

Remarks before the House Committee on Homeland Security,  
Transportation Security Subcommittee,

***“SUPPORTING THE EVOLUTION OF THE TSA  
AND TRANSPORTATION SECURITY”***

A Statement by

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## *Supporting the Evolution of the TSA and Transportation Security*

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Testimony before the Subcommittee on Transportation Security  
U.S. House of Representatives  
Committee on Homeland Security  
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Good afternoon Chairman Rogers, Ranking Member Jackson Lee, and distinguished Members of the Subcommittee. Thank you for the opportunity to testify today. I will be discussing how the Transportation Security Administration (TSA), Congress, and the American people can work together to enhance aviation security in the coming years.

The manner in which the TSA was created and the requirements we have placed on it have, unfortunately, led to an inherently flawed system. Following the fall of the Soviet Union, we had an opportunity to prepare ourselves to meet new threats, including to our transportation sector. Yet instead of creating homeland and transportation security agencies then, we waited until we were in a crisis. After September 11, we cobbled together and stood up the TSA in a matter of a few brief months. Further, we charged this new entity with the immense responsibility of mitigating every potential risk to America’s transport system. In doing so, we created an unworkable “zero-failure” construct in which no risk was acceptable. The TSA is expected to maintain absolute security without infringing upon passengers’ civil liberties or making travel a cumbersome experience - an unreasonable and arguably unattainable goal. In 2011, an average of 2.2 million airline passengers passed through TSA airport checkpoints every day.<sup>i</sup> This figure does not take into account passenger transit on all the other forms of mass transportation that the TSA is charged with protecting. Given this enormous volume of passengers, it is impossible for any agency to completely mitigate all risk to our transport system, yet we have been forcing TSA to operate under a model that promotes this goal, fueling bad policy and practice. If TSA is to become the agency we want it to be, then we must give it the support and operational freedom to do so.

At the same time, we must remain cognizant of continued threats to the homeland. While the core of al Qaeda that perpetrated 9/11 has been significantly reduced, its international affiliates – including al Qaeda in the Arabian Peninsula and a host of al Qaeda-inspired homegrown terrorists, among others – continue to pose a threat to the aviation system. For whatever reason, al Qaeda and its affiliates remain obsessed with attacking the aviation system. While this conveniently allows us to focus our resources on aviation, we must not be complacent. The threat will change over time and our enemies will seek to exploit vulnerabilities in other sectors of transportation system. If TSA is to meet these threats, it must be allowed to evolve beyond its current construct.

My remarks today will focus on three key areas where I think improvements can be made: risk-based strategies, science and technology, and strategic communications. I hope that my remarks will serve to advance the homeland security dialogue between the TSA, Congress, and the American people.

### **Risk-based Strategies**

The first step in TSA's evolution must be to fully embrace intelligence-driven, risk-based models of security. While significant progress has been made under Administrator John Pistole, the system still tends to treat every passenger like a potential terrorist, wasting time and resources in extensive screening and monitoring procedures. The concept of risk-based security transcends presidential administrations, yet we continue to slow the agency's evolution towards this goal.

Instead of applying the same security measures to all situations and individuals regardless of how likely they are to pose a threat, a risk-based approach would take advantage of intelligence and information to allocate security resources where they are most likely to be needed. These measures would increase the effectiveness of our security efforts and decrease the costs associated with screening millions of individuals every day.

Information and intelligence sharing are keys to a successful risk-based security model. By its very nature, risk-based security relies on having access to timely and accurate information. Obviously, significant progress has been made in improving information sharing at the federal level. However, for DHS and TSA to build a truly effective information sharing regime and meet their unique goals, they will have to enhance sharing with state and local entities as well as the private sector. State and local law enforcement represent the first line of defense against terrorism and private industry owns 85% of all critical infrastructure, yet we have not perfected systems for sharing with these actors. Further, given the international nature of the aviation system, we must improve our efforts to share with our international partners through such efforts as shared Passenger Name Records (PNR). This type of sharing with multiple partners and sectors will be critical to implementing a risk-based model.

The TSA is already moving towards risk-based security. One way they are doing this is through the Pre-Check program, in which low risk passengers can bypass certain security measures. Pre-Check was initially implemented last fall and currently operates at sixteen airports nationwide, with plans to expand to nineteen more airports by the end of 2012. This program has been implemented in phases, with only certain airlines and airports participating. This has allowed TSA to closely monitor the impact of the program. Yet in order to fully realize the benefit of Pre-Check, the program should be expanded to include a greater number of trusted travelers from a variety of sources. Further, trusted travelers enrolled in the program should be provided an ID number that would be recognized across all airlines and airports, greatly increasing Pre-Check's interoperability.

Given the great potential risk-based models hold for security, these efforts should not only be supported by Congress and the public, but also expanded, so that risk-based security models are the norm rather than the exception. Yet we must remember that these efforts do involve an inherent degree of risk; in implementing them, we must be willing to accept not only the risks,

but the potential consequences. We cannot simply revert to a broken “zero-failure” model if and when there is another terrorist incident. For aviation security to evolve, Congress, the public, and TSA must commit themselves to making a risk-based model work.

## **Science and Technology**

In today’s atmosphere of budget cuts and fiscal austerity, technology represents another means to increase efficiency without compromising security. In the long run, investment in new technologies will enhance TSA’s threat detection abilities while at the same time potentially reducing other costs.

To this end, it is essential that the Department of Homeland Security’s (DHS) Science and Technology (S&T) budget be maintained. While there may be immense short-term pressure to cut S&T funding, Congress must think of the long-term savings in efficiency that technology represents. Research and development allows technologies to be designed to specifically target the threat, instead of having to alter other technologies to serve the intended purpose. The rapid creation of the TSA led to the agency using existing technologies that needed to be modified or creatively manipulated to serve the required purposes. Now, the S&T is at the point where it is able to develop technologies that specifically fit the form and function of the TSA. For instance, S&T recently created a technology for detecting trace amounts of explosives and drugs on checked luggage that is ten times more powerful than existing systems, yet still costs the same. If S&T funds are slashed, such advances as well as the security and efficiency increases they bring with them will be difficult to realize.

In order to promote the development of products specifically for homeland security applications, it will also be necessary to incentivize private companies to invest in these technologies. DHS must be encouraged to develop partnerships with industry. An important step would be for DHS to issue clear requirements for technology acquisition, which will help to incentivize private companies. Further, multi-year funding guidance from TSA would decrease uncertainty for technology vendors, allowing them to invest in technologies that may require multiple years to develop. It would also be worthwhile to investigate the feasibility of a venture capital firm that would identify and invest in companies developing cutting-edge technologies applicable to homeland security. In developing such a model, TSA could look to the relationship between In-Q-tel and the intelligence community. Such efforts will be essential to developing a mature homeland security industrial base, realizing long-term savings, and increasing security.

## **Strategic Communications**

Yet even if technologies are improved upon, TSA will continue to face challenges with its public image. Few, if any, US Government agencies interact on such a consistent, personal level with the general public as does TSA. It will be difficult for TSA to evolve without the support of the public, yet this support is unlikely if the TSA continues to be viewed as an adversary, rather than as a public good like police or firefighters. TSA must enhance its image and communicate with the public in a way that builds mutual trust.

While TSA has already begun implementing image-building and communications initiatives such as “TSA Cares”, it will be impossible for TSA to improve its image and public relations significantly if government officials continue to use the agency as a source of political rhetoric. Although airport security measures are tedious to all, their goal is to keep Americans safe. Thus, TSA policies should be framed as serving the public good, instead of unnecessary, cumbersome red tape. Transportation security and the TSA need to be de-politicized if they are to evolve, yet this will not occur if short-term political points are consistently scored at the agency’s expense. The TSA can grow into a respected, efficient, and effective institution, but only if supported, rather than undercut.

TSA also needs to communicate with and utilize travelers to a greater degree. Despite the perceived hassle of security measures, it is in everyone’s best interest to promote aviation security. TSA should explore programs such as DHS’ “If You See Something, Say Something” campaign, which capitalizes on the vigilance of the travelers themselves. Furthermore, passengers have shown themselves to be proactive about their safety. For example, Dutch filmmaker Jasper Schuringa was the first to subdue Umar Farouk Abdulmutallab when he tried to light an explosive in his underwear. By educating travelers on what they can do for aviation safety, and then trusting them to do this, TSA can take advantage of thousands of watchful eyes.

Finally, TSA would benefit immensely from a greater degree of leadership continuity. TSA’s challenging, and unfortunately highly politicalized, mission demands leadership that transcends the political cycle. The Administrator position should be afforded a greater degree of continuity, perhaps treating it similar to the Director of the Federal Bureau of Investigation, which has a set 10-year term. Since its inception TSA has had five administrators, with some serving less than a year. No matter their skills as leaders or managers, no one can be expected to implement a charter such as TSA’s in short, one or two year bursts. In contrast, since 9/11 the FBI has had one director, which has allowed the organization to alter its operations and structures to meet the evolving threat and to usher in some of the agency’s most significant bureaucratic changes in its history. If the leadership of the TSA were kept in place for longer – spanning presidential administrations – it would allow TSA to escape politics and the political cycle, increasing their ability to institute long-term plans and evolve into the organization we need it to be.

## **Conclusion**

In conclusion, there are a variety of means by which we can meet the challenges transportation security, particularly aviation, faces. These include the implementation of risk-based security models, an emphasis on science and technology, and improvements in strategic communications.

However, I want to recognize that TSA is already on the right path toward finding innovative ways to meet these challenges and Administrator Pistole should be commended for his leadership.. Many of the suggestions I have made today are already being considered or implemented by the TSA. Though the TSA is still working to address the challenges born out of its creation, it does not need increased regulation. Instead, to continue to innovate and evolve the TSA needs the support of Congress and the American people. Thank you.

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<sup>i</sup> <http://www.transtats.bts.gov/DataElements.aspx?Data=1>