



**Statement of Kevin M. Burke  
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**Hearing on “Examining the President’s FY 2019 Budget Request  
For the Transportation Security Administration”**

**House Subcommittee on Transportation and Protective Security**

**April 12, 2018**

Good afternoon Chairman Katko, Ranking Member Watson Coleman, and members of the subcommittee. Thank you for this opportunity to provide the airport operators’ perspective on the Transportation Security Administration’s (TSA) Fiscal Year 2019 budget request.

As the President and CEO of Airports Council International—North America (ACI-NA), I am submitting this testimony on behalf of the local, regional, and state governing bodies that own and operate commercial airports throughout the United States and Canada. Our airport members enplane more than 95 percent of the domestic and virtually all the international airline passenger and cargo traffic in the two countries.

ACI-NA and its members are steadfastly committed to ensuring that our nation’s aviation system remains safe, secure, and efficient for all users, while at the same time keeping it open for facilitating legitimate travel and trade for millions of passengers. Operating in a dynamic threat environment, airport operators coordinate closely with TSA on a variety of measures to provide for the security of their passengers, employees, and facilities. Airports have been in the past and remain today a prime target for those intent on inflicting harm. To mitigate this threat, airports partner with the TSA, federal, state, and local law enforcement agencies, and our airline partners to develop and maintain a comprehensive, multi-layered, risk-based aviation security system.

TSA faces the enormous challenge of screening millions of passengers and their baggage – a challenge that requires visionary leadership, innovation, a dedicated workforce, and sustained funding from Congress. Airports appreciate the efforts Administrator Pekoske

and his team, the Transportation Security Officers (TSOs) on the front lines, and members of this committee have put in place to make TSA a more effective and a more efficient organization, and one that does a better job coordinating with industry.

Consistent funding that keeps pace with the continued growth in passenger traffic is essential to ensure TSA's success. As such ACI-NA strongly supports the TSA's responsibility for providing checkpoint screening, assisting local law enforcement, and deploying new technologies to make the airport environment safer and more secure, and offers the following recommended funding priorities in the coming year:

- ***Congress should provide funding for the number of Transportation Security Officers (TSOs) and Passenger Screening Canines necessary to effectively and efficiently screen passengers and baggage.*** Airports across the country are reporting significantly longer TSA checkpoint wait times due to the combined effects of insufficient TSA staffing, growing passenger traffic, and increased scrutiny of passengers and their carry-on baggage. With passenger traffic increasing again this year, airports are extremely concerned about the vulnerability associated with large groups of passengers waiting at TSA passenger screening checkpoints, as well as the potential for misconnecting checked baggage and passengers who miss their intended flights, especially during the busy summer travel season. Due to existing staffing shortages, for instance, TSA is routinely unable to open all the screening lanes at many security checkpoints, including PreCheck lanes.

Airports appreciate the past efforts of Congress to provide TSA more resources at screening checkpoints after the aviation industry faced multiple, well-publicized checkpoint meltdowns. But TSA's own resource allocation model clearly demonstrates that security checkpoints around the country remain understaffed by several thousand TSOs. To help TSA keep pace with growing security demands, as well as the increasing volume of passengers and baggage, Congress should increase funding for the TSO workforce and to increase the number of Passenger Screening Canines. Visible Intermodal Prevention and Response Teams also play an important role in helping to enhance security in the public areas of airports.

- ***Congress should ensure that TSA has the funds necessary to fulfill its obligation to reimburse airports under the Law Enforcement Officer (LEO) Reimbursement Program, rejecting the administration's request to eliminate the program and shift the full burden to airports.*** TSA created the LEO Reimbursement Program in order to partially reimburse airports for providing law enforcement officer staffing at security checkpoints – as required in federal law – because the agency did not have the funding to do so. Many airports have entered into reimbursable agreements with TSA to provide qualified law enforcement officers to support TSA screening operations. Not only has the reimbursement rate

declined dramatically over the past decade, but the present administration has called for eliminating this essential program. As security threats at the airport continue to evolve – and TSA imposes additional requirements on airport law enforcement officers – it is essential for Congress to continue to provide TSA adequate funding to fully support the LEO Reimbursement Program.

- ***Congress should ensure that TSA continues to staff airport exit lanes, rejecting the administration’s request to eliminate the program and shift the full burden to airports.*** We appreciate the continued support of Congress in ensuring that TSA abides by the provision in the Bipartisan Budget Act of 2013, which specifically directs the agency to continue to monitor exit lanes where it performed the function on December 1, 2013. Airports remain concerned about potential security issues and the significant costs associated with the real potential for a costly unfunded mandate for airport operators to provide staff to monitor these exit lanes, as suggested in this year’s budget request. In addition, we support the efforts of TSA to install appropriate monitoring technology where feasible and appropriate, and will continue to work with this committee to support TSA in deploying such technology.
- ***Congress should provide funding for research, development, and deployment of new technology.*** ACI-NA supports enhancing the security of the aviation system through research, development, testing, and deployment of cutting-edge screening technology capable of detecting new threats to aviation and increasing efficiency. TSA needs additional funding and support for its Innovation Task Force – to deploy and maintain automated screening lanes, procure and install systems to monitor exit lanes, and accelerate the procurement, testing and deployment of computed tomography (CT) at passenger checkpoints. Deploying and installing “next generation” technology will increase security, produce significant budget savings, and enhance traveler convenience. We applaud TSA for leveraging industry expertise as it revises its Capital Investment Plan.
- ***Congress should ensure TSA has the funds necessary to replace outdated explosive detection systems (EDS), and continue to fulfill its obligation to reimburse eligible airports for the installation of past EDS.*** As many EDS have or are rapidly reaching the end of their useful lives, TSA needs funding to replace these systems. Absent necessary funding, TSA will incur increasing costs to operate and maintain old systems that routinely break down and adversely impact security and airport operations. We appreciate Congress providing funding in the 2018 Omnibus Appropriations Act for TSA to reimburse airports for previously incurred costs associated with the construction and deployment of in-line checked baggage screening systems. Since these airports diverted significant amounts of money from other important aviation security projects in the months after 9/11 so they could purchase and install EDS systems, we encourage Congress to continue to follow through on this commitment with

additional funding, and to prohibit TSA from redirecting any unused EDS funds to other TSA programs until all eligible airports receive full reimbursement.

In addition to the budget-request recommendations listed above, I encourage the subcommittee to consider the following authorization recommendations as it looks to craft additional aviation-security legislation this year:

- ***Congress must end the diversion of the 9/11 Passenger Security Fee to subsidize other federal programs.*** The 9/11 passenger security fee was intended to fund civil aviation security services, including the salary, benefits and overtime for TSOs, and the acquisition, operation and maintenance of screening technology. However, over a 10-year period, \$12.6 billion of the user fee will be siphoned off to subsidize other federal programs. With chronically long lines and wait times at TSA security checkpoints, the entire 9/11 passenger security fee should be used to adequately fund the TSO staffing levels necessary to effectively and efficiently screen passengers and their baggage.
- ***Congress should establish a grant program focused on airport security.*** In accordance with an Aviation Security Advisory Committee (ASAC) recommendation, an airport security-focused grant program at TSA would support the deployment of perimeter, access control, automated screening lanes, and other security technology at airports. Airport operators have limited funding that must be prioritized across a multitude of safety, security, and operational projects. While the DHS grant programs have dispensed billions of dollars for systems and technology to bolster state, tribal, and local security, very little, if any, has been allocated to airports. Moreover, additional resources – through a long-overdue modernization of the Passenger Facility Charge – are urgently needed to fund needed infrastructure projects – such as checkpoint expansions – that will bolster security and passenger flows at their facilities.
- ***Congress should codify TSA's risk-based approach to aviation security.*** Risk-based security should be the cornerstone on which new security initiatives are created. Effective risk-based decisions must consider intelligence, vulnerability, existing airport security measures, operational impacts, and costs when determining what measures may be necessary to mitigate concerns. On occasion, operationally infeasible security mandates have resulted from reactive responses to preliminary or unconfirmed threat information. In consideration of limited government and industry resources, it is essential that TSA fully embrace and incorporate risk-based security as a core business practice when contemplating new policies and evaluating new security requirements in terms of their ability to mitigate threats. The process should be structured in such a way that alternate measures, providing a commensurate level of security, are considered.

- ***Congress should require TSA to review and reform its process for issuing Security Directives.*** TSA should only use Security Directives to respond to specific threats and emergency situations, and, to the greatest extent possible, coordinate with industry to ensure the requirements are operationally feasible. Also, every Security Directive should include a sunset date. Further, since there is no process to evaluate the cumulative impact of multiple Security Directives that impose duplicative, costly, and sometimes contradictory security requirements, TSA should establish a formal process to review and assess the cost of longstanding security requirements imposed on airports.
- ***Congress should enhance the Screening Partnership Program (SPP).*** In order to make SPP a more viable option for airports, Congress should require TSA to transition to a privatized screening workforce within one year of approving an airports' application to participate in the program. In addition, SPP contracts should include a metric so that authorized staffing levels keep pace with increases in passenger traffic.
- ***Congress should separate TSA Compliance from Security Operations.*** Rather than the current structure, under which Transportation Security Inspectors enforce their own interpretation of policy, Congress should direct TSA to separate the Office of Compliance from Security Operations. The Office of Compliance should be a stand-alone office reporting to its own Assistant Administrator.

Thank you again for the opportunity to testify today. I welcome any questions you may have.