

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION:
QUESTIONS FOR THE RECORD**

**HEARING ON
TSA OVERSIGHT AND EXAMINATION OF THE FISCAL YEAR 2016 BUDGET REQUEST
TUESDAY, MARCH 17, 2015**

**Questions for Mr. Melvin Carraway, Acting Administrator, Transportation
Security Administration, U.S. Department of Homeland Security**

From Senator Ayotte

- 1. The Screening Partnership Program allows airports to apply to “opt-out” of TSA-administered screening and utilize private vendors to perform the screening of passengers and baggage. Participants must meet TSA standards and protocol, however. What is the relationship between the airports, the TSA, and the private vendors within the Screening Partnership Program?**

Which parties enter into the contract?

Answer. Per the Aviation and Transportation Security Act (ATSA) of 2001 (P.L. 107–71), the Transportation Security Administration (TSA) performs the Federal Government oversight role at each airport where security screening services are provided. TSA’s Screening Partnership Program (SPP) manages the use of qualified private screening companies to perform the screening of passengers and baggage at airports participating in the Program. The airport is not a participant in the Federal acquisition process.

The TSA Federal Security Directors (FSDs) are the final authority over security in the screening operations at airports, independent of whether a Federal workforce or qualified private screening company performs the work. FSDs maintain oversight of SPP airports as Federal employees and are responsible for all screening operations at the airport. FSDs also ensure qualified private screening companies provide effective and efficient security operations.

SPP contracts are signed by a warranted TSA Contracting Officer and an authorized representative from the qualified private screening company.

- 2. Understanding that TSA standards and protocols govern, is there room for flexibility when it comes to staffing hours to maximize the potential benefits from working with private contractors?**

Answer. The Transportation Security Administration (TSA) annually estimates the number of productive hours needed for each airport. This estimate is based on a wait time objective of ten minutes and a combination of factors such as airport layout, equipment and passenger demand. Productive hours take into account operational screening, airport-specific screening related tasks, as well as recurrent training.

Airport-specific information is presented in the TSA Request for Proposals (RFP) that serves as the basis for soliciting proposals from qualified private screening companies. These companies (called “Offerors” in the Federal procurement process) use the data from the RFP to develop their proposed staffing plan to meet the airport-specific passenger and baggage screening requirements.

The actual number of contract screeners (or headcount) may differ from how the Federal government would staff the airport. Each Offeror has the flexibility to staff according to their specific airport (proposed) solution. TSA routinely seeks efficiencies in federalized screening operations and engages with SPP contractors to affect contracting adjustments to improve SPP airport operations.

3. What is the intended benefit for airports to apply for the Screening Partnership Program?

Is that benefit being achieved?

Answer. The Aviation & Transportation Security Act (ATSA) which created the Transportation Security Administration (TSA) mandated a pilot program in which airports could “opt out” of having a federal screening workforce. Instead, TSA would contract services to screen passengers and baggage (including some cargo) for explosives, weapons, and other prohibited items from a qualified vendor working under federal oversight. Five airports of different size and risk categories participated in the pilot program and after its successful completion these airports became the initial participants of the Screener Partnership Program (SPP) which was then opened to all airports to join.

The Federal Aviation Administration Modernization Act of 2012 states that TSA “*shall approve an application submitted by an airport operator under subsection (a) if the Under Secretary determines that the approval would not compromise security or detrimentally affect the cost-efficiency or the effectiveness of the screening of passengers or property at the airport.*” Contracts for security screening services are awarded after an extensive evaluation of competitive proposals to the best qualified vendor. The evaluation process validates that the selected vendor meets the qualifications set forth by ATSA, the FAA Modernization and Reform Act, and that a vendor has the appropriate past performance, operational and program management approaches to successfully meet the requirements of the contract.

Because participation in the SPP is voluntary, TSA remains neutral with respect to whether airport operators decide to submit an application to participate. It is TSA's understanding that each airport applies to the SPP program with its own expectations of the benefits it will achieve as a result. TSA is unable to state whether each airport considers those benefits to have been achieved through participation in SPP.

From Senator Cruz

- 1. A yes-or-no answer to the following question: Are Transportation Security Officers (TSOs) federal law enforcement officers?**

Answer. No.

- 2. A yes-or-no answer to the following question: Do Transportation Security Officers receive federal law enforcement training?**

Answer. No, Transportation Security Officers do not receive the same training that would be delivered to an armed federal law enforcement officer.

- 3. A yes-or-no answer to the following question: Do Transportation Security Officers receive any additional training that was not provided to screeners?**

Answer. No. A Transportation Security Officer (TSO) and a screener are synonymous; therefore, their training is the same. The term 'Screener' was used in the Aviation and Transportation Security Act (Public Law 107-71). In 2006, the Transportation Security Administration changed the position title to "Transportation Security Officer" to better reflect the level of training and responsibility associated with the position.

- 4. A yes-or-no answer to the following question: Are Transportation Security Officers eligible for federal law enforcement pay or retirement benefits that were not provided to screeners?**

Answer. No.

- 5. Please explain the difference between a screener and a Transportation Security Officer.**

Answer. A screener and Transportation Security Officer (TSO) are synonymous. The term ‘Screener’ was used in the Aviation and Transportation Security Act (Public Law 107-71). In 2006, the Transportation Security Administration changed the position title to “Transportation Security Officer” to better reflect the level of training and responsibility associated with the position.

6. A yes-or-no answer to the following question: Does TSA need any additional authority from Congress to allow Transportation Security Officers to carry a firearm or arrest and apprehend an individual?

Answer. No. Existing statutory authority under 49 USC 114((n) and (p)) allows the Administrator of the Transportation Security Administration (TSA) to classify and designate an employee of TSA to serve as a law enforcement officer; and such individuals are permitted to carry a firearm, make arrests for violations of federal law, and seek and execute warrants. TSA has not exercised this authority for its TSOs.

7. How much money has TSA spent on metal TSO badges since 2007? Please provide the yearly amounts.

Answer. From calendar year 2008 through 2012, the Transportation Security Administration ordered 66,036 badges for \$1.2 million for issuance to the Transportation Security Officers, and as replacement badges for those that were damaged or lost. The below chart outlines overall costs, as well as the yearly costs.

Calendar Year	Number of Badges	Total Cost
2008	57,655	\$ 1,030,789
2009	250	\$ 4,605
2010	3,429	\$ 65,700
2011	2,582	\$ 52,125
2012	2,120	\$ 43,926
Grand Total	66,036	\$ 1,197,145

Note: TSA transitioned to metal badges in 2008

8. Since 2008, how many Transportation Security Officer metal officer badges have been reported lost or stolen?

Answer. As of April 24, 2015, since 2008, 1012 Transportation Security Officer metal badges have been reported lost or stolen; 201 were recovered, leaving a total of 811 as lost or stolen. The Transportation Security Administration's Transportation Security Operations Center, upon report of a lost or stolen badge, inputs the badge information into the National Crime Information Center database.

	REPORTED LOST	REPORTED RECOVERED	TOTAL LOST
2008	56	7	49
2009	169	26	143
2010	115	21	94
2011	152	38	114
2012	157	31	126
2013	160	38	122
2014	160	34	126
2015	43	6	37
TOTALS	1012	201	811

9. Since 2001, how many screeners or Transportation Security Officers have been arrested?

Answer. The Transportation Security Administration's (TSA) Office of Inspection has documented reports of 1,297 arrests of Transportation Security Officers (TSO) between December 2002 and March 2015. To better ensure that all employee arrests are reported, TSA recently implemented a perpetual vetting program to conduct a check of various law enforcement reporting programs for the purpose of capturing prior and current arrests of current employees.

10. How many screeners and Transportation Security Officers have participated in Visible Intermodal Prevention and Response (VIPR) teams outside the aviation environment? Please provide the yearly totals. Please also explain if Transportation Security Officers receive any additional training before participating in a VIPR team.

Answer. The current appropriation for the Visible Intermodal Prevention and Response Program (VIPR) supports 30 dedicated Transportation Security Officers (TSO) located in the cities of Boston, New York, and Washington, DC.

In addition, airport Federal Security Directors in other locations have provided TSO support for a limited number of VIPR operations in their areas of responsibility during the past year (April 1, 2014-March 31, 2015). These VIPR operations have included approximately 30-40 additional TSOs nationwide, often for only one VIPR operation in instances of surge requirements in the field.

No additional specialized training beyond their existing training requirement is needed to deliver the screening capability for VIPR operations outside of the aviation environment. Local transportation security and law enforcement stakeholder partners can provide safety and orientation training for all TSA personnel involved in these VIPR operations.