So I appreciate your leadership. You have been an outstanding leader. And I appreciate that you are making changes in the agency's approach in effort to resolve these vulnerabilities. I hope that through continued oversight, we will see many of those vulnerabilities fully—fully—addressed.

But I want to know that the focus you are bringing to closing these vulnerabilities and improving covert testing processes will not waver if you leave the agency. And what kind of assurances can we have of that?

Mr. PEKOSKE. Mr. Chairman, thank you for your comments.

Sir, I am in a five-year term as the TSA Administrator. So I have no intention of leaving the agency. I intend to fully serve out my term, and I appreciate the Congress' support of that effort because I think leadership consistency in TSA is very important.

Sir, one of the other things that I think is important to consider is that it is critical that we have systematic changes and systematic adjustments so that we do not repeat what we have heard from the IG and the GAO. And to do that, as you know, I published a TSA strategy with a lot of input from my TSA work force and from our stakeholders. Following that, I published the Administrator's Intent. And these are designed to lay the groundwork in place to

make some structural changes that I spoke of in my opening statement.

So to hit your key areas in terms of what we might need, yes, resources. We need a significant investment of technology. We now have a capital investment plan for TSA that lays out our technology requirements over the entire future years homeland security plan.

The structural changes. I mentioned that we are moving all of our covert testing into one office. That to me makes eminent good sense. I need to have one place to focus on it. And I can assure you that we are going to do more covert testing—we already have—over the course of time, and repeatable covert testing so we can see if we make a change and do another covert test after that, how has that change been? Has it had the effect that we think?

And the other one is process. I think the process one is particularly critical. This requires senior leader focus all the time, and that is why I want to have, at the Administrator level, those quarterly meetings to take a look at, hey, what is our risk this quarter? Has it changed from what we saw in the past? And then second, how are we allocating our covert testing resources and our internal resources to address the vulnerabilities that have been identified.

Chairman CUMMINGS. I am going to close by saying this. My Democratic colleagues and I—we are joining in introducing the Covert Testing and Risk Mitigation Improvement Act this morning. This bill, gentlemen, which is also cosponsored by Chairman Thompson, the chairman of the Homeland Security Committee, would do two major things: codify procedures for covert testing and vulnerability mitigation recommended by GAO and, two, require TSA to track and report its progress in resolving security vulnerabilities identified through these covert tests as part of its annual budget submission. We need a laser focus on closing security gaps through which our enemies could attack us, and my legislation is intended to direct the attention of both TSA and the Congress to this critical task. And hopefully, this will be helpful.

With that, I now yield Mr. Hice five minutes for questions.

Mr. HICE. Thank you, Mr. Chairman.

So the title of this hearing today is “Identifying, Resolving, and Preventing Vulnerabilities in TSA’s Security Operations.” That is a worthy title. It comes with a lot of responsibility. There is a lot of weight in that title.

Overall, though, I must confess it is a bit concerning to me. I wonder, for example, if my Democrat friends would be concerned if, at the TSA, we had no security whatsoever and anyone as able to walk on a plane and we did not know who they were, where they came from, what their intentions were. They were just able to go through TSA without any security check and get on board. Of course, they would not want that because we all want aviation safety.

And yet, that is exactly what is happening on our southern border right now. We have people coming across our border. We do not know who they are. We do not know what their intentions are. We do not know what their plans are. But we do know that there have been thousands of crimes committed, including murder and rape and a host of other things. We know there have been tons of drugs

coming across our southern border. And yet, we have little to no security there whatsoever.

I was there myself just a few weeks ago and was stunned that what is happening in our southern border is happening. It is inexcusable to me that what is happening in our southern border is taking place here in the United States where people are just freely coming across here, contraband freely coming across our border, criminals freely coming across our border.

Why are we not having a hearing today on identifying, resolving, and preventing vulnerabilities within our southern border security operations? And yet, the concern is aviation because we all fly. We want to be safe in the air. But does that mean we do not want to be safe in our country?

Mr. Pekoske, would you agree with me that being so concerned about airport security but not being concerned about security on our southern border just does not add up?

Mr. PEKOSKE. Sir, I think we need to be concerned with both. And like you, I was just down in the southern border about four weeks ago, saw the situation there. It is dire and it is a crisis, and we do need to place focus on it.

The chairman mentioned in his opening remarks the assignment of TSA volunteers to the southern border, as are other components of DHS providing volunteers. This is a crisis and we need to address that crisis. This is a high risk for us as a Nation. Border security is national security, and we need to get at this and get at this in a serious way.

What we are doing right now is really addressing what is right in front of us, but as we all know in this room, we do need to address the overall immigration law system entirely to be able to have better management and better control of our borders.

And so I completely agree with both being critically important.

The final thing I would say, sir, is—and I think it is important to put in context. I will say—and I have traveled all around the world, and I think I have got the expertise now to say this. The United States has the most sophisticated and the most advanced aviation security system in the world, bar none, within the context of our legal structure and within the context of our great American culture.

The other thing to keep in mind is that we are one of the only security systems that does covert testing because we want to know where those vulnerabilities are. We want to know where they are before our adversary does, and to the chairman's point, to the ranking member's point, we want to close them as quickly as we can. And that is what I pledge to focus on.

Mr. HICE. Well, thank you. And we need that same security advancement and the best in the world at our border.

How many TSOs are currently at the border? Do you know?

Mr. PEKOSKE. Sir, we have under 88. We have 88. We have under 100 TSOs deployed to the southern border. These are all volunteers. And whenever we decide that a volunteer is able to deploy, we take a very careful look at the airport from which he or she is deploying to make sure that we can mitigate the risks at that airport and also manage throughput for all the passengers going through. This is a very busy travel season. In fact, we had the busi-



est travel day ever in Coast Guard history on the Friday of Memorial Day weekend. So we are very cognizant of that.

But, again, I have to balance off the risk at the southern border with the need to keep airports staffed. The other thing to keep in mind—

Mr. HICE. Are those 88—is that going to significantly decrease aviation security?

Mr. PEKOSKE. No, sir. It will have no effect on aviation security, none whatsoever. We have baselines of aviation security that we do not go below, and that has been my guidance since the first day I came into this position.

Mr. HICE. Thank you very much.

I yield back.

Chairman CUMMINGS. Thank you.

Ms. Maloney?

Ms. MALONEY. Thank you, Mr. Chairman and Ranking Member, for holding this important hearing. And I thank all of you for your dedication and being here today.

There was an article recently in the “Atlantic Journal-Constitution” published in May 2019. And I quote, airlines brought in about \$4.9 billion in baggage fees in 2019 alone. And one airline made a profit of over a billion dollars. So there is an incentive for them to charge for these bags. They are making a lot of money off it. And it can cost families really hundreds of dollars to check their luggage.

So I am seeing that these carry-on bags are huge. Usually when I fly, they cannot even put them in the plane. They got to check at the door because there are so many of them and they are so overstuffed you cannot even put them on top.

So I would like to ask Administrator Pekoske what is the impact of increasing amounts of carry-on luggage being moved through the checkpoints. And is this baggage being tightly stuffed, more tightly stuffed than in the past, and is this a security challenge in any way? Is the standard for carry-on luggage and the screening for it the same as the standard for screening of luggage that goes into the belly of the plane? Is it a security challenge for you now, or do you see it as a security challenge?

Mr. PEKOSKE. Yes, ma’am. You know, there are two factors at play here. One is the generally about a four to five percent year over year increase in passenger travel. So you have an increased volume of passengers, which is a good thing because it demonstrates that our economy is doing very, very well.

But also to your point, passengers would prefer not to check a bag. They would prefer to have the bag in their possession because sometimes they have things that they want to keep close by, and they also want to be able to exit the airport quickly. So we are seeing passengers put more things in—

Ms. MALONEY. And also the cost. The cost, too.

Mr. PEKOSKE. And also the cost, yes, ma’am.

The technology that we are deploying at the screening checkpoint, though, now is the computer tomography, or CT-scan technology, really can see in a three-dimensional way what is in a carry-on bag. So it addresses that issue of having a lot of things

there. And it does take longer. The more things that are in a bag—

Ms. MALONEY. It is as secure as the checking of what goes into the belly of the plane?

Mr. PEKOSKE. Once this technology is all deployed, ma'am, it will actually be more secure.

Ms. MALONEY. Wow. Okay.

Do airline policies that charge increasing amounts for checked bags have any ripple effects that impact aviation security in any way?

Mr. PEKOSKE. No, Congresswoman. They do not impact aviation security because we inspect every bag for the same standard, and we ensure that we do that, whether it is a checked bag to checked bag standards or a carry-on bag to carry-on bag standards.

Ms. MALONEY. And, Mr. Bumgardner, do you have any thoughts on the impact that increasing amounts of overstuffed baggage has on any of the security vulnerabilities that your team has identified in the checkpoints?

Mr. BUMGARDNER. Yes, ma'am. We have noticed in the past, as we have done our covert testing, that as more travelers bring on more densely packed bags, it slows things down, and there have been some difficulties sort of identifying items in those bags.

Ms. MALONEY. I would like to ask Administrator Pecoske, do you keep records on attempts to violate security through the airport? Every now and then, I talk to pilots who say they feel that sometimes our enemies are checking our security. You know, they catch them doing certain things. One told me that in the lavatory, they literally tried to cut through the lavatory into the cockpit with a knife or a machine of some type. Do you keep records of these, quote, attempts, and could you share with us the amount of them and what we are doing about it? Every now and then, I am in the airport and they close it down. And you do not even know why, but I feel that they have found something they feel is threat to people.

Mr. PEKOSKE. Yes, ma'am. We do keep records of all of the attempts to evade security or to in some way, shape, or form get through security in a manner that you should not. Every single day I get a report that highlights all of the security attempts throughout the entire system.

Just anecdotally, I will tell you that I am seeing more of them on a daily basis. Part of that is driven by the fact that we are seeing more passengers. But there are more attempts to create security situations both in airports and also on board aircraft.

Ms. MALONEY. Can you share with us an estimated amount per year?

Mr. PEKOSKE. I cannot. That would just be literally off the top of my head. I would say, though, that every day the report I get is several pages long. It talks about every single incident that occurs at an airport. We can summarize some of that stuff, if you would like. But that is part of our risk evaluation process. We do look at trends of what are we seeing in our own experience happening at the checkpoint.

But there is a part of this too is that we do not want to be rearward looking only, in other words, looking at the past. We want to be looking at where we think the threat is going.

Ms. MALONEY. Thank you very much for your service. And I would like to see that. If you would give it to the chairman, we could all study it. Thank you.

Chairman CUMMINGS. Before we go to Mr. Meadows, I am just curious. Mr. Pekoske, how much of this has to do with training?

Mr. PEKOSKE. There is a good deal that has to do with training, sir. I think it is a combination of training the procedures that I mentioned, making the procedures more understandable, and finally the technology. We put a lot of emphasis on training, as you know. We have a TSA Academy now that is stood up so every officer goes through this academy in Glynco, Georgia. That is an attempt to begin to standardize the training.

Additionally, we do have a TSO, transportation security officer, career progression plan that financially rewards officers for completing additional training and gaining additional certifications.

Chairman CUMMINGS. Thank you.

Mr. Meadows?

Mr. MEADOWS. Thank you, Mr. Chairman.

So, Mr. Pekoske, at what point are we going to have the GAO and the Inspector General's recommendations completed and closed?

Mr. PEKOSKE. Sir, we should have all of the recommendations that are earlier than fiscal 2017 completed and closed by the end of this calendar year. That is our goal.

Some of the other recommendations that are 2017 and more current do take a little bit more time because they involve, for example, acquisition programs. There is one technology that we are using to better identify a passenger at the first entry point into a screening checkpoint. The IG will close that once we make further progress on that acquisition project. Some of it is budget-based.

Mr. MEADOWS. So if we are looking at these—and I am over here. I know it is kind of like the voice of God.

[Laughter.]

Mr. MEADOWS. But if we are looking at some of these recommendations, here is one of the frustrations I have is that you talk about airline passenger counts going up. You talk about carry-ons going up. And yet, much of what TSA has done is not changed the way that you actually screen passengers. You know, if you want to look at a model of inefficiency, go to Reagan right here where every single Member is judging TSA each and every week that they fly out. And yet, what we find are the standards that are used are standards that many times were put in place 10, 15, years ago. At what point are we going to have a change in terms of trying to make that more efficient so that we do not get bogged down?

Mr. PEKOSKE. We are doing a couple things, sir. One is to focus on making PreCheck purely precheck. Right now, based on a series of rules, a passenger who is not a PreCheck registered or a global entry registrant could get PreCheck on their boarding pass. We are phasing that out over the course of the next several months. So the PreCheck experience should get quite a bit better.

We are also prototyping a process where we do assess risk by passenger, and can we provide a different level of screening for passengers we deem—

Mr. MEADOWS. So when do you implement that? And the reason I say that is I have gone through and I have gotten random screened in Reagan where they do the whole thing for some types of gunpowder I guess on my hand. And I have been searched in ways that candidly I would not recommend any American citizen being searched that way. And yet, your TSA agents seem to be laughing because they knew I was a Member of Congress, as my colleagues said.

So at what point are we going to start looking at profiling—and I use that word delicately—where we actually address the people that are the most high risk?

Mr. PEKOSKE. That is the goal, sir, is to really focus the resources on where the greatest risk is.

Mr. MEADOWS. I know that is a goal, but when are we going to do that?

Mr. PEKOSKE. It takes some time.

Mr. MEADOWS. Because this is not our first rodeo. We have been here with the chairman where we have had these same kind of issues over the last seven years, and we have had the same kind of inability to get them done. It seems like you are a serious guy, that you want to get it done. But I guess I am tired of progress being made, and yet we are not seeing any progress at our Nation's airports.

Mr. PEKOSKE. That is one of the reasons why we developed the capital investment plan for TSA because a lot of this is technology. You mentioned going through and getting a pat-down. Nobody likes that. The officers do not like to do it, and passengers certainly do not like the invasion of their privacy with a pat-down. There is technology out there that will begin to address that more completely than what we currently have. That is why we put a capital investment plan in so we can get—

Mr. MEADOWS. But with that pat-down, I mean, the new scan where you hold your hands up—actually that encourages more pat-downs not less than the magnetometer.

Mr. PEKOSKE. Yes, sir. And that is because that particular piece of technology, while it is good at detecting, also has a higher false alarm rate than we would like.

Mr. MEADOWS. So we need to get rid of those. Would you not agree?

Mr. PEKOSKE. We need to get something different there. Yes, sir.

Mr. MEADOWS. Okay. And so I am willing to work in a bipartisan way to get you the technology, but here is what I guess we need to see. We need to quit worrying about the 95-year-old grandmother that is going through in a wheelchair and you act like she is a terrorist and start screening individuals from a standpoint that are a higher risk assessment. Would you not agree with that?

Mr. PEKOSKE. I would provided we always have some level of random selection.

Mr. MEADOWS. I get that. But here is the thing. You treat us randomly at Reagan very differently than you would at other airports when it comes to even the random screening for gunpowder because that it not typical at every single airport. Would you agree with that?

Mr. PEKOSKE. Yes, sir, I would agree. We do a risk assessment at each individual airport. So the risks at airports are different one to the other.

Mr. MEADOWS. So there is a greater risk of me carrying a gun out of Reagan than there is out of North Carolina? I do not think so.

I will yield back.

Chairman CUMMINGS. Thank you very much.

Ms. Norton?

Ms. NORTON. Thank you very much, Mr. Chairman. And I just want to thank you for holding this hearing. Unlike my friend on the other side who indicated his concern with border security—I of course have the same concern. But I remind him that commercial aviation is—our hearing today about commercial aviation is about border security and about a very important component of border security.

But my question really has to go with whether or not we have really made any progress here or whether we are spinning our wheels. TSA started at a very low point. It did not have corrective actions. It did not even have a process to assess whether they were implemented. And so there was a report about 10 years ago that identified all of that, indicating that it was limited in its—this is a GAO report—that TSA was limited in its ability to use covert testing results. So, you know, if you got the results, I want you to do something with it.

So let us fast forward to the 2015 GAO report and it established that the security vulnerability management process had submitted nine security—it had a process—had submitted nine security vulnerabilities through the covert testing for mitigation. But as of September last year, none had been formally resolved through the process that GSA found that it took seven months to even assign an office to begin mitigation efforts.

So I am trying to figure out now that you have made some progress and we are still not moving to resolve these vulnerabilities—perhaps I should start with Mr. Johnson. Why has GSA had so many challenges for this 10-year period in developing a process to use the results of covert tests to improve aviation security? So here we are going through it, but they cannot use what they find. Why not?

Mr. JOHNSON. So, Congresswoman, thank you for that question.

One of their biggest challenges was that, as I noted earlier, they did not establish sort of timelines and milestones to make progress, but that is in addition to the delay in getting them assigned.

Ms. NORTON. Do you have those timelines now, Mr. Pecoske?

Mr. PEKOSKE. We do.

Mr. JOHNSON. So that has been progress in that area.

Ms. NORTON. Have you seen the result of the timelines, Mr. Johnson?

Mr. JOHNSON. We would have to go back in and take a look at that, but I believe the commitment to have leadership monitor it will help in that area. That was one of the other parts for our recommendations, one of the things that we hope will get taken care of in the future. And I am pleased to hear that there is going to be the quarterly check-ins.

Ms. NORTON. That will help.

Mr. PEKOSKE, I am the only member not only of this committee but of Congress who does not have to get on an airplane every week and go back and forth. And still I feel vulnerable.

So what bothers me is the time it takes that we discover the vulnerabilities. You are on a committee that knows the vulnerabilities. Nothing is done about the vulnerabilities. And so you wonder shall I get on this plane. But my colleagues really do not have much choice.

So I would appreciate those check-ins. How often did you say this committee will know progress being made?

Mr. PEKOSKE. We will do check-ins at my level, Congresswoman, every quarter. So once a quarter, and then there is a larger look at risk every year.

Ms. NORTON. Could I ask that those check-ins every quarter be reported to the chairman of this committee?

Mr. PEKOSKE. Certainly.

Ms. NORTON. Thank you, Mr. Chairman.

Chairman CUMMINGS. Thank you.

Mrs. Miller?

Mrs. MILLER. Thank you, Chairman Cummings and Ranking Member Jordan, and thank all of you all for being here today. And it is nice to see a WVU grad sitting out there.

TSA is the last line of defense in our Nation's airports to ensure air travel remains safe and reliable for travelers. And it is important that TSA have the ability to address all of the vulnerabilities and deficiencies to keep all Americans safe.

Mr. Johnson, after listening very carefully to your testimony as a managing director, to quote one of my good friends from West Virginia, "get er done".

[Laughter.]

Mrs. MILLER. Administrator Pecoske, the Government Accountability Office found that there are three problem areas that exist in security operations when evaluating test results: knowledge deficiency, skill deficiency, and value deficiency. What steps has the TSA taken to help address these deficiencies?

Mr. PEKOSKE. A number of steps, ma'am. The first one is to try to get the tools in the hands of the officers that they deserve to have to do the job that they are doing. When you are using a piece of technology that we know needs to be replaced—there is better technology out there—we need to be fast in getting that technology in their hands.

Additionally, we need to do a better job of training our officers. You know, I have been in this position now for almost two years, and I am very impressed and very proud to serve with the officers that are in this agency. They want to do the very best job they can. They understand the gravity of the position that they hold. We just need to do a better job. And we are making progress in this regard of training them and assessing their performance and doing coaching, mentoring, encouraging them for this very important job.

Mrs. MILLER. Okay. And have you taken steps to ensure the vulnerability owners are assigned to lead mitigation efforts?

Mr. PEKOSKE. Yes, ma'am. That is the first step. You have got to say to an individual you are responsible for working us through

this, and there is a reporting mechanism so we can assess progress along the way.

Mrs. MILLER. The TSA's mission statement on their Web page states that it is to protect the Nation's transportation systems to ensure freedom of movement for people and commerce.

Our administration, under the leadership of President Trump and the DHS, has worked tirelessly to address the crisis at our southern border. In May alone, over 144,000 immigrants illegally crossed into the country. I know that Congress needs to be a partner to the administration to ensure that we address this crisis swiftly in the most humane way possible.

I am really worried about the flow of illegal drugs that cross our border every single day into the communities. And in many states, as well as my own state in West Virginia, illegal fentanyl and heroin have had deadly and devastating effects. In January alone, the U.S. Customs and Border Protection apprehended 100 million lethal doses of fentanyl in Arizona.

What is DHS doing to stop the flow of lethal opioids into the United States?

Mr. PEKOSKE. We are very concerned about that very same issue, ma'am. And part of what we are dealing with on the southwest border right now is the trafficking of humans. And the cartels are using that as a replacement for the transport of drugs to some degree, but they are also using the transport of humans as a diversion to their ability to get drugs across the border.

The solution to this for us is to put the focus on the southwest border that we are now. That is why we are sending volunteers from across DHS. That is why we have a supplemental request up here on the Hill to help us financially get at this problem so that we can free up Border Patrol officers and Customs agents to focus across the board on what they are doing.

Mrs. MILLER. Would you not say that the flow of these dangerous opioids across the southern border is one of our most significant threats to our national security?

Mr. PEKOSKE. Yes, ma'am. I think any flow across our border that we do not control is a threat to our national security.

Mrs. MILLER. Thank you.

Mr. Bumgardner, can you discuss some of the IG recommendations that the TSA has resolved?

Mr. BUMGARDNER. Yes, Congresswoman Miller.

We are concerned about retaining, hiring, and training of TSOs with the requisite skills. I believe TSA is working on that, as Administrator Pecoske indicated. We are also concerned with the screening technology, and I think there is a plan afoot to enhance that. And then updated policies and procedures is something that is near and dear to our heart, and most all of our covert work and other security-related work—there is a move afoot to—and a lot of those recommendations have been closed.

But I would also say that one of the more important issues—and I am proud to say that this committee and others have held a lot of oversight hearings on TSA. And in 2015, we had seven hearings alone, and that also goes a long way to helping us close recommendations.

Mrs. MILLER. But that is more a work in progress as opposed to a resolution. Correct?

Mr. BUMGARDNER. Yes, ma'am.

Mrs. MILLER. Thank you.

Chairman CUMMINGS. Ms. Wasserman Schultz?

Ms. Wasserman Schultz. Thank you, Mr. Chairman.

Mr. Pekoske, I have a couple of fairly tough questions for you, and I hope you can be frank since that is the purpose of this hearing.

TSA is currently operating an aviation security training program to help Saudi Arabia start an air marshal program. This program was approved by former Department of Homeland Security Administrator John Kelly.

Last week, the U.N. released an investigation into the murder of U.S.-based journalist Jamal Khashoggi inside the Saudi consulate in Istanbul. The report found—and I quote—Mr. Khashoggi's killing constituted an extrajudicial killing for which the state of the Kingdom of Saudi Arabia is responsible and that there is, quote, credible evidence warranting further investigation of high-level Saudi officials' individual liability, including the Crown Prince's.

The Central Intelligence Agency reportedly assessed with high confidence that Crown Prince Mohammed bin Salman ordered the assassination, and the President has refused to provide the statutorily required Magnitsky Act report regarding who killed Mr. Khashoggi.

Mr. Pekoske, is TSA still providing technical assistance to this program that specifically assists Saudi Arabia with their air marshal program, which supports a government complicit in the murder of a U.S. resident?

Mr. PEKOSKE. Ma'am, we had done some assessments with the Saudi Government before Mr. Khashoggi's killing. To the best of my knowledge, since that occurred, we have not done any training. This has all been worked through the State Department through an agreement that we have with state. But as best I understand—and if I am wrong on that, we will certainly get back to you and correct it, but we have not done any training since that happened.

Ms. Wasserman Schultz. Okay. So the program that has been assisting the Saudis with their air marshal program since the Khashoggi murder has been terminated, and there is no activity at all now in assisting the Saudi Government with their air marshal program.

Mr. PEKOSKE. I do not know that the program itself has been terminated, but I am fairly certain there has been no activity on that program. And as best I recall, we had done assessments but actually had not done—we did assessments for what training they might need but had not done any actually training.

Ms. Wasserman Schultz. Are you still providing technical assistance to this program?

Mr. PEKOSKE. To the best of my knowledge, no.

Ms. Wasserman Schultz. Okay. If you could get back to me for the record, that would be helpful.

My next question is focused on the sexual harassment allegations that have occurred within TSA. In September of last year, you came before this committee to testify about misconduct and retaliation.



tion at TSA and were asked if TSA has a sexual harassment problem. And you said—and I quote—I believe we have employees that have violated our sexual harassment guidelines, and those employees should be held accountable.

At least one high-level employee at that time, Joe Salvatore, had been under investigation for sexual harassment. The Office of Inspection found he had committed misconduct and recommended his termination. He was not terminated.

Is anyone still employed in a senior level position at TSA who has been investigated for sexual harassment by the Office of Inspection and found to have committed misconduct?

Mr. PEKOSKE. To the best of my knowledge, I cannot recall anybody that falls into that category. Mr. Salvatore is still employed by TSA. That decision was made by several administrators prior to my arrival, and it involved agreements that we thought was best not to disturb.

Ms. Wasserman Schultz. Is that not something that you could revisit?

Mr. PEKOSKE. No. That decision was made and it was closed at the time. And so I do not believe I can revisit that.

Ms. Wasserman Schultz. So you are not aware of any senior level employees that have been investigated for sexual harassment by the Office of Inspection who are still working and have found to have committed misconduct. None.

Mr. PEKOSKE. That come to my mind sitting here in this hearing. But I will go back and check the records and will get back to you if there are.

Ms. Wasserman Schultz. Okay.

You said last year that you were aggressively addressing the problem of sexual harassment of TSA. What actions have you taken since September, and what changes can you share with us that have addressed this issue?

Mr. PEKOSKE. We do take an aggressive action whenever we have a case where there is a confirmed sexual harassment. We have done a lot of training to make sure that our employees feel free to be able to report sexual harassment because I think open and honest communications with our employees is a bedrock of a good, functioning organization.

Ms. Wasserman Schultz. What actions that would fit in the definition of aggressively addressing the problem of sexual harassment at TSA can you say that you have worked on since you became the Acting Administrator. Aggressive.

Mr. PEKOSKE. Right. There have been no specific cases that I have worked on, but that is not unusual. There would be cases that would be addressed—

Ms. Wasserman Schultz. No, no. When you are aggressively addressing a problem—

Mr. PEKOSKE. Right.

Ms. Wasserman Schultz.—that means that you are taking comprehensive action—

Mr. PEKOSKE. Right.

Ms. Wasserman Schultz.—in a significant way to prevent it from happening. I am not talking about only going after and making sure that you hold accountable individuals who have committed

that sexual harassment, but ensuring that it does not happen anymore and that you cutoff the pervasive culture that has allowed it. What have you been doing to aggressively address that, as you committed you were doing?

Mr. PEKOSKE. Regular communications on any form of employee misconduct, to include sexual harassment, to include retaliation against whistleblowers. I mean, that has been a consistent message of mine.

I would also highlight the fact that we are focused on leader development and making sure that leaders below my level take the same approach to these issues.

Ms. Wasserman Schultz. None of that to me meets the definition of aggressive, and I look forward to hearing the information that you do not have available to us today for the record.

Thank you, Mr. Chairman. I yield back.

Chairman CUMMINGS. Thank you.

Mr. Massie?

Mr. MASSIE. Thank you, Mr. Chairman, for having this important hearing.

Mr. Pekoske, I want to compliment the TSOs at the CBG Airport where they have doubled passenger embarkments at that airport in the last five years. But I am always met with politeness, professionalism, and efficiency at that airport. I wish that were the case at all of the airports. I would not say that my tests are covert. I am probably recognized 25 percent of the time, but the other 75 percent of the time they have no idea who I am. And they keep the lines moving and they are still professional while being friendly.

It would be great if DCA could follow the lead of CBG—the TSA agents there—where if you go through PreCheck, you cannot even get a gray bin to put your materials in. They insist you dump them all on the belt and let them ride through that machine and hope that it comes out the other end. And I would suggest that if we had more consistency in the screening across the airports, the lines would move faster because every time you throw in a kink like we are not going to give you a gray bin to put your materials in, that sort of slows things down.

But in general, I want to thank the TSOs, and I think you are doing a good job there.

Mr. Johnson, I want to give you a chance to expound a little bit on something you touched on in your opening statement about the covertness of the covert tests because unless these are covert tests, we have to question the validity of the information we get back. And as you said, you could over-represent the performance if the TSOs are somehow tipped off that testing is going on.

Can you talk about the ways that they could find out or know about that the testing is going on and, therefore, sort of subvert the covertness of the covert tests?

Mr. JOHNSON. Absolutely. And we flesh out more fully in our statement that we have submitted. And this is one of the areas where we do have a recommendation that we are hopeful will be closed relatively soon, I understand a month from now.

But we did find cases where there were practices where the covertness was sort of not there and that the screeners were aware that there was a test underway. That was discovered because they

recognized the screening bag. The same bag was used across locations in airports, and they will use that same bag. So they were familiar with the bag that was being used, as well as they were for me with some of the screeners.

It is important to note that TSA uses sort of a field evaluation team that goes out and does the screening, and they also have a headquarters team. We found that the rate of success in terms of them catching things was much higher when the field folks, the folks at the local airports, were going out and doing it versus when they sent individuals from the headquarters to validate and check. The rate of success dropped in terms of catching some of the test cases.

Mr. MASSIE. These people from headquarters would not be in plain clothes. They would be there assisting or something with the supervision?

Mr. JOHNSON. They would be individuals that were not known screeners. I think what we discovered is that in some cases we looked at, the screeners were aware that they were having a test because they would see the same screeners come through.

Mr. MASSIE. Got you.

Mr. JOHNSON. And obviously, I guess by word of mouth, word would get around that there was a test. But when you sent unknown testers there, the rate of success dropped in terms of their ability to catch some of the items that were being attempted to pass through the screening systems.

Mr. MASSIE. Are there other ways they could figure out that it is going on, that covert tests are happening?

Mr. JOHNSON. Well, one of our recommendations was, obviously, to address those things. We discovered about having the known bags or the same screeners or even the presence of supervisors would tip them off in some cases. So we made a recommendation that TSA should sort of look at that whole process and assess it, and I believe that is something that the Administrator has underway to address.

Mr. MASSIE. Mr. Pekoske, is that something that TSA is addressing?

Mr. PEKOSKE. It sure is because we want our covert tests to be truly covert. And so what we have done is we have established reserve covert testing team that is drawn from people from airports around the country. So it is a little harder to figure out who is on this team. We give them some training as to what to do when you are a person running a covert test because for us, the results are not really valid if they know that they are being tested.

The other thing that we do is we have a process called e-TIP which is electronic threat image projection, which does not really involve a person to test an officer, but we electronically project a threat image as they are screening bags and we assess how well they are at identifying those threats. And that is systematic, and I think that is very reliable data.

Mr. MASSIE. Do you agree, Mr. Johnson, that you feel TSA is addressing the covertness issue?

Mr. JOHNSON. We look forward to getting the details and the documentation on that.

Mr. MASSIE. Trust but verify.

Mr. JOHNSON. Absolutely.

Mr. MASSIE. Thank you very much.

I yield back.

Chairman CUMMINGS. Thank you very much.

Mr. Connolly?

Mr. CONNOLLY. Thank you, Mr. Chairman, and thank you for having this hearing.

By the way, I am a happy customer. This weekend I flew from Baltimore to Providence for a family wedding and back from Providence to Baltimore, and all of the TSA people we encountered were professional and courteous and treated people with respect. And we thank you for that because that has not always been the case, and barking orders and treating people like cattle is not the way to get compliance. We can be civil. And my experience this weekend was a big improvement. So thank you.

Administrator Pekoske, you were confirmed by the Senate to serve as the Administrator of TSA. Is that correct?

Mr. PEKOSKE. Yes, sir.

Mr. CONNOLLY. But in February of this year, you were tapped to fill in for the vacant position of Deputy Secretary of Homeland Security. Is that right?

Mr. PEKOSKE. It was April 11, sir.

Mr. CONNOLLY. But you were tapped to do that.

Mr. PEKOSKE. Yes. I am actually the senior official performing the duties of the Deputy Secretary.

Mr. CONNOLLY. So do you have two part-time jobs?

Mr. PEKOSKE. I have two jobs. Yes, sir.

Mr. CONNOLLY. You have two jobs.

Mr. PEKOSKE. Neither of which is part-time.

Mr. CONNOLLY. So you are trying to do both.

Mr. PEKOSKE. I am doing both positions. I am still the Administrator of TSA, but I have a very, very strong team at TSA.

Mr. CONNOLLY. I am focused on what you were confirmed for and what you are doing and all that.

Mr. PEKOSKE. Yes, sir. Confirmed as the TSA Administrator.

Mr. CONNOLLY. So do you have a timeline for when you might return to your full-time confirmed position at TSA?

Mr. PEKOSKE. No, sir, no timeline. I serve at the pleasure of the Secretary.

Mr. CONNOLLY. And my understanding is that at TSA, Acting TSA Deputy Administrator Cogswell is undertaking many of the responsibilities of de facto administrator while you are doing your job at Homeland Security. Is that correct?

Mr. PEKOSKE. The day-to-day running of the agency is under Acting Administrator Cogswell's cognizance within a written agreement between she and I. There are certain things that I have reserved for decisions myself, and there are certain things that I have asked to be informed before decisions are made.

Mr. CONNOLLY. It seems to be a problem in this administration.

Mr. Johnson, any views on that? Is it not—at least from a management org chart, is it not preferable to have Mr. Pekoske full-time committed to the job he was confirmed for?

Mr. JOHNSON. Well, I will just refer to some of the past work GAO has done looking at high-risk issues. Particularly we talked

about the DHS staffing issues and their having the right staff in the right place at the right time. It is always good to have someone in a position to be that leader whether or not someone acting in a capacity and not acting can do the same job. Ultimately, we would like to see a leader in place that is confirmed or someone that is in a position full-time.

Mr. CONNOLLY. Especially with an agency that is hardly without problems and challenges. It is a hard job. I mean, it is really a hard job. I mean, 440 airports, 2 million daily passengers screened, 5.5 million carry-on items, and 1.4 million checked bags daily, and the stress of making sure nothing gets through, no bad guy gets through. So full time and attention, it seems to me is required and absolutely desirable, to your point, Mr. Johnson.

Mr. Johnson and Mr. Bumgardner, let me ask you. The ranking member talked about the crisis at the border. Of course, for some of us the crisis is children died there because of neglect and the conditions under which people are being held.

I guess it seems counterintuitive that we would actually use TSA people to go down to the border. What is it they are going to do down there? What is the expertise they bring to the border, to protecting or securing the border?

Mr. JOHNSON. I think the Administrator is best in a position to answer that.

Mr. CONNOLLY. Mr. Pekoske, what is the expertise TSA personnel bring? And given the volume and the challenges you face, does it not take away from your mission? I mean, does it not kind of dilute your ability to do your job?

Mr. PEKOSKE. Sir, it does not take away at all at this point from our security mission. We have a relatively small number, given the size of TSA, 63,000 people, and we have a total of 350 or 400 people assigned to southwest border operations. So that percentage cannot possibly affect in my view the provision of security.

Mr. CONNOLLY. I am sorry. I am going to run out of time.

What about the proposed diversion of \$232 million from your budget to border operations? Did we give you \$232 million extra? Did we make a mistake? We overestimated your budget because you did not need a quarter of a billion almost?

Mr. PEKOSKE. No, and every agency needs the resources that they have been appropriated. But we do have an emergency supplemental for humanitarian purposes that has been up here for six weeks that will address a lot of the issues at the southwest border, and I would urge consideration and passage of that supplemental.

Mr. CONNOLLY. Well, Mr. Chairman, my time is up, but I sure would love to get Mr. Johnson's and Mr. Bumgardner's take on that, if you will allow it.

Chairman CUMMINGS. Your time has expired, but they may answer it quickly.

Mr. CONNOLLY. I thank the chair.

Mr. BUMGARDNER. I would agree with Mr. Johnson. It is a complex organization. I do not have anything further to add to that.

Chairman CUMMINGS. Mr. Johnson?

Mr. JOHNSON. In terms of, obviously, the budget decisions are for the administration of the agency to make those determinations and Congress to make that decision.

I would like to note, though, that we have looked at in the past TSA's staffing model for its TSOs, and there was a shortfall, a gap there in terms of what was really needed based on that staffing model.

Chairman CUMMINGS. Thank you very much.

Mr. Higgins?

Mr. HIGGINS. Thank you, Mr. Chairman.

Mr. Pekoske, due to the crisis at our southern border, Customs and Border Protection, ICE, and Health and Human Services have been overloaded with processing migrants, and DHS has asked DHS-wide for volunteers to assist at the border. Is that correct?

Mr. PEKOSKE. Yes, sir.

Mr. HIGGINS. Is that a process that has taken place before, for instance, during emergencies, hurricanes, other natural disasters, et cetera?

Mr. PEKOSKE. Yes, sir. It took place in Sandy in 2012, 743 people; in Harvey, Irma, and Maria in 2017, 885 people.

Mr. HIGGINS. Yes, sir. And is there an online means by which a DHS employee across the Department can volunteer for services in the field?

Mr. PEKOSKE. Yes, sir.

Mr. HIGGINS. And regarding the agents that have volunteered from TSA to serve in the field on the border in protection of their nation's sovereignty, has that impacted TSA's ability to carry out its mission?

Mr. PEKOSKE. It has not.

Mr. HIGGINS. Thank you.

One of the challenges that has been noted for TSA is retention of personnel. Is that true?

Mr. PEKOSKE. That is true.

Mr. HIGGINS. Would you concur that for an agent working within any static environment, if they are driven by their fervor to serve in the field, to speak with their family and say I want to volunteer to serve in the field on the border and they are selected, if they are allowed to serve on a voluntary basis, would you believe that would help with the retention of that agent or deter his retention?

Mr. PEKOSKE. Sir, it would significantly help, and most of the people that we send to the border ask for an extension.

Mr. HIGGINS. Thank you very much, sir, for clarifying that.

Regarding the vulnerabilities, it has been stated by my colleagues that of the nine vulnerabilities, none have been, quote/unquote, formally resolved. Another colleague across the aisle stated nothing is done. Is there a difference between nothing is done and formally resolved versus addressed or mitigation efforts in progress?

Mr. PEKOSKE. Yes, sir, there is a big difference. There is not a single recommendation that has had no action taken toward it. The vast majority of the recommendations have been resolved, but not closed. There are only five or six that remain unresolved which, considering the number of recommendations, in my view is a relatively small number.

Mr. HIGGINS. Thank you.

My research shows that of the nine vulnerabilities assessed by GAO, one has been closed by a policy change. Another eight have

been assigned to a vulnerability owner. Would you explain to America, please, what exactly is a vulnerability owner? How are they chosen and qualified in the mitigation effort?

Mr. PEKOSKE. Sir, a vulnerability owner is a senior executive within TSA whose job purview includes correcting that vulnerability. I think it is important to assign an individual by name to address that so that there is accountability.

Mr. HIGGINS. And you had stated earlier quickly that you expect to have these vulnerabilities closed through the mitigation process that is ongoing right now by the end of this calendar year?

Mr. PEKOSKE. Yes, sir, for those vulnerabilities from fiscal 2017—

Mr. HIGGINS. Okay.

Moving on, I have a question about Federal air marshals. It has been assessed that the quote was that Federal air marshals are, quote/unquote, OIG stated, of questionable contribution to aviation and transportation security. I will challenge that assessment. The OIG essentially stated that because of IEDs, improvised explosive devices, versus traditionally understood hijacking efforts that the model of Federal air marshals would be questionable to aviation security. I believe that is a fair assessment of their assessment.

At 36,000 feet and 575 miles per hour, if a well trained, determined terrorist managed to open an emergency exit door on an aircraft, what would happen to that aircraft?

Mr. PEKOSKE. That would be catastrophic to the aircraft, sir.

Mr. HIGGINS. And the process of stopping that attempted effort by someone determined to do so, if a Federal air marshal was on a plane as a passenger, would you feel better?

Mr. PEKOSKE. I would.

Mr. HIGGINS. Thank you very much.

Moving to a question regarding your testing, covert testing, my final question. Does your covert testing include K9 teams?

Mr. PEKOSKE. Yes, it does.

Mr. HIGGINS. In what way? In the remainder of my time, please answer that.

Mr. PEKOSKE. Yes, sir. We covertly test K9 teams in the performance of their duties. We just completed a test not too long about. We are about to retest. We have made some adjustments, and we are about to retest.

Mr. HIGGINS. So regarding the K9s and the covert testing means sometimes disclosed, is there any way for you to tell the K9 animal that there is a covert test going on or does it just perform?

Mr. PEKOSKE. The K9 just performs, but the handler can get tipped off.

Mr. HIGGINS. Good point. Thank you, sir.

Mr. Chairman, I yield.

Chairman CUMMINGS. Mr. Lynch?

Mr. LYNCH. Thank you, Mr. Chairman.

I want to thank the witnesses for your help with our work.

So I am reading an article here from "Travel" magazine, "A Summer from Hell is Coming to U.S. Airports." And it talks about the fact that from June 1st to Labor Day, we are going to have about 257 million passengers flying from U.S. airports and into U.S. airports.

Meanwhile, we have diversion of resources to the southern border. We have a lapse or a lag in terms of training up TSOs, and we also—I sit on the Transportation Committee. I am on the Aviation Subcommittee, and we have got this problem with the 737 MAX where those aircraft will not be available.

So from what I am hearing here—and I have been at this a while—we are in a very, very bad place right now transportation-wise especially with passenger screening and luggage screening in the United States. And there is nothing that you are telling me here today that leads me to believe otherwise.

I do want to point back to—we had other hearings on Red Team testing where we had people from—I think it was Gene Dodaro or Mr. Roth. We had Red Teams go in, so-called Red Teams. And they would try to get through the TSA screeners with weapons. Some of it is classified, but I will tell you they taped 38 caliber weapons on their legs and stuffed small machetes into arm casts and just walked through. The failure rate of our screeners was horrific. I will not say a number because that is classified. It was horrific. And I am not hearing any changes here. I know you have done 14 different Red Team reports. I am concerned.

Mr. Johnson, I appreciate that you are acting in this capacity, and you are doing your best. But I do not think that TSA in this context should be allowed to inspect themselves or to judge their own competencies. And I would just caution you all to make sure that we have independent agencies measuring the efficiency and effectiveness of our TSA screeners because I am greatly worried.

I do not want anybody to say we did not see this coming because we saw this coming. Our screening at our U.S. airports is deplorable. Now I am hearing that the PreCheck process as well—now the lines at PreCheck are longer than the regular lines because everybody is on PreCheck. So if we got problems with PreCheck, that is something that we really need to get at and get at it in a hurry.

And, Mr. Johnson, you mentioned in your opening statement a couple of times where you tested and the results were, quote, not such good news, close quote. If I ever came home with a report card and told my mother it was not such great news, she would want to know much, much more about that. So I want to know exactly what the details are on the degree of failure that we continue to see in TSA.

I know, Mr. Bumgardner, you mentioned that we have 14 reports that you have done. I mean, why are we having such a problem making sure that people getting on aircraft do not have weapons? What is the problem there? It would seem that technology—and look, I was elected on September 11, the day of the attacks. So I was here at the birth of Department of Homeland Security. It was a big issue, and we still do not have it right. We armored the cockpits. Yes, that was good. But we still have dangerous cargo and dangerous people getting on aircraft on a regular basis, and we cannot seem to stop them. What is the problem? What is stopping us from doing this?

Mr. BUMGARDNER. It is perplexing to us too, Congressman. As good as the technology is and it does continue to improve, a lot of this comes down to human factors. And we mentioned earlier about a TSO shortage, and that is certainly a concern for us, particularly



in light, as you say, of the increased travel this summer. Training, policy and procedures, those are all issues that remain concerns for us.

Mr. LYNCH. Are we paying them enough? Is it the fact that there is a big turnover with TSOs?

Mr. BUMGARDNER. There is a turnover in the TSO ranks, and that is an issue that was discussed in a previous hearing, and I think that is hotly debated up here.

Mr. LYNCH. Okay. Thank you for your time.

Mr. Chairman, I yield back.

Chairman CUMMINGS. Mr. Roy?

Mr. ROY. Thank you, Mr. Chairman.

Mr. Pekoske, given that TSA volunteers are being sent to the border, is it safe to say there is a crisis on our border?

Mr. PEKOSKE. Yes, sir.

Mr. ROY. When colleagues of mine ask what TSA would be doing at the border, what their role would be at the border, might I ask you if CPB's mission—if their mission is to house even temporarily people in facilities, especially when those facilities are not designed for housing people, is that their mission?

Mr. PEKOSKE. Yes, sir. And that is the critical issue. It is the facilities are not designed for what they are being used.

Mr. ROY. And would it be safe to say that CBP's primary mission is to secure the border, not necessarily house people?

Mr. PEKOSKE. Yes, sir. And our goal is to free up the CBP officers to be able to do that mission.

Mr. ROY. Okay.

Is CBP overwhelmed?

Mr. PEKOSKE. It is.

Mr. ROY. Completely overwhelmed.

Mr. PEKOSKE. Totally.

Mr. ROY. When did the supplemental come to the Congress?

Mr. PEKOSKE. About six weeks ago, sir.

Mr. ROY. And has it been acted upon yet?

Mr. PEKOSKE. It has not.

Mr. ROY. Okay.

Did you hear recently of an adult and three children who were found dead at the border two days ago?

Mr. PEKOSKE. Yes, on Friday.

Mr. ROY. In whose custody were they?

Mr. PEKOSKE. They were in Border Patrol custody. Actually when they came across the border, they passed away before they came into Border Patrol—

Mr. ROY. Right. Border Patrol found them. Right?

Mr. PEKOSKE. Right.

Mr. ROY. So they were in the custody of probably the Reynosa faction of the Gulf cartel or coyotes employed by that entity.

Mr. PEKOSKE. They were, and the Border Patrol searched for two days to find everybody else.

Mr. ROY. When CBP is accused of kids dying in their custody, are you aware that in many of these cases, it is children that are being given lifesaving treatment either at the facilities or at hospitals because they are injured or sick?

Mr. PEKOSKE. Yes, sir. And they are all medically screened before they come in, too.

Mr. ROY. Right. Is it not often the case that they are in sometimes bad shape after the journey and after being abused by cartels along the journey because this country refuses to secure its border?

Mr. PEKOSKE. That is completely correct.

Mr. ROY. Is it helpful—is it helpful—for the task at hand when people say the following? Speaker Pelosi called the situation a fake crisis at the border. Senate Minority Leader Chuck Schumer called it a crisis that does not exist. Majority Leader Steny Hoyer said there is no crisis at the border. House Democrat Caucus Chairman Hakeem Jeffries said there is no crisis at the border. House Foreign Relations Committee Chairman Eliot Engel called the situation a fake crisis at the border. House Judiciary Committee Chairman Jerry Nadler said there is no crisis at the border. Representative Wasserman Schultz, former Chairwoman of the Democratic National Committee and a colleague on this committee, said we do not have a border crisis. Representative Daggett called the situation a phony border crisis. Representative Earl Blumenauer called it a fake crisis at the border. Representative Sanford Bishop called it a crisis that does not exist. Representative Jesus Garcia, Jose Serrano, Suzanne Bonamici, Donald Beyer, Pramilla Jayapal, and Adriano Espaillat, called it a nonexistent border crisis. Former Congressman and current California AG Xavier Becerra said there is no border crisis.

Is that helpful to identifying and establishing that there is in fact a crisis at the border, for Congress to act appropriately and responsibly to deal with the crisis, provide necessary materials and support to deal with the crisis and to actually be responsible in our job to secure the American people and provide for safety and wellbeing of the migrants who seek a better life in this country? Is that helpful to have all of those quotes and statements being made over the last four or five months?

Mr. PEKOSKE. Not only is not helpful, it is not correct.

Mr. ROY. And to the extent that it is not helpful, do you think it has colored perceptions about what is actually happening at the border over the last four or five months?

Mr. PEKOSKE. I think it has.

Mr. ROY. And has that made it difficult to get the resources necessary to do the job for Border Patrol, for ICE, and for everybody dealing with this crisis?

Mr. PEKOSKE. It has. And the emergency humanitarian supplemental will address those issues.

Mr. ROY. And is it safe to say that has an impact when you are having to deal with TSA and deal with the questions of whether you are sending 300 or 400 or 500 volunteers to be able to support this because we have not done our job in Congress to actually provide the resources necessary to do the job?

Mr. PEKOSKE. Yes.

Mr. ROY. Thank you, Mr. Pecoske.

And I would yield to Mr. Jordan.

Mr. JORDAN. I yield back.

Chairman CUMMINGS. Ms. Tlaib?

Ms. TLAIB. Thank you so much, Chairman.

Administrator, I have a question for you. Would a wall have prevented the death of the family?

Mr. PEKOSKE. I do not know the specifics to be able to answer that question fully.

Ms. TLAIB. So I think it is very clear that I think you mentioned the need for immigration reform to fix this broken immigration system. I think that needs to be the focus rather than both sides yelling out there is a crisis. I think the humanitarian crisis is real. The number of children that are in our care and increasingly becoming very aware that it is becoming a public health crisis as well.

I am going to take this in a different direction, if I may, Chairman. I want to talk about PreCheck recommendations.

The PreCheck program is a program that enables U.S. citizens, as we all know, and lawful permanent residents, green card holders, to receive expedited checkpoint screening if they provide their personal biographic information, documents, fingerprints to TSA, and are cleared for such screening after a background check is completed. Is that correct?

Mr. PEKOSKE. That is correct.

Ms. TLAIB. So are you familiar with CLEAR?

Mr. PEKOSKE. I am.

Ms. TLAIB. So I want you to know for a while I have been going and I kind of watch the process of CLEAR and realized and went to their Website and it says, instead of using identification documents, CLEAR uses biometrics, eye scans, and fingerprints to confirm identity. CLEAR codes the biographic information and stores the data to be retrieved supposedly for future flight checks. Once the—it is in-person registration, as you know, Administrator, and gets completed and then CLEAR pass can be used. The cost for our residents is about \$100 annually, and I think they pay a little bit more I believe when they first register.

I have concerns about this. This is a private company. Correct?

Mr. PEKOSKE. It is.

Ms. TLAIB. And they are stepping in, doing their version of a pre-TSA check. Correct?

Mr. PEKOSKE. No. They are doing identity verification, but it is not PreCheck.

Ms. TLAIB. So when they put the information in there, from what I understand from their Website, of course, they are going to say, you know, CLEAR's privacy policy seems to indicate that they cannot sell the material or they are not going to share the material and so forth.

But what is very interesting, Administrator—and again, this is also for Director Johnson because I do not know does GAO look at CLEAR's airport security process or not. This is why it is concerning.

So the company shut down unexpectedly earlier this year for a day because it so-called, quote, ran out of money and no one seems to know the root cause or how safe the data was during that time.

And then it goes on to say nothing in the privacy policy explicitly prohibits a data collection company from purchasing CLEAR just for its data on what is likely or largely well-heeled clientele.

This is very concerning because even though, obviously, maybe in their contract it says that they cannot sell or share the data, where does it say that our information is still protected? Can they sell it to another company? Can they transfer that contract to yet another company? And again, this is for-profit companies, private, outside companies, that are coming in gathering the data and by them being there at the airport next to the pre-TSA line and cutting the—we have kind of given some sort of blessing and credibility to this company to do that practice.

And so what division approves this outside contract? And what kind of oversight are we having in regards to this process?

Mr. PEKOSKE. CLEAR is what is called a registered traveler company.

Ms. TLAIB. Yes, I know.

Mr. PEKOSKE. And the registered traveler program was established by Congress. So that program was established by Congress. It is being implemented as Congress had intended.

The CLEAR organization is not under contract with TSA. It is under contract with individual airports. So there is no contractual relationship between TSA and CLEAR. Our relationship to CLEAR is via the airports through the airport security program, which we put in place at each airport around the country.

Ms. TLAIB. So is there—and I do not know Director Johnson or maybe the Administrator can answer. Do you see any security risks of the data being collected and being cleared through—you know, people are being—the cleared process that they have been using to get expedited through the line?

Mr. JOHNSON. Well, we have looked at the PreCheck program in the past. We have not really looked at the CLEAR program. I will defer to the Administrator.

Mr. PEKOSKE. The other thing I would add, ma'am, is that we reviewed CLEAR's data security protocols, and we held them to the NIST standard, the National Institute of Standards. And we were satisfied that their data integrity met those standards.

Ms. TLAIB. You know, Chairman, if I may. I think it is really critical the GAO includes this in their review and making sure we hold them accountable because the residents and the people that are being registered and cleared do not know this is not a government agency. They are not told that. They think that this is an extension of TSA, Administrator. And you probably already know that. And they are making money off of our residents, and we need to make sure that their data and information is protected.

Chairman CUMMINGS. Thank you very much.

Mr. Gibbs?

Mr. GIBBS. Thank you, Chairman.

Thank you, Mr. Pecoske, for being here and the other witnesses also.

I will just state right off the bat I fly virtually every week, and I have very good experience going through TSA almost 100 percent of the time. So it is great.

I want to go here—I have an article and a report that TSA has been violating their own policy regarding to migrants who are released from Federal custody and put on flights not having the required documentation. And there is a list here of 15 different

things, and it only takes one. You know, obviously, one is a driver's license, passport, permanent residence card, border crossing card, a federally recognized tribal issued ID card, just to name a few of the 15. According to this article, this was documented by several Department of Homeland Security officials. So I will give you a chance to answer this in a second.

But also I want to relate it to—we talk about—my colleague, Congressman Hice, talking all the people coming across the border—we apprehended over 144,000 in the month of May alone—and securing our border. But then allegedly we are putting people that we are catching on these planes to disperse them throughout the country. And you are shaking your head yes. So I assume that must be happening. Correct?

And is it also happening because the system obviously we know is overwhelmed. But also, there was a 2015 court ruling that bars ICE from holding these families more than 20 days.

And so I guess one of my questions I am asking you—so we are putting migrants, people who come across the border illegally, putting them on airplanes without documentation, we do not really know who they are, flying them all over the United States. Is that correct?

Mr. PEKOSKE. No, sir. It is not correct. They are flying in the United States usually to reunite with family members or to go to other shelters that are throughout the country.

What they present is what is called the NTA, notice to appear, which is a U.S. Government document that provides them notice to appear before a judicial process to further their immigration claim. The notice to appear is not a form of identity verification. Their identity is verified by either a CBP officer or an Immigration and Customs Enforcement officer before they go through screening. When they go through screening, they get enhanced screening as they go through that process. So we have a Federal officer that validates their identity, and we also give them enhanced screening going through with these—

Mr. GIBBS. Now, of those who appear—how many actually appear when they are supposed to appear?

Mr. PEKOSKE. About 10 percent, sir.

Mr. GIBBS. So 90 percent just vanish into our country.

Mr. PEKOSKE. They just do not appear, sir.

But from an aviation security standpoint, we feel that we are maintaining aviation security at the levels we want to because we know who they are and they are getting enhanced screening.

Mr. GIBBS. You are saying that you are 100 percent confident that we are identifying them at the border before we are putting them on planes. What kind of identification would they have? How do we identify them to know who they are?

Mr. PEKOSKE. Sir, they go through a very thorough interview process with either Customs and Border Protection or Immigration and Customs Enforcement or the Border Patrol.

Mr. GIBBS. Okay. It is just a little concerning because we are asking all Americans to have one of these documentation to get on planes. That is one thing I raise a little bit of a red flag about it. I feel better that you are saying that, but I think it is—we are kind

of helping people abating people—abiding people that could get throughout the country on taxpayer expense I assume.

Mr. PEKOSKE. Yes, sir. Generally it would be funded by the U.S. Government. Sometimes it is funded by a not-for-profit organization, though, as well.

Mr. GIBBS. And 90 percent of them do not show up for their court date.

Mr. PEKOSKE. Statistically, yes, sir.

Mr. GIBBS. That is a problem.

I yield back.

Chairman CUMMINGS. Thank you very much.

Mr. Sarbanes?

Mr. SARBANES. Thank you, Mr. Chairman.

Thank you all for being here today.

I wanted to ask Mr. Johnson and Mr. Bumgardner I guess primarily if you could maybe give your theory as to why it has been so hard for the agency to respond to these recommendations, the deficiencies that have been cited because what jumps out at me when I look at those numbers is that seems like an outlier. And I do not know whether there is something going on in the culture of the organization that is preventing them from moving as quickly to address the things that you have pointed out in your reports.

Where is the breakdown here? It does not make sense because the things you are speaking to are, obviously, of critical importance, and I would just have thought there would be more compliance happening or more progress in responding to these recommendations. And I am asking you to help me understand because presumably—and you can tell me this. You have done these kinds of inquiries in other agencies and so forth. You have seen how agencies can respond, et cetera. So enlightening me, if you can, on why it seems to have been such a problem here.

Mr. JOHNSON. I will take the first stab at that.

Department-wide I would sort of give credit to DHS. DHS has been pretty proactive in trying to address many of our recommendations we made. They have a pretty high response rate. Over 70-some percent of the recs that we have made over the last seven-eight years have been addressed or closed as implemented in terms of the ones that you go back to our four-year criteria.

In this particular case on the covert testing where we talk about the nine vulnerabilities or issues that were raised, it went toward that management process panel. The breakdown there was that it took too long in some cases to assign those to an accountability person to take care of, and then they lingered in the system for over a year to over three years before action has been taken.

The promising thing is that now that there is management attention, which we have talked about, and that they are establishing milestones and timeframes for progress, as well as assigning someone to monitor that, we think that there is some promise that that will be taken care of. A month from now, we are hoping that we will be able to look at everything that we have made in terms of the covertness being addressed, and later in the year, as the Administrator noted, the rest of the recommendations that we have made with respect to some of the TSA operations for aviation secu-

riety—that we hope that those things will be taken care of. We will proactively monitor those and work with DHS and TSA to do so.

Mr. SARBANES. So you are describing what happened, i.e., there was not an assignment and then once there was an assignment, things lingered, et cetera. But why were they lingering that long? In other words, can you trace this back to a couple of individuals that had responsibility that just did not carry them out and therefore you can isolate the problem there as opposed to saying it was a more broad cultural issue in terms of responding?

Mr. JOHNSON. Just to be fair, some of these are complex challenges and issues that need to be addressed. As the Administrator mentioned, some may involve acquisition, may involve changing policies and getting that through, retraining staff, things of that nature. So some may take more time to get resolved.

Mr. SARBANES. Any other comments?

Mr. BUMGARDNER. Yes, sir. I would just like to provide some perspective. Since 2014, we published 24 reports with 136 recommendations. 39 of those recommendations remain open. And like Mr. Johnson indicated, some of the reasons for why those recommendations remain open include the technology does take time to develop. There have been some changes in priorities and leadership. And oftentimes we are pretty tough graders. We want to make sure there are sufficient—

Mr. SARBANES. Well, let me actually stop you there because I was just about to ask you for a grade. So giving it all the fair context that you are suggesting here, in terms of the Department's response on these particular sets of issues—or the agency's response, what is the grade that each of you would give to them right now? I understand that I am asking you to maybe quantify unfairly, but give them a grade.

Mr. JOHNSON. Well, I mean, the appropriate thing for me to say is that we look at our recommendations and look for them to be closed within a four-year window. And as I mentioned earlier, the Department as a whole has a pretty high rate of closure within that four-year window of about 76 percent or so, one of the highest among many of the Departments that are out there. TSA similarly. I think we made roughly about 85 recommendations or so, and close to half of those have been already closed. So I think there is more progress that TSA can make, and there is promising news that the Administrator now is paying attention to that and look forward to sustained management attention to make sure things get done.

Mr. SARBANES. Okay.

Mr. BUMGARDNER. I think Charles saved me. I hesitate to give a grade, but I would say this. Prior to 2015, the grade would not be very high. Since 2015, with Administrator Neffenger and now with Administrator Pecoske, I think there is a renewed attention toward our oversight and the willingness to address our recommendations in a timely fashion.

Mr. SARBANES. Thank you.

I yield back.

Chairman CUMMINGS. Thank you very much.

Mr. Jordan? Oh, I am sorry. Mr. Grothman?

Mr. GROTHMAN. Mr. Pekoske, thank you for being here. I think the crisis at the border is maybe the greatest crisis this country has faced I suppose since World War II as far as risk to our future as a republic.

How many folks do you have on the border right now? How many folks does TSA have on the border?

Mr. PEKOSKE. Sir, as of today, 349.

Mr. GROTHMAN. How many open Border Patrol positions do we have?

Mr. PEKOSKE. I do not have that number off the top of my head, but we do have a good number of open—

Mr. GROTHMAN. A while back, they told me it was 2,000.

Mr. PEKOSKE. That sounds about right.

Mr. GROTHMAN. There are a variety of things we are trying to do. A couple weeks ago, President Trump—or a week ago—cut a deal with the Mexican Government. Have you seen any drop since then on the per-day people coming across the southern border?

Mr. PEKOSKE. We are seeing real progress with the agreement with Mexico. They are stationing national guard and military folks at their southern border, and we are seeing a slight drop-off.

Mr. GROTHMAN. Okay. Define “slight drop-off.”

Mr. PEKOSKE. Well, if I look at the number of people that are in custody, we were at a high of almost 20,000 people between the Border Patrol, CBP, and ICE. Today we are somewhere on the order of 12,300. So that is good progress.

Mr. GROTHMAN. And how many people do we have coming across the border every day?

Mr. PEKOSKE. Well, in the month of May, as you mentioned, we had about 144,000 people. So far this year, 676,000.

Mr. GROTHMAN. How many so far do you keep track on a day-by-day basis in June?

Mr. PEKOSKE. Yes, sir. I get a report, though, every month. So I do not have a—

Mr. GROTHMAN. So they do not tell you how much came in the last week.

Mr. PEKOSKE. I could easily find that out.

Mr. GROTHMAN. Okay. Well, that would be of interest.

Has DHS coordinated with nations other than Mexico as far as dealing with this crisis?

Mr. PEKOSKE. Yes, sir. The Northern Triangle countries of Guatemala, El Salvador, and Nicaragua.

Mr. GROTHMAN. Where are people coming across from right now?

Mr. PEKOSKE. Coming across from those three Northern Triangle countries into Mexico and—

Mr. GROTHMAN. Correct. When I was down there, I was on the Laredo sector. They told me at least there were countries far beyond Central America increasingly coming into this country. Is that true?

Mr. PEKOSKE. That is true and that is because the word is out that you can get through the border particularly if you are with a child or a family.

Mr. GROTHMAN. So in other words, we are encouraging people to bring a child with them to come across.

Mr. PEKOSKE. Yes, sir. We call that a pull factor.



Mr. GROTHMAN. Okay.

When I was down there, we were told—I think there were 14,000 unaccompanied minors coming across the border in May. How many accompanied minors are coming across?

Mr. PEKOSKE. So in family units in May, sir, 84,542.

Mr. GROTHMAN. How many children, though?

Mr. PEKOSKE. Unaccompanied children, 11,000.

Mr. GROTHMAN. How many accompanied children?

Mr. PEKOSKE. I do not have that figure in front of me, but I can get it for you.

Mr. GROTHMAN. Okay.

President Trump ran saying he was going to build a wall. Do you know how many miles of we have built in the last two and a half years since he has become President?

Mr. PEKOSKE. Sir, I think we are close to 50 miles of wall.

Mr. GROTHMAN. 50 miles.

Mr. PEKOSKE. And I would add too that the wall is important in that it brings folks trying to cross our border into the ports of entry, which is really important. That is the legal way to enter the country.

Mr. GROTHMAN. I have not talked to a Border Patrol guard who did not want a wall, did not feel we needed a wall. In your new position, have you run into any Border Patrol guards who did not feel we needed a wall?

Mr. PEKOSKE. No, sir, particularly when you are onsite and when you are walking the border yourself, everybody will point to the value of having a wall, again to make the crossings of the border more discrete.

Mr. GROTHMAN. Okay. Maybe things have changed since I was down there. As far as Customs is concerned, which countries are they finding people coming across from?

Mr. PEKOSKE. We are finding people coming across from Cuba, some other Caribbean nations, and some South American nations and occasionally some folks from Europe.

Mr. GROTHMAN. Okay. That is what Customs finds?

Mr. PEKOSKE. That is what Customs and Border Patrol find. Yes, sir.

Mr. GROTHMAN. I think they are entirely different populations. Is that true?

Mr. PEKOSKE. The folks that Customs find would be the folks that come through the ports of entry. Border Patrol—

Mr. GROTHMAN. Correct, and there is a significant difference in the countries they are both catching. Correct?

Mr. PEKOSKE. There is.

Mr. GROTHMAN. Yes. Could you rattle off like the major countries for Border Patrol and the major countries for Customs?

Mr. PEKOSKE. Yes, sir. For Border Patrol, it would be—I would think Cuba would be one of the larger populations. And when I was down there four weeks ago, I saw a good number of Cuban migrants at Border Patrol stations.

From the Customs perspective, mostly I would say those Northern Triangle countries wanting to come through the ports of entry.

Mr. GROTHMAN. That is exactly the opposite of what I heard when I was down there. Are you sure about that?

Mr. PEKOSKE. No. I can verify it.

Mr. GROTHMAN. I would check. We were told coming across from Customs was very few people in the Central American countries. 50 miles so far. Where was that 50 miles constructed?

Mr. PEKOSKE. Mostly in the Rio Grande Valley.

Mr. GROTHMAN. I will give you one other question. There is a lot of wall down there right now. How many miles were constructed under President Clinton and President Obama and President Bush?

Mr. PEKOSKE. Sir, I do not know. I do not have that information.

Mr. GROTHMAN. Why do you not get us that?

Chairman CUMMINGS. The Congressman's time have expired.

Mr. GROTHMAN. Thanks much.

Chairman CUMMINGS. Thank you very much.

Mr. Jordan?

Mr. JORDAN. Thank you, Mr. Chairman.

Mr. Pekoske, let me just come back. You are not only the Administrator for TSA. You are Acting Deputy Secretary of DHS. Is that right?

Mr. PEKOSKE. Yes, sir. I am the senior official performing the duties of the Deputy Secretary.

Mr. JORDAN. How long have you worked there?

Mr. PEKOSKE. I have worked in DHS in that position since April 11th.

Mr. JORDAN. No. How long you worked total at DHS.

Mr. PEKOSKE. Total at DHS? Well, I was in the Coast Guard for 33 years, and then I have been in TSA for almost two.

Mr. JORDAN. I appreciate your service.

Just to reiterate where we have been a lot this hearing. There is a crisis on the border. Is that right?

Mr. PEKOSKE. Without a doubt.

Mr. JORDAN. Without a doubt.

Enough fentanyl a few months ago seized in one drug seizure—in one drug seizure—to kill 57 million Americans.

How many apprehensions last month alone?

Mr. PEKOSKE. Apprehensions last month alone are about 144,000.

Mr. JORDAN. What was the number you gave for the year?

Mr. PEKOSKE. For the year so far, this is this year so far, 676,315.

Mr. JORDAN. That is way above any previous year. Is it not?

Mr. PEKOSKE. Yes, sir.

Mr. JORDAN. 60,000 kids in 40 days I think also happened.

So this is certainly a crisis, and when there is a crisis, is it not sort of all hands on deck?

Mr. PEKOSKE. All hands on deck just like in a hurricane response.

Mr. JORDAN. Just like anything else.

Mr. PEKOSKE. Yes, sir.

Mr. JORDAN. And so TSA has responded, and you have said to your agents, do you any of you want to volunteer and deal with this crisis. And I think you said what? 349 have accepted that challenge and are down there helping.

Mr. PEKOSKE. Yes, sir. That are down there now.

Mr. JORDAN. What are they doing?

Mr. PEKOSKE. They are doing a whole myriad of things. We have Federal air marshals that are providing law enforcement presence down there. So that basically frees up a Customs officer or a Border Patrol officer to be on the border. We also have TSOs down there that are providing logistics support to the Border Patrol stations. This could include providing meal service, providing just general supplies to people, and helping them with traffic flow.

Mr. JORDAN. And all the good work that they are doing down there, they are there because, A, there is a crisis, as we have established. But is it also because you mentioned just in the previous question that there are 2,000 openings in Border Patrol right now?

Mr. PEKOSKE. Yes, sir. You know, it is hard to fill the positions. The Border Patrol and Customs and Border Protection have reallocated their own resources from throughout the country down to the southwest border.

Mr. JORDAN. Why are there 2,000 open spots? Is there a frustration for the lack of the government, particularly the Congress, dealing with the situation? Why are there 2,000 openings in Border and Customs?

Mr. PEKOSKE. So I would put it in context. I think the Border Patrol and Customs have actually a pretty good success in hiring more people than are leaving those agencies. And that reverses the trend that had been going on for a good number of years where more people were leaving than coming on board. And I think it is people seeing the value of the mission and wanting to contribute to the security of the country.

Mr. JORDAN. To deal with this crisis, would changing the Flores law help?

Mr. PEKOSKE. It would.

Mr. JORDAN. Would fixing our asylum law help?

Mr. PEKOSKE. Immeasurably.

Mr. JORDAN. Would a wall help?

Mr. PEKOSKE. A wall is helping and will continue to help.

Mr. JORDAN. And certainly the supplemental would help.

Mr. PEKOSKE. The supplemental is critical to us.

Mr. JORDAN. How about putting troops on the border? Would that help as well?

Mr. PEKOSKE. We do have significant support from the Department of Defense already in a support or logistics role, and that has been a big, big help.

Mr. JORDAN. If troops are on the border, would you need to send the 349 TSA agents there?

Mr. PEKOSKE. We would perhaps need to send fewer, but you would want to use troops for what troops are best used for.

Mr. JORDAN. Okay. Well, I just want to thank all of you for being here today. And, Mr. Pekoske, I thank you for your service to our country, the good work you are doing as the Administrator at TSA and Acting Deputy Secretary at DHS and for what those 349 people are doing down on the border right now. We appreciate it. This is a crisis. The fact that the Democrats in the Congress will not bring up the supplemental is just—I do not get it. And frankly, I hope they do the supplemental right and actually address the problem and deal with the situation. We got to do all of the above. We

got to build the border security wall. We have to reform the asylum law. We have to change the Flores decision, and we have to pass the supplemental to deal with the very real crisis that is playing out every single day on our southern border. So, again, I thank you all for your work and appreciate you being here.

I yield back.

Chairman CUMMINGS. Thank you.

Mr. Pekoske, let me ask you this. We have to balance all of this. Is that right? I mean, you have had a chance now to look at this thing from a TSA perspective and the Homeland Security perspective. Is that right?

Mr. PEKOSKE. Yes, sir.

Chairman CUMMINGS. If one plane goes down, we got a problem.

Mr. PEKOSKE. Yes, sir.

But part of the balance, Mr. Chairman, is to make sure that we do not compromise our security standards, and we have not.

Chairman CUMMINGS. Right.

And so when you look at the things that Mr. Johnson has talked about and Mr. Bumgardner, they talk about possibly catastrophic consequences and major problems. You do not see it that way?

Mr. PEKOSKE. Oh, I see there is significant risk, and I appreciate their comments. And we would have same position from TSA with our own corporate testing. We are concerned about vulnerabilities and want to close them as quickly as we can. Sometimes you just cannot close them as quickly as you want to.

Chairman CUMMINGS. And so the folks that go down there—how does that process work—the volunteers, that is? I mean, you put out a notice.

Mr. PEKOSKE. Yes, sir. We put out a notice, a list of volunteers, and then we also give the supervisor of the volunteer the opportunity to either approve or disapprove with reason why that volunteer can or cannot deploy. And then we work a process logistically of providing the slot and the transportation down to the southwest border.

Chairman CUMMINGS. And now going back to your Homeland Security position, how are these contracts let to take care of these folks? A lot of contracts I assume taking care of these children and a lot of people are very concerned about the safety of these folks. Can you comment on that?

Mr. PEKOSKE. Yes, sir, I can. A key priority of ours and a key focus of both the Acting Secretary and me is to make sure that we provide as safe a condition as we humanly can.

Chairman CUMMINGS. Do you think that is happening?

Mr. PEKOSKE. I think we are doing everything we can right now, given the facilities that we are dealing and the flow that we are dealing with. That is why the request for the supplemental is so critically important to us, and that is also why, sir, that we need to put our resources down there. You know, the strength of this Department is that we can put capacity to a problem very, very quickly because we have large agencies that can support operations like this, just like TSA.

Chairman CUMMINGS. Now you, in answering the ranking member's question—one of his questions—he asked if we change asylum laws, would that help, and you said yes. Is that right?

Mr. PEKOSKE. Yes, sir.

Chairman CUMMINGS. And how would that help?

Mr. PEKOSKE. Well, it would help us improve the flow. One of our key challenges is getting a migrant through all the process flows and making sure they have their opportunity to present their case and to have it heard by a judge. We would like to speed up that process so that we get a definitive answer much more quickly.

Chairman CUMMINGS. Speed up but a fair process.

Mr. PEKOSKE. Absolutely, yes, sir.

Chairman CUMMINGS. And so what else do you see with regard to—you know, there are a lot of people that are concerned about these folks down there, babies in diapers that have not been changed for days, no showers. I just was watching something last night where a government agency was telling the court that it is okay for a kid not to have a toothbrush or soap and then, of course, this whole idea of having children in cages and things of that nature. That should concern all of us. Would you agree?

Mr. PEKOSKE. I would agree completely, sir. And we are doing everything we can to make sure we have the right supplies.

But one of the key issues in some of these detention facilities is they do not have shower facilities. It is just not there. A lot of what we have done over the past several months is to bring in what we call soft-sided facilities, which basically are not hardened facilities but have soft sides for family units and unaccompanied children so that they have a better environment within which to process their claims until they get off into the next—you know, either get released or get off into the next facility that they are going to. So we are very concerned about the proper treatment and care of all the migrants in our custody.

And, sir, I will tell you when I was down at the border, I could not have been prouder of the DHS men and women who were trying their hardest to be able to provide the right level of care to all the people they had in their custody. And all the volunteers that were down there—and one of the reasons that volunteers raised their hand and agree to go is because they feel that they are making a difference. Really, that is why it is so critically important in my view to get the funding down there so we can take care of people. This is called a humanitarian crisis on purpose. It is not a trick. It is for humanitarian purposes. And then to methodically go about the process of fixing our legal structure so that we have more orderly crossings of our border.

Chairman CUMMINGS. Throughout your testimony, you said that there has been an increase in the number of apprehensions and people trying to cross the border. I know that you all have evaluated that. What do you think that is all about?

Mr. PEKOSKE. Sir, I think it is all about opportunity. People see the opportunity in the United States and want to take advantage of it.

Chairman CUMMINGS. But why now? In other words, you said that—I do not want to put words in your mouth, but it sounds like you are saying that there was a significant increase. First of all, when did you start seeing that increase?

Mr. PEKOSKE. We started seeing that increase I think at the very end of last calendar year, and then we have seen it continue to in-

crease throughout this calendar year. I think one of the key reasons, sir, is families and individual children know—it is well known because this is largely cartel-driven—it is well known that if you get across the border into the United States, you will most likely be released in the United States. Now, you do have a notice to appear, but those notice-to-appear rates are quite low. So essentially what people are seeing is there is an opportunity because they can flow across and get in.

That is why I think it is very important that we speed our process along so that we do not have to have a notice to appear. We can properly hold people in custody until they can appear, but it has to be within a reasonable amount of time.

Chairman CUMMINGS. You still did not answer my question. Why do you think it is happening now?

Mr. PEKOSKE. Because I think they view the opportunity to get across and to be able to assimilate into the country.

Chairman CUMMINGS. They did not see it before?

Mr. PEKOSKE. They may have, but I do think this is largely cartel—this is a money-making enterprise for the cartels too.

Chairman CUMMINGS. Did you want to say something? Because I got several questions.

Mr. JORDAN. I got some more too. So whenever you get a chance.

Chairman CUMMINGS. I want to ask you about the shutdown, shifting a little bit here. Mr. Bumgardner, in March of this year, you released a report entitled, quote, “TSA Needs to Improve Efforts to Retain, Hire, and Train Its Transportation Security Officers.” When the government shut down from December 2018 to January 2019, TSOs were still required to come to work, but they were not paid.

Mr. Bumgardner, your report was released in March of this year. Did it evaluate the effects of a shutdown on TSA’s transportation security officer work force, and if so, what did you find?

Mr. BUMGARDNER. No. It did not—the field work on that job had been done. We did notice during the shutdown that the number of sick-outs went out. We were very concerned about that, and we were considering going in and conducting work on that when the shutdown ended.

Fortunately—and I think the Administrator would agree—we were right in between spring break and right after Christmas so the long lines were not terribly bad at that point in time, but with the increased number of sick-outs, we were concerned about traveler safety. No question.

Chairman CUMMINGS. Did you want to say something?

Mr. PEKOSKE. Yes, sir. I would just clarify that while we had more officers calling out, they were not necessarily sick-outs. We had a number of officers that just could not get to work. They could not afford child care. It was a tradeoff between do I eat tonight or do I pay the money to get to work. And what we saw at the very end of the shutdown was we still had about 92–93 percent of the officers coming to work every single day, which I think is remarkable given what they get paid.

Chairman CUMMINGS. Did any of the TSA employees have to resort to using food stamps and food banks and other aid services to take care of their families?

Mr. PEKOSKE. Yes, sir, they did. And we had a number of communities and airports around the country that brought food in to help them out. We had officers that were more senior, made more money, brought things in to help their fellow officers out. So it was a significant show of support and show of appreciation for the value that they provide by the American public.

Chairman CUMMINGS. What effect did this have on the screener performance, if any?

Mr. PEKOSKE. We saw no change in screener performance. In fact, I would submit, sir, that screener might have been higher because just think of this dynamic. You have got more leaders in the screener work force actually doing screening. So you have got more seasoned folks doing screening. I think that, by and large, is always better. Additionally, when you are being positively reinforced by just about every passenger that comes through, hey, thanks for coming to work, I really appreciate what you all are doing, I know it is a difficult circumstance, that is motivational.

Finally, what I saw, as I traveled around to airports were officers helping officers out. It brought the organization together like I do not think we have seen before.

Chairman CUMMINGS. Are there TSA employees who face long-term financial consequences because of the shutdown?

Mr. PEKOSKE. I am not aware of anybody that has long-term financial consequences. I am not saying there are not any folks in that category, but we did pay everyone for the—you know, no one lost pay as a result of the shutdown.

The other thing that I was able to do because of the flexibility you have provided in law is because I have a two-year appropriation, I could use money from last Fiscal Year to pay people in Fiscal Year 2019. And we exercised that authority to the maximum extent we could. And really, it is to the great credit of the Office of Management and Budget that helped us execute on that. So I was able to put some bonus money out there to really recognize the extraordinary circumstance that people were dealing with and to thank them for what they were doing.

Chairman CUMMINGS. And how does the attrition rate for TSOs during the first half of this year compare to the rates seen in previous years? And were there any increases in attrition seen in the months after the shutdown?

Mr. PEKOSKE. So we are just now looking at that data because we really had to catch up on all the personnel transactions that were not able to be processed during the shutdown. But we are seeing a slight increase in attrition. But I do not know what that is specifically attributed to, however. You know, as the economy gets better, our wage rates do not change commensurate with the economy's growth.

Mr. Jordan?

Mr. JORDAN. Thank you, Mr. Chairman.

Senator Graham has proposed that you apply for asylum before you get to the border in the country you are coming from or in Mexico. Do you support Senator Graham's legislation?

Mr. PEKOSKE. I do.

Mr. JORDAN. It makes a lot of sense to me.

How about this simple thing that many of us propose as well: put more judges on the border? You would support that as well.

Mr. PEKOSKE. 100 percent. I think we need to vastly increase that cycle time.

Mr. JORDAN. So that they can be there and, as you said earlier, you can keep families together but keep them until there is some kind of due process and adjudication process with the judge overseeing all of that and making a decision.

Mr. PEKOSKE. Yes, sir.

Mr. JORDAN. The chairman asked about the increase that we have seen. I would argue it is a couple things. One is all the incentives are there to come. You come, you do the terrible things that we talked about that we are seeing happened where children are used as the way to get into the country, knowing you are going to get released. So all the incentives are there for them to come.

But it might also be—and I am interested in your thoughts—that maybe the bad guys, the cartels understand that this administration is actually serious about ultimately addressing the problem and fixing it. Could that be part of why you see the increase as well? Because they know a solution is coming. I would love for us to get there sooner rather than later, and frankly, if we get some help from the other side, maybe we could. But might that also be a reason for the dramatic increase we have seen in the last several months?

Mr. PEKOSKE. Yes, sir. I think that is entirely logical. You know, the cartels are looking at opportunity too. They know they have perhaps a closing window of opportunity and just to drive it faster.

The other thing that I understand from my time down at the border is the cartels are now making as much money in human trafficking as they are in drug trafficking. So for them, this has been an economic incentive for sure.

Mr. JORDAN. And the solution is as simple—I think you have said this already, Director, and I appreciate it—but a border security wall, fixing the asylum law, fixing Flores. That is the solution.

Mr. PEKOSKE. Yes, sir.

Mr. JORDAN. Coupled with Senator Graham's legislation which says apply before you get to the border and more judges so we can keep families together and actually adjudicate it while they are there.

Mr. PEKOSKE. Yes, sir. And I would add to that a strong support of the Government of Mexico in ensuring that folks that cross their border are stopped at their border before they come to ours.

Mr. JORDAN. Yes. And to me, this is all common sense. Everything we just discussed right there, everything you agreed to is as common sense as it gets. I think the vast majority of people across this country understand that. It seems to me the only ones who do not—the only ones who do not—are Democrats in Congress. And that is the fundamental problem. That is the fundamental problem. They do not get it so much so that they have six weeks on just to deal with the humanitarian crisis just to help these people in a short-term way—they will not even pass that. So that is the problem here.

Again, I thank you for your work and for you coming here and stating the truth in such a straightforward and plain way.



I yield back.

Chairman CUMMINGS. Thank you very much.

I want to thank our witnesses for being here today.

I ask unanimous consent to enter into the record a letter from the American Federation of Government Employees. Without objection, so ordered.

Chairman CUMMINGS. I also wish to enter into the record a “New York Times” piece dated June 24th, 2019 entitled “There is No Excuse for Mistreating Children at the Border.” Without objection, so ordered.

Chairman CUMMINGS. Again, I want to thank all of you for being here.

I think that there is a situation here where there has to be balance. We have got to look out for the flying public. At the same time, I can understand concerns with the border. I think that many members on both sides, I assume, are concerned very much not only about the border and hopefully some kind of reasonable legislation with regard to immigration reform—comprehensive, that is. But also concerned about the way our children are treated—these children are treated. I heard you, Mr. Pecoske, but I can tell you that from what I am seeing and hearing, the way these children are treated does not reflect American values. And that is very unfortunate. And hopefully, we will get to some type of resolution. We can go in circles and circles. I am convinced that we can do more than one thing at one time, but clearly, like I said, if one plane goes down, we are in trouble.

And I want to thank you, Mr. Johnson, and you, Mr. Bumgardner. We are just going to have to keep working at this because I think there is an urgency I think in both places. The flying public certainly—I mean, the reports that I have seen with regard to our testing gives me a lot of concern, and I am glad you did not get into the numbers because I think that that is the type of information that does not necessarily need to be out there in the public. But they concern me and they should concern all of us. And I think that concern is heightened when we learned that there were recommendations that, for whatever reasons, have not been addressed as fast as we would like.

And so we will continue to look at this issue and look at the issues that have been raised here today overall.

But, again, I want to thank you.

And let me just say, without objection, all members will have five legislative days within which to submit additional written questions for the witnesses to the chair, which will be forwarded to the witnesses for their response. And I would simply ask that our witnesses promptly respond as fast as you possibly can.

With that, this hearing is adjourned.

*[\*Letter not submitted.]*

[Whereupon, at 12:30 p.m., the committee was adjourned.]

