

**STATEMENT OF JOHN ROTH**

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**BEFORE THE**

**SUBCOMMITTEE ON TRANSPORTATION SECURITY**

**COMMITTEE ON HOMELAND SECURITY**

**U.S. HOUSE OF REPRESENTATIVES**

*CONCERNING*

**RISK-BASED SECURITY: ASSESSING THE PATH FORWARD  
FOR TSA PRE✓<sup>®</sup>**

**MARCH 25, 2015**



Good afternoon Chairman Katko, Ranking Member Rice, and Members of the Subcommittee. Thank you for inviting me here today to testify about the Transportation Security Administration (TSA) Pre✓<sup>®</sup> initiative.

My testimony today will focus on the unclassified and non-Sensitive Security Information (SSI) results of our two recent inspection reports.<sup>1</sup> I look forward to discussing the complete results and recommendations of our reports in greater detail once we move into the closed session. In general, we concluded that while TSA Pre✓<sup>®</sup> is a positive step toward risk-based security screening, modifications are necessary. We made a number of recommendations to TSA to improve the Pre✓<sup>®</sup> initiative.

## **Background**

The *Aviation and Transportation Security Act of 2001* authorizes TSA to implement trusted passenger programs and use available technologies to expedite security screening of participating passengers. The intent is to allow airport security personnel the ability to focus more extensive screening on higher-risk and unknown populations. The TSA Pre✓<sup>®</sup> trusted traveler initiative is a component of TSA's intelligence-driven, risk-based security approach to identify low-risk passengers for expedited airport checkpoint screening.

In October 2011, TSA piloted TSA Pre✓<sup>®</sup> at four airports. In the pilot, TSA partnered with Delta Air Lines and American Airlines to allow their frequent flyers to participate. TSA also partnered with the U.S. Customs and Border Protection (CBP) Trusted Traveler Programs during the pilot to identify eligible members to participate. TSA considers CBP Trusted Traveler Programs members a low-risk population because they undergo background checks prior to enrollment.

After the pilot program ended in 2012, Congress directed TSA to certify by the end of December 2013 that 25 percent of air passengers are eligible for expedited screening without lowering security standards. Congress also directed TSA to outline a strategy to increase the number of air passengers eligible for expedited screening to 50 percent by the end of December 2014. To accomplish these goals TSA, chronologically:

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<sup>1</sup> *Security Enhancements Needed to the TSA Pre✓<sup>®</sup> Initiative*, OIG-15-29, January 2015. *Allegation of Granting Expedited Screening through TSA Pre✓<sup>®</sup> Improperly* (OSC File NO. DI-14-3679), OIG-15-45, March 2015.

- **Granted other Federal Government vetted or “known” populations TSA Pre✓® eligibility.** Initial eligible populations included frequent flyers, CBP Trusted Travelers, National Intelligence Agencies, and Federal Judges. Later, TSA extended eligibility to Members of Congress, Medal of Honor recipients, U.S. military personnel, and other populations.
- **Deployed managed inclusion to allow the general public opportunities to receive TSA Pre✓® benefits.** TSA uses managed inclusion to regulate passenger throughput and wait times during peak hours at airport security checkpoints. When operating managed inclusion, TSA employs at some airports tools and processes beyond regular TSA Pre✓® checkpoint screening procedures. TSA Behavioral Detection Officers and Passenger Screening Canine Teams conduct real-time threat assessments on unknown passengers to determine their eligibility for TSA Pre✓® screening. In addition, Transportation Security Officers use explosive trace detection swabbing and random generator technology to assess and direct passengers, respectively. However, these additional tools are not in place at every airport operating managed inclusion. Furthermore, we and GAO have questioned the efficacy of some of these tools.
- **Implemented risk assessment rules.** These rules contain SSI.
- **Established the TSA Pre✓® Application Program for membership.** The application program allows U.S. citizens and Lawful Permanent Residents to apply online and at TSA Pre✓® enrollment centers. The non-refundable application fee is \$85.00 and approved membership is valid for 5 years. TSA incorporated the TSA Pre✓® Application Program into its existing security threat assessment vetting system for the Transportation Worker Identification Credential and Hazardous Materials Endorsement and adopted the disqualifying offenses for these programs. The TSA Pre✓® application process requires applicants to provide their biographic information and immigration status online or in-person at an enrollment center. Applicants also respond to questions regarding 28 disqualifying criminal offenses. All applicants must visit an enrollment center to provide identity documents and have their fingerprints captured. TSA checks this information against the U.S. Government watchlist, criminal records, and immigration data systems.

## **Results of our Review**

We assessed the TSA Pre✓® initiative to determine: (1) what processes and procedures exist to ensure TSA vets program applicants properly; (2) how TSA assesses member continued eligibility; and (3) how TSA tests its processes for effectiveness and timeliness. We conducted fieldwork from January 2014 to June 2014.

We determined that, as a concept, TSA Pre✓® is a positive step towards risk-based security screening. However, TSA needs to modify TSA Pre✓® vetting and screening processes. We also determined that TSA Pre✓® communication and coordination need improvement.

In addition, we responded to a whistleblower disclosure concerning the use of a risk-based rule by the TSA Secure Flight program that may create a gap in aviation security. The inspection results are SSI and have been delivered to this Subcommittee.

To further illustrate the need for modification of TSA Pre✓® vetting and screening processes, we issued a letter report this month that found a notorious felon convicted of domestic terrorism crimes was granted TSA Pre✓® screening through Secure Flight risk assessment rules. We reviewed the allegation after the U.S. Office of Special Counsel received a whistleblower disclosure alleging the convicted felon was improperly cleared for TSA Pre✓® screening.

We determined TSA did not grant the convicted felon TSA Pre✓® screening through the TSA Pre✓® Application Program or managed inclusion, but rather, through risk assessment rules. Specifically, the Transportation Security Officer (TSO) in this case scanned the traveler's boarding pass and received a TSA Pre✓® eligibility notification. The TSO knew of the traveler's disqualifying criminal conviction. The TSO followed the standard operating procedure and reported this to the supervisory TSO who then directed the TSO to take no further action and allow the traveler through the TSA Pre✓® lane.

As a result, we recommended TSA limit TSA Pre✓® screening to known passengers that TSA determines to be members of trusted populations. We also determined the TSO followed standard operating procedures but did not feel empowered to redirect the traveler from TSA Pre✓® screening to standard lane screening. We recommended TSA modify standard operating procedures to clarify TSO and supervisory TSO authority to refer passenger with TSA Pre✓® boarding passes to standard screening

lanes when they believe the passenger may be a threat to transportation security.

We are concerned about TSA's response to our findings. In the first inspection report, we made 17 recommendations and TSA did not accept the majority of these recommendations. In the second inspection, we made three recommendations but TSA nonconcluded with two. We made two recommendations in the third report and TSA concurred with only one. We are disappointed that TSA did not concur with the majority of our recommendations, and we believe this represents TSA's failure to understand the gravity of the situation.

Chairman Katko, this concludes my prepared statement. I welcome any questions that you or other Members of the Subcommittee may have.